MIAMI-DADE COUNTY
FINAL OFFICIAL MINUTES
Budget & Finance Committee

Board of County Commissioners
Stephen P. Clark Government Center
Commission Chamber
111 NW 1st Street
Miami, Florida 33128

April 10, 2007

As Advertised

Harvey Ruvin, Clerk
Board of County Commissioners

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Clerk of the Board Division

Scott Rappleye, Commission Reporter
(305) 375-5108

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

FINAL OFFICIAL

Meeting Minutes

Budget and Finance Committee

Joe A. Martinez (11) Chair; Carlos A. Gimenez (7) Vice Chair; Commissioners Jose "Pepe" Diaz (12), Katy Sorenson (8), Rebeca Sosa (6), and Javier Souto (10)

Tuesday, April 10, 2007 **2:00 PM** **COMMISSION CHAMBERS**

Members Present: Jose "Pepe" Diaz, Carlos A. Gimenez, Joe A. Martinez, Katy Sorenson, Rebeca Sosa, Javier D. Souto.

Members Absent: None.

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

1B PLEDGE OF ALLEGIANCE

1C ROLL CALL

Report: *The following staff members were present: Assistant County Manager Ian Yorty; County Attorney Murray Greenberg, Assistant County Attorneys Hugo Benitez and Lee Kraftchick; and Deputy Clerks Doris Dickens and Scott Rappleye.*

CHANGES TO TODAY'S COMMITTEE AGENDA

Assistant County Attorney Benitez indicated that in addition to the County Manager's memorandum entitled, "Requested Changes to the Budget and Finance Committee Agenda," the following additional changes had been requested: Commissioner Sosa asked that she be listed as a co-sponsor for Agenda Items 2C, 2F, and 2O, and that she not be listed as a co-sponsor for Agenda Item 2A; Chairman Barreiro asked that Agenda Item 2C be amended; a scrivener's error existed in Agenda Item 3F and should be corrected; and Agenda Items 2T and 2U were added to the agenda and were subject to the 3-Day Rule.

2 COUNTY COMMISSION

2A

070624 **Resolution** **Bruno A. Barreiro, Carlos A. Gimenez**

RESOLUTION URGING THE U.S. CONGRESS AND THE FLORIDA LEGISLATURE TO FUND THE EVERGLADES SKYWAY

Deferred to next committee meeting
Mover: Sosa
Seconder: Gimenez
Vote: 6-0

Report: *Commissioner Sosa explained that she supported the foregoing resolution; that she requested her name be removed as a co-sponsor until an agreement was made with the Miccosukee Tribe.*

Assistant County Attorney Benitez read this proposed resolution into the record.

Mr. Jonathan Ullman, 2700 SW 3rd Ave, Ste 2F, Sierra Club and Everglades Skyway Coalition, spoke in support of this proposed resolution. He said he met with two representatives of the tribe, and he wanted to further discuss ways to accommodate tribe leaders.

Chairman Martinez noted the Committee could defer or vote on this proposed resolution.

It was moved by Commissioner Sosa that this proposed resolution be deferred to the May 15, 2007, Committee meeting. This motion was seconded by Commissioner Gimenez.

Commissioner Sorenson noted that she had an appointment with Mr. Julio Martinez, Miccosukee Tribe, on Monday (4/16).

Hearing no other questions or comments, the Committee proceeded to defer this proposed resolution, 6-0.

Discussion ensued in connection with the issue of how many times the Committee could defer an item before it died.

It was moved by Commissioner Sosa that this proposed resolution be reconsidered. This motion was seconded by Commissioner Sorenson.

Following discussion, Assistant County Attorney Benitez clarified that Committee members could defer this proposed resolution today (4/10), but they had to act the next committee meeting or this proposed resolution would be tabled.

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

2B

070949 **Resolution** **Bruno A. Barreiro, Katy Sorenson**

RESOLUTION EXPRESSING SUPPORT FOR THE FLORIDA FOREVER PROGRAM AND URGING THE FLORIDA LEGISLATURE TO DOUBLE THE BONDING AUTHORITY FOR THE FLORIDA FOREVER PROGRAM FOR THE 2007-08 FISCAL YEAR AND FUND A SUCCESSOR PROGRAM THAT PRESERVES LAND THAT CONTINUES TO BUILD ON THE SUCCESS OF FLORIDA FOREVER WHEN FLORIDA FOREVER SUNSETS IN 2010

Forwarded to BCC with a favorable recommendation
Mover: Sorenson
Seconder: Sosa
Vote: 6-0

Report: *Chairman Martinez read the forgoing proposed resolution into the record.*

It was moved by Commissioner Sorenson that this proposed resolution be forwarded with a favorable recommendation. This motion was seconded by Commissioner Sosa.

Commissioner Sorenson asked that she be listed as a co-sponsor.

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

Chairman Martinez noted he would prepare a memorandum requesting that Chairman Barreiro waive the Board's Rules and Procedures to allow this proposed resolution to be considered at the April 24, 2007, County Commission Meeting.

2C

071017 **Resolution** **Bruno A. Barreiro, Jose "Pepe" Diaz, Carlos A. Gimenez, Joe A. Martinez, Katy Sorenson, Rebeca Sosa, Sen. Javier D. Souto**

RESOLUTION OPPOSING THE CENTERS FOR MEDICARE AND MEDICAID SERVICES ("CMS") PROPOSED RULE REGARDING THE MEDICAID PROGRAM; URGING THE SECRETARY OF THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE ACTING ADMINISTRATOR OF CMS TO NOT IMPLEMENT A FINAL RULE; AND SUPPORTING SENATE BILL INTRODUCED BY U.S. SENATOR MEL MARTINEZ AND HOUSE BILL INTRODUCED BY U.S. CONGRESSWOMAN ILEANA ROS-LEHTINEN AND U.S. CONGRESSMAN RON KLEIN, WHICH WOULD PROVIDE FOR A TWO-YEAR BAN ON THE RULE

Amended

Report: *See Report Under Agenda Item 2C Amended, Legislative File No. 071144.*

2C Amended

071144 **Resolution** **Bruno A. Barreiro, Jose "Pepe" Diaz, Carlos A. Gimenez, Joe A. Martinez, Dennis C. Moss, Katy Sorenson, Rebeca Sosa, Sen. Javier D. Souto**

RESOLUTION OPPOSING THE CENTERS FOR MEDICARE AND MEDICAID SERVICES ("CMS") PROPOSED RULE REGARDING THE MEDICAID PROGRAM; URGING THE SECRETARY OF THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE ACTING ADMINISTRATOR OF CMS TO NOT IMPLEMENT A FINAL RULE; AND SUPPORTING SENATE BILL INTRODUCED BY U.S. SENATOR MEL MARTINEZ AND HOUSE BILL INTRODUCED BY U.S. CONGRESSWOMAN ILEANA ROS-LEHTINEN AND U.S. CONGRESSMAN RON KLEIN, WHICH WOULD PROVIDE FOR A TWO-YEAR BAN ON THE RULE

Forwarded to BCC with a favorable recommendation with committee amendment(s)
Mover: Diaz
Seconder: Sosa
Vote: 6-0

Report: *Assistant County Attorney Benitez read the foregoing proposed resolution into the record. He read Chairman Barreiro's requested amendment to this proposed resolution.*

It was moved by Commissioner Diaz that this proposed resolution be forwarded to the County Commission with a favorable recommendation, with committee amendment(s) to add a sentence at the end of Section 1 with the following language: "the proposed rule also negatively impacts other hospitals serving the community, such as Miami Children's Hospital, in that case, by an estimated $3100." This motion was seconded by Commissioners Sosa.

Commissioners Gimenez, Diaz, Souto, Sorenson, Sosa, and Chairman Martinez asked that they be listed as co-sponsors.

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

Chairman Martinez noted he would prepare a memorandum requesting that Chairman Barreiro waive the Board's Rules and Procedures to allow this proposed resolution to be considered on April 24, 2007.

2D

071022 **Resolution** **Jose "Pepe" Diaz**

RESOLUTION URGING THE FLORIDA LEGISLATURE TO DEFEAT LEGISLATION THAT WOULD PREEMPT LOCAL REGULATION OF LIMEROCK MINING

Forwarded to BCC with a favorable recommendation
Mover: Diaz
Seconder: Sorenson
Vote: 5-0
Absent: Souto

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

It was moved by Commissioner Diaz that this proposed resolution be forwarded with a favorable recommendation. This motion was seconded by Commissioner Sorenson.

Commissioner Diaz noted that he worked with the local mining industry and they supported this proposed resolution.

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

Chairman Martinez noted he would prepare a memorandum requesting that Chairman Barreiro waive the Board's Rules and Procedures to allow this proposed resolution to be considered at the April 24, 2007, County Commission Meeting.

2E

070944 **Resolution** **Carlos A. Gimenez**

RESOLUTION RETROACTIVELY AUTHORIZING IN-KIND SERVICES FROM THE MIAMI-DADE PARK AND RECREATION DEPARTMENT, THE MIAMI-DADE FIRE RESCUE DEPARTMENT, AND THE MIAMI-DADE AVIATION DEPARTMENT FOR THE APRIL 14 AND 15, 2007 "SUNRISE COMMUNITY HOT AIR BALLOON RACE" SPONSORED BY SUNRISE COMMUNITY PROMOTIONS, INC., A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED $5,352.00 TO BE FUNDED IN PART FROM THE COUNTYWIDE IN-KIND RESERVE FUND AND IN PART FROM THE NON-AD VALOREM PORTION OF THE FIRE RESCUE DISTRICT BUDGET

Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Martinez
Vote: 6-0

2F

070289 **Resolution** **Sally A. Heyman, Rebeca Sosa, Dorrin D. Rolle**

RESOLUTION URGING CONGRESS TO AMEND FEDERAL LAW TO ALLOW FEDERAL FINANCIAL PARTICIPATION IN PROVIDING MEDICAL BENEFITS TO INCARCERATED INDIVIDUALS UNTIL CONVICTED AND SENTENCED TO SECURE DETENTION

Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Sosa
Vote: 6-0

Report: *Chairman Martinez noted he would prepare a memorandum requesting that Chairman Barreiro waive the Board's Rules and Procedures to allow this proposed resolution to be considered at the April 24, 2007, County Commission Meeting.*

2G

070140 **Resolution** **Barbara J. Jordan**

RESOLUTION DIRECTING THE COUNTY MANAGER TO TAKE STEPS TO AMEND THE COUNTY'S TUITION REIMBURSEMENT PROGRAM, INCLUDING NEGOTIATING SUCH CHANGES WITH THE COUNTY'S COLLECTIVE BARGAINING AGENTS

Withdrawn

2G SUBSTITUTE

071003 **Resolution** **Barbara J. Jordan**

RESOLUTION DIRECTING THE COUNTY MAYOR TO IMPLEMENT REVISIONS TO THE COUNTY'S TUITION REIMBURSEMENT PROGRAM, AND TO CONDUCT NEGOTIATIONS WITH THE COUNTY'S COLLECTIVE BARGAINING AGENTS AS APPROPRIATE [SEE ORIGINAL ITEM UNDER FILE NO. 070140]

Forwarded to BCC with a favorable recommendation
Mover: Diaz
Seconder: Gimenez
Vote: 5-1
No: Martinez

Report: *Assistant County Attorney Benitez read the foregoing resolution into the record.*

It was moved by Commissioner Diaz that this proposed resolution be forwarded with a favorable recommendation. This motion was seconded by Commissioner Gimenez.

Commissioner Gimenez suggested that the Committee amend this proposed resolution to limit the tuition reimbursement to courses that had a direct benefit to the County in the individual's career path.

Chairman Martinez suggested the Committee submit a Committee Alternate with Commissioner Gimenez's proposed amendment.

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

2G Substitute Alternate

071137 **Resolution** **Budget and Finance Committee, Sally A. Heyman**

RESOLUTION DIRECTING THE COUNTY MAYOR TO IMPLEMENT REVISIONS TO THE COUNTY'S TUITION REIMBURSEMENT PROGRAM, AND TO CONDUCT NEGOTIATIONS WITH THE COUNTY'S COLLECTIVE BARGAINING AGENTS AS APPROPRIATE [SEE ORIGINAL ITEM UNDER FILE NOS. 070140, 071003]

Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Sosa
Vote: 5-1
No: Martinez

Report: *See Report Under Agenda Item 2G SUBSTITUTE, Legislative File No. 071003.*

2H

070491 **Ordinance** **Joe A. Martinez**

ORDINANCE AMENDING SECTION 2-56.28.17 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, PERTAINING TO THE INVESTIGATION OF COMPLAINTS BY THE ETHICS COMMISSION; PROVIDING ADDITIONAL PROTECTION TO EMPLOYEES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Forwarded to BCC with a favorable recommendation
Mover: Martinez
Seconder: Diaz
Vote: 6-0

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

The public hearing was opened, and the following individuals appeared before the Committee in support of this proposed ordinance:

1. Mr. Robert Akras, 5701 Collins Ave. #1502.
2. Mr. Enrique de la Aguilera, 840 NW 146 St.

The public hearing was closed after no one else appeared in response to Vice-Chairman Gimenez's call for people whishing to be heard.

Mr. Robert Meyers, Director, Commission on Ethics and Public Trust, said he thought the County needed to provide protection for whistleblowers. He suggested the County establish a policy that no adverse action could be taken until the issue was resolved and only the whistleblower and the accused person could talk about the issue. He noted that the Commission on Ethics and Public Trust would campaign to inform people of their rights and meet with managers to explain that they could not retaliate to whistleblowers.

Following comments by Commissioner Martinez, the Committee proceeded to vote.

2I

070718 **Resolution** **Joe A. Martinez, Jose "Pepe" Diaz, Carlos A. Gimenez, Katy Sorenson, Rebeca Sosa, Sen. Javier D. Souto, Bruno A. Barreiro, Dorrin D. Rolle**

RESOLUTION URGING THE FLORIDA LEGISLATURE AND THE FLORIDA PUBLIC SERVICE COMMISSION TO FACILITATE THE EXPEDITIOUS CONVERSION OF OVERHEAD ELECTRIC DISTRIBUTION FACILITIES TO UNDERGROUND FACILITIES AND ENCOURAGING FLORIDA PUBLIC SERVICE COMMISSION TO REFLECT BENEFITS OF CONVERSION IN UTILITY TARIFFS

Forwarded to BCC with a favorable recommendation
Mover: Martinez
Seconder: Diaz
Vote: 6-0

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

It was moved by Commissioner Martinez that this proposed resolution be forwarded with a favorable recommendation. This motion was seconded by Commissioner Diaz.

Commissioners Gimenez, Souto, Sorenson, Diaz, and Sosa asked that they be listed as co-sponsors.

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

Chairman Martinez noted he would prepare a memorandum requesting that Chairman Barreiro waive the Board's Rules and Procedures to allow this proposed resolution to be considered at the April 24, 2007, County Commission Meeting.

2J

070879 **Resolution** **Joe A. Martinez**

RESOLUTION URGING THE UNITED STATES CONGRESS TO ENACT LEGISLATION REQUIRING MOTOR VEHICLE MANUFACTURERS TO PROPERLY WARN DRIVERS NOT TO USE CRUISE CONTROL ON WET, ICY, SNOW-COVERED, OR SLIPPERY ROADS

Amended

Report: *See Report Under Agenda Item 2J Amended, Legislative File No. 071142.*

2J Amended

071142 **Resolution** **Joe A. Martinez**

RESOLUTION URGING THE UNITED STATES CONGRESS TO ENACT LEGISLATION REQUIRING MOTOR VEHICLE MANUFACTURERS TO PROPERLY WARN DRIVERS NOT TO USE CRUISE CONTROL DURING CONDITIONS OF INCLEMENT WEATHER [SEE ORIGINAL ITEM UNDER FILE NO. 070879]

Forwarded to BCC with a favorable recommendation with committee amendment(s)
Mover: Martinez
Seconder: Gimenez
Vote: 6-0

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

Commissioner Martinez explained that Miami had the largest ski club in the Country; that when a car hydroplanes the wheels go a lot faster and speeds were greatly increased when wheels made contact with the road.

It was moved by Commissioner Martinez that this proposed resolution be forwarded with a favorable recommendation. This motion was seconded by Commissioner Diaz.

Vice-Chairman Gimenez suggested that Commissioner Martinez amend this proposed resolution to delete "on wet, icy, snow-covered, or slippery roads" and to insert the following language: "in inclement weather."

It was moved by Commissioner Martinez that this proposed resolution be forwarded with a favorable recommendation with committee amendment(s) to delete "on wet, icy, snow-covered, or slippery roads" and to insert the following language: "in inclement weather." This motion was seconded by Commissioner Gimenez.

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

Chairman Martinez noted he would prepare a memorandum requesting that Chairman Barreiro waive the Board's Rules and Procedures to allow this proposed resolution to be considered at the April 24, 2007, County Commission Meeting.

2K

070921 **Resolution** **Joe A. Martinez**

RESOLUTION DECLARING ONE 1999 DODGE CARGO VAN SURPLUS AND AUTHORIZING ITS DONATION TO THE SOCIETY OF SAINT VINCENT DE PAUL, ARCHDIOCESAN COUNCIL OF MAMI, INC.

Forwarded to BCC with a favorable recommendation
Mover: Martinez
Seconder: Gimenez
Vote: 6-0

2L

070948 **Resolution** **Rebeca Sosa,**

Katy Sorenson, Barbara J. Jordan, Dorrin D. Rolle

RESOLUTION URGING THE UNITED STATES CONGRESS TO ENACT THE BREAST CANCER PATIENT PROTECTION ACT OF 2007

Forwarded to BCC with a favorable recommendation
Mover: Sosa
Seconder: Diaz
Vote: 6-0

Report: *Assistant County Attorney Benitez read the foregoing resolution into the record.*

Commissioner Sosa noted that this proposed resolution would urge the United States Congress to enact legislation to increase and allow the minimum hospital stay to 48 hours after mastectomies.

It was moved by Commissioner Sosa that this proposed resolution be forwarded with a favorable recommendation. This motion was seconded by Commissioner Diaz.

Commissioner Sorenson asked that she be listed as a co-sponsor.

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

Chairman Martinez noted he would prepare a memorandum requesting that Chairman Barreiro waive the Board's Rules and Procedures to allow this proposed resolution to be considered at the April 24, 2007, County Commission Meeting.

2M

070988 **Resolution** **Natacha Seijas**

RESOLUTION URGING MAYOR EITHER TO ENDORSE THE TERMS AND CONDITIONS OF THE COUNTY MANAGER'S CONTRACT OR SUBMIT A REVISED CONTRACT

The motion that this matter be Forwarded to BCC with a favorable recommendation failed.
Mover: Diaz
Seconder: Gimenez
Vote: 3-3
No: Sorenson, Souto, Sosa

Report: *Assistant County Attorney Benitez read the foregoing resolution into the record.*

It was moved by Commissioner Diaz that this proposed resolution be forwarded with a favorable recommendation. This motion was seconded by Commissioner Gimenez.

Commissioner Seijas explained that the County Commission voted and approved the County Manager's compensation agreement in 2003; that the Home Rule Charter changed and the County Manager was now the Mayor's employee. She noted she talked to the Mayor and discussed this proposed resolution and the County Manager's contract. Commissioner Seijas noted that the County Manager's contract was due for revision in June 2007; that the County Commission was committed to providing the County Manager one year's salary and benefits if he left his job.

Commissioner Gimenez said he thought the County Commission's contract with the County Manger was null and void as of January 24, 2007. He noted that the County Commission had nothing to do with the County Manager's salary in the amended Charter; that the County Manager's salary was solely under the purview of the Mayor. He asked why the County Manager's contract would still be in effect.

Assistant County Attorney Benitez said the County Manager's contract was an agreement between the County Manager and the County.

Following further discussion, Assistant County Attorney Benitez said he believed the Mayor could aggregate the County Manager's contract, but the Mayor had not aggregated that contract and the County was still bound by its terms.

Chairman Martinez noted that the County Attorney said that the department directors were

automatically ratified by the County Commission until the Mayor named new ones.

Assistant County Attorney Kraftchick said he believed the issue of the Mayor's authority over the County Manager's contract and the department directors was similar.

Following further discussion, Chairman Martinez clarified that since the Mayor had not named a department director, they were automatically ratified.

Commissioner Gimenez said he thought that the Mayor had ratified the department directors by not removing them. He said he thought the Mayor needed to sign the County Manager's contract or modify it.

Assistant County Attorney Benitez clarified that the Mayor set the County Manager's compensation pursuant to the Charter.

Following discussion on what the County Commission could do if it disagreed with the Mayor's compensation of the County Manager, Assistant County Attorney Kraftchick said the County Manager would have to work within a smaller budget.

Commissioner Sosa clarified that the County Attorney's office worked for the County Commission. She noted that the County Manager was not performing the same job description now as when the contract was made. She asked why the Mayor did not have the right to make his contract with the County Manager.

Following further discussion, Assistant County Attorney Kraftchick said this proposed resolution was intended to have the Mayor clarify whether or not he wanted to continue the County Manager's current compensation package. He noted that the Mayor may want to continue with the existing contract or negotiate a new contract to define new terms of compensation.

Following comments by Chairman Martinez, Commissioner Sorenson said she thought this proposed resolution was not necessary.

In response to Commissioner Gimenez, Assistant County Attorney Kraftchick said that the County Manager's contract was year-to-year with an automatic renewal provision; that the County

Manager would receive one year's salary and benefits if the contract was terminated; and that the contract between the Mayor with the County Manager would have to come back to the County Commission.

Following further discussion, Commissioner Seijas pointed out that the Mayor was not aware of the County Manager's contract with the County Commission.

Commissioner Gimenez said he wanted to clearly establish the Mayor's relationship with the County Manager.

County Attorney Greenberg clarified that the County Manager's contract and his compensation were two separate issues. He noted that the County Commission increased the County Manager's compensation several times and if the County Commission breeched the contract, the Mayor could still keep County Manager Burgess at any compensation level.

Commissioner Gimenez asked if County Manager Burgess would receive one year's compensation if he was terminated by the mayor.

County Attorney Greenberg noted that the existing contract between the County Manager and County Commission contained a one year renewal provision and would be automatically renewed on a year-to-year basis, unless terminated by the County Commission.

Commissioner Gimenez asked if the County Manager would receive one year's severance pay when a new Mayor was elected in the event that the County Commission did not terminate the County Manager's contract.

County Attorney Greenberg clarified that County Manager Burgess would receive the one year's severance pay when a new Mayor was elected. He advised that the County Commission could withhold the severance pay and argue that an intervening force (the Charter amendments) was justification for the County Commission to circumvent that severance pay. He said he did not think this would withstand legal challenge.

Commissioner Gimenez suggested that Commissioner Seijas amend this proposed resolution to use the following language: "urge the Mayor to follow the provisions of Article – 4,

Section 4.01 of the County Charter and set the County Manager's compensation."

Chairman Martinez said that this proposed resolution was urging the Mayor to do this with its present language; that it was acceptance of ownership.

Commissioner Gimenez expressed concern that the County Commission would still have its fingerprints on the County Manager's contract. He said the County Manager's contract should have the Mayor's signature, his compensation package, and his dealings with the County Manager. He said the County Commission should consider terminating the County Manager's contract in June 2007.

Commissioner Sosa asked if the County Manager's contract had a provision to adjust the County Manager's salary if his job description changed. She asked for the County Manager's current salary.

Commissioner Seijas said staff told her the County Manager would receive $391,000 for salary, insurance expenses, car compensation, and other benefits.

Commissioner Sosa noted that in addition to the $391,000, the County Manager received $12,000 deferred compensation per year, executive benefits, free medical, dental, and vision coverage, a retirement program, $3,000 monthly expense allowance, $8,000 for life insurance per year, and unrestricted use of an automobile. She said the County Commission needed to know the impact of the County Manager's severance package before it made a decision. She suggested the County Commission discuss this matter with the Mayor and revisit the County Manager's compensation before acting on this matter.

Commissioner Diaz asked if the County Manager's salary was prorated for the time that he worked during the year of the contract, or if he would receive the full year's salary for working part of the year.

County Attorney Greenberg said paragraph 10 on page two (2) specified that County Manager Burgess would receive the full year's salary for working part of the year. He said County Manager Burgess would receive all benefits and compensation stated in paragraphs one (1)

through nine (9) of the contract, which included the details listed by Commissioner Sosa, if the contract was terminated.

Commissioner Diaz asked what the County Commission could do to the County Manager's salary if he had a new contract with the Mayor, and the County Commission decided to cut all County employees' salaries.

County Attorney Greenberg noted that the County Commission had budgetary control. He stressed the importance of honoring the salaries for employees with contracts; otherwise the County Commission would be subject to lawsuits for breech of contract. He noted the County Commission set the Mayor's salary.

Following comments by Chairman Martinez, County Attorney Greenberg explained that if the County Commission terminated County Manager Burgess' contract and he remained County Manager, then he would not receive the severance pay but if County Manager Burgess resigned, then he would receive the severance pay, even if the Mayor subsequently rehired Mr. Burgess.

Commissioner Gimenez noted if the County Commission terminated County Manager Burgess' contract, the Mayor's subsequent appointment would come before the Board for approval. He suggested that this proposed resolution be amended to terminate County Manager Burgess' contract with the County Commission.

Chairman Martinez said this proposed resolution would allow the Mayor and County Manager a chance to discuss and submit a new contract; if the Mayor endorsed the existing contract, then the County Commission could terminate it.

County Attorney Greenberg said he could not envision the Mayor submitting another contract. He said the Mayor would submit the name of the County Manager and set his own compensation package.

Commissioner Sosa said she thought the County Commission should concentrate on allowing a transition to the new Charter to happen and it should not think about terminating contracts that would cost the taxpayers money and cause a negative sensation.

Following further discussion, Commissioner Seijas

concurred with Commissioner Gimenez that the County Commission should terminate the County Manager's contract. She clarified that the reason she wanted to terminate the contract was the County Commission was not responsible for the County Manager's contract. She said she was willing to work with Commissioner Gimenez if the Mayor did not act on this proposed resolution within the next 30 days.

County Attorney Greenberg clarified that if the County Manager's contract was approved by resolution it would have to be terminated by resolution.

Commissioner Gimenez asked County Attorney Greenberg to prepare a resolution, under his sponsorship, terminating the contract approving the County Manager's compensation agreement before June 12, 2007.

Commissioner Seijas said she would co-sponsor Commissioner Gimenez's proposed resolution if the Mayor did not respond timely to her proposal.

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

2N

070960 **Resolution** **Rebeca Sosa,**
Carlos A. Gimenez, Joe A. Martinez, Dorrin D. Rolle, Barbara J. Jordan

RESOLUTION URGING THE LEGISLATURE TO INCREASE FUNDING FOR FLORIDA'S VOLUNTARY PRE-KINDERGARTEN EDUCATION PROGRAM

Forwarded to BCC with a favorable recommendation
Mover: Sosa
Seconder: Diaz
Vote: 6-0

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

Commissioner Sosa noted that Pre-Kindergarten was the most important time for a child to learn.

It was moved by Commissioner Sosa that this proposed resolution be forwarded with a favorable recommendation. This motion was seconded by Commissioner Diaz.

Chairman Martinez and Commissioner Gimenez asked that they be listed as co-sponsors.

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

Chairman Martinez noted he would prepare a memorandum requesting that Chairman Barreiro waive the Board's Rules and Procedures to allow this proposed resolution to be considered at the April 24, 2007, County Commission Meeting.

2O

071014 **Resolution** **Katy Sorenson,**

Jose "Pepe" Diaz, Carlos A. Gimenez, Rebeca Sosa

RESOLUTION URGING THE FLORIDA LEGISLATURE TO DEFEAT LEGISLATION THAT WOULD PREEMPT LOCAL REGULATION OF WETLANDS

Forwarded to BCC with a favorable recommendation
Mover: Sorenson
Seconder: Sosa
Vote: 6-0

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

It was moved by Commissioner Sorenson that this proposed resolution be forwarded with a favorable recommendation. This motion was seconded by Commissioner Sosa.

Commissioner Sosa asked that she be listed as a co-sponsor.

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

Chairman Martinez noted he would prepare a memorandum requesting that Chairman Barreiro waive the Board's Rules and Procedures to allow this proposed resolution to be considered at the April 24, 2007, County Commission Meeting.

2P

070824 **Resolution** **Rebeca Sosa**

RESOLUTION DIRECTING THE CLERK OF THE BOARD TO TAKE THE NECESSARY STEPS TO IMPLEMENT A SYSTEM FOR PROCESSING LOBBYIST REGISTRATIONS, REPORTS AND PAYMENTS ON-LINE

Amended

Report: *See Report Under Agenda Item 2P Amended, Legislative File No. 070824.*

2P Amended

071143 **Resolution** **Rebeca Sosa**

RESOLUTION DIRECTING THE CLERK OF THE BOARD TO TAKE THE NECESSARY STEPS TO IMPLEMENT A SYSTEM FOR PROCESSING LOBBYIST REGISTRATIONS, REPORTS AND PAYMENTS ON-LINE [SEE ORIGINAL ITEM UNDER FILE NO. 070824]

Forwarded to BCC with a favorable recommendation with committee amendment(s)
Mover: Sosa
Seconder: Diaz
Vote: 6-0

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

Commissioner Sosa noted that online lobbyist registration would make the process easier, provide more access, and increase accountability.

It was moved by Commissioner Sosa that this proposed resolution be forwarded with a favorable recommendation. This motion was seconded by Commissioner Diaz.

Commissioner Gimenez expressed concern that the language contained within this proposed resolution would require Jackson Memorial Hospital to install kiosks solely for the purpose of online lobbyist registration.

Commissioner Sosa explained that the intent of this proposed resolution was to instruct the Clerk of the Board to implement a system; and to extend the lobbyist registration service to different locations in the County.

Ms. Miriam Singer, Director, Procurement Management Department, said she could look for a kiosk system that would work if the Clerk of the Board submitted a requisition.

Commissioner Gimenez clarified that if Jackson Memorial Hospital had existing kiosks, then he had no problem with providing the capability of online lobbyist registration but he did not want to spend money to put kiosks just to have a place for lobbyists to register.

Assistant County Attorney Benitez said Commissioner Sosa could amend this proposed resolution to replace the language: "shall include" with the language: "which may include."

It was moved by Commissioner Sosa that this proposed resolution be forwarded with a favorable recommendation with committee amendment(s) to

replace the language: "shall include" with the language: "which may include." This motion was seconded by Commissioner Diaz.

Chairman Martinez explained that this proposed resolution did not make kiosks mandatory and Ms. Singer could provide a report on how much Kiosks would cost.

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

2Q

070828 **Resolution** **Rebeca Sosa**

RESOLUTION URGING FLORIDA LEGISLATURE TO AMEND FLORIDA STATUTES AND THE FLORIDA COMMISSION ON ETHICS TO AMEND ITS RULES TO REQUIRE COMMISSION ON ETHICS TO DISMISS ANY COMPLAINT WHERE THE MIAMI-DADE COUNTY ETHICS COMMISSION HAS DISPOSED OF A PARALLEL COMPLAINT FILED BY THE SAME PARTY AND ARISING OUT OF A COMMON SET OF FACTS

Forwarded to BCC with a favorable recommendation
Mover: Sosa
Seconder: Diaz
Vote: 6-0

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

Commissioner Sosa explained that this proposed resolution attempted to avoid duplication of two entities working for the same purpose and to provide the Commission on Ethics and Public Trust the authority to work on County related issues.

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

Chairman Martinez noted he would prepare a memorandum requesting that Chairman Barreiro waive the Board's Rules and Procedures to allow this proposed resolution to be considered at the April 24, 2007, County Commission Meeting.

2R

070880 **Resolution** **Rebeca Sosa, Carlos A. Gimenez, Katy Sorenson, Sen. Javier D. Souto, Barbara J. Jordan, Dorrin D. Rolle**

RESOLUTION URGING THE FLORIDA LEGISLATURE TO DEFEAT BILLS THAT WOULD PREEMPT LOCAL REGULATION AND FRANCHISING OF CABLE PROVIDERS AND ESTABLISH STATEWIDE CABLE REGULATION

Forwarded to BCC with a favorable recommendation
Mover: Sosa
Seconder: Diaz
Vote: 6-0

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

Commissioner Sosa noted that the bills that would preempt local regulation and franchising of cable providers and establish Statewide cable regulation might not be passed by the Senate.

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

Following further discussion, Commissioner Sosa noted that these bills had been considered in the House of Representatives and would be considered in the Senate. She emphasized the need for the County lobbyists and the Dade Delegation to work very hard to present amendments to legislation on the franchising of cable providers.

Chairman Martinez noted he would prepare a memorandum requesting that Chairman Barreiro waive the Board's Rules and Procedures to allow this proposed resolution to be considered at the April 24, 2007, County Commission Meeting.

2S

071056 **Resolution** **Audrey M. Edmonson, Carlos A. Gimenez, Dennis C. Moss, Katy Sorenson, Sen. Javier D. Souto, Barbara J. Jordan, Dorrin D. Rolle**

RESOLUTION URGING THE FEDERAL GOVERNMENT TO PROVIDE FAIR AND EQUITABLE TREATMENT TO HAITIAN MIGRANTS

Forwarded to BCC with a favorable recommendation
Mover: Diaz
Seconder: Sosa
Vote: 6-0

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

It was moved by Commissioner Diaz that this proposed resolution be forwarded with a favorable recommendation. This motion was seconded by Commissioner Sorenson.

Commissioners Sorenson and Souto asked that they be listed as co-sponsors.

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

Chairman Martinez noted he would prepare a memorandum requesting that Chairman Barreiro waive the Board's Rules and Procedures to allow this proposed resolution to be considered at the April 24, 2007, County Commission Meeting.

2T

071108 **Resolution** **Dorrin D. Rolle**

RESOLUTION APPROVING ALLOCATION FROM CAPITAL ASSET SPECIAL OBLIGATION BONDS SERIES 2007 ACQUISITION ACCOUNT IN AMOUNT OF $2.6 MILLION TO FUND OUTSTANDING COSTS ASSOCIATED WITH SCOTT/CARVER HOMES HOPE VI PROGRAM

Forwarded to BCC with a favorable recommendation
Mover: Sosa
Seconder: Gimenez
Vote: 6-0

Report: *It was moved by Commissioner Sosa that this proposed resolution be forwarded with a favorable recommendation. This motion was seconded by Commissioner Gimenez.*

Chairman Martinez clarified that the money requested in this proposed resolution had already been spent and if the Committee did not approve this proposal, the money would come from the General Fund. He pointed out that this proposed resolution was an example of how staff informed members of the County Commission long after unbudgeted monies were spent, which led to the US Department of Housing and Urban Development's request to take over the Housing Agency

Ms. Cynthia Curry, Senior Advisor to the County Manager, said she wanted to clarify that these expenses had been approved by the County Commission in the budget and that this proposed resolution was intended to raise money for those expenses and pay the contractors. She said the County Administration did not intend to mislead the County Commission.

Commissioner Sorenson concurred with Ms. Curry's explanation. She said she thought it was important for everyone to understand that the County Commission did approve these expenses and that oversight was provided.

In response to Commissioner Gimenez, Ms. Curry explained that pursuant to the County Commission directing the Housing Agency to stop work and payments from the Capital Asset Special Obligation Bonds, the Finance Director brought this proposed resolution before the Committee now. She noted that this proposed resolution could have waited until the next committee meeting, but it was added to the agenda today since contractors needed to be paid.

Ms. Kris Warren, Director, Housing Agency, noted

that this expense was for work that was under way since November 2006. She said this money needed to be paid to prevent the Habitat for Humanity homes from closing by January 2008. She said the work on this project stopped two weeks ago.

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

Chairman Martinez noted he would prepare a memorandum requesting that Chairman Barreiro waive the Board's Rules and Procedures to allow this proposed resolution to be considered at the April 24, 2007, County Commission Meeting.

2U

071098 **Resolution** **Rebeca Sosa**

RESOLUTION URGING THE FLORIDA LEGISLATURE NOT TO PASS LEGISLATION RELATED TO THE SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY THAT INCREASES THE STATUTORILY-MANDATED LOCAL FUNDING REQUIREMENTS UNLESS IT INCLUDES A DEDICATED FUNDING SOURCE

Forwarded to BCC with a favorable recommendation
Mover: Sosa
Seconder: Diaz
Vote: 6-0

Report: *Assistant County Attorney Benitez read the foregoing resolution into the record.*

Commissioner Sosa said she thought the County needed to increase the mandate and the Florida Legislature needed to bring the funding together.

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

Chairman Martinez noted he would prepare a memorandum requesting that Chairman Barreiro waive the Board's Rules and Procedures to allow this proposed resolution to be considered at the April 24, 2007, County Commission Meeting.

3 DEPARTMENTS

3A

071013 **Resolution**

RESOLUTION AUTHORIZING RELEASE OF SURPLUS TAX DEED 05A-00215 SALE PROCEEDS IN THE AMOUNT OF $100,665.28 TO SEEDDHA NHEM, REASEY PRAING AND RAKSMEY PRAING (Finance Department)

Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Sosa
Vote: 6-0

3B

070463 **Ordinance**

ORDINANCE CONCERNING THE SUSTAINABLE BUILDINGS PROGRAM; ESTABLISHING AS THE POLICY OF MIAMI-DADE COUNTY THE INSTITUTION OF SUSTAINABLE DEVELOPMENT PRACTICES AND MEASURES INTO BUILDINGS OWNED, FINANCED, AND/OR OPERATED BY MIAMI-DADE COUNTY; ESTABLISHING MEASUREMENT STANDARDS AND THRESHOLDS FOR COMPLIANCE; AMENDING CHAPTER 9 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; CREATING SECTIONS 9-71 THROUGH 9-75 OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE (General Services Administration Department)

Forwarded to BCC with a favorable recommendation
Mover: Sorenson
Seconder: Gimenez
Vote: 6-0

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

The public hearing was opened; the public hearing was closed after no one appeared in response to Chairman Martinez's call for people whishing to be heard.

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

3C

071035 **Resolution**

RESOLUTION WAIVING FORMAL BID PROCEDURES FOR THE PURCHASE OF GOODS AND SERVICES AND AUTHORIZING THE COUNTY MAYOR TO AWARD SAME, WITH AUTHORITY TO EXERCISE OPTIONS-TO-RENEW ESTABLISHED THEREUNDER (Procurement Management Department)

Amended

Report: *See Report Under Agenda Item 3C1 Amended, Legislative File No. 071328, and Agenda Item 3C2, Legislative File No. 071329.*

3C1 Amended

071328 **Resolution**

RESOLUTION WAIVING FORMAL BID PROCEDURES FOR THE PURCHASE OF GOODS AND SERVICES AND AUTHORIZING THE COUNTY MAYOR TO AWARD SAME, WITH AUTHORITY TO EXERCISE OPTIONS-TO-RENEW ESTABLISHED THEREUNDER [SEE ORGINAL ITEM UNDER FILE NO. 071035] (Procurement Management Department)

Forwarded to BCC with a favorable recommendation with committee amendment(s)
Mover: Gimenez
Seconder: Sosa
Vote: 5-0
Absent: Diaz

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

It was moved by Commissioner Sosa that this proposed resolution be forwarded with a favorable recommendation. This motion was seconded by Commissioner Sorenson.

In response to Commissioner Gimenez, Mr. Tony Arroyo, Materials Management Chief, Transit Department, said the contract for Item 1.1 would use $3.3 million of People's Transportation Plan (PTP) funds to repair elevators and escalators. He noted that the Transit Department added zero elevators and escalators at Metrorail and Metromover stations since the PTP was passed.

Commissioner Gimenez asked why the original contract was for $19 million and now it was $45 million.

Mr. Michael Chavez, Manager, General Services Administration, explained that a large component of this contract was modernization to address new code requirements for elevators and escalators adopted by the Florida Building Code on December 8, 2006.

Commissioner Gimenez pointed out that this proposed increase to the contract in Item 5.1 would be an overall increase of 50% in less than one year.

Mr. Eduardo Astigarraga, Fiscal Chief, Corrections Department, explained the additional funding was for parts to repair the Double Bay Retherm Refrigerator and Shelf Retherm Carts used to feed inmates.

In response to Commissioner Gimenez, Mr. Astigarraga said that the original contract only bought a portion of the Retherm units and the contract terms and conditions had not changed but

the existing Retherm units required repair.

Commissioner Gimenez expressed concern that the contract in Item 8.1 increased from $300,000 to $500,000. He asked for an explanation.

A Water and Sewer Department Representative explained that odor control was used only at Virginia Key when the funding for this contract was projected; that urban development had encroached closer to a sewer plant in the North District and an odor control system was added in response to complaints.

Commissioner Sosa asked that this proposed resolution be bifurcated to separate out Item 1.1.

It was moved by Commissioner Gimenez that this proposed resolution be forwarded with a favorable recommendation with committee amendment(s) to separate out Item 1.1. This motion was seconded by Commissioner Sosa, and upon being put to a vote, passed 5-0 (Commissioner Diaz was absent).

It was moved by Commissioner Gimenez that Item 1.1 be forwarded with a favorable recommendation.

Commissioner Gimenez asked Commissioner Sosa what component of Item 1.1 was a problem for her.

Commissioner Sosa said she had a problem with the Transit Department using PTP funds for improvements that were not part of the original agreement. She noted she would support a motion to forwarded Item 1.1 without a recommendation.

Following further discussion, Ms. Miriam Singer, Director, Procurement Management Department, said she would meet with each Committee member to discuss Item 1.1 and would provide them with a written report, if necessary, to address any concerns before it was considered by the County Commission.

Chairman Martinez asked Ms. Singer to include in her report the lifespan of the elevators and whether or not the elevators at various Metrorail and Metromover stations had exceeded the lifespan.

Hearing no other questions or comments, the Committee proceeded to vote on Item 1.1.

(See Agenda Item 3C2, Legislative File No.

071329.)

3C2

071329 **Resolution**

RESOLUTION WAIVING FORMAL BID PROCEDURES AUTHORIZING AWARD OF A SOLE SOURCE CONTRACT NO. SS1245-3/27 TO SCHINDLER ELEVATOR CORPORATION FOR ELEVATOR AND ESCALATOR MAINTENANCE AND REPAIR SERVICES, AND AUTHORIZING THE COUNTY MAYOR TO AWARD SAME, WITH AUTHORITY TO EXERCISE OPTIONS-TO-RENEW ESTABLISHED THEREUNDER [SEE ORIGINAL ITEM UNDER FILE NO. 071035) (Procurement Management Department)

Forwarded to BCC without a recommendation
Mover: Gimenez
Seconder: Sosa
Vote: 4-0
Absent: Sorenson, Diaz

Report: *See Agenda Item 3C1 Amended, Legislative File No. 071328.*

3D

070967 **Resolution**

RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH ADVOCATE PROGRAM, INC. TO OBTAIN MISDEMEANOR PROBATION SERVICES FOR THE ELEVENTH JUDICIAL CIRCUIT, AUTHORIZING THE COUNTY MAYOR OR HIS 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. 525 (Procurement Management Department)

Forwarded to BCC with a favorable recommendation
Mover: Sosa
Seconder: Gimenez
Vote: 6-0

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

It was moved by Commissioner Sosa that this proposed resolution be forwarded with a favorable recommendation. This motion was seconded by Commissioner Gimenez.

Commissioner Sorenson questioned why one of the judges withdrew from the original selection committee.

Ms. Miriam Singer, Director, Procurement Management Department, explained that the original selection committee had two judges; that both judges withdrew, one had a scheduling conflict and the other a conflict of interest; and that the process had a potential Cone of Silence violation but it was restarted with a new selection committee.

Mr. Robert Meyers, Director, Commission on Ethics and Public Trust, noted that investigation of the potential Cone of Silence violation was ongoing. He said the parties involved in the Cone of Silence complaint were prolonging the process by not cooperating.

Ms. Singer said the Cone of Silence investigation started in August 2006 and the new selection committee was not involved in the potential violation.

Mr. Meyers clarified that the Cone of Silence investigation only involved the original selection committee and the investigation was regarding an anonymous letter a committee member received.

Following comments by Commissioner Sorenson,

Chairman Martinez expressed concern that this solicitation did not have minimum qualification requirements and that the selection committee did not hold oral presentations.

Ms. Singer noted the Request for Proposal (RFP) process had weighted Technical (Quality) criteria on handwritten page 34 of this proposed resolution and clarified that each selection committee had discretion to waive the oral presentation if it felt it had enough information from the written record.

In response to Commissioner Sosa, Ms. Singer clarified that the recommended company had no problems with the County; that the recommended contractor was the incumbent; and that no county funds would be allocated.

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

Mr. Dusty Melton, 3430 Poinciana Ave., spoke in opposition to the lengthiness of the Cone of Silence investigation.

3E

071033 **Resolution**

RESOLUTION AUTHORIZING AWARD OF COMPETITIVE CONTRACTS, WITH AUTHORITY TO EXERCISE OPTIONS-TO-RENEW ESTABLISHED THEREUNDER, CONTRACT MODIFICATIONS AND AWARD OF COMPETITIVELY BID CONTRACTS OF OTHER GOVERNMENTAL ENTITIES FOR THE PURCHASE OF GOODS AND SERVICES (Procurement Management Department)

Forwarded to BCC with a favorable recommendation
Mover: Sorenson
Seconder: Gimenez
Vote: 6-0

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

Chairman Martinez expressed concern that the Method of Award for the contract in Item 1.1 was to three bidders and the contract proposed the County award four vendors.

Ms. Miriam Singer, Director, Procurement Management Department, clarified that three bidders would be awarded for each group and for all 24 groups these four vendors would be awarded contracts.

Commissioner Sosa expressed concern that the Homeland Security and Public Safety Equipment contract in Item 4.2 of this proposed resolution asked for a second increase for more than 50% of the original price in less than three months.

Ms. Singer noted that some of the additional funds would be grant funding for the Division of Homeland Security and Special Patrol Bureaus of the Police Department. She said that these divisions had specific requirements to be fully outfitted and operational and the grant funds provided the opportunity for the Police Department to buy additional equipment.

Following comments by Commissioner Sosa, Ms. Singer clarified that the grant funds had an expiration date; and that the County would access a Fairfax County, Virginia contract with Hagemeyer North America and receive much better pricing.

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

Discussion ensued in connection with the issue of Chairman Martinez preparing a memorandum requesting that Chairman Barreiro waive the

Board's Rules and Procedures to allow Agenda Items 3C, 3D, and 3E to be considered at the April 24, 2007, County Commission Meeting.

Chairman Martinez said he would not prepare the memorandum. He asked the Director of the Procurement Management Department to inform him whether or not the grant funds in Agenda Item 3E for the Police Department would be adversely affected if this proposed resolution was not waived to the next County Commission meeting.

3F

071015 **Resolution**

RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH TETRA TECH, INC. TO OBTAIN HOMELAND SECURITY CONSULTING SERVICES, AUTHORIZING THE COUNTY MAYOR OR HIS 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. Q98
(Procurement Management Department)

Deferred to next committee meeting
Mover: Sosa
Seconder: Diaz
Vote: 6-0

Report: *Assistant County Attorney Benitez said that County Manager Burgess had requested that this proposed resolution be deferred.*

It was moved by Commissioner Sosa that this proposed resolution be deferred. This motion was seconded by Commissioner Diaz.

Commissioner Diaz asked for an explanation why County Manager Burgess wanted this proposed resolution deferred.

Ms. Miriam Singer, Director, Procurement Management Department, said she wanted time to prepare the answers to concerns raised by a commissioner during a briefing.

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

3G

070885 **Resolution**

RESOLUTION AUTHORIZING EXECUTION OF THE INTERLOCAL AGREEMENT BETWEEN THE VILLA PORTOFINO EAST COMMUNITY DEVELOPMENT DISTRICT AND MIAMI-DADE COUNTY TO PROVIDE SERVICES TO THE VILLA PORTOFINO EAST COMMUNITY DEVELOPMENT DISTRICT ACCORDING TO SECTION 197.3632, FLORIDA STATUTES, UNIFORM METHOD FOR THE LEVY, COLLECTION AND ENFORCEMENT OF NON-AD VALOREM ASSESSMENTS (Property Appraisal Department)

Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Sosa
Vote: 6-0

3H

070884 **Resolution**

RESOLUTION AUTHORIZING EXECUTION OF THE INTERLOCAL AGREEMENT BETWEEN THE ENCLAVE AT BLACK POINT MARINA COMMUNITY DEVELOPMENT DISTRICT AND MIAMI-DADE COUNTY TO PROVIDE SERVICES TO THE ENCLAVE AT BLACK POINT MARINA COMMUNITY DEVELOPMENT DISTRICT ACCORDING TO SECTION 197.3632, FLORIDA STATUTES, UNIFORM METHOD FOR THE LEVY, COLLECTION AND ENFORCEMENT OF NON-AD VALOREM ASSESSMENTS (Property Appraisal Department)

Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Sosa
Vote: 6-0

3I

070883 **Resolution**

RESOLUTION AUTHORIZING EXECUTION OF THE INTERLOCAL AGREEMENT BETWEEN THE BAYWINDS COMMUNITY DEVELOPMENT DISTRICT AND MIAMI-DADE COUNTY TO PROVIDE SERVICES TO THE BAYWINDS COMMUNITY DEVELOPMENT DISTRICT ACCORDING TO SECTION 197.3632, FLORIDA STATUTES, UNIFORM METHOD FOR THE LEVY, COLLECTION AND ENFORCEMENT OF NON-AD VALOREM ASSESSMENTS (Property Appraisal Department)

Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Sosa
Vote: 6-0

4 COUNTY MANAGER

5 COUNTY ATTORNEY

6 CLERK OF THE BOARD

7 REPORTS

7A

070919 **Report**

SUNSET REVIEW OF COUNTY BOARDS FOR 2007 – LIVING WAGE COMMISSION

Report Received
Mover: Sosa
Seconder: Souto
Vote: 6-0

7B

071069 **Report**

FY 2007-08 DEPARTMENTAL BUDGET PRESENTATIONS (County Manager)

Presented

7B SUPPLEMENT

071104 **Supplement**

SUPPLEMENTAL INFORMATION RE: FY 2007-08 DEPARTMENTAL BUDGET PRESENTATIONS — ***Presented***

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

Commissioner Sosa asked Assistant County Manager Ian Yorty to provide her with a report explaining the six (6%) percent increase in the Audit and Management Service's budget and increases in the Finance Department and the Property Appraiser's budgets. She asked Assistant County Manager Yorty to provide her a report identifying the number of employees, the number of vacant budgeted positions, and the number of positions eliminated per department.

Discussion ensued in connection with the issue of the best way for the Committee to proceed with the department budget presentations.

Commissioner Sosa said she hoped the departments were eliminating vacant positions in accordance with Resolution No. R-96-05 (Legislative File No. 050101).

Ms. Jennifer Glazer-Moon, Director, Office of Strategic Business Management, said the departments were eliminating long term vacant positions and this report included information on current vacant positions.

Commissioner Gimenez expressed concern that most departments indicated an increased budget and he thought the County funds would decrease.

Ms. Glazer-Moon clarified that this report was the base budget and the departments were only a part of the way through the budget process; that she was aware of the possible reduced funds; that the departments would start with this base budget and then balance it.

Commissioner Gimenez said he did not want the departments to assume they were as efficient as possible.

Following further discussion, Chairman Martinez said each committee member should look at the departments' budget report. He noted that bureaucracy should not tell the people what level

of service they needed.

Following comments by Ms. Glazer-Moon, Chairman Martinez expressed concern that the County spent $25 million for temporary employees each year. He suggested that the County find ways to move some employees and avoid spending the money on temporary employees.

Commissioner Gimenez said the Commission Auditor needed to be upgraded. He asked if some funding and positions from the Audit and Management Service Department could be moved to the Commission Auditor. He said he thought the County would have to do a zero base budget.

Following further discussion, Commissioner Sosa said she agreed with the departments using a zero base budget approach. She said she thought the County should not cut the services to the people and the County needed to ensure that departments that depended completely on property taxes would not be effected.

Commissioner Diaz asked what date the County Commission would receive a confirmation from the State Legislature on the tax reforms.

Chairman Martinez said he would schedule a workshop for the Committee to discuss the departments' budget report.

Commissioner Diaz asked how the County Commission could justify the department budgets when the details from the State Legislature were unknown. He said he would meet with Ms. Glazer-Moon to discuss the departments' budget report.

Chairman Martinez said the County needed to prepare for budget cutbacks. He said he would meet with Ms. Glazer-Moon and he suggested each Committee member meet with her to discuss the department budgets.

Following comments by Commissioner Gimenez, Mr. Joe Rasco, Director, Office of Intergovernmental Affairs, clarified that the Legislature would end on May 4, 2007; that the State Legislature could call a special session for the tax reform issues.

Chairman Martinez noted the County needed to have the budget done by July 24, 2007.

Ms. Glazer-Moon explained that the statutory

changes from the State Legislature would be effective in fiscal year 2007-08, and the constitutional changes from the State Legislature would be prospective and voted on in an election.

Chairman Martinez said the County could do its budget taking into account the statutory changes.

Commissioner Gimenez noted that the statutory changes would affect the County the most. He said the County could set the trim notice at a ceiling and roll it back to another number. He expressed concern that the County did not know the date it would know how much money it would have.

Chairman Martinez pointed out that the sales tax and property tax switch would be a constitutional amendment. He asked where the County received a majority of its revenue.

Ms. Glazer-Moon said the majority of County revenue was ad valorem taxes. She explained that the statutory changes were the definition of rollback and the rules for exceeding the rollback millages. She said that the loss of revenue from homestead properties would be covered by a 1% increase in sales tax if it stayed in the County; that the rollback and sales and property tax switch were two different issues and one could happen without the other.

Commissioner Sosa explained that she heard a member of the State Legislature say on the radio that an amendment was made to the bill on sales and property tax switch so the money spent in the County would remain in the County. She said the County needed to ensure that the bill would pass with that amendment. She noted a 1.5% increase in sales tax would replace the lost funds from the elimination of the property tax.

Chairman Martinez asked the Office of Intergovernmental Affairs Director to send emails updating each commissioner on the status of legislation in Tallahassee and to meet with each commissioner individually to obtain their input, and to ensure that commissioners had reviewed all of the information and presented their recommendations for changes.

NON AGENDA ITEM

Report: *Commissioner Sorenson explained that she drafted a resolution pursuant to the Governmental Operations and Environment Committee (GOEC) defeating the mitigation issue. She noted that mitigation legislation was being considered by the Florida Legislature and the Senate would meet tomorrow (4/11) to discuss this issue; that if the County Commission did not resolve this issue the State would resolve it; that Assistant County Attorney Jess McCarty said he thought these items would pass. She said that she understood the County Commission came to a consensus with Palmetto Bay, Miami Lakes, and Doral; that the GOEC Chair proposed a resolution that was different than what was agreed to by the County Commission and subsequently failed.*

Chairman Martinez noted that Commissioner Sorenson's resolution was not properly before the Committee.

Assistant County Attorney Benitez said he was not aware of a mechanism to override Chairman Martinez's decision to not consider this resolution.

Following comments by Chairman Martinez, Commissioner Sorenson noted that the Budget and Finance Committee had jurisdiction over State Legislation items. She asked what would be the County Commission's position about mitigation.

Chairman Martinez said the Committee could give instruction to Mr. Joe Rasco, Director, Office of Intergovernmental Affairs. Chairman Martinez explained that a majority of the County Commission intended to work with the three municipalities.

Following comments by Commissioner Sorenson regarding the Florida Legislature's response to the message from the County, Commissioner Diaz said this issue was a challenge to the Charter that the County Commission needed to defend. He asked what effect this proposed State Legislation would have on the Charter if it passed.

Assistant County Attorney Benitez said the County Attorney's Office would be ready to defend the Charter at the appropriate time.

Commissioner Diaz said he thought every

commissioner wanted to defend the Charter. He expressed concern that the County Commission would not keep the commitments it made to the three cities.

Following further discussion, Commissioner Sosa explained that the Florida Legislature was considering this issue because the County made a commitment to work on this issue; that the Bill in the Florida Legislature would call for an immediate phase out, not three years, which would be problematic to the County Budget. She said she wanted to do anything possible to help this situation.

Chairman Martinez said he thought Commissioner Sorenson could collect seven (7) signatures and a committee waiver and request Chairman Barreiro to place her resolution on the agenda for April 24, 2007.

Assistant County Attorney Benitez noted that Chairman Barreiro could waive committee review of the item.

Chairman Martinez pointed out that the County Commission would not hear Commissioner Sorenson's resolution until April 24, 2007; and that the Senate would vote April 11, 2007.

Following further discussion Commissioner Diaz asked Assistant County Attorney Hugo Benitez to prepare a resolution urging the State Legislature to defer the legislation associated with mitigation based on the County's intent to authorize a three-year phase out of the mitigation payments.

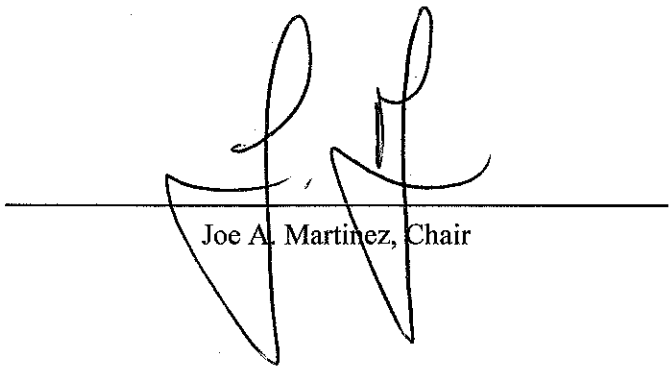
Commisioner Diaz asked Chairman Martinez to prepare a memorandum requesting that Chairman Barreiro waive the Board's Rules and Procedures to allow this proposed resolution be considered on April 24, 2007. He noted he would ask Chairman Barreiro to prepare a memorandum waiving the Board's Rules and Procedures to allow this proposed resolution to be considered on April 24, 2007.

Discussion ensued in connection with the issue of whether or not Chairman Martinez should prepare the waiver or the Chairwoman of the Governmental Operations and Environment Committee.

Assistant County Attorney Benitez advised that since a member of the Budget and Finance

Committee requested that he prepare the resolution Chairman Martinez could sign the waiver.

8 ADJOURNMENT



Joe A. Martinez, Chair