

MEMORANDUM

Agenda Item No. 5 (B)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

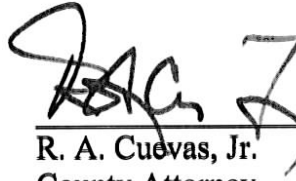
DATE: (Public Hearing 12-18-07)
November 6, 2007

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

SUBJECT: Ordinance amending
Sections 2-1311 and 2-1312
of the Code relating to the
Dial-A-Life Program

O#07-180

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Joe A. Martinez.



R. A. Cuevas, Jr.
County Attorney

RAC/bw

Memorandum

MIAMI-DADE
COUNTY

Date: December 18, 2007

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Ordinance amending Sections 2-1311 and 2-1312 of the Code relating to the Dial-A-Life Program

The ordinance amending Sections 2-1311 and 2-1312 of the Code relating to the Dial-A-Life Program will not have a fiscal impact to Miami-Dade County.


Allna T. Hudak
Assistant County Manager

fls00908




MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: December 18, 2007

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

SUBJECT: Agenda Item No. 5 (B)

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(B)
12-18-07

ORDINANCE NO. 07-180

ORDINANCE AMENDING SECTIONS 2-1311 AND 2-1312 OF THE CODE OF MIAMI-DADE COUNTY, RELATING TO THE DIAL-A-LIFE PROGRAM; UPDATING NAMES OF DEPARTMENTS INVOLVED IN THE PROGRAM AND MAKING OTHER CHANGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, there has been a reorganization of the Communications Department which has caused the Dial-a-Life program to be administered by the Miami-Dade County Fire Rescue Department,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 2-1311 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 2-1311. DIAL-A-LIFE PROGRAM -- Creation; operations.

- A. *Creation of the Dial-A-Life Program.* There is hereby created and established the Dial-A-Life Program for the purpose of collecting cellular and/or mobile telephones and distributing them to eligible members of the Miami-Dade County community for purpose of providing them access to emergency "911" services.

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

B. *Dial-A-Life Program Operations.*

1. *Collection from Public.* The Dial-A-Life Program is to operate through the Miami-Dade >>Fire Rescue<< [[Communications]] Department (the "[[Communications]] Department"). The [[Communications]] Department shall coordinate the distribution of collection bins provided by the Miami-Dade Solid Waste Department ("Solid Waste") in at least five (5) locations throughout Miami-Dade County for the purpose of collecting discarded cellular and/or mobile telephones from members of the Miami-Dade County community ("Donors"). The [[Communications]] Department shall also be responsible for distributing information regarding the Dial-A-Life Program, and collecting any and all information and/or forms from Donors required by the Dial-A-Life Program Board, as provided in Section 2-1312, below. The [[Communications]] Department will also distribute, if requested by Donors, receipts reflecting the approximate value of the donated cellular and/or mobile telephones.
2. *County Surplus Telephones.* Notwithstanding anything in Administrative Order 8-2 or Section 2-11.2.1 of the Code of Miami-Dade County to the contrary, the County may assign surplus mobile and/or cellular telephones with no commercial value to the Dial-A-Life Program for donation in accordance with the terms and conditions of this article; provided, however, that the Board of County Commissioners first make a finding by resolution that any surplus cellular and/or mobile telephones slated for donation through the Dial-A-Life Program are obsolete, or their continued use is uneconomical or inefficient, or that they no longer serve a useful function, and that they are without commercial value. All donations of County surplus mobile and/or cellular telephones shall be in accordance with Section 274.05 or 274.06 of the Florida Statutes.
3. *Distribution to Eligible Recipients.* The cellular and/or mobile telephones collected by the [[Communications]] Department for the Dial-A-

Life Program shall be distributed to persons whose household income is less than \$20,000 per year and/or who are:

- (1) Living with a physical or mental disability;
- (2) Over the age of sixty-five (65);
- (3) >>Have children in the home who are at-risk or disabled; or
- (4)<<Have been victims of domestic violence (collectively "Eligible Recipients").

The Dial-A-Life Program Board, as provided in Section 2-1312 below, shall establish all guidelines for the distribution of the telephones to Eligible Recipients, including, but not limited to those for: proof of income, proof of disability, and proof of domestic violence. No more than two (2) cellular and/or mobile telephones will be distributed to a household.

Section 2. Section 2-1312 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 2-1312. [Program board.]

- A. *Creation of Dial-A-Life Program Board.* A Dial-A-Life Program Advisory and Oversight Board (the "Board") will be formed to oversee the collection and distribution of donated cellular and/or mobile telephones, and to report to the Board of County Commissioners the status and progress of the Dial-A-Life Program.
- B. *Purpose.* The Board shall >>have<< the following rights and responsibilities:
 1. To oversee the collection and disbursement of the donated mobile and/or cellular telephones;
 2. To establish guidelines and application procedures for Eligible Recipients consistent with the requirements of this article.

3. To evaluate applications of potential Eligible Recipients;
 4. To solicit assistance from the telecommunications industry for the repair and refurbishing of inoperable donated telephones;
 5. To report to the Board of County Commissioners no less than two (2) times per year the status and progress of the Dial-A-Life Program, including the number of cellular and/or mobile telephones collected by the Program, the number of applications received by potential Eligible Recipients, the number of cellular and/or mobile telephones actually distributed to Eligible Recipients, and the cost of administering the Program.
 6. To promulgate rules consistent with this article for the conduct of its meetings and the discharge of its responsibilities;
 7. To perform other functions as are set forth for the Board in this article.
- C. *Ratification by the Board of County Commissioners.* Any rules, guidelines, applications, or other material established by the Board in accordance with Section 2-1312(B) shall be submitted to the Board of County Commission for ratification.
- D. *Board Membership.*
1. *Members.* The Board shall be composed of the following members: a County Commissioner to be appointed by the Board of County Commissioners; one member who shall be selected and appointed by the County Manager; ~~[[the—director]]~~>>one member<< of the Miami-Dade County >>Fire Rescue<< Department ~~[[of—Communications]]~~>>who shall be appointed by the Director<<; one representative of the telecommunications industry who shall be selected and appointed by the Board of County Commissioners; one representative from a domestic violence awareness, services, and/or prevention organization who shall be selected and

appointed by the Board of County Commissioners; one representative from an elderly awareness, services and/or advocacy organization who shall be selected and appointed by the Board of County Commissioners; one member of the Miami-Dade County Domestic Violence Oversight Board who shall be selected and appointed by the Board of County Commissioners; one representative from a community based organization dedicated to supporting families with at-risk or disabled children who shall be selected and appointed by the Board of County Commissioners; and one representative from a disability awareness, services, and/or advocacy organization who shall be selected and appointed by the County Manager; and one member of the Miami-Dade >>Enterprise Technology Services<< Department>>, or its successor, << [~~of Information Technology~~]] who shall be selected and appointed by the Director of that Department.

2. *Qualification.* All of the Board members shall be at least 21 years of age and be citizens of the United States. In addition to any other qualification the Board may establish from time to time, the Board members shall be of high moral character and have demonstrated business experience and acumen.
3. *Election and Term.* Board members appointed by the Board of County Commissioners shall serve two (2) years terms and may be re-appointed as approved by the Board of County Commissioners. All other Board members shall serve until the earlier of:
 - (i) The expiration of a two (2) year term from their appointment;
 - (ii) Their removal by a majority vote of the Board; or
 - (iii) Their resignation from the Board.

The foregoing shall not prohibit any Board member from serving multiple or consecutive terms, if re-appointed to such position. Any Board vacancies arising due to a Board member's term expiring, removal from office, resignation,

or otherwise shall be filled by the entity or person responsible for the initial appointment. By example, if a Board vacancy occurs in a position appointed by the County Manager, such vacancy shall be filled by a person selected and appointed by the County Manager of Miami-Dade County.

4. *Removal.* Any Board members may be removed with or without cause at any time by the vote of 7 of the Board members entitled to vote at a special meeting of the Board members called for that purpose. New Board members to fill the vacancies thus created shall be elected and designated in accordance with Section 2-1312(E)(1).
5. *Compensation.* Members of the Board shall serve without compensation, but shall be entitled to reimbursement for necessary expenses incurred in the discharge of their duties.

E. *Organization of the Board.*

1. *Meetings.* The Board shall hold regular meetings, no less than four times per year for calendar year 2003, and three times per year for every year thereafter, and such other meetings, as it deems necessary. Three of the duly appointed and sitting members of the Board shall constitute a quorum. Minutes shall be kept of all meetings of the Board and all meetings shall be duly noticed to the public.
2. *Applicability of County Rules and Procedures.* The Board shall at all times operate under the Florida Open Government laws, including the "Sunshine Law," public meeting laws and public records laws and shall be governed by all State and County conflict of interest laws, as applicable, including the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, Sec. 2-11.1 of the Code of Miami-Dade County.
3. *Attendance requirement.* Notwithstanding any other provision of this Code, any Board member shall be automatically removed if, in a given fiscal year:

- (i) He or she is absent from three consecutive meetings without an acceptable excuse;
- (ii) If he or she is absent from three of the Board's meetings without an acceptable excuse; or
- (iii) Whether excused or not, he or she misses two-thirds (2/3) of the Board's meetings in a given fiscal year.

A member shall be deemed absent from a meeting when he or she is not present at the meeting at least seventy-five percent of the time. An "acceptable excuse" is defined as an absence for medical reasons, business reasons, personal reasons, or any other reason which the Board, by a two-thirds vote of the membership, deems appropriate. By a two-thirds (2/3) vote of the members of the full Board, the provisions of this section may be waived.

4. *Staff and Facility Support.* The County Manager and the County Attorney shall provide such staff support to the Board as may be necessary to accomplish its purpose. The County Manager will provide such facilities as the Board may deem necessary to accomplish its purposes.

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

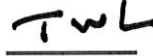
Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: December 18, 2007

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Thomas W. Logue

Sponsored by Commissioner Joe A. Martinez