



MEMORANDUM
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BPS
Agenda Item No. 6(A)

TO: Honorable Chairwoman Katy Sorenson
and Members, Budget, Planning & Sustainability
Committee

DATE: September 14, 2010

FROM: Diane Collins, Acting Division Chief
Clerk of the Board Division

SUBJECT: Approval of Commission
Committee Minutes

Diane Collins

The Clerk of the Board's office is submitting the following Clerk's Summary of Minutes for approval by the Budget, Planning & Sustainability Committee:

July 13, 2010

DC/sr
Attachment



Stephen P. Clark
Government Center
111 N.W. 1st Street
Miami, FL 33128

CLERK'S SUMMARY OF Meeting Minutes

Budget, Planning and Sustainability Committee

Katy Sorenson (8) Chair; Joe A. Martinez (11) Vice Chair; Commissioners Audrey M. Edmonson (3), Carlos A. Gimenez (7), Sally A. Heyman (4), and Barbara J. Jordan (1)

Tuesday, July 13, 2010

4:02 AM

Commission Chambers

Members Present: Audrey M. Edmonson, Carlos A. Gimenez, Sally A. Heyman, Barbara J. Jordan, Katy Sorenson.

Members Absent: Joe A. Martinez.

Members Late: None.

Members Excused: None.

Members Absent County Business: None.

1 MINUTES PREPARED BY

Report: *Scott Rappleye, Commission Reporter, (305) 375-5108*

1A INVOCATION

Report: *Chairwoman Sorenson called the meeting to order at 2:06 p.m. The Committee convened in a moment of silence followed by the Pledge of Allegiance.*

1B PLEDGE OF ALLEGIANCE

1C **ROLL CALL**

Report: *The following staff members were present: Assistant County Manager Alina Hudak, Special Assistant to the County Manager Howard Piper and Jennifer Glazer-Moon; Assistant County Attorneys Jess McCarty, Joni Armstrong-Coffey, Oren Rosenthal, Bruce Libhaber, David Hope, and Hugo Benitez; and Deputy Clerks Doris Dickens and Scott Rappleye.*

CHANGES TO TODAY'S COMMITTEE AGENDA

Assistant County Attorney Jess McCarty advised that the changes noted in the County Manager's memorandum entitled "Requested Changes to the Budget, Planning and Sustainability Committee Agenda," were the only requested changes to today's committee agenda.

It was moved by Commissioner Heyman that today's agenda be approved, along with the changes listed in the County Manger's memorandum. This motion was seconded by Commissioner Jordan, and upon being put to a vote, passed by a vote of 4-0 (Commissioners Martinez and Edmonson were absent).

1D **OPENING REMARKS FROM CHAIR SORENSON**

1E **OFFICE OF THE COMMISSION AUDITOR**

1E1

101769 Report

REVIEW OF VENDOR PAYMENT PROCESSES
INCLUDING PROMPT PAYMENT COMPLIANCE WITH
CSBE PROGRAM REQUIREMENTS (Commission Auditor)

Report Received**Mover: Heyman****Seconder: Gimenez****Vote: 4-0****Absent: Edmonson, Martinez**

Report: *Assistant County Attorney Jess McCarty read the foregoing report into the record.*

Commissioner Jordan pointed out that this report indicated that 58% of the invoices for Community Small Business Enterprise (CSBE) contractors were paid late. She noted that late CSBE payments could financially break a small business. She questioned how the County was working to comply with the prompt payment plan.

Ms. Graciela Cespedes, Deputy Finance Director, Finance Department, noted the Finance Department had worked with the County departments to identify the invoices that were paid late. She pointed out that the County constantly had thousands of invoices to process, and that County departments could not easily recognize CSBE invoices. Therefore, the Finance Department was working with the contractors and the other departments to label these invoices as invoices that should be quickly processed, Ms. Cespedes noted. She explained that individual departments were developing additional mechanisms to track these invoices and to ensure prompt payment.

Commissioner Jordan questioned whether one County department, such as Small Business Development, received all the invoices and then sent them to the Finance Department.

Ms. Cespedes explained that one issue was that some contractors were doing work on multiple County contracts, however, they were not CSBE contractors on each of the contracts. She stressed that vendors and departments needed to label the invoices that were CSBE payments.

Hearing no other questions or comments, the Committee proceeded to vote.

1F PUBLIC HEARING

1F1

100448 Ordinance

ORDINANCE PERTAINING TO ZONING REGULATION OF MOBILE HOME PARKS AND PARK REDEVELOPMENT; PROVIDING DEFINITION OF MANUFACTURED HOME; REQUIRING ANNUAL CERTIFICATE OF USE FOR MOBILE HOME PARKS; REQUIRING DISCLOSURES IN CONNECTION WITH APPLICATIONS FOR CERTAIN ZONING ACTIONS AND DEVELOPMENT PERMITS AS PART OF RELOCATION PROTECTION PLAN; MODIFYING CERTAIN SIZE AND HEIGHT REQUIREMENTS FOR MOBILE HOME PARKS AND LOT SPACES; REQUIRING REFERRAL OF COMPLAINTS TO STATE AGENCY; PROVIDING JURISDICTION FOR APPEALS OF ADMINISTRATIVE DECISIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 100065] (Department of Planning & Zoning) *Amended*

Report: *See Report Under Agenda Item 1F1 Amended, Legislative File No. 101845.*

1F1 Amended

101845 Ordinance

ORDINANCE PERTAINING TO ZONING REGULATION OF MOBILE HOME PARKS AND PARK REDEVELOPMENT; PROVIDING DEFINITION OF MANUFACTURED HOME; REQUIRING ANNUAL CERTIFICATE OF USE FOR MOBILE HOME PARKS; REQUIRING DISCLOSURES IN CONNECTION WITH APPLICATIONS FOR CERTAIN ZONING ACTIONS AND DEVELOPMENT PERMITS AS PART OF RELOCATION PROTECTION PLAN; MODIFYING CERTAIN SIZE AND HEIGHT REQUIREMENTS FOR MOBILE HOME PARKS AND LOT SPACES; REQUIRING REFERRAL OF COMPLAINTS TO STATE AGENCY; PROVIDING JURISDICTION FOR APPEALS OF ADMINISTRATIVE DECISIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 100448] (Department of Planning & Zoning)

Forwarded to BCC with a favorable recommendation with committee amendment(s)

Mover: Gimenez

Seconder: Heyman

Vote: 3-2

No: Jordan, Edmonson

Absent: Martinez

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed ordinance into the record.*

Chairwomen Sorenson opened the public hearing on this proposed ordinance.

Mr. Charles Elsesser, Florida Legal Services, 3000 Biscayne Boulevard, requested the Committee ensure that the requirements of State Statutes be enforced, particularly that the County Commission be permitted to determine that relocation resources existed before approving changes that could result in a mobile home park being closed. He spoke in opposition to the Attorney General's opinion that State Statutes preempted Section 5 of this proposed ordinance.

Ms. Alice Wright, Jobs for Justice, 268 NW 59 Terrace, spoke in opposition to the Attorney General's opinion that State Statutes preempted Section 5 of this proposed ordinance. She explained that issues regarding a vacated mobile home park were land owner issues, not landlord-tenant issues. She commended the commissioners for their leadership to address the issue of the closing of mobile home parks.

Ms. Yvon Hislop, President, Mobile Home Council, 7600 NW 27 Ave Lot 134, requested the commissioners remember that the families in mobile home parks were suffering, and that they depended on the commissioners to protect them.

Mr. Jeffery Bercow, 200 S Biscayne Boulevard, requested the Committee have the County Attorney review Sections 4 and 5 and provide alternative language that was consistent with State Statutes and the conclusion and opinion of the Attorney General.

Chairwoman Sorenson closed the public hearing after no other person appeared wishing to speak.

Commissioner Gimenez questioned whether this proposed ordinance was consistent with the opinion given by the Attorney General, and, if not, whether this proposed ordinance would withstand a challenge in court.

Assistant County Attorney Joni Armstrong-Coffey advised that the County Attorney initially advised against including Section 5. She further advised that this proposed ordinance was legally sufficient if Section 5 was removed, however, no case or statute existed to classify Section 5 as illegal.

Commissioner Gimenez suggested this proposed ordinance be amended to delete Section 5.

Commissioner Heyman pointed out the County Attorney consistently interpreted the law on this issue. She expressed concern that no alternative housing that was more reliable during hurricanes had been identified for mobile home park residents.

Hearing no other questions or comments, the Committee proceeded to vote on this proposed ordinance as amended to remove Section 5.

1F1 Supp. No.1

101668 Supplement

SUPPLEMENTAL ITEM: ORDINANCE ESTABLISHING REGULATORY CRITERIA FOR PROTECTING MOBILE HOME PARK UNIT OWNERS AND MOBILE HOME PARK OWNERS

Presented

1F1 Supp. No. 2

101761 Supplement

SUPPLEMENTAL INFORMATION REGARDING ORDINANCE PERTAINING TO ZONING REGULATION OF MOBILE HOME PARKS AND PARK REDEVELOPMENT (County Attorney)

Presented

2B

101677 Resolution**Carlos A. Gimenez**

RESOLUTION ALLOCATING \$2,000 TO THE HUNTINGTON'S DISEASE SOCIETY OF AMERICA, INC., A NOT-FOR-PROFIT ORGANIZATION, TO BE FUNDED FROM THE UNSPENT BALANCE OF THE DISTRICT 7 FY 2008-09 IN-KIND RESERVE FUND

Forwarded to BCC with a favorable recommendation

Mover: Gimenez

Seconder: Heyman

Vote: 5-0

Absent: Martinez

2C

101673 Resolution**Sally A. Heyman**

RESOLUTION RETROACTIVELY AUTHORIZING IN-KIND SERVICES FROM THE MIAMI-DADE PARK AND RECREATION DEPARTMENT FOR THE JUNE 11, 2010 "3RD ANNUAL SUNNY ISLES BEACH OFFSHORE CHALLENGE" SPONSORED BY OFFSHORE EVENTS, LLC., A FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED \$1,300.00 TO BE FUNDED FROM THE UNSPENT BALANCE OF THE DISTRICT 4 FY 2008-09 IN-KIND RESERVE FUND

Forwarded to BCC with a favorable recommendation

Mover: Gimenez

Seconder: Heyman

Vote: 5-0

Absent: Martinez

2D

101675 Resolution**Dorrin D. Rolle**

RESOLUTION RETROACTIVELY AUTHORIZING IN-KIND SERVICES FROM THE MIAMI-DADE POLICE DEPARTMENT FOR THE JUNE 11-13, 2010 "35TH ANNUAL NORTHWEST TRACK & FIELD CLASSIC" SPONSORED BY MIAMI NORTHWEST EXPRESS TRACK CLUB, INC., A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED \$5,000.00 TO BE FUNDED FROM THE UNSPENT BALANCE OF THE DISTRICT 2 FY 2008-09 IN-KIND RESERVE FUND

Forwarded to BCC with a favorable recommendation

Mover: Gimenez

Seconder: Heyman

Vote: 5-0

Absent: Martinez

2E

101674 Resolution**Rebeca Sosa**

RESOLUTION RETROACTIVELY AUTHORIZING IN-KIND SERVICES FROM THE MIAMI-DADE PARK AND RECREATION DEPARTMENT FOR THE JULY 31 THROUGH AUGUST 7, 2010 "UOTS CANCER CAMP" SPONSORED BY THE MIAMI CHILDREN'S HOSPITAL, A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED \$2,325.00 TO BE FUNDED FROM THE UNSPENT BALANCE OF THE DISTRICT 6 FY 2008-09 IN-KIND RESERVE FUND

Forwarded to BCC with a favorable recommendation

Mover: Gimenez

Seconder: Heyman

Vote: 5-0

Absent: Martinez

3 DEPARTMENT

3A

101550 Resolution

RESOLUTION APPROVING THE ENVIRONMENTALLY ENDANGERED LANDS (EEL) ACQUISITION LIST WITH ONE ADDITION TO THE LIST (Department of Environmental Resources Management)

Forwarded to BCC with a favorable recommendation
Mover: Heyman
Seconder: Gimenez
Vote: 5-0
Absent: Martinez

3B

101584 Resolution

RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF DORAL AND THE MIAMI-DADE COUNTY STORMWATER UTILITY FOR STORMWATER MANAGEMENT; AND AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS THEREIN (Department of Environmental Resources Management)

Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Heyman
Vote: 5-0
Absent: Martinez

3C

101583 Resolution

RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SWEETWATER AND THE MIAMI-DADE COUNTY STORMWATER UTILITY FOR STORMWATER MANAGEMENT; AND AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS THEREIN (Department of Environmental Resources Management)

Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Heyman
Vote: 5-0
Absent: Martinez

3D

101585 Resolution

RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF NORTH MIAMI AND THE MIAMI-DADE COUNTY STORMWATER UTILITY FOR STORMWATER MANAGEMENT; AND AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS THEREIN (Department of Environmental Resources Management)

Forwarded to BCC with a favorable recommendation
Mover: Heyman
Seconder: Gimenez
Vote: 5-0
Absent: Martinez

3E

101590 Resolution

RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE TOWN OF MEDLEY AND THE MIAMI-DADE COUNTY STORMWATER UTILITY FOR STORMWATER MANAGEMENT; AND AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS THEREIN (Department of Environmental Resources Management)

Withdrawn
Mover: Heyman
Seconder: Jordan
Vote: 4-0
Absent: Edmonson, Martinez

3F

101660 Resolution

RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF DORAL AND MIAMI-DADE COUNTY FOR SPONSORSHIP OF AN ADOPT-A-TREE EVENT IN THE CITY OF DORAL; AND AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS THEREIN (Department of Environmental Resources Management)

Forwarded to BCC with a favorable recommendation
Mover: Heyman
Seconder: Gimenez
Vote: 5-0
Absent: Martinez

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record.*

Commissioner Heyman questioned whether the County had concluded the adopt-a-tree program for 2010.

Mr. Carlos Espinosa, Director, Department of Environmental Resources Management, noted the County had an adopt-a-tree event planned for later in July 2010, as well as two others later in the year; one would be in Doral and the other in Tamiami Park.

Commissioner Heyman questioned whether the adopt-a-tree program event in Doral would be limited to residents of Doral since the City of Doral was contributing \$40,000 to the event.

Mr. Espinosa noted the event in Doral would be open to all County residents.

Hearing no other questions or comments, the Committee proceeded to vote.

3G

101555 Resolution

RESOLUTION ACCEPTING A DEED IN DONATION OF APPROXIMATELY 31.45 ACRES OF REAL PROPERTY WITHIN THE SOUTH DADE WETLANDS ACQUISITION PROJECT FROM JACK B. LEVY, RUTH CAMPBELL AND SHIRLEY GHEZZI, TRUSTEES, TO THE MIAMI-DADE COUNTY ENVIRONMENTALLY ENDANGERED LANDS PROGRAM; AUTHORIZING THE PAYMENT OF TRANSACTION FEES NOT TO EXCEED \$90,000; AND THANKING TRUSTEES JACK B. LEVY, RUTH CAMPBELL AND SHIRLEY GHEZZI FOR SAID DONATION (Department of Environmental Resources Management)

Forwarded to BCC with a favorable recommendation
Mover: Heyman
Seconder: Gimenez
Vote: 5-0
Absent: Martinez

3H

101586 Resolution

RESOLUTION APPROVING THE BROWNFIELDS DELEGATION AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE STATE OF FLORIDA; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE THE BROWNFIELDS DELEGATION AGREEMENT FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE THE MODIFICATION AND TERMINATION PROVISIONS CONTAINED THEREIN; APPROVING THE REVISED MODEL BROWNFIELD SITE REHABILITATION AGREEMENT AND ATTACHED INSTRUCTIONS; AND AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE BROWNFIELD SITE REHABILITATION AGREEMENTS FOR AND ON BEHALF OF MIAMI-DADE COUNTY (Department of Environmental Resources Management)

Forwarded to BCC with a favorable recommendation
Mover: Heyman
Seconder: Gimenez
Vote: 5-0
Absent: Martinez

31

101654 Resolution

RESOLUTION AUTHORIZING TERMINATION OF METROMOVER CONTROL AND PASSENGER INFORMATION SYSTEM LEVERAGED LEASE; AUTHORIZING TERMINATION PAYMENT OF NOT TO EXCEED \$1.5 MILLION TO PNC LEASING, LLC, PLUS TRANSACTION FEES NOT TO EXCEED \$200,000; AND AUTHORIZING THE COUNTY MAYOR OR FINANCE DIRECTOR AS THE COUNTY MAYOR'S DESIGNEE TO EXECUTE ALL AGREEMENTS AND DOCUMENTS EFFECTUATING SAID TERMINATION (Finance Department)

Forwarded to the BCC by the BCC Chairperson with a favorable recommendation

Mover: Jordan

Secunder: Gimenez

Vote: 5-0

Absent: Martinez

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record.*

Commissioner Gimenez questioned whether the County would pay fees for advisors, brokers, and other professionals by terminating the metromover control and passenger information system leveraged lease.

Mr. Carter Hammer, Director, Finance Department, noted the County would pay up to \$200,000 in legal fees to terminate this lease.

In response to Commissioner Gimenez's inquiry regarding the cost to the County to terminate this lease, Mr. Hammer explained that the County would pay up to \$1.5 million to terminate this lease. He clarified that recent market values indicated the cost would be approximately \$1 million.

Commissioner Gimenez requested clarification regarding the breakage fee that AIG had agreed to waive.

Mr. Hammer explained that the County had a guaranteed investment contract (GIC) with AIG, and that AIG had the right to charge a 30% breakage fee if the County terminated the contract early.

Following further questioning of Mr. Hammer, Commissioner Gimenez expressed concern regarding the risks that the County had taken with tax payer money.

Responding to Commissioner Gimenez's question regarding outstanding lease buybacks, Mr. Hammer noted the County had seven lease

buybacks in technical default.

Commissioner Heyman questioned whether the County was protected if AIG, the guarantor, was financially unable to guarantee this lease.

Mr. Hammer noted the County had no protections. He pointed out that very few guarantors were still in the market for lease/leaseback transactions. He explained that the County was working to resolve these lease transactions with the banks that provided them.

In response to Commissioner Heyman's inquiry regarding the legal fees, Mr. Hammer explained the legal fees were for outside counsel on these transactions and for a financial advisor.

Commissioner Heyman expressed concern regarding the County paying legal fees for outside counsel as opposed to using the resources available in the County Attorney's Office. She questioned how good the projected \$400,000 return was on this 16 year investment.

Mr. Hammer noted the \$400,000 return was a low return for an investment.

Chairwoman Sorenson questioned whether the County Attorney could perform the legal work required for this proposed resolution.

Assistant County Attorney David Hope advised that the technicalities of this issue required the County to retain outside legal counsel on this issue.

Hearing no other questions or comments, the Committee proceeded to vote.

Chairwoman Sorenson asked Assistant County Manager Hudak to prepare an appropriate memorandum asking Chairman Moss to waive the Board's rules and procedures to allow this proposed resolution to be heard at the July 20, 2010 meeting.

3J

101614 Resolution

RESOLUTION APPROVING IMPLEMENTING ORDER 3-54 RELATING TO MIAMI-DADE COUNTY'S WAGE THEFT ORDINANCE TO PROVIDE UNIFORM PROCEDURES FOR FILING A WAGE THEFT COMPLAINT IN ACCORDANCE WITH CHAPTER 22 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA (Department of Small Business Development)

Forwarded to BCC with a favorable recommendation

Mover: Heyman

Seconder: Jordan

Vote: 5-0

Absent: Martinez

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record.*

Commissioner Jordan questioned how the Department of Small Business Development (SBD) would be provided with the personnel required to implement this proposed resolution. She pointed out that the Mayor's proposed budget for Fiscal Year 2010-11 would eliminate seven positions in SBD.

Special Assistant to the County Manager Howard Piper noted the County would need the one additional position if the volume of cases that came from the State of Florida to the County necessitated it.

Responding to Commissioner Jordan's inquiry regarding the volume of cases received by the County, Ms. Penelope Townsley, Director, SBD, noted the County had received 134 claims since the Wage Theft Ordinance was implemented in February 2010 and 34 claims had completed the process.

Chairwoman Sorenson questioned whether the County Commission should budget one additional position for SBD to fulfill this function.

Ms. Townsley noted SBD would have difficulty managing the workload without additional personnel if the workload increased.

Commissioner Jordan asked Ms. Townsley to provide her with a report on the impact of the Mayor's proposal to eliminate seven positions from the SBD Department on the Board's ability to fulfill its commitment to community small business programs; including the impact of these reductions on departmental operations and community outreach, and the department's ability to meet the prescribed timeline(s) and program mandates.

Commissioner Jordan also asked the Department of Procurement Management (DPM) Director to provide her with a report on the impact of the Mayor's proposal to eliminate positions in DPM on the department's ability to certify small businesses and to carry out its functions within prescribed timeframes and fulfill the requirements of the small business certification process.

Commissioner Gimenez questioned whether the State of Florida Department of Labor was referring cases back to the County.

Mr. Piper noted the State Department of Labor wanted to refer back to the County cases that it thought were outside its jurisdiction, however, he did not have data to show this was being done.

Commissioner Gimenez expressed concern that the State Department of Labor was improperly referring cases back to the County as a method to eliminate back log. He questioned whether the County had to pay \$3,500 for every case referred back to the County.

Ms. Townsley explained that the employer would pay the \$3,500 for the hearing examiner if the employer lost the case, and that the County would pay all fees if the employer prevailed. She noted the County tried to reconcile the claims before a hearing was held. She pointed out that the County had returned 22 cases back to the State Department of Labor because they were under the State's jurisdiction.

Special Assistant to the County Manager Jennifer Glazer-Moon pointed out that the budget narratives in the Mayor's proposed budget had the answers to many questions regarding the impact of the proposed budget cuts.

Commissioner Gimenez clarified that he did not want the Wage Theft Ordinance to cause the County to take responsibility for something that was a responsibility of the Federal government.

Hearing no other questions or comments, the Committee proceeded to vote.

3K

101602 Resolution

RESOLUTION AUTHORIZING EXECUTION OF AGREEMENTS IN THE AMOUNT OF \$7.9 MILLION WITH METROPOLITAN LIFE INSURANCE COMPANY AND HUMANA DENTAL INSURANCE COMPANY TO OBTAIN AN EMPLOYEE GROUP DENTAL PROGRAM (PREPAID), AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENTS FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ANY CANCELLATION AND RENEWAL PROVISIONS, AND TO EXERCISE ALL OTHER RIGHTS CONTAINED THEREIN CONTRACT NOS. RFP711A AND RFP711B (Procurement Management Department)

Forwarded to the BCC by the BCC Chairperson with a favorable recommendation

Mover: Heyman

Seconder: Gimenez

Vote: 4-1

No: Edmonson

Absent: Martinez

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record.*

Commissioner Heyman expressed concern that she had received reports that the recommended vendor had significant problems. She questioned whether the recommended vendor was a legal and licensed company, was current in paying taxes, and was staffed with professionals who could perform the work in the contract.

Ms. Miriam Singer, Director, Procurement Management Department, explained that the County made a competitive Request For Proposals (RFP) for an employee group dental program. She pointed out that the three vendors that responded were neutral with applying local preference. She noted that the County did due diligence and consulted with the County Attorney to ensure the local preference was handled appropriately.

Ms. Singer noted that a scrivener's error existed and should be corrected on handwritten page 4 to change the estimated savings from "\$500,000" to "up to \$100,000."

Responding to Commissioner Heyman's request for additional information on the County Attorney's opinion, Assistant County Attorney Oren Rosenthal advised that the written opinion was included on handwritten pages 11-13. He explained that he consulted with the County Administration and the State of Florida Division of Insurance, and he determined that MetLife had the necessary licenses to provide the services in the RFP, which qualified MetLife for local preference.

Commissioner Heyman questioned whether the County employees who would use the service would realize the estimated savings.

Ms. Singer noted the County employees who sign up for this insurance plan would share in the possible savings.

In response to Commissioner Gimenez's inquiry regarding MetLife qualifying for local preference by selecting a local subcontractor, Assistant County Attorney Rosenthal advised that MetLife could not qualify that way.

Commissioner Gimenez requested clarification regarding the requirements for local preference.

Assistant County Attorney Rosenthal advised that MetLife needed to demonstrate the following to qualify for local preference:

- 1. That they paid the local business tax;*
- 2. that they had a physical presence in the county;*
- and*
- 3. that they significantly contributed to the economic welfare of the county.*

Assistant County Attorney Rosenthal clarified that the local business tax was the only issue in question. He advised that the State Statutes preempted the local business tax for insurance companies.

Commissioner Gimenez expressed concern that the State of Florida had a tax for health insurance and for dental insurance, and that MetLife paid the health insurance tax. Commissioner Gimenez asked Assistant County Attorney Oren Rosenthal to provide him with a report verifying whether MetLife qualified as a local business by having paid the tax referenced in Florida Statutes Chapter 624.506(2) by July 20, 2010.

Hearing no other questions or comments, the Committee proceeded to vote.

Chairwoman Sorenson asked Assistant County Manager Hudak to prepare an appropriate memorandum asking Chairman Moss to waive the Board's rules and procedures to allow this proposed resolution to be heard at the July 20, 2010 meeting.

3L

101745 Resolution

RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT IN THE AMOUNT OF \$61 MILLION WITH METROPOLITAN LIFE INSURANCE COMPANY TO OBTAIN AN EMPLOYEE GROUP LIFE INSURANCE PROGRAM, AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE AN AGREEMENT FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ANY CANCELLATION AND RENEWAL PROVISIONS, AND TO EXERCISE ALL OTHER RIGHTS CONTAINED THEREIN CONTRACT NO. RFP721 (Procurement Management Department)

*Forwarded to the BCC by the BCC
Chairperson with a favorable
recommendation
Mover: Heyman
Seconder: Jordan
Vote: 5-0
Absent: Martinez*

Report: *Chairwoman Sorenson asked Assistant County Manager Hudak to prepare an appropriate memorandum asking Chairman Moss to waive the Board's rules and procedures to allow this proposed resolution to be heard at the July 20, 2010 meeting.*

3M

101610 Resolution

RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT IN THE AMOUNT OF \$12,392,000 WITH ARAG INSURANCE COMPANY TO OBTAIN AN EMPLOYEE GROUP LEGAL SERVICES PROGRAM, AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AN AGREEMENT FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ANY CANCELLATION AND RENEWAL PROVISIONS, AND TO EXERCISE ALL OTHER RIGHTS CONTAINED THEREIN CONTRACT NO. RFP724 (Procurement Management Department)

Forwarded to BCC with a favorable recommendation

Mover: Heyman

Seconder: Gimenez

Vote: 4-1

No: Edmonson

Absent: Martinez

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record.*

Commissioner Gimenez questioned why the County did not provide its employees with more than one option for group legal service.

Ms. Marsha Pascual, Risk Management Division Director, General Services Administration, noted the County had offered group legal services for over 10 years as a sole vendor. She explained that she was not aware how it originated as a sole vendor, however, she suggested that a lower premium by grouping all county employees under one program was the reason.

Responding to Commissioner Gimenez's inquiry regarding the negative aspects of providing multiple vendors for County employees to choose from, Ms. Pascual noted this Request for Proposals (RFP) was issued with the premise that this would be a sole vendor, therefore, the County would have to renegotiate the prices and that could change the price.

3:33:48 pm

In response to Commissioner Gimenez's question whether any employee union representatives were on the selection committee for this RFP, Ms. Pascual noted the selection committee had no union representation.

3:34:25 pm

Ms. Barbara Carlo, American Federation of State, County and Municipal Employees (AFSCME) Local 1542, noted the employee unions should be involved in selecting the vendor for the group legal service. She pointed out that the group legal service was a benefit paid for by employees. Ms. Carlo explained that AFSCME found that another vendor provided better services for the needs of

County employees. She requested the Committee defer this proposed resolution and allow the Unions to meet with the Department of Procurement Management to review the benefits offered by the vendor in this proposed resolution.

3:36:10 pm

Chairwoman Sorenson questioned whether AFSCME raised objections to this RFP when it went out to bid.

3:36:27 pm

Ms. Carlo noted she was unaware of this RFP when it went out to bid. She explained that other unions apprised AFSCME that the Miami-Dade County Public Schools employees had two companies to choose from for group legal services.

3:37:33 pm

Commissioner Gimenez pointed out that County employees paid for this service and employee feedback on this issue was logical.

3:38:20 pm

Ms. Pascual pointed out that the Miami-Dade County Public Schools offered group legal service through ARAG and US Legal Services. She clarified that this proposed resolution recommended the County use ARAG, and that US Legal Services was the third highest ranked proposer for this RFP.

3:39:52 pm

Commissioner Heyman noted she preferred that the selection committee include a county employee that used the group legal service. She expressed concern that the County had negotiated a contract that would best fit the needs of County employees. She questioned whether the selection committee used input from County employees that used this service to make this recommendation.

3:44:24 pm

Ms. Miriam Singer, Director, Department of Procurement Management, noted this contract had an 89% satisfactory rating on the GSA score card. She pointed out that department personnel representatives were part of the selection committee. She noted she could meet with Union representatives to review the terms and conditions and the coverage offered by this recommended contract.

3:45:56 pm

Commissioner Heyman noted she would be satisfied if the County Administration met with the Union representatives. She explained that she supported the County using an RFP that indicated this contract would be a sole provider. She expressed concern that the rates would increase if

the County used multiple providers.

3:47:30 pm

Commissioner Edmonson asked the General Services Administration Director to provide her with a report on the percentage of unionized County employees participating in the group legal service program offered by the County.

3:48:13 pm

In response to Commissioner Edmonson's inquiry regarding the employee group that was consulted regarding this recommended contract, Ms.

Pascual noted the selection committee was comprised of five County employees from the Parks and Recreation Department, GSA, Human Resources, Small Business Development, and Finance, and that these employees were management level employees.

3:52:05 pm

Responding to Commissioner Edmonson's question regarding the timeline for this proposed resolution, Ms. Singer explained that she planned to request that the County Commission's rules and procedures be waived to allow this proposed resolution to be heard at the July 20, 2010 meeting. She pointed out that the County needed time to print materials and to prepare for open enrollment in October 2010.

3:53:37 pm

Commissioner Edmonson questioned how the County would proceed if the contract in this proposed resolution was not adopted by the County Commission before December 31, 2010.

3:53:50 pm

Ms. Pascual noted the County could not offer group legal services to County employees in 2011, unless the current contract was extended.

3:54:53 pm

Commissioner Edmonson noted she could not support this proposed resolution since the selection process did not represent the employees who would use this service.

3:55:29 pm

Commissioner Gimenez asked the General Services Administration Director to provide the County Commission with a comparative analysis of the benefits and the pricing ARAG and US Legal Services offers to Miami-Dade County Public Schools employees versus those offered to Miami-Dade County employees.

3:57:34 pm

Ms. Carlo pointed out that Jackson Memorial Hospital employees had options for group legal service, and while the costs were similar the services provided were not.

3:58:25 pm

Responding to Commissioner Jordan's question how Miami-Dade County Public Schools employees received a better legal plan, Ms. Carlo clarified that those employees had two companies to choose from, had no waiting period before they could use the service, and had a plan that covered a larger spectrum of legal needs.

4:00:38 pm

Ms. Pascual pointed out that County employees only had a waiting period for divorce and bankruptcy services.

4:02:47 pm

Hearing no other questions or comments, the Committee proceeded to vote.

3N

101756 Resolution

RESOLUTION AUTHORIZING ADDITIONAL TIME AND SPENDING AUTHORITY IN THE AMOUNT OF \$1,546,000 FOR CONTRACTS WITH KPMG, LLP, MARCUMRACHLIN, A DIVISION OF MARCUM, LLP, AND TCBA WATSON RICE, LLP TO OBTAIN EXTERNAL INDEPENDENT AUDITING SERVICES, AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE EXTENSIONS TO THE AGREEMENTS FOR AND ON BEHALF OF MIAMI-DADE 801 CONTRACT NOS. RFP477A, RFP477B, RFP477C AND RFP477D (Procurement Management Department)

Forwarded to BCC without a recommendation

Mover: Jordan

Seconder: Edmonson

Vote: 5-0

Absent: Martinez

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record.*

Commissioner Edmonson questioned when the existing agreement ended for this proposed resolution.

Ms. Miriam Singer, Director, Procurement Management Department, noted three segments of this contract expired September 30, 2010, and one segment expired October 2, 2010.

Responding to Commissioner Edmonson's inquiry regarding the Request for Proposals (RFP) process for this proposed resolution, Ms. Singer noted the County had not completed the RFP process. She explained that the County was conducting responsibility reviews for each firm.

Commissioner Edmonson pointed out that this proposed resolution would extend the current contract for the independent auditor for one year. She questioned how long the County needed to finalize the new contract for this service.

Ms. Singer noted the County would finish negotiations and the responsibility reviews in 3 weeks. She pointed out that the finalized recommendation would go to the County Manager for approval, followed by the protest period. She noted that the Committee could consider these contracts at the September 14, 2010, Committee meeting.

Commissioner Edmonson questioned the length of the time needed to transition from one auditing company to the other.

Mr. Carter Hammer, Director, Finance Department, noted the proposed project schedule started in August 2009, and the County would be behind schedule if the County waited until September. He pointed out that the County reported its financial information to Government Finance Officers Association (GFOA), and it had to be submitted within six months of the end of the fiscal year, and that the project schedule would put the County at risk to meet the six month deadline.

Ms. Blanca Padron, Controller, Finance Department, explained that auditors usually started in June or July their first year to have time to review County records and to be ready when the next fiscal year begins.

Commissioner Edmonson requested clarification regarding the impact of extending the current contract until October 2010, as opposed to September 2011.

Ms. Padron clarified that the County would jeopardize the March 31, 2011, deadline to submit this information to GFOA.

Commissioner Edmonson expressed concern that the County would award a contract to a vendor for services that the vendor could not start performing for one year.

Ms. Singer explained that an engagement for an audit required an audit over a one year period.

In response to Commissioner Edmonson's inquiry regarding the County extending the current contract on a month-by-month basis, Ms. Padron noted that before the new auditor could start work the new auditor would need to meet with the previous auditor, to conduct reviews, to create an audit plan, and to determine and access the risk.

Commissioner Jordan expressed concern that the RFP for auditing services that needed to start in July 2010 was not advertised until April 19, 2010. She requested Ms. Singer put on the record the timeline for this RFP.

Ms. Singer noted, for the record, that the RFP kick-off meeting was April 30, 2010; that the proposals were received May 5; that the selection committee met May 17; that the memorandum for approval was approved by the County Mayor June 23; and that the County held negotiation meetings June 25

and 29.

Commissioner Jordan pointed out that the Selection and Evaluation Committee Chair sent the memorandum to the County Manager for approval on May 28, 2010, and that the County Manager took four weeks to approve the selection committee's recommendation.

Responding to Commissioner Jordan's question regarding the County Attorney opining on the responsiveness and responsibility of applicants before the County commenced negotiations, Assistant County Attorney Bruce Libhaber advised that the County Attorney determined the responsiveness of a bidder, and that the County Manager determined the responsibility of a bidder. He advised that the County Attorney opined on the responsiveness before the County started negotiating.

Ms. Singer noted the County handled the responsibility of a bidder during the negotiations.

Commissioner Jordan noted County Attorney Robert Cuevas had advised her differently. She clarified that GFOA was not a State of Florida entity and the County was not required to meet the GFOA March 31 deadline. Commissioner Jordan pointed out the County could award the new auditing services contract in September 2010 and the new vendor would still have time to meet the State of Florida's auditing requirements.

Mr. Hammer noted bond rating agencies wanted to see the fiscal year end financial report, and these agencies expected the County would have that report ready at the end of March.

Ms. Graciela Cespedes, Deputy Finance Director, pointed out that County departments had different deadlines, for example, the Solid Waste Department had a May 31 deadline. She clarified that the audit was more than the annual report, and this contract could not be extended on a month-to-month basis.

In response to Commissioner Jordan's inquiry regarding the County waiting until April 19 to start this process, Ms. Cespedes explained the process started before December 25, 2009. She pointed out that an employee in the Procurement Management Department left County service unexpectedly.

Ms. Singer explained that the final scope for this proposed contract was ready March 5, 2010, and that the Small Business Department needed to review the scope.

Commissioner Jordan expressed concern that she was apprised that Florida State Statutes required the audit to begin in September, however, that was not the language in the state statutes. She pointed out that the state statutes only required that the audit, audit report, and financial report be submitted to the State of Florida no longer than 12 months after the end of the fiscal year.

Commissioner Jordan expressed concern that the County Administration was presenting information that was misleading and was not allowing this successor contract to move through the procurement process.

Mr. Daryl Sharpton, 1SE 3 Avenue, noted that his firm was prepared to go to work on the successor contract for auditing services since June 2009. He explained that all negotiations were completed.

It was moved by Commissioner Jordan that the process for the successor contract for auditing services be completed and an item prepared for consideration at the September 14, 2010, Committee meeting and that the new vendor start October 1, 2010. This motion was seconded by Commissioner Edmonson.

Commissioner Gimenez expressed concern that the County experienced unanticipated delays for a service that had been part of normal County operations for 50 years. He questioned who was responsible to monitor County contracts and notify the Procurement Management Department when those contracts would expire.

Ms. Singer noted the Procurement Management Department and the County department using the service shared a joint responsibility to plan ahead to ensure new contracts were procured at the proper time.

Commissioner Gimenez questioned who initiated work on the successor contract for auditing services and when they initiated it.

Ms. Singer noted the Procurement Management Department was responsible to alert the department eight months in advance that a scope of service was needed.

Mr. Hammer noted he submitted a pre-solicitation review request to Procurement Management on July 10, 2009, for general aviation, aviation management contracts, Water and Sewer, Transit, and Clerk of Courts for fiscal years 2010-14.

Responding to Commissioner Gimenez's inquiry regarding when an auditing firm needed to be in place to prepare the audited financial reports from October 1, 2009 to September 30, 2010, Mr. Hammer noted a firm should be in place before September 30, 2010. He pointed out that the firm selected for the successor contract had planned to start in August 2010.

Commissioner Gimenez questioned whether the County could, physically, have the successor contract in place by September 30, 2010.

Assistant County Manager Alina Hudak noted the County could have the successor contract in place by that time, if Chairwoman Sorenson requested County Commission Chairman Dennis Moss waive committee review of this item so it could come before the County Commission on September 9.

Mr. Hammer noted the September 9 date would be acceptable.

Assistant County Manger Alina Hudak noted this proposed resolution would be placed on the September 9, 2010, County Commission agenda if the successor contract could not be prepared for that date.

Commissioner Jordan pointed out that a one month delay would not present a problem for the County to complete the audit in compliance with the State Statutes. She clarified that the audit was normally completed within six months for the GFOA and State Statutes provided the County 12 months to complete the audit.

In response to Commissioner Edmonson's question regarding the impact of the new auditing firm starting in October, Mr. Hammer noted the whole process would be pushed back.

Mr. Sharpton pointed out that the two segments of the contract that his company had bid on would require 3000 hours of work, and that his company had enough people in place to use those hours in four months.

It was moved by Commissioner Jordan that this proposed resolution be deferred, and that the County Administration present the County Manager's recommendation for the successor contracts to the County Commission with the start date no later than October 1, 2010. This motion was seconded by Commissioner Edmonson.

Assistant County Attorney Hugo Benitez advised that this proposed resolution should be forwarded to the County Commission without recommendation and that the Committee should direct the County Administration to bring back at the September 9, 2010, County Commission meeting the result of the existing RFP process for the successor contracts.

Hearing no other questions or comments, the Committee proceeded to vote on this proposed resolution as advised by the Assistant County Attorney.

30

101694 Resolution

RESOLUTION AUTHORIZING WAIVER OF FORMAL BID PROCEDURES FOR THE PURCHASE OF GOODS AND SERVICES, AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO AWARD SAME, WITH AUTHORITY TO EXERCISE OPTIONS-TO-RENEW ESTABLISHED THEREUNDER, SUBJECT TO THE MONETARY LIMITATIONS SET FORTH THEREIN, AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSIT SYSTEM SURTAX FUNDS (Procurement Management Department)

Bifurcated

Report: *See Report Under Agenda Item 30 AMENDED, Legislative File No. 101854.*

30 AMENDED

101854 Resolution

RESOLUTION AUTHORIZING WAIVER OF FORMAL BID PROCEDURES FOR THE PURCHASE OF GOODS AND SERVICES, AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO AWARD SAME, WITH AUTHORITY TO EXERCISE OPTIONS-TO-RENEW ESTABLISHED THEREUNDER, AND AUTHORIZES THE USE OF CHARTER COUNTY TRANSIT SYSTEM SURTAX FUND (SEE ORIGINAL ITEM UNDER FILE NO. 101694) (Procurement Management Department)

Forwarded to the BCC by the BCC Chairperson with favorable recommendation with committee amendments

Mover: Heyman

Seconded: Gimenez

Vote: 5-0

Absent: Martinez

Report: *It was moved by Commissioner Heyman that this proposed resolution be forwarded to the County Commission with a favorable recommendation with committee amendment(s) to bifurcate sub items 5.1 ERP & AOIS Propworks Software Integration Services and 5.2 Copier Lease Agreements to allow staff to prepare supplemental reports addressing the Committee concerns before the July 20, 2010, County Commission meeting. This motion was seconded by Commissioner Gimenez and upon being put to a vote, passed by a vote of 5-0 (Commissioner Martinez was absent).*

(See Report Under Agenda Item 30 AMENDED #2, Legislative File No. 101858.)

Chairwoman Sorenson asked Assistant County Manager Hudak to prepare an appropriate memorandum asking Chairman Moss to waive the Board's rules and procedures to allow this proposed resolution to be heard at the July 20, 2010 meeting.

30 AMENDED #2

101858 Resolution

RESOLUTION AUTHORIZING WAIVER OF FORMAL BID PROCEDURES FOR THE PURCHASE OF GOODS AND SERVICES, AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO AWARD SAME (SEE ORIGINAL ITEM UNDER FILE NO. 101694) (Procurement Management Department)

Forwarded to the BCC by the BCC Chairperson with favorable recommendation with committee amendments

Mover: Heyman

Seconded: Gimenez

Vote: 5-0

Absent: Martinez

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record.*

Commissioner Heyman expressed concern that the recommended contract amount in Item 5.2: Copier Lease Agreements was more than double the amount authorized by the County Commission. She questioned whether the County Manager was apprised that Miami Dade Fire Rescue would need more than the authorized funds for this recommended contract.

Assistant County Manager Alina Hudak noted the County Manager was not apprised that this recommended contract would exceed the authorized amount.

Mr. Scott Mendelsburg, Chief Financial Officer, Miami-Dade Fire Rescue (MDFR), noted MDFR failed to properly communicate with the Department of Procurement Management (DPM). MDFR had an opportunity to save a substantial sum of money by purchasing copiers through a lease buyout of the previous vendor, Mr. Mendelsburg explained. He clarified that MDFR personnel did not communicate with DPM regarding this opportunity to have DPM get MDFR an increased allocation. He pointed out that MDFR had funds in its budget to cover this over expenditure.

Commissioner Heyman expressed concern that this over expenditure resulted from an unchecked procurement division within a County department.

Ms. Singer noted County departments had to go through DPM to have invoices paid, which served as the check on the procurement division within a County department. She explained that Department directors had to follow up with the employees involved.

In response to Commissioner Heyman's inquiry regarding the impact of the Committee voting against this proposed resolution, Ms. Singer noted the County had already accepted the copiers and owed payment to the vendor. She explained that the County would be exposed to legal action.

Commissioner Heyman questioned whether the employee that made this purchase was disciplined.

Mr. Mendelsberg noted he was approached regarding this purchase and he approved it. He explained that he had no disciplinary powers over the MDFR Procurement Bureau.

Commissioner Heyman noted that the County Commission had chosen to prioritize providing services in MDFR versus spending on office supplies. She expressed concern that the County could have used these funds for the priorities designated during the budget process. She requested that Item 5.2 be bifurcated.

Assistant County Manager Hudak noted that this over purchase was unintentional. She pointed out that the County Administration had the County Commission approve confirmation purchases occasionally due to extenuating circumstances and this was the only legal mechanism for the County to resolve this purchase.

Commissioner Gimenez noted that this was originally a \$177,000 contract to purchase 13 copiers, and that the County was paying \$225,000 for 11 additional copiers. He questioned how the additional copiers represented a substantial savings to the County.

Mr. Mendelsberg explained that all 24 copiers were not the same model, and that some had greater capabilities.

Ms. Singer noted she could provide the County Commission with a report that detailed how Item 5.2 represented a substantial savings to the County at the July 20, 2010, County Commission meeting.

Commissioner Edmonson noted she shared Commissioners Heyman and Gimenez's concerns. She questioned how the County would prevent this from happening again.

Ms. Singer noted the County could never eliminate

all human error, however, the County had controls through the County's internal procurement ethics system. She explained that County departments had to go to DPM if they did not have the spending authority for a particular contract.

Commissioner Edmonson expressed concern that no disciplinary action was taken. She explained that this mistake was likely to happen again without proper discipline being taken.

Chairwoman Sorenson asked the Miami-Dade Fire Rescue (MDFR) Director to provide each Commissioner with a report explaining why the unauthorized purchase in Item 5.2: Copier Lease Agreements was made, what action MDFR had taken against the employee(s) involved in this unauthorized purchase, and how this unauthorized purchase provided significant savings to MDFR.

Commissioner Heyman asked Assistant County Manager Alina Hudak to provide the Committee with a response by the County Mayor and the Miami-Dade Fire Rescue Director to the Inspector General's report and comments regarding MDFR using a contractor to hire an employee to do work for MDFR outside the scope of the contractor's contract with the County.

Commissioner Edmonson requested that the Committee bifurcate Item 5.1: ERP & AOIS Propworks Software Integration Services.

Assistant County Manager Hudak pointed out that Item 5.1 was another confirmation purchase and the County would not pay the vendor if this was not approved.

The Procurement Management Department Director agreed to provide each Commissioner with a report on Item 5.1: ERP & AOIS Propworks Software Integration Services explaining why this recommended contract was coming before the County Commission as a confirmation purchase and what caused the additional expenditures.

Commissioner Gimenez noted the six month contract extension in Item 4.1: Medical Transport Billing and Collection Services should be the last one, and that the County should award a successor contract at the end of this six month period.

It was moved by Commissioner Heyman that this proposed resolution be forwarded to the County

Commission with a favorable recommendation with committee amendment(s) to bifurcate sub items 5.1 ERP & AOIS Propworks Software Integration Services and 5.2 Copier Lease Agreements to allow staff to prepare supplemental reports addressing the following concerns:

- Why the unauthorized purchase in Item 5.2: Copier Lease Agreements was made, what action MDFR had taken against the employee(s) involved in this unauthorized purchase, and how this unauthorized purchase provided significant savings to MDFR.
- Why the recommended contract in Item 5.1: ERP & AOIS Propworks Software Integration Services was coming before the County Commission as a confirmation purchase and what caused the additional expenditures.

This motion was seconded by Commissioner Gimenez and upon being put to a vote, passed by a vote of 5-0 (Commissioner Martinez was absent).

Chairwoman Sorenson asked Assistant County Manager Hudak to prepare an appropriate memorandum asking Chairman Moss to waive the Board's rules and procedures to allow this proposed resolution to be heard at the July 20, 2010 meeting.

3P

101697 Resolution

RESOLUTION AUTHORIZING AWARD OF COMPETITIVE CONTRACTS AND CONTRACT MODIFICATIONS, AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE OPTIONS-TO-RENEW PERIODS FOR CERTAIN COMPETITIVE CONTRACTS DESCRIBED, SUBJECT TO THE MONETARY LIMITATIONS SET FORTH THEREIN FOR PURCHASE OF GOODS AND SERVICES, AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSIT SYSTEM SURTAX FUNDS (Procurement Management Department)

Forwarded to the BCC by the BCC Chairperson with a favorable recommendation
Mover: Heyman
Seconder: Jordan
Vote: 5-0
Absent: Martinez

Report: Chairwoman Sorenson asked Assistant County Manager Hudak to prepare an appropriate memorandum asking Chairman Moss to waive the Board's rules and procedures to allow this proposed resolution to be heard at the July 20, 2010 meeting.

4 COUNTY MANAGER

5 COUNTY ATTORNEY

6 CLERK OF THE BOARD

6A

101722 Report

CLERK'S SUMMARY OF MINUTES FOR THE JUNE 8, 2010 - BUDGET, PLANNING AND SUSTAINABILITY COMMITTEE MEETING (Clerk of the Board)

Accepted
Mover: Heyman
Seconder: Edmonson
Vote: 5-0
Absent: Martinez

7 REPORTS

7A

101609 Report

UPDATE REPORT FROM THE CLIMATE CHANGE ADVISORY TASK FORCE FOR JUNE 2010 (County Manager)

Report Received
Mover: Jordan
Seconder: Heyman
Vote: 5-0
Absent: Martinez

7B

101625 Report

SUNSET REVIEW OF COUNTY BOARDS FOR 2010- SMALL BUSINESS ADVISORY BOARD

Report Received
Mover: Jordan
Seconder: Edmonson
Vote: 5-0
Absent: Martinez

8 ADJOURNMENT

Report: *There being no other business to come before the Committee, the meeting adjourned at 5:39 p.m.*