

Memorandum



Date: March 1, 2011

Agenda Item No.9(A)(4)

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name of George M. Burgess.

Subject: Waiver of Administrative Order 7-1 for Firefighter Scholarship Program

Recommendation

It is recommended that the Board of County Commissioners approve the attached resolution waiving the provisions of Administrative Order 7-1 to allow Miami-Dade County firefighters and their dependents to participate in a scholarship program at Florida International University (FIU).

Scope

This item impacts the uniformed personnel of MDFR, their spouses and their children.

Fiscal Impact/Funding Source

The attached resolution will not have a significant fiscal impact on the County or the Miami-Dade Fire Rescue District, although it may slightly reduce the expenditures related to the tuition refund program.

Track Record/Monitor

The Miami-Dade Fire Rescue Department (MDFR) will monitor the scholarship program by maintaining contact with the entity responsible for administering the scholarship program, the Development Officer in the Office of the Provost at FIU. Upon award, MDFR will forward a list of the scholarship recipients to the Human Resources Department to ensure proper adjustments for the tuition refund program, when applicable.

Background

In November of 2010 MDFR received correspondence from the Development Officer in the Office of the Vice Provost at the Biscayne Bay Campus of FIU. The letter outlined the desire of a donor in the Aventura area to create a scholarship fund at FIU to benefit uniformed personnel, including their spouses and children, who work at Miami-Dade Fire Rescue Station 8 in Aventura. The scholarship fund will be administered by FIU, requiring submission of a formal application that includes grade point requirements and a written essay.

MDFR contacted the Commission on Ethics and the Office of the County Attorney to inquire about any potential collective bargaining issues or other concerns about the creation of the scholarship fund to benefit firefighters and their families.

The staff attorney for the Commission on Ethics reviewed the matter and concluded "The Ethics Code at Sec. 2-11.1 (e) (3) prohibits County employees from accepting gifts intended to influence them to take an official action or in response to an official action taken. In this case, however, since the scholarships are not aimed at a particular, individual firefighter or firefighters based on a direct personal service provided or to be provided, we find that the scholarships administered solely by FIU under the circumstances you described do not violate the Ethics Code".

The Office of the County Attorney has opined that Administrative Order 7-1, prohibiting County employees from accepting gifts, would have to be waived in order for employees to participate in the program.

Since the Commission on Ethics has opined that the scholarship program does not violate ethical rules, I recommend that in this case the Board waive the provisions of Administrative Order 7-1 and allow firefighters and their families to participate in this scholarship program.



Alina T. Hudak

Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: March 1, 2011

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 9(A)(4)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 9(A)(4)
3-1-11

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE WAIVER OF ADMINISTRATIVE ORDER 7-1 TO ALLOW FIREFIGHTERS AND THEIR DEPENDENTS TO BENEFIT FROM A PRIVATE SCHOLARSHIP FUND AT FLORIDA INTERNATIONAL UNIVERSITY (FIU)

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

WHEREAS, the Miami-Dade Fire Rescue Department (MDFR) serves the residents of the City of Aventura; and

WHEREAS, MDFR serves those residents primarily from Station 8 that is located within the municipal boundaries of the City of Aventura; and

WHEREAS, a resident in the City of Aventura has set up a private scholarship fund to benefit firefighters and their dependants who are working in Station 8; and

WHEREAS, the scholarship funds will be given to FIU, and FIU will have the sole responsibility to administer the program and make decisions about awards; and

WHEREAS, the staff attorney for the Commission on Ethics has issued an opinion that this program would not violate the ethics code but that they do constitute gifts; and

WHEREAS, Administrative Order 7-1 prohibits a County employee from receiving gifts in the discharge of public duties,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board waives the provisions of Administrative Order 7-1 to allow for firefighters and their dependents at Station 8 in Aventura to participate in this scholarship program. Participation in this scholarship program and distribution of scholarship funds shall be in accordance with collective bargaining agreements.

The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Lynda Bell
Jose "Pepe" Diaz	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of March, 2011. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

D.F.

Daniel Frastai

The Office of the Vice Provost, Biscayne Bay Campus

Florida International University

is pleased to announce the

Esther and Gerald Rosenberg Scholarship

Summary

Two scholarships of \$500 will be awarded in 2011 to degree or non-degree seeking undergraduate or graduate students who are uniformed personnel or their dependents of Miami-Dade Fire Rescue in Station 8, Aventura, Florida.

Criteria

- Proof of employment as uniformed personnel of Miami-Dade Fire Rescue in Station 8, Aventura, Florida, spouse or child of.
- Fulfill all enrollment requirements for full- or part-time student or for non-degree seeking student*
- Minimum cumulative GPA of 3.0
- Demonstrate involvement in community service
- A timely thank you letter written to the donor

** A non-degree seeking student will not be allowed to register for more than one term without obtaining admission to a degree program or certificate program or obtaining affiliated status from the an academic department.*

Application Package

- Essay: *How will this scholarship bring you closer to achieving your educational and career goals?* (One page, double spaced, 12 point font required)
- Application form
- Unofficial transcript from last educational institution attended
- Resume (highlighting any community service and/or leadership activities)

Applications accepted throughout the school year.

FOR MORE INFORMATION CONTACT:

Jan Solomon, FIU, 305 919-4008, jsolomon@fiu.edu

7



November 1, 2010

Chief Herminio Lorenzo
Miami-Dade Fire Rescue
9300 N.W. 41st Street
Miami, FL 33178

Dear Chief Lorenzo,

I am the Development Officer of Florida International University located on the Biscayne Bay Campus in North Miami. I work for the Office of the Vice Provost.

I am writing regarding the desire of a donor in Aventura to set up a scholarship account at FIU for Miami-Dade Fire Rescue employees, their spouses, and children. He would like to have the scholarship be available to the employees who work in Aventura. He lives at the Classic Residence by Hyatt (now called Vi) and has had much hands-on experience with your employees. He has also visited your Aventura station to inquire about how to give a scholarship. He feels that most of your employees at that station have been there for quite some time.

I realize that sometimes these employees are transferred out of the city and to other locations. The donor is aware of that also. But, he is undeterred in his commitment to reward these first responders, even if they are transferred out of the city after they or their family has received an award.

Do you foresee any problem with limiting his scholarship to the Aventura employees of Miami-Dade Fire Rescue, and their families, as a beginning step?

Please contact me directly at 305 919-4008 in my office to discuss, or you can email me at isolomon@fiu.edu, or write. Thank you very much for your timely response. I look forward to hearing from you.

Best regards,

A handwritten signature in cursive script that reads "Jan L. Solomon".

Jan L. Solomon
Development Officer

cc: Mr. and Mrs. Gerald Rosenberg

RECEIVED

NOV 12 2010

**Miami-Dade Fire Rescue
DIRECTOR'S OFFICE**

8

Office of the Vice Provost and Academic Affairs for Biscayne Bay Campus
3000 N.E. 151st Street, LIB 311 • North Miami, FL 33181 • Tel: (305) 919-5700 • Fax: (305) 919-5391 • <http://bbc.fiu.edu>