



MEMORANDUM
Harvey Ruvin
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IMFR
Agenda Item No. 6(A)

TO: Honorable Chairwoman Lynda Bell
and Members, Internal Management and
Fiscal Responsibility Committee

DATE: March 13, 2012

FROM: Christopher Agrippa
Division Chief, Clerk of the Board Division

SUBJECT: Approval of Commission
Committee Minutes

The Clerk of the Board's office is submitting the following Clerk's Summary of Minutes for approval by the Internal Management and Fiscal Responsibility Committee:

February 14, 2012

CA/jt
Attachment



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

CLERK'S SUMMARY OF Meeting Minutes

Internal Mgmt. & Fiscal Responsibility Committee

Lynda Bell (8) Chair; Esteban L. Bovo, Jr. (13) Vice Chair; Commissioners Jose "Pepe" Diaz (12), Audrey M. Edmonson (3), Barbara J. Jordan (1), and Xavier L. Suarez (7)

Tuesday, February 14, 2012

2:00 PM

Commission Chambers

Members Present: Lynda Bell, Esteban L. Bovo, Jr., Jose "Pepe" Diaz, Audrey M. Edmonson, Barbara J. Jordan.

Members Absent: Xavier L. Suarez.

Members Late: None.

Members Excused: None.

Members Absent County Business: None.

1 MINUTES PREPARED BY:

Report: *Alan Eisenberg, Commission Reporter*
305-375-2510

1A MOMENT OF SILENCE

Report: *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: Deputy Mayor Ed Marquez; Assistant County Attorneys Oren Rosenthal and Hugo Benitez; and Deputy Clerks Judy Marsh and Alan Eisenberg.*

Chairwoman Bell called the meeting to order at 2:24 p.m.

Assistant County Attorney Oren Rosenthal announced that Agenda Item 2O was added to today's (2/14) Agenda; that amendments were requested by sponsoring commissioners to Items 1F1, 1F2, 1F3 and 1F4; and that staff requested an amendment to Item 3G. He noted these amendments would be presented when the Items were considered.

It was moved by Commissioner Edmonson that the February 14, 2012 Internal Management and Fiscal Responsibility Committee Agenda be approved, along with the Chairman's Memorandum entitled "Requested Changes to the Internal Management & Fiscal Responsibility Committee Agenda" and the changes noted by County Attorney Rosenthal. This motion was seconded by Commissioner Bovo, and upon being put to a vote, passed by a vote of 5-0, (Commissioner Suarez was absent).

1D **SPECIAL PRESENTATIONS**

1E **DISCUSSION(S)**

1F **PUBLIC HEARING**

1F1

112572 Ordinance

Lynda Bell,

Jose "Pepe" Diaz, Rebeca Sosa

ORDINANCE RELATING TO CONFLICT OF INTEREST AND CODE OF ETHICS ORDINANCE; AMENDING SECTION 2-11.1(S) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO REQUIRE LOBBYISTS TO COMPLETE ETHICS COURSE WITHIN SPECIFIED TIME PERIODS; PROVIDING FOR FEE, SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE *Amended*

Report: *Note: See Agenda Item No. 1F1 AMENDED; Legislative File No. 120354 for the amended version.*

1F1 AMENDED

120354 Ordinance

Lynda Bell,

Jose "Pepe" Diaz, Rebeca Sosa

ORDINANCE RELATING TO CONFLICT OF INTEREST AND CODE OF ETHICS ORDINANCE; AMENDING SECTION 2-11.1(S) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO REQUIRE LOBBYISTS TO COMPLETE ETHICS COURSE WITHIN SPECIFIED TIME PERIODS; PROVIDING FOR FEE, SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE (SEE ORIGINAL ITEM UNDER FILE NO. 112572)

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

Mover: Bell

Seconded: Diaz

Vote: 5-0

Absent: Suarez

Report: *Assistant County Attorney Oren Rosenthal read the foregoing proposed ordinance into the record.*

Assistant County Attorney Rosenthal proceeded to read two amendments to the proposed ordinance into the record.

Chairwoman Bell relinquished the chair to Commissioner Edmonson.

It was moved by Commissioner Bell that the foregoing proposed ordinance be forwarded to the County Commission with a favorable recommendation, with Committee amendment(s). This motion was seconded by Commissioner Diaz.

Acting Chairwoman Edmonson opened the public hearing and called for persons wishing to appear before the Committee in connection with this proposed ordinance.

Ms. Truly Burton, Executive Vice President and Governmental Affairs Director, Builders Association of South Florida, noted she agreed with the proposed amendments and she had already completed the proposed Ethics Course.

Mr. Joseph Centorino, Executive Director, Commission on Ethics and Public Trust (CEPT), noted the proposed ordinance would be a good addition to the existing ethics ordinance and the CEPT was prepared to implement its provisions.

After hearing no one further wishing to speak, Acting Chairwoman Edmonson closed the public hearing.

Commissioner Diaz noted ethics training was extremely important; however, questioned the enforcement provisions should a lobbyist not satisfy the requirements.

Assistant County Attorney Rosenthal responded that anyone who did not comply with the provisions would be in violation of the ethics ordinance. He noted any general violation of the proposed ordinance would be punishable by either a fine and/or time in jail, as well as by specific provisions in the existing ethics ordinance for violation of that ordinance.

Commissioner Diaz questioned whether these provisions could be included within the language contained in the foregoing proposed ordinance.

Mr. Centorino responded that a lobbyist could not register with the County unless he/she received a Certificate of Completion.

Commissioner Bell noted that individuals could not lobby unless they registered.

Commissioner Diaz noted previous issues pertaining to lobbyists not registering in a timely manner, yet continuing to conduct business.

Assistant County Attorney Rosenthal clarified the penalty provision of the conflict of interest ordinance and the ethics ordinance. He noted anyone the CEPT found to be in violation of this section would be in violation of the ethics ordinance and subject to admonition, public reprimand, a \$500 fine for the first violation, and \$1,000 for each subsequent violation. Assistant County Attorney Rosenthal noted an additional provision allowing the State Attorney to proceed with prosecution, including a \$500 fine and up to 30 days in jail for violation of the ethics ordinance should they fail to meet the provisions of this section.

Commissioner Diaz suggested that the CEPT Executive Director should be able to suspend lobbyist privileges after a lobbyist was found to be in violation of the ordinance. He asked to be listed as a co-sponsor to the foregoing proposed ordinance.

Commissioner Jordan inquired whether the proposed ordinance required registration every two years and whether the lobbyist registration would be revoked for failure to comply with its provisions.

Assistant County Attorney Rosenthal explained that the ordinance requires lobbyists to complete

an Ethics Course and to submit a Certificate of Completion to the Clerk of the Board within 60 days of registering as a lobbyist. He further explained that all registered lobbyists must complete a refresher Ethics Course every two years. Assistant County Attorney Rosenthal said failure to comply with these requirements would be a violation of the ordinance.

Commissioner Bell noted she was very satisfied with the language contained within the proposed ordinance. She said this proposal was drafted in conjunction with the CEPT and the County Attorney's Office and sufficient protections and punitive measures were included in the proposed language. Commissioner Bell noted that any future issues could be addressed by the Board when they arise.

Commissioner Diaz reiterated his concern about previous issues related to lobbyists' registrations and adherence to the established rules. He noted that the enforcement provisions were not sufficient.

Commissioner Bell noted she fully understood lobbyist activities considering her eight years of government experience and was satisfied with the ordinance as proposed.

Hearing no further questions or comments, the Committee proceeded to vote on the foregoing proposed ordinance as amended.

The foregoing proposed ordinance was forwarded to the County Commission with a favorable recommendation, with Committee amendment(s) to add language to the end of Subparagraph (d) on handwritten page 6 as follows: "The requirements of this Subsection (s) related to the Ethics Course shall not be applicable to any municipal lobbyists in Miami-Dade County unless said municipality has adopted an ordinance providing for ethics training of lobbyists and has entered into an Interlocal Agreement with the County authorizing the Ethics Commission to provide the ethics training provided for in this Subsection; and The Executive Director of the Ethics Commission may waive the Ethics Course requirement for a particular lobbyist when he/she determines that the lobbyist has taken an initial or a refresher ethics course offered by a municipality which satisfies the requirements of this Subsection."

Chairwoman Bell resumed the chair.

1F2

112573 Ordinance

Lynda Bell,

Rebeca Sosa

ORDINANCE RELATING TO CONFLICT OF INTEREST
AND CODE OF ETHICS ORDINANCE; AMENDING
SECTION 2-11.1(BB) OF THE CODE OF MIAMI-DADE
COUNTY, FLORIDA, TO REQUIRE COUNTY
EMPLOYEES TO COMPLETE ETHICS COURSE WITHIN
SPECIFIED TIME PERIODS; PROVIDING
SEVERABILITY, INCLUSION IN THE CODE, AND AN
EFFECTIVE DATE

Amended

Report: *Note: See Agenda item No. 1F2 AMENDED;
Legislative File No. 120355 for the amended
version.*

1F2 AMENDED

120355 Ordinance

Lynda Bell,

Rebeca Sosa

ORDINANCE RELATING TO CONFLICT OF INTEREST AND CODE OF ETHICS ORDINANCE; AMENDING SECTION 2-11.1(BB) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO REQUIRE COUNTY EMPLOYEES TO COMPLETE ETHICS COURSE WITHIN SPECIFIED TIME PERIODS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE (SEE ORIGINAL ITEM UNDER FILE NO. 112573)

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

Mover: Bell

Seconded: Edmonson

Vote: 5-0

Absent: Suarez

Report: *Chairwoman Bell relinquished the chair to Vice Chairman Bovo.*

Assistant County Attorney Oren Rosenthal read the foregoing proposed ordinance into the record.

Assistant County Attorney Rosenthal proceeded to read an amendment to the proposed ordinance into the record.

It was moved by Commissioner Bell that the foregoing proposed ordinance be forwarded to the County Commission with a favorable recommendation, with a Committee amendment. This motion was seconded by Commissioner Edmonson.

Vice Chairman Bovo opened the public hearing and called for persons wishing to appear before the Committee in connection with this proposed ordinance.

Mr. Joseph Centorino, Executive Director, Commission on Ethics and Public Trust (CEPT), noted the proposed ordinance represented a significant step in providing ethics training to all County employees. He said that all new employees currently received ethics training and this proposal would extend that effort to include all employees. Mr. Centorino noted CEPT was ready to implement this program without any major budget impact.

After hearing no one further wishing to speak, Vice Chairman Bovo closed the public hearing.

Commissioner Edmonson inquired whether County employees were already required to take an Ethics Course, and if so, what would be the difference through this proposal. She also

questioned the logistics of training all County employees.

Mr. Centorino explained that new employees currentley completed an on-line Ethics Course through the Human Resources Department. He noted that the CEPT would be revamping this course to make it more up to date and comprehensive. Mr. Centorino said he would like to make additional changes to the course in the future to make it more interactive as additional resources became available. He noted this ordinance required that all County employees receive ethics training, not just new employees, as well as complete an ongoing refresher course.

In response to Commissioner Edmonson's question about the number of County employees, Deputy Mayor Ed Marquez responded that there were approximately 27,000.

Mr. Centorino noted that on-line training would be necessary to accommodate all County employees and CEPT would need to utilize the services of the Human Resources Department to ensure everyone receives this training. He noted that he did not foresee a major expense to provide on-line training and anticipated being able to absorb this cost in CEPT's current budget.

Commissioner Jordan inquired about the timeframe to make the on-line course available; the cost per employee; and who would absorb any potential costs.

Mr. Centorino responded that an on-line course was currently available and an improved version would be completed within two months. He noted he did not believe there would be a significant cost per employee to receive ethics training, other than time and resources necessary to issue certificates and to monitor compliance. Mr. Centorino said that CEPT would not charge employees or their departments for the training and would absorb all costs within its budget.

Commissioner Bell noted employees would receive intensive ethics training rather than an ethics orientation. She said the course would more than pay for itself in providing an awareness of ethics issues in government and avoiding mistakes.

Hearing no further questions or comments, the Committee proceeded to vote on the foregoing proposed ordinance as amended.

The foregoing proposed ordinance was forwarded to the County Commission with a favorable recommendation, with a Committee amendment to add language to the end of paragraph (bb) on handwritten page 5 as follows: "The requirements of this Subsection (bb) relating to the Ethics Course shall not be applicable to any municipality in Miami-Dade County unless said municipality has adopted an ordinance providing for ethics training and has entered into an Interlocal Agreement with the County authorizing the Ethics Commission to provide the ethics training provided for in this Subsection."

1F3

112667 Ordinance

Lynda Bell,

Rebeca Sosa

ORDINANCE RELATING TO PREFERENCE FOR LOCAL BUSINESSES IN COUNTY CONTRACTING; AMENDING THE DEFINITION OF LOCAL BUSINESS; CLARIFYING THE REQUIREMENT FOR A PHYSICAL BUSINESS ADDRESS WITHIN MIAMI-DADE COUNTY; REQUIRING THE OWNERSHIP OR LEASE OF PROPERTY LOCATED WITHIN THE COUNTY WHICH MUST HAVE SERVED AS THE PRIMARY PLACE OF EMPLOYMENT FOR AT LEAST ONE FULL TIME EMPLOYEE OF THE VENDOR FOR THE PERIOD OF ONE YEAR PRIOR TO BID OR PROPOSAL SUBMISSION; PROVIDING FOR INVESTIGATION AND ENFORCEMENT; CLARIFYING THE APPLICATION OF THE LOCAL PREFERENCE TO JOINT VENTURES; AMENDING SECTION 2-8.5 OF THE CODE OF MIAMI-DADE COUNTY; PROVIDING FOR IMPLEMENTING ORDER; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

*Deferred to no date certain**Mover: Bell**Seconder: Jordan**Vote: 5-0**Absent: Suarez*

Report: *Chairwoman Bell relinquished the chair to Vice Chairman Bovo.*

Assistant County Attorney Oren Rosenthal read the foregoing proposed ordinance into the record.

It was moved by Commissioner Bell that the foregoing proposed ordinance be forwarded to the County Commission with a favorable recommendation. This motion was seconded by Commissioner Edmonson.

Assistant County Attorney Hugo Benitez noted the foregoing proposed ordinance should be amended to add language to the end of the first paragraph of Subsection (c) on handwritten page 6 as follows: "In the event that a business moves from one location to another, both within the geographical limits of Miami-Dade County, during the timeframes required in this Section, the requirements of this Section may be satisfied by proof of uninterrupted business operations as set forth in this Section in both locations."

Assistant County Attorney Benitez also noted a scrivener's error existing in the second line of Section 4 on handwritten page 6, to replace "excluded" with "included."

Vice Chairman Bovo opened the public hearing and called for persons wishing to appear before

the Committee in connection with this proposed ordinance. After hearing no one wishing to speak, he closed the public hearing.

Commissioner Edmonson noted she was satisfied with the amendment; however, questioned whether a local business and a non-local business that entered into a partnership agreement (joint venture) would be considered as a local vendor when granting Local Preference in contracting.

Assistant County Attorney Benitez responded that both businesses that partnered as a joint venture would need to be local to qualify as a local business.

Commissioner Edmonson noted that a local business might not be able to partner with another local business to satisfy the compliance requirements and would then need to joint venture with a non-local business. She said this arrangement should be considered as a local joint venture since the local business would continue to receive the benefit and hire local employees.

Commissioner Bell noted the intention of this proposed ordinance was to ensure that the local vendor was truly local and not someone establishing a storefront or partnering with a local business just to obtain Local Preference. She said the Procurement Department provided input into this proposal and asked that they address this concern.

Ms. Miriam Singer, Assistant Director, Internal Services Department, responded that the change being requested would require that both of the parties in a joint venture qualified according to the County's Local Preference guidelines. She noted it was possible that the joint venture partner may or may not be a local vendor; however, the party giving the County the offer to do business would not qualify for Local Preference if one of the two parties were not eligible for Local Preference.

Commissioner Bell expressed concern that a non-local business could partner with a local business to benefit from local preference if a change was made to allow only one of the two parties qualify.

Assistant County Attorney Benitez explained that it would be difficult to draft an agreement where a joint venture would be truly local when the entirety of the arrangement was not local.

Commissioner Edmonson inquired whether the County had any laws against fronting and whether a small business who did not perform the work could qualify for a contract by entering into a business relationship with a larger, non-local business.

Assistant County Attorney Benitez responded that laws against fronting existed in the Community Small Business Enterprise (CSBE) program. He noted that fronting language contained in the CSBE provisions were not included within the foregoing proposed Local Preference Ordinance and it would need to be rewritten to include these provisions.

Commissioner Edmonson noted she believed it would be beneficial for a small local business to go into a joint venture with a non-local business in order to qualify for a contract. She expressed concern that the foregoing proposed ordinance could prevent small businesses from obtaining a contract.

Commissioner Bell commented that the proposed ordinance protected small local businesses from larger non-local businesses.

Commissioner Jordan inquired about the current methods used to apply Local Preference.

Ms Singer explained that all bids proceed into a Best and Final Offer when a local firm's bid was within ten-percent of a non-local firm's low bid, thus providing a second chance to compete; however, their prices must remain at the current bid or lower. She noted the preference was five-percent in a Request for Proposal or a Qualitative Evaluation Process and the non-local firm would proceed to negotiation if a local firm was within five-percent. Ms. Singer further explained that no requirements to partner with another firm were included in the Local Preference Ordinance. She noted that a non-local business that partnered with a local business would not be considered Local Preference.

Commissioner Jordan said that local companies would not lose the ability to joint venture and the proposal did not favor a company that chose to joint venture.

Assistant County Attorney Benitez noted the proposed ordinance was being considered today

(2/14) because the current ordinance as written did not clearly provide for joint ventures. He said that the County currently interprets the ordinance where any business contracting as a joint venture and one of the partners was not a local firm loses its ability to claim the Local Preference.

Commissioner Jordan noted a non-local business would still have the opportunity to joint venture with a local business; however, the non-local business loses its ability to be a local business, even though they (the local company) chose to bid and joint venture with that company and were able to provide services cheaper than another local company. She said she did not want to take away opportunities from small businesses or local companies and they should be the prime company when bidding on a contract. Commissioner Jordan noted the intent of the proposed ordinance was to promote local business; however, cautioned Commissioner Bell to consider the unintended consequences.

Commissioner Bell noted her intention was to truly recognize Local Preference. She requested to defer this proposed ordinance.

It was moved by Commissioner Bell that the foregoing proposed ordinance be deferred to no date certain. This motion was seconded by Commissioner Jordan.

Commissioner Diaz commented that Local Preference was established to protect local businesses with established headquarters in this community. In relation to the extension of competition, Commissioner Diaz asked Commissioner Bell to address the need for local businesses to partner with other businesses in order to obtain larger contracts.

Hearing no further questions or comments, the Committee proceeded to vote to defer the foregoing proposed ordinance.

Chairwoman Bell resumed the chair.

1F4

120065 Ordinance**Audrey M. Edmonson**

ORDINANCE REGARDING RULES OF PROCEDURE OF THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING THAT ITEMS APPROVED AT COMMITTEE MEETINGS RECOMMENDING OR REJECTING THE AWARD OF CONTRACTS FOR PUBLIC IMPROVEMENTS, AND PURCHASES OF SUPPLIES, MATERIALS, AND SERVICES, INCLUDING PROFESSIONAL SERVICES SHALL BE PLACED ON THE AGENDA OF THE NEXT REGULARLY SCHEDULED BOARD OF COUNTY COMMISSIONERS MEETING; PROVIDING THAT THESE ITEMS ARE NOT SUBJECT TO THE 4-DAY RULE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Amended

Report: *Note: See Agenda Item No. 1F4 AMENDED, Legislative File No. 120356 for the amended version.*

1F4 AMENDED

120356 Ordinance Audrey M. Edmonson

ORDINANCE REGARDING RULES OF PROCEDURE OF THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING THAT ITEMS APPROVED AT COMMITTEE MEETINGS RECOMMENDING OR REJECTING THE AWARD OF CONTRACTS FOR PUBLIC IMPROVEMENTS, AND PURCHASES OF SUPPLIES, MATERIALS, AND SERVICES, INCLUDING PROFESSIONAL SERVICES SHALL BE PLACED ON THE AGENDA OF THE NEXT REGULARLY SCHEDULED BOARD OF COUNTY COMMISSIONERS MEETING; PROVIDING THAT THESE ITEMS ARE NOT SUBJECT TO THE 4-DAY RULE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE (SEE ORIGINAL ITEM UNDER FILE NO. 120065)

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

Mover: Edmonson

Seconder: Diaz

Vote: 4-0

Absent: Bovo, Jr., Suarez

Report: *Assistant County Attorney Oren Rosenthal read the foregoing proposed ordinance into the record.*

Chairwoman Bell opened the public hearing and called for persons wishing to appear before the Committee in connection with this proposed ordinance. After hearing no one wishing to speak, Chairwoman Bell closed the public hearing.

Commissioner Edmonson read an amendment to the foregoing proposed ordinance into the record.

Hearing no further questions or comments, the Committee proceeded to vote on the foregoing proposed ordinance as amended.

The foregoing proposed ordinance was forwarded to the County Commission with a favorable recommendation, with a Committee amendment to add language to the end of paragraph (t) on handwritten page 5 as follows: "or unless the Chairperson of the Commission deems it necessary to place the item on another agenda."

1F5

120021 Ordinance

Sally A. Heyman

ORDINANCE CODIFYING USER ACCESS PROGRAM IN COUNTY PURCHASES; PROVIDING FOR A PERCENTAGE DEDUCTION FROM ALL VENDOR INVOICES SUBMITTED TO THE COUNTY PURSUANT TO PURCHASE CONTRACTS OF ANY COUNTY DEPARTMENT; CREATING EXCEPTIONS; PROVIDING FOR IMPLEMENTATION; CREATING SECTION 2-8.10 OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

Withdrawn

Mover: Bovo, Jr.

Seconder: Edmonson

Vote: 5-0

Absent: Suarez

Report: *See Agenda Item 1F5 Substitute, Legislative File No. 120021.*

1F5 Sub

120258 Resolution Sally A. Heyman

ORDINANCE CODIFYING USER ACCESS PROGRAM IN COUNTY PURCHASES; PROVIDING FOR A PERCENTAGE DEDUCTION FROM ALL VENDOR INVOICES SUBMITTED TO THE COUNTY PURSUANT TO PURCHASE CONTRACTS OF ANY COUNTY DEPARTMENT; CREATING EXCEPTIONS; PROVIDING FOR IMPLEMENTATION; CREATING SECTION 2-8.10 OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 120021]

Forwarded to BCC with a favorable recommendation

Mover: Bovo, Jr.

Seconder: Edmonson

Vote: 5-0

Absent: Suarez

Report: *Assistant County Attorney Oren Rosenthal read the foregoing proposed ordinance into the record.*

It was moved by Commissioner Bovo that the foregoing proposed ordinance be forwarded to the County Commission with a favorable recommendation. This motion was seconded by Commissioner Edmonson.

Chairwoman Bell opened the public hearing and called for persons wishing to appear before the Committee in connection with this proposed ordinance. After hearing no one wishing to speak, she closed the public hearing.

Commissioner Heyman spoke in support of the foregoing proposed ordinance and provided an overview of the User Access Program (UAP) legislation since it was introduced by the Florida legislature twelve years ago and its nine years in this County. She explained that the ordinance would codify an existing practice of Florida Statute to Miami-Dade County and also allow a pilot construction project.

Commissioner Heyman noted that Ms. Miriam Singer and Ms. Jill Press previously pointed out that Miami-Dade County was larger than many states; was one of the four largest counties; and had tremendous purchasing power. She said UAP was developed in cooperation with Chambers of Commerce, large businesses, government, non-profit and private entities to combine purchasing power and to save the local taxpayers money. Commissioner Heyman noted that small cities, businesses, non-profits, and educational institutions should be provided the opportunity to benefit from the County's procurement process and purchasing power.

Commissioner Heyman noted the County presented UAP to the federal government and they subsequently adopted the program. She said the UAP has already provided benefit to 84 governments, non-profits and colleges with \$70.332 million savings to the County since its adoption and over \$400,000 at Jackson Hospital in the first month alone. Commissioner Heyman asked that this ordinance be codified. She said that the builders liked the program because it included provisions which applied to construction contracts.

Chairwoman Bell noted her support for the foregoing proposed ordinance. She questioned the County's use of the \$70 million savings under the UAP program.

Commissioner Heyman responded that the savings were placed back into the County's General Fund to support government operations.

Mr. Hugo Salazar, Deputy Director, Department of Management and Budget, explained that approximately \$10 million savings was generated annually and these funds paid for procurement activities and small business section operations within the Internal Services Department.

Hearing no further questions or comments, the Committee proceeded to vote on the foregoing proposed ordinance as presented.

1F6

112664 Ordinance

Jean Monestime,

Audrey M. Edmonson, Barbara J. Jordan
ORDINANCE PERTAINING TO SMALL BUSINESS
ENTERPRISE PROGRAM; AMENDING SECTION 2-
8.1.1.1.1 OF THE CODE OF MIAMI-DADE COUNTY,
FLORIDA TO CREATE A CERTIFIED SMALL BUSINESS
ENTERPRISE SET-ASIDE FOR CONTRACTS UP TO
\$100,000; AND PROVIDING SEVERABILITY,
INCLUSION IN CODE AND EFFECTIVE DATE

*Forwarded to BCC with a favorable
recommendation*

Mover: Edmonson

Seconder: Jordan

Vote: 5-0

Absent: Suarez

Report: *Assistant County Attorney Oren Rosenthal read
the foregoing proposed ordinance into the record.*

*Chairwoman Bell opened the public hearing and
called for persons wishing to appear before the
Committee in connection with this proposed
ordinance.*

*Ms. Stacey Silvera, 20221 NE 21 Avenue, Miami,
appeared in support of the proposed amendment
to the ordinance. She noted she was the owner of
a Small Business Enterprise (SBE) firm and served
on the Small Business Advisory Board. Ms.
Silvera said this proposal would help small
businesses participate with the County, noting that
a micro program set aside was established but
never was a SBE set aside and many local firms
fell above the micro level. She explained that at
least three businesses were needed within a
specific category in order for a set aside and
encouraged Commissioners to reach out to their
constituents to promote SBE registration.*

*Ms. Dorothy Brown-Alfaro, 6600 NW 27 Avenue,
#104, Miami, spoke in support of the amendment
to the ordinance.*

*After hearing no one further wishing to speak,
Chairwoman Bell closed the public hearing.*

*It was moved by Commissioner Edmonson that the
foregoing proposed ordinance be forwarded to the
County Commission with a favorable
recommendation. This motion was seconded by
Commissioner Jordan.*

*Commissioner Monestime noted the foregoing
proposed ordinance would provide access and an
effective method for small businesses to compete
for County contracts. He said the County spent
\$19.7 million on goods and services valued under
\$100,000; however, the SBE share of these funds*

was only ten-percent. Commissioner Monestime noted the proposal would increase participation in the SBE set-aside for contracts under \$100,000 and provide a greater opportunity for small businesses to compete with one another.

Hearing no further questions or comments, the Committee proceeded to vote on the foregoing proposed ordinance as presented.

2 COUNTY COMMISSION

2A

120248 Resolution Bruno A. Barreiro

RESOLUTION DECLARING ONE 2001 DODGE RAM 1500 PICKUP SURPLUS AND AUTHORIZING ITS DONATION TO CITY OF MIAMI

*Forwarded to BCC with a favorable recommendation
Mover: Jordan
Seconder: Diaz
Vote: 4-0
Absent: Bovo, Jr., Suarez*

Report: Assistant County Attorney Oren Rosenthal read the foregoing proposed resolution into the record.

Hearing no further questions or comments, the Committee proceeded to vote on the foregoing proposed resolution as presented.

2B

120209 Resolution Lynda Bell

RESOLUTION RESCINDING PRIOR DONATION OF ONE 2001 DODGE PASSENGER VAN SURPLUS TO KARATE WITHOUT BORDERS, INC. PURSUANT TO RESOLUTION R-894-11, AND AUTHORIZING ITS DONATION TO PHILANTHROPIC EDUCATIONAL AND CULTURAL EVOLVEMENT COMMUNITY DEVELOPMENT AND BETTERMENT OUTREACH CORPORATION, INC.

*Forwarded to BCC with a favorable recommendation
Mover: Jordan
Seconder: Diaz
Vote: 4-0
Absent: Bovo, Jr., Suarez*

2C

120213 Resolution Esteban L. Bovo, Jr.

RESOLUTION RETROACTIVELY AUTHORIZING IN-KIND SERVICES FROM THE PARKS, RECREATION, AND OPEN SPACES DEPARTMENT FOR THE JANUARY 22, 2012 "JOSE MARTI PARADE" EVENT SPONSORED BY THE CITY OF HIALEAH, A PUBLIC ENTITY, IN AN AMOUNT NOT TO EXCEED \$1,065.00 TO BE FUNDED FROM THE DISTRICT 13 FY 2011-12 IN-KIND RESERVE FUND

Forwarded to BCC with a favorable recommendation
Mover: Jordan
Seconder: Diaz
Vote: 4-0
Absent: Bovo, Jr., Suarez

2D

120215 Resolution Jose "Pepe" Diaz

RESOLUTION RETROACTIVELY AUTHORIZING IN-KIND SERVICES FROM THE PARKS, RECREATION, AND OPEN SPACES DEPARTMENT FOR THE DECEMBER 16, 2011 "HOLIDAY PERFORMANCE" EVENT SPONSORED BY THE PARADISE CHRISTIAN SCHOOL AND DEVELOPMENT CENTER, INC., A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED \$790.00 TO BE FUNDED FROM THE DISTRICT 12 FY 2011-12 IN-KIND RESERVE FUND

Forwarded to BCC with a favorable recommendation
Mover: Jordan
Seconder: Diaz
Vote: 4-0
Absent: Bovo, Jr., Suarez

2E

120214 Resolution Audrey M. Edmonson

RESOLUTION RETROACTIVELY AUTHORIZING IN-KIND SERVICES FROM THE PARKS, RECREATION, AND OPEN SPACES DEPARTMENT FOR THE NOVEMBER 20, 2011 "THANKSGIVING FESTIVAL" EVENT SPONSORED BY CURLEY'S HOUSE OF STYLE, INC., A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED \$1,800.00 TO BE FUNDED FROM THE DISTRICT 3 FY 2011-12 IN-KIND RESERVE FUND

Forwarded to BCC with a favorable recommendation
Mover: Jordan
Seconder: Diaz
Vote: 4-0
Absent: Bovo, Jr., Suarez

2F

120226 Resolution**Joe A. Martinez**

RESOLUTION RETROACTIVELY AUTHORIZING IN-KIND SERVICES FROM THE PARKS, RECREATION, AND OPEN SPACES DEPARTMENT FOR THE JANUARY 21, 2012 "OPENING DAY OF BASEBALL" EVENT SPONSORED BY OPTIMIST CLUB OF KENDALL HAMMOCKS, INC., A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED \$1,330.00 TO BE FUNDED FROM THE DISTRICT 11 FY 2011-12 IN-KIND RESERVE FUND

Forwarded to BCC with a favorable recommendation

Mover: Jordan

Seconder: Diaz

Vote: 4-0

Absent: Suarez, Bovo, Jr.

2G

120176 Resolution**Sally A. Heyman**

RESOLUTION DECLARING FOUR DELL COMPUTERS, TWO MONITORS, TWO 15" COLOR TVS, AND TWO WALL MOUNTS SURPLUS AND AUTHORIZING THEIR DONATION TO HUMAN SERVICES COALITION OF DADE COUNTY, INC.

Forwarded to BCC with a favorable recommendation

Mover: Jordan

Seconder: Diaz

Vote: 4-0

Absent: Bovo, Jr., Suarez

2H

120177 Resolution**Sally A. Heyman**

RESOLUTION DECLARING FOUR DELL COMPUTERS AND FOUR MONITORS SURPLUS AND AUTHORIZING THEIR DONATION TO NAUTILUS MIDDLE SCHOOL

Forwarded to BCC with a favorable recommendation

Mover: Jordan

Seconder: Diaz

Vote: 4-0

Absent: Bovo, Jr., Suarez

2I

120204 Resolution**Jean Monestime,****Barbara J. Jordan**

RESOLUTION INVOKING WAIVER PROVIDED BY SECTION 2-11.2.1(C) FOR DISPOSITION OF SURPLUS PROPERTY TO THE GOVERNMENT OF HAITI AND DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO DONATE SURPLUS TRASH/GARBAGE COLLECTION PROPERTY

Amended

Report: *See Agenda Item 2I AMENDED; Legislative File No. 120313 for the amended version.*

2I AMENDED

120313 Resolution

Jean Monestime,

Barbara J. Jordan

RESOLUTION INVOKING WAIVER PROVIDED BY SECTION 2-11.2.1(C) FOR DISPOSITION OF SURPLUS PROPERTY TO THE GOVERNMENT OF HAITI AND DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO DONATE SURPLUS TRASH/GARBAGE COLLECTION PROPERTY [SEE ORIGINAL ITEM UNDER FILE NO. 120204]

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

Mover: Diaz

Seconder: Edmonson

Vote: 5-0

Absent: Suarez

Report: *Assistant County Attorney Oren Rosenthal read the foregoing proposed resolution into the record.*

Assistant County Attorney Thomas Robertson proceeded to read an amendment to the proposed resolution into the record to reference semi-automatic trucks as recommended by Ms. Kathleen Woods-Richardson, Director, Public Works and Waste Management. He noted semi-automatic trucks were more versatile in underdeveloped foreign countries and could be loaded from the rear and would accommodate blue carts.

It was moved by Commissioner Diaz that the foregoing proposed resolution be forwarded to the County Commission with a favorable recommendation. This motion was seconded by Commissioner Edmonson.

Chairwoman Bell inquired how the trucks and carts would be transported to Haiti.

Commissioner Monestime responded that transportation assistance was currently being identified. He explained that cruise ships previously provided assistance to deliver goods to Haiti.

Commissioner Bell questioned the language "identify surplus property not to exceed two automated trucks" and whether these trucks were already designated as surplus property.

Ms. Kathleen Woods-Richardson, Director, Public Works and Waste Management, responded that the County had an abundance of semi-automated rear loaded trucks that had been retrofitted with rear flippers which were considered surplus property.

Commissioner Edmonson noted concern that sophisticated trucks were being sent to Haiti

without sufficient resources to repair those trucks. She suggested that Commissioner Monestime bring back another item that would provide training assistance.

Commissioner Monestime said he would co-sponsor an item with Commissioner Edmonson to address her concerns. He noted he had a conversation with Haiti's Sanitation Director and he believed they would consider Commissioner Edmonson's concerns and would be willing to send someone to receive this training.

Commissioner Edmonson suggested that her staff meet with Commissioner Monestime's staff to draft legislation requesting the Haitian government send a representative to Miami-Dade County to receive training through an internship program and that she would co-sponsor this legislation.

Commissioner Jordan asked to be listed as a co-sponsor to the foregoing proposed resolution. She noted that during a trip to Haiti she observed that nothing remained unused and equipment was dismantled and sold for parts or was used for other purposes after breaking down.

Hearing no further questions or comments, the Committee proceeded to vote on the foregoing proposed resolution as amended.

The foregoing proposed resolution was forwarded to the County Commission with a favorable recommendation, with a Committee amendment to reference semi-automatic trucks.

2J

120221 Resolution Barbara J. Jordan

RESOLUTION APPROVING THE TRANSFER OF OWNERSHIP AND THE PREPAYMENT AND EARLY FORGIVENESS OF COUNTY LOANS FOR STAR CREEK ATLANTIC AND STAR CREEK BISCAYNE DEVELOPMENTS; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE ALL NECESSARY AGREEMENTS ON BEHALF OF MIAMI-DADE COUNTY

Forwarded to BCC with a favorable recommendation

Mover: Jordan

Seconder: Edmonson

Vote: 5-0

Absent: Suarez

Report: *Assistant County Attorney Oren Rosenthal read the foregoing proposed resolution into the record.*

Mr. Keith Ward, Star Creek Atlantic, Ltd. and Star Creek Biscayne, Ltd., explained that the contract between the The Related Group (the previous property owner) and the County was scheduled to expire in 2006 and 2008. He negotiated a purchase of this property from The Related Group and then approached the County since an affordability provision and restrictive covenant was in effect. Mr. Ward advised the County that the project was delapidated; that the current debt owed would not be repaid; and that the affordability provisions would not continue. He then offered to spend approximately \$1 million in renovatons to the property and to extend the affordability provision in the restrictive covenant for an additional ten-year term. Mr. Ward subsequently purchased the property from the County in 2002 and said he would now like to sell the property.

Mr. Ward explained that he could not sell the property because a potential buyer could not assume the existing debt and the agreement currently in place with the County. He noted that based upon today's economic conditions, lenders would not grant secondary financing. Mr. Ward said that a portion of his obligation with the County was forgivable over a ten-year period at the rate of ten-percent annually; however, that period has not yet expired. He also said that an additional portion of the debt was due at a future time and payable in cash. Mr. Ward noted he wanted to sell the property; to prepay the County; and to have the forgivable portion of the loan forgiven. He said the restrictive covenant attached to the deed was the primary security and would remain intact, while the secondary security was the forgivable portion of the loan which was established to ensure the affordability provisions

remained in-place. Mr. Ward noted to accomplish this; he would pre-pay the County \$803,000 today rather than in five-years; keep the restrictions in-place; and the forgivable portion in the amount of \$1,764,700 would be forgiven early and subsequently removed.

Commissioner Diaz asked for further clarification about the claim to title and the rationale behind this recommendation.

Assistant County Attorney Brenda Neuman responded that this was ultimately a business decision and County loans existed on the property. She noted the County originally used Housing Development Action Grant (HODAG) funds to rehabilitate the property and to keep it affordable. Assistant County Attorney Neuman said that two properties existed with 82 units rented to low income individuals.

Commissioner Jordan noted she was disappointed that the Mayor's office did not include the Supplement in today's agenda with the background information on this proposal as promised. She explained that the property was originally built and owned by The Related Group who obtained the HODAG loan through Community Development. Subsequently, the property went into disarray and Mr. Ward purchased the property while honoring The Related Group's commitments, said Commissioner Jordan. She noted the property was currently 95 percent occupied and Mr. Ward wanted to sell the property and to satisfy his obligation to the County by advancing the payment he would have made over the next five years. In return, Mr. Ward was asking the County to advance the forgivable portion of the loan.

Deputy Mayor Ed Marquez apologized for the report not being available, noting it would be completed later today. He explained that two loans existed; one was an \$807,000 HODAG loan that would be paid off upon completion of this transaction and those funds would be returned to that program and another \$1.7 million loan which was forgivable over time. Deputy Mayor Marquez noted that the new owner would be obligated to the covenant provisions and legally mandated to maintain affordable housing. He said the requirements of the second mortgage would be transferred to the new owner; the first mortgage would be prepaid; and the previous requirements placed on the property would be satisfied. Deputy

Mayor Marquez noted the affordable housing requirements would remain until 2018.

Commissioner Diaz noted his understanding was for the new owner to acquire the property and the County would receive \$807,000. He questioned the forgivable portion of the loan.

Assistant County Attorney Neuman responded that the forgivable portion of the loan was scheduled to be forgiven over time to Mr. Ward and in the event Mr. Ward sold the property, the new owner was obligated to assume the debt and the debt would continue to be forgiven over time until 2018.

Commissioner Diaz inquired why the new owner was assuming the forgiveness of debt over time.

Mr. Ward explained the new owner would be assuming the restrictive covenants which would restrict the rents and keep the rents affordable until 2018.

In response to Commissioner Diaz' question whether this proposal would need to be considered by this Committee in the future, Assistant County Attorney Neuman clarified that the Item would not need to be heard again, if the new owner agreed to assume the requirements of the restrictive covenant. She said it would only need to be reconsidered in the event the new owner asked for different terms.

Commissioner Diaz noted the proposed resolution should be reconsidered by this body should there be any changes.

Hearing no further questions or comments, the Committee proceeded to vote on the foregoing proposed resolution as presented.

Commissioner Jordan asked to waive the Board's Rules of Procedure to allow this proposed resolution to be heard at the February 21, 2012 Board of County Commissioners meeting.

Chairwoman Bell asked Deputy Mayor Ed Marquez to prepare an appropriate memorandum asking Chairman Martinez to waive the Board's Rules of Procedure to allow this proposed resolution to be heard at the February 21, 2012 Board of County Commissioners meeting.

Later in the meeting, Commissioner Diaz noted for the record and Assistant County Attorney

Internal Mgmt. & Fiscal Responsibility Committee

CLERK'S SUMMARY OF

Meeting Minutes

Tuesday, February 14, 2012

Rosenthal clarified that any changes to this proposed resolution would come back to this Committee.

2K

120202 Resolution **Sally A. Heyman**

RESOLUTION WAIVING TERM LIMIT PURSUANT TO SECTION 2-892 OF THE CODE OF MIAMI-DADE COUNTY FOR AND REAPPOINTING MIGNA SANCHEZ-LLORENS TO THE MIAMI-DADE COUNTY DOMESTIC VIOLENCE OVERSIGHT BOARD

*Forwarded to BCC with a favorable recommendation
Mover: Bovo, Jr.
Seconder: Edmonson
Vote: 5-0
Absent: Suarez*

Report: *Assistant County Attorney Oren Rosenthal read the foregoing proposed resolution into the record.*

Hearing no questions or comments, the Committee proceeded to vote on the foregoing proposed resolution as presented.

Commissioner Jordan informed the Committee that she needed to be excused to attend a previously scheduled community event.

2L

120175 Resolution **Dennis C. Moss**

RESOLUTION WAIVING THE RESIDENCY REQUIREMENTS OF SECTION 2-11.38 OF THE CODE OF MIAMI-DADE COUNTY FOR AND APPOINTING LIS-MARIE ALVARADO TO THE COMMISSION FOR WOMEN

*Forwarded to BCC with a favorable recommendation
Mover: Diaz
Seconder: Edmonson
Vote: 4-0
Absent: Jordan, Suarez*

Report: *Assistant County Attorney Oren Rosenthal read the foregoing proposed resolution into the record.*

Hearing no questions or comments, the Committee proceeded to vote on the foregoing proposed resolution as presented.

2M

120172 Resolution

Dennis C. Moss

RESOLUTION APPROVING ALLOCATION OF \$1,092,308 TO THE CITY OF FLORIDA CITY FROM BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NUMBER 249 – “PRESERVATION OF AFFORDABLE HOUSING UNITS AND EXPANSION OF HOME OWNERSHIP” TO FUND DEVELOPMENT OF AN AFFORDABLE HOUSING PROJECT IN DISTRICT 9

Forwarded to BCC with a favorable recommendation

Mover: Diaz

Seconder: Edmonson

Vote: 4-0

Absent: Jordan, Suarez

Report: *Assistant County Attorney Oren Rosenthal read the foregoing proposed resolution into the record.*

Hearing no questions or comments, the Committee proceeded to vote on the foregoing proposed resolution as presented.

2N

120174 Resolution Sen. Javier D. Souto

RESOLUTION PLACING A NON-BINDING STRAW BALLOT QUESTION ON THE PRIMARY ELECTION BALLOT IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD ON TUESDAY, AUGUST 14, 2012, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI DADE COUNTY WHETHER THEY SUPPORT EXPANDING THE PERMISSIBLE USES OF TOURIST-RELATED TAXES TO INCLUDE THE COST OF FUNDING TOURISM-RELATED PUBLIC SAFETY COSTS IN THE COUNTY WHERE THESE MONIES ARE COLLECTED

Forwarded to BCC without a recommendation

Mover: Diaz

Seconder: Edmonson

Vote: 4-0

Absent: Jordan, Suarez

Report: *Assistant County Attorney Oren Rosenthal read the foregoing proposed resolution into the record.*

Chairwoman Bell noted concern over placing non-binding straw ballot questions on the ballot and that the sponsor of the foregoing proposed resolution was not present today (2/14) to address these concerns.

Commissioner Edmonson inquired about the outcome of a straw ballot on this Commission.

Assistant County Attorney Rosenthal explained that a straw ballot was non binding and was only an expression of the will of the electorate on the presented issues.

Commissioner Edmonson noted concern that certain members of the community and the media wanted the results of a straw ballot to be binding. She inquired whether the question under consideration could be addressed by an ordinance.

Assistant County Attorney Rosenthal responded that it could not be addressed by an ordinance since the issue under consideration was governed by State Statute.

Commissioner Diaz noted he believed Commissioner Souto's intent was to obtain more money to fund tourism and public safety initiatives within this community. He said the outcome of a straw ballot would provide the State with an expression of local residents' sentiment on the issue. Commissioner Diaz asked Commissioner Bovo to address the impact of straw ballot votes on the State legislature based upon his experience in Tallahassee.

Commissioner Bovo responded that voters participating in a straw ballot had more impact than a resolution passed by the County Commission. He suggested that the proposed resolution be forwarded to the County Commission without a recommendation in order to be discussed by the full Commission.

Commissioner Diaz noted he concurred with the suggestion to forward the foregoing proposed resolution without recommendation in order to receive input from Commissioner Souto.

Commissioner Edmonson noted she could always change her mind and would support this proposed resolution if Commissioner Diaz accurately described Commissioner Souto's intent. She supported forwarding the Item to the County Commission without recommendation.

Deputy Mayor Ed Marquez explained that the proposed straw ballot would ask voters whether they supported an expansion of the tourist laws at the State level. He noted that the County would have more discretionary use of those revenues on the local level in the event it was approved by local voters and the State acted upon that sentiment. Deputy Mayor Marquez said that the County's desired uses for those funds were already beyond the current sources of revenues.

Chairwoman Bell noted she concurred with forwarding the proposed resolution without recommendation. She cautioned that Committee members placing a non-binding straw ballot before voters who did not trust this Commission was not a wise decision.

Hearing no further questions or comments, the Committee proceeded to vote on the foregoing proposed resolution as presented.

20

120287 Resolution

Jean Monestime,

Audrey M. Edmonson

RESOLUTION DIRECTING THE COUNTY MAYOR TO
INCLUDE DUE DILIGENCE INFORMATION IN
MEMORANDA RECOMMENDING CERTAIN CONTRACT
AWARDS

*Forwarded to BCC with a favorable
recommendation*

Mover: Diaz

Seconder: Edmonson

Vote: 5-0

Absent: Suarez

Report: *Assistant County Attorney Oren Rosenthal read
the foregoing proposed resolution into
the record.*

*It was moved by Commissioner Diaz that the
foregoing proposed resolution be forwarded to the
County Commission with a favorable
recommendation. This motion was seconded by
Commissioner Edmonson.*

*Commissioner Monestime noted the proposed
resolution would provide the County Commission
with sufficient information about the people and
companies being recommended for contract or
grant approval. He said information was recently
revealed by a local newspaper that the
Commission was unaware of when they considered
an Item and this proposal would ensure that a
similar situation would not happen in the future.*

*Chairwoman Bell concurred over the need to
perform as much due diligence as possible and
proceeded to inquire about the procedures that
would be implemented to comply with this
proposal.*

*Assistant County Attorney Benitez responded that
the Item asked to describe whatever level due
diligence that was performed.*

*Commissioner Diaz spoke in support of the
foregoing proposed resolution. He noted the issue
was over the method used by Administration to
conduct the information gathering process.*

*Commissioner Edmonson also spoke in support of
this proposal, noting having Administration look
into companies wanting to do business with the
County would help achieve a greater level of
transparency. Commissioner Edmonson asked to
be listed as a co-sponsor to this proposed
resolution.*

Commissioner Jordan noted she also supported the Item; however, cautioned that the news media and business competition would uncover additional information, despite the County's due diligence efforts. She said that there was not enough staff time to check out every detail about a company and its principals.

Hearing no further questions or comments, the Committee proceeded to vote on the foregoing proposed resolution as presented.

3 DEPARTMENT

3A

112685 Resolution

RESOLUTION APPROVING TERMS OF AND AUTHORIZING EXECUTION BY THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE OF A LEASE AGREEMENT AT THE KENDALL COMPLEX, 11025 S.W. 84 STREET, BUILDING 8, MIAMI WITH OUR PRIDE ACADEMY, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION FOR PREMISES TO BE UTILIZED FOR ADMINISTRATIVE OFFICES AND TO OPERATE AN EDUCATIONAL CENTER FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES, WITH A TOTAL ESTIMATED RENTAL REVENUE IMPACT TO THE COUNTY OF \$419,048 FOR THE FIVE-YEAR TERM OF THE LEASE AND THE RENEWAL PERIOD; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN (Internal Services)

Forwarded to BCC with a favorable recommendation

Mover: Diaz

Seconder: Edmonson

Vote: 4-0

Absent: Jordan, Suarez

Report: *Assistant County Attorney Oren Rosenthal read the foregoing proposed resolution into the record.*

Hearing no questions or comments, the Committee proceeded to vote on the foregoing proposed resolution as presented.

3B

120098 Resolution

RESOLUTION AWARDED CONTRACT 5731-1/22, SUPPLY OF NATURAL GAS, TO PENINSULA ENERGY SERVICES, IN A TOTAL AMOUNT OF UP TO \$46,000,000 FOR THE INITIAL TERM, OR \$92,000,000 IF THE RENEWAL OPTION IS EXERCISED, AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO MODIFY CONTRACT, EXERCISE, IN THEIR DISCRETION, ANY CANCELLATION AND RENEWAL PROVISIONS IN ACCORDANCE WITH THE TERMS OF THE CONTRACT ON BEHALF OF MIAMI-DADE COUNTY, AND ANY OTHER RIGHTS CONTAINED THEREIN (Internal Services)

Forwarded to BCC with a favorable recommendation

Mover: Edmonson

Seconder: Diaz

Vote: 4-0

Absent: Jordan, Suarez

Report: *Assistant County Attorney Oren Rosenthal read the foregoing proposed resolution into the record.*

Mr. Lester Sola, Director, Internal Services Department responded to Commissioner Diaz' request for an explanation of this proposal. He noted Peninsula Energy Services was being recommended to supply natural gas to the Water and Sewer Department (WASD). Mr. Sola said an approximate \$1.120 million savings would be realized over the initial five-year term of this contract versus the price paid in the current contract. Mr. Sola explained that the County would pay \$9 million for the first year of the contract term; however, the contract includes a five-year option-to-renew, and the County would pay a total \$92 million in the event all renewal options were exercised.

Commissioner Diaz inquired whether the \$92 million would be used to improve the County's system to make it more gas efficient.

Mr. Joseph Ruiz, Deputy Director for Operations, Water and Sewer Department (WASD), explained that the County was among the largest natural gas users in the State using natural gas to operate two lime kilns to soften water and to recycle calcium carbonate into lime, thus saving millions of dollars. He noted that many large natural gas generators were also used by WASD to provide power. Mr. Ruiz said the current ten-year contract expired and the proposal being considered today (2/14) was the lowest price bid to purchase natural gas and the proposal did not include any infrastructure improvements.

Mr. Sola noted a price savings with WASD

currently paying .10 per unit and the lowest bidder's price was .07 per unit which represented the total \$90 million over ten-years.

Mr. Ruiz explained that even though the fixed rate was locked, a provision was included in the contract where the County would benefit from natural gas rate improvements on the New York Mercantile Exchange over the term of this contract.

Hearing no further questions or comments, the Committee proceeded to vote on the foregoing proposed resolution as presented.

3C

120100 Resolution

RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A PRE-QUALIFICATION POOL FOR CONTRACT NO. 7263-1/21, ELECTRICAL CONTROL PANELS, CONTROLLERS, AND VARIABLE FREQUENCY DRIVES, IN AN AMOUNT UP TO \$4,135,000 FOR THE INITIAL TERM, OR \$8,270,000 IN THE AGGREGATE IF THE RENEWAL OPTION IS EXERCISED, AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO CONDUCT SPOT BIDS AND AWARD SUBSEQUENT CONTRACTS, ADD VENDORS, CONDUCT MODIFICATIONS, AND EXERCISE, IN THEIR DISCRETION, ANY CANCELLATION AND RENEWAL PROVISIONS, AND TO EXERCISE ALL OTHER RIGHTS CONTAINED THEREIN (Internal Services)

Forwarded to BCC with a favorable recommendation

Mover: Edmonson

Seconder: Diaz

Vote: 4-0

Absent: Jordan, Suarez

Report: Assistant County Attorney Oren Rosenthal read the foregoing proposed resolution into the record.

Commissioner Edmonson commended the Internal Services Department for their efforts in contracting with local vendors.

Hearing no further questions or comments, the Committee proceeded to vote on the foregoing proposed resolution as presented.

3D

120138 Resolution

RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A PRE-QUALIFICATION POOL FOR GROUPS 1, 2, 3, AND 4 OF CONTRACT NO. 9234-2/18, TELECOMMUNICATIONS SERVICES, EQUIPMENT AND MATERIALS, AND AWARD OF GROUP 1, 2, AND 3 FOR PROJECTS VALUED UP TO \$10,000 OF THE SAME TO BLACK BOX NETWORK, INC., CONTROL COMMUNICATIONS, INC., MIAMI BUSINESS TELEPHONES, CORP., QUALITY WIRING, INC., STRUCTURED CABLING SOLUTIONS, INC., TRIDENT TELECOM, INC., AND TROPICAL COMMUNICATIONS, INC. IN AN AMOUNT UP TO \$5,460,000 FOR THE INITIAL TERM, OR \$16,380,000 IN THE AGGREGATE IF THE RENEWAL OPTIONS ARE EXERCISED, AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO CONDUCT SPOT BIDS AND AWARD SUBSEQUENT CONTRACTS, ADD VENDORS, CONDUCT MODIFICATIONS, AND EXERCISE, IN THEIR DISCRETION, ANY CANCELLATION AND RENEWAL PROVISIONS IN ACCORDANCE WITH THE TERMS OF THE CONTRACT ON BEHALF OF MIAMI-DADE COUNTY (Internal Services)

Forwarded to BCC with a favorable recommendation

Mover: Edmonson

Seconder: Bovo, Jr.

Vote: 4-0

Absent: Suarez, Jordan

Report: *Assistant County Attorney Oren Rosenthal read the foregoing proposed resolution into the record.*

Commissioner Edmonson commended the Internal Services Department for their efforts in contracting with local vendors.

Hearing no further questions or comments, the Committee proceeded to vote on the foregoing proposed resolution as presented.

3E

120132 Resolution

RESOLUTION AUTHORIZING WAIVER OF FORMAL BID PROCEDURES PURSUANT TO SECTION 5.03(D) OF THE HOME RULE CHARTER AND SECTION 2-8.1 OF THE COUNTY CODE BY A TWO-THIRDS (2/3S) VOTE OF THE BOARD MEMBERS PRESENT FOR THE PURCHASE OF GOODS AND SERVICES FOR THE MIAMI-DADE WATER AND SEWER DEPARTMENT, AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO AWARD SAME, WITH AUTHORITY TO EXERCISE OPTIONS-TO-RENEW ESTABLISHED THEREUNDER (Internal Services)

Forwarded to BCC with a favorable recommendation

Mover: Edmonson

Seconder: Bovo, Jr.

Vote: 4-0

Absent: Jordan, Suarez

Report: *Assistant County Attorney Oren Rosenthal read the foregoing proposed resolution into the record.*

Hearing no questions or comments, the Committee proceeded to vote on the foregoing proposed resolution as presented.

3F

120133 Resolution

RESOLUTION AUTHORIZING WAIVER OF FORMAL BID PROCEDURES PURSUANT TO SECTION 5.03(D) OF THE HOME RULE CHARTER AND SECTION 2-8.1 OF THE COUNTY CODE BY A TWO-THIRDS (2/3S) VOTE OF THE BOARD MEMBERS PRESENT 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 (Internal Services)

Forwarded to BCC with a favorable recommendation

Mover: Edmonson

Seconder: Bovo, Jr.

Vote: 4-0

Absent: Jordan, Suarez

Report: *Assistant County Attorney Oren Rosenthal read the foregoing proposed resolution into the record.*

Hearing no questions or comments, the Committee proceeded to vote on the foregoing proposed resolution as presented.

3G

120240 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 ESTABLISHED
THEREUNDER FOR PURCHASE OF GOODS AND
SERVICES, AND AUTHORIZING THE USE OF CHARTER
COUNTY TRANSPORTATION SURTAX FUNDS (Internal
Services)

Amended

Report: *Note: See Agenda Item No. 3G AMENDED,
Legislative File No. 120426 for the amended
version.*

3G AMENDED

120426 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 ESTABLISHED THEREUNDER FOR PURCHASE OF GOODS AND SERVICES, AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS [SEE ORIGINAL ITEM UNDER FILE NO. 120240] (Internal Services)

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

Mover: Edmonson

Seconder: Bell

Vote: 4-0

Absent: Jordan, Suarez

Report: *Assistant County Attorney Oren Rosenthal read the foregoing proposed resolution into the record.*

Commissioner Edmonson inquired whether all fifteen contracts were already in the bid process.

Mr. Lester Sola, Director, Internal Services Department confirmed that the contracts were in the bid process and existing contracts were being extended during the solicitation process.

Mr. Sola requested an amendment be included in the foregoing proposed resolution and proceeded to read the amendment into the record..

Hearing no further questions or comments, the Committee proceeded to vote on the foregoing proposed resolution as amended.

The foregoing proposed resolution was forwarded to the County Commission with a favorable recommendation, with a Committee amendment to withdraw Item 8: Telephony Equipment and Services.

4 COUNTY MANAGER

5 COUNTY ATTORNEY

6 CLERK OF THE BOARD

6A

120233 Report

CLERK'S SUMMARY OF MINUTES FOR THE INTERNAL MANAGEMENT FISCAL AND FISCAL RESPONSIBILITY COMMITTEE MEETING(S): JANUARY 10, 2012 (Clerk of the Board)

Approved

Mover: Edmonson

Seconder: Bovo, Jr.

Vote: 4-0

Absent: Jordan, Suarez

Report: *Assistant County Attorney Oren Rosenthal read the foregoing proposed report into the record.*

Hearing no questions or comments, the Committee proceeded to vote on the foregoing proposed report as presented.

7 REPORTS

7A

120075 Report

SUNSET REVIEW OF COUNTY BOARDS FOR 2012 - BOARD OF RULES AND APPEALS

Report Received

Mover: Edmonson

Seconder: Bell

Vote: 4-0

Absent: Jordan, Suarez

Report: *Assistant County Attorney Oren Rosenthal read the foregoing proposed report into the record*

Hearing no questions or comments, the Committee proceeded to vote on the foregoing proposed report as presented.

8 ADJOURNMENT

Report: *There being no further business, the Internal Management and Fiscal Responsibility Committee adjourned at 4:24 p.m.*