



MIAMI-DADE COUNTY
FINAL OFFICIAL
Meeting Minutes

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

Thursday, May 10, 2007
As Advertised

Harvey Ruvin, Clerk
Board of County Commissioners

Kay Sullivan, Director
Clerk of the Board Division

Akira Spann, Commission Reporter, (305) 375-2510



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Members Present: Bruno Barreiro; Jose "Pepe" Diaz; Audrey M. Edmonson; Carlos A. Gimenez; Sally A. Heyman; Barbara J. Jordan; Joe A. Martinez; Dennis C. Moss; Dorrin Rolle; Natacha Seijas; Katy Sorenson; Rebeca Sosa

Members Absent: None.

Members Late: None.

Members Excused: None.

Members Absent County Business: Javier D. Souto

1 MINUTES PREPARED BY:

Report: *Akira Spann, Commission Reporter, (305) 375-2510*

1A INVOCATION

1B PLEDGE OF ALLEGIANCE

1C ROLL CALL

Report: *A memorandum dated May 3, 2007 was submitted by Commissioner Souto indicating that he would be unable to attend today's (5/10) Board of County Commission Regular meeting due to official County business.*

The following staff persons were present: County Attorney Murray Greenburg and Assistant County Attorney Kraftchick; County Manager George Burgess; Deputy Clerks Kay Sullivan and Akira Spann.

8P1B

071038 Resolution

RESOLUTION APPROVING A PROJECT AWARD RECOMMENDATION IN THE AMOUNT OF \$1,405,265.28 BETWEEN MEF CONSTRUCTION, INC. AND MIAMI-DADE COUNTY FOR THE PEOPLE'S TRANSPORTATION PLAN (PTP) PROJECT ENTITLED ROADWAY IMPROVEMENTS ALONG NW 112 AVENUE, FROM NW 41 STREET TO NW 42 LANE; AND NW 114 AVENUE, FROM NW 41 STREET TO NW 42 TERRACE, LOCATED WITHIN COMMISSION DISTRICT 12 - PROJECT NO. 20060280 (Public Works Department)

*Adopted
Resolution R-607-07
Mover: Barbara J. Jordan
Seconder: Joe A. Martinez
Vote: 11- 0
Absent: Rolle
Absent, OCB: Souto*

Report: *Hearing no objection, the Board considered the related agenda items 8P1D and 8P1E simultaneously.*

Responding to Commissioner Jordan's question regarding a lack of measures in Agenda Items 8P1D and 8P1E, Ms. Esther Calas, Public Works Department (PWD) Director, noted it was difficult to determine quantities because the contracts had no plans, and the ordinance did not allow for placement of goals on quantities for categories of different trades. She stated that PWD collaborated with the Department of Business Development (DBD), and goals were included in the last five contracts. Ms. Calas noted they determined Community Small Business Enterprise (CSBEs) could perform the striping work, and a ten percent (10%) goal was established but not recommended due to a lack of CSBE availability on the resurfacing contract.

It was moved by Commissioner Jordan that the foregoing proposed resolutions be adopted. This motion was seconded by Commissioner Martinez, and upon being put to a vote, passed with a vote of 11-0 (Commissioner Rolle was absent); (Commissioner Souto was absent, OCB).

- 4/11/2007** Forwarded to BCC with a favorable recommendation from the Transit Committee
- 5/8/2007** Carried over by the Board of County Commissioners

8P1D

070987 Resolution

RESOLUTION APPROVING A PROJECT AWARD RECOMMENDATION IN THE AMOUNT OF \$1,151,000.00 BETWEEN H & J ASPHALT, INC. AND MIAMI-DADE COUNTY FOR THE PEOPLE'S TRANSPORTATION PLAN (PTP) PROJECT ENTITLED ROADWAY RESURFACING CONTRACT COUNTYWIDE (PROJECT -- CICC 7360-0/08 RPQ NO. 20060440) (Public Works Department)

*Adopted
Resolution R-608-07
Mover: Barbara J. Jordan
Seconder: Joe A. Martinez
Vote: 11- 0
Absent: Rolle
Absent, OCB: Souto*

Report: *See Report under Agenda Item 8P1B, Legislative File No. 071038.*

- 4/11/2007** Forwarded to BCC with a favorable recommendation from the Transit Committee
- 5/8/2007** Carried over by the Board of County Commissioners

8P1E

070985 Resolution

RESOLUTION APPROVING A PROJECT AWARD RECOMMENDATION IN THE AMOUNT OF \$1,151,000.00 BETWEEN H & J ASPHALT, INC. AND MIAMI-DADE COUNTY FOR THE PEOPLE'S TRANSPORTATION PLAN (PTP) PROJECT ENTITLED ROADWAY RESURFACING CONTRACT COUNTYWIDE (PROJECT – CICC 7360-0/08 RPQ NO. 20060441) (Public Works Department)

*Adopted
Resolution R-609-07
Mover: Barbara J. Jordan
Seconder: Joe A. Martinez
Vote: 11- 0
Absent: Rolle
Absent, OCB: Souto*

Report: See Report under Agenda Item 8P1B, Legislative File No. 071038.

4/11/2007 Forwarded to BCC with a favorable recommendation from the Transit Committee

5/8/2007 Carried over by the Board of County Commissioners

9A21A

071006 Resolution

RESOLUTION AUTHORIZING AN EXTENSION OF THE INTERDEPARTMENTAL AGREEMENT BETWEEN THE DEPARTMENT OF SOLID WASTE MANAGEMENT AND THE METRO-MIAMI ACTION PLAN TO SUPPORT ECONOMIC DEVELOPMENT INITIATIVES (Solid Waste Management Department)

*Deferred to no date certain
Mover: Dorrin D. Rolle
Seconder: Natacha Seijas
Vote: 10- 0
Absent: Sosa, Martinez
Absent, OCB: Souto*

Report: Commissioners Rolle and Sorenson asked the Solid Waste Management Director and the Metro-Miami Action Plan Director to meet with them before the proposed resolution was considered by the County Commission.

4/10/2007 Forwarded to BCC with a favorable recommendation from the Governmental Operations and Environment Committee

5/8/2007 Carried over by the Board of County Commissioners

11A10

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 NOS. 070140 AND 071137]

Withdrawn

Report: (See Agenda Item 11A10 Alternate; Legislative File No. 071137.)

4/10/2007 Forwarded to BCC with a favorable recommendation from the Budget and Finance Committee

5/8/2007 Carried over by the Board of County Commissioners

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11A10 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 AND 071003]

Adopted
Resolution R-610-07
Mover: Barbara J. Jordan
Seconder: Dennis C. Moss
Vote: 11- 0
Absent: Rolle
Absent, OCB: Souto

Report: *Commissioner Jordan noted she was hopeful that this resolution would initiate negotiations between the Employee Relations Department (ERD) and the Unions as part of a Collective Bargaining Agreement process. She stated the Board should reinstate the provision that additional training sought by Tuition Reimbursement Program (TRP) participants relate to their projected career path, and that the Board should consider whether to limit the amount of reimbursed funds.*

Commissioner Edmonson expressed concern that as proposed, this resolution would restrict employees' ability to advance their careers in a different area from which they were currently employed.

Commissioner Moss noted that reasonable parameters needed to be established to protect the County's resources. He stated the purpose of the TRP was to assist employees in paying for their education.

Commissioner Jordan asked County Manager Burgess to submit a report for the Board's review outlining the County's tuition reimbursement process, plan(s) to recover overpayments, and any disciplinary actions taken as a result.

County Manager Burgess noted monies were collected upfront or through a payment plan alternative, and a Tuition Refund Appeals Board was established to ensure all the facts were collected.

Responding to Commissioner Martinez's question regarding the length of employment requirement, Assistant County Attorney Kraftchick noted it was recommended that negotiators impose a three year limit for participants to receive the refund.

Commissioner Sorenson noted that supervisors should determine whether skills attained by respective employees furthering their education were consistent with the department's needs. She noted it was not the County's responsibility to pay for employees to receive training that did not relate to their current jobs.

Mr. Piper noted that the Supervisor and Director would determine whether training received by employees were applicable to their respective department.

Responding to Commissioner Heyman's questions regarding a line item stating the availability of funds for employee enhancement and the criteria to determine potential TRP candidates, County Manager Burgess advised department directors determined the budget dollars.

Mr. Donald Allen, Employee Relations Department (ERD) Director, advised that any employee who pursued a course illogical to a career in the County was turned down.

County Manager Burgess noted a nexus should exist between the job and education sought by TRP participants.

Chairman Barreiro noted the three year employment duration requirement should be mandatory for all employees participating in TRP. He stated that the length of employment should be extended for TRP participants studying towards a master's degree.

FINAL OFFICIAL

Commissioner Jordan noted the goal of this resolution was to prevent TRP participants from taking advantage of taxpayer dollars to pursue a career with no intention to remain an employee of the county.

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

4/10/2007 Forwarded to BCC with a favorable recommendation from the Budget and Finance Committee

5/8/2007 Carried over by the Board of County Commissioners

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11A21

071005

Resolution

Jose "Pepe" Diaz

RESOLUTION EXPRESSING THE INTENT OF THE BOARD OF COUNTY COMMISSIONERS, UPON THE REQUEST OF THE CITY OF DORAL, TO REDUCE ITS MITIGATION PAYMENT FROM 1.5 MILS IN THE RESIDENTIAL AREA, AS ADJUSTED AND 1.5 MILS IN THE COMMERCIAL, BUSINESS, INDUSTRIAL AREA (CBI) TO 1 MIL IN THE CITY OF DORAL, SUBJECT TO ADJUSTMENTS

Deferred to June 26, 2007

Mover: Jose "Pepe" Diaz

Seconder: Natacha Seijas

Vote: 12- 0

Absent, OCB: Souto

Report: *Hearing no objection, the Board considered related agenda items 11A21 and 11A28 simultaneously.*

Commissioner Heyman expressed concern regarding State Legislative action towards mitigation and the consequences the County faced.

Responding to Commissioner Heyman's question regarding the existing budget, County Manager George Burgess advised that the Board approved a phase out plan to reduce city payments over a period of time. He stated that the foregoing resolutions modified the calculations of mitigation payments from Doral to eliminate the higher cost of their Commercial Business Industrial Area (CBI) resulting in a \$2.5 million impact to the County and \$2.5 million in savings to the city. County Manager Burgess noted Miami Lakes would submit their final payment this year, Palmetto Bay would continue to submit payments for the next two years, and Doral would complete the seven year payment requirement in three years. He stated that the Governor signed into law a prohibition against counties making those kinds of fees/assessments as a requirement before they attained city status. County Manager Burgess noted that it was unclear when the impacts to the County would be apparent, but they faced a revenue loss to the tune of approximately \$12 million.

Commissioner Martinez noted the Board's position would be weak if they decided to file a lawsuit defending the Home Charter in the event that Agenda Item 11A21 passed.

With concern regarding the validity of contracts with new cities, Assistant County Attorney Craig Coller advised the contracts were valid and were not affected by recent Legislation. County Attorney Greenburg noted the Legislation signed by the Governor only affected mitigation payments.

Commissioner Moss noted the Board should challenge the State on the Home Rule Charter because they infringed on the County's right to manage certain issues.

Responding to Commissioner Sorenson's question regarding the outcome of instances when the Board did not challenge the State, County Attorney Greenburg advised this piece of Legislation violated the County's Home Rule Amendment, and the County would prevail should they decide to challenge the State.

Commissioner Jordan noted the Board voted to allow municipalities the seven year maximum timeframe for mitigation payments in order to promote equitability. She questioned how the States' action reflected on future incorporations. Assistant County Attorney Coller advised that any incorporation subsequent to July 1, 2007 were not required to pay mitigation fees.

County Attorney Greenburg advised the Commission to defer the items in the event that they decide to challenge the State.

Commissioner Gimenez noted that positive steps could be taken to rectify the mitigation issue, and that he felt the state law worked in the Board's favor. He also stated that he was willing to create a resolution similar to the State law.

Commissioner Moss referred to an instance when the Board successfully challenged the State who wanted to take money from Jackson Memorial

FINAL OFFICIAL

Hospital and give it to private hospitals throughout the County. He stated the Board' victory reaffirmed their Home Rule authority. Commissioner Moss moved to make a motion to challenge the state law in reference to mitigation involving the cities of Doral, Palmetto Bay, and Miami Lakes.

County Attorney Greenburg advised that if the Board wished to challenge the State, they should direct the County Attorneys Office to file the appropriate lawsuit that questioned the validity of the State law.

Commissioner Moss amended the motion to direct the County Attorney to challenge the validity of the state mitigation law and any law within the purview of the County's power in the most appropriate manner, and to discuss the matter with the Commissioners beforehand. Commissioner Heyman seconded the motion.

Responding to Commissioner Diaz's question regarding the previous challenge to the Home Rule Charter, Assistant County Attorney Tom Logue noted the Board challenged the State when they passed a statute to divert money for Jackson Memorial Hospital.

County Attorney Greenburg rephrased the motion to direct the County Attorneys Office to prepare the appropriate cause of action after considering private discussions with the Commissioners, and then file a lawsuit. Commissioner Martinez seconded the amended motion.

County Attorney Greenburg advised the Board to push for the issue to be heard in Miami-Dade rather than Leon County.

Commissioner Heyman amended the motion to direct County Attorney Greenburg to proceed with a proper cause of action with the intent of the Board to preserve and maintain the Home Rule authority challenged by Florida Statue. The amended motion was put into a vote, and passed with a vote of 8-4 (Commissioners Diaz, Sosa, Sorenson, and Gimenez voted No); (Commissioner Souto was absent, OCB)

Hearing no objection, the foregoing proposed resolutions were deferred until June 26, 2007.

- 4/10/2007 Forwarded to BCC with a favorable recommendation from the Governmental Operations and Environment Committee
- 5/8/2007 Carried over by the Board of County Commissioners

11A27

071114

Resolution

Carlos A. Gimenez,
Rebeca Sosa

RESOLUTION DIRECTING THE COUNTY MAYOR TO INSTITUTE A HIRING FREEZE EFFECTIVE _____ AND AUTHORIZING A PROCEDURE FOR EXCEPTIONS TO ENSURE THE CONTINUING EFFECTIVE PROVISION OF COUNTY SERVICES [SEE ORIGINAL ITEM UNDER FILE NO. 070685]

The motion that this Resolution be Adopted failed.

Mover: Carlos A. Gimenez

Seconder: Joe A. Martinez

Vote: 1- 11

No: Jordan, Rolle, Edmonson,

Heyman, Barreiro, Sosa,

Sorenson, Moss, Martinez, Diaz,

Seijas

Absent, OCB: Souto

Report: *Commissioner Gimenez explained that this resolution entrusted the County Manager and the Mayor to establish a Committee that determined whether positions were considered critical to a department. He stated that the positions would then be forwarded to the Board to make the final decision whether positions were in fact critical by nature, and whether they should be filled. Commissioner Gimenez noted the Commission Auditor justified the requirement of additional personnel for the Budget and Finance Committee.*

County Manager Burgess noted this resolution was an administrative responsibility, and it was the Board's duty to manage government administrative affairs and budget control. He stated that only positions allowing cost savings were filled. County Manager Burgess noted reclassification requests were frozen in efforts to save money and maximize next year's carryover.

Commissioner Sosa noted she was under the impression that this resolution was a budget issue, and questioned which governing body had jurisdiction.

Assistant County Attorney Kraftchick noted that great care went into drafting this resolution to ensure no intrusion on the Mayor's authority. He stated that provisions allowed the Mayor to decide which positions were exempt from the hiring freeze, and budget approval.

Commissioner Gimenez noted the Board could make a recommendation that the County Manager and the Mayor develop a mechanism to establish criteria for critical positions to be justified to the Board.

Commissioner Martinez clarified that the Mayor was an elected administrator. He stated that the Mayor wished to attain the power to hire/fire department directors and promote/demote exempt positions. Commissioner Martinez noted the same orders presented to the Mayor were identical to those given to County Manager Burgess.

Commissioner Jordan referred to pipeline committees established during a budget crisis that permitted department directors to justify critical positions, but were rejected because of the budget. She stated that that timeframe to fill approved positions was lengthy, and this resolution would recreate that situation.

Chairman Barreiro noted the Board controlled the annual budget, and allocated money for positions. He stated that they need to exert more restraint on the budget and ensure the necessity of filled positions. Chairman Barreiro noted that they would deal with issues annually or through budget amendments.

Commissioner Gimenez noted the Board approved every county position through the budgetary process. He stated that the Mayor's responsibility was to administer County Government. Commissioner Gimenez noted this resolution allowed the County to accumulate more money to carryover next year. He stated individuals were still being hired after the County Manager sent out a memorandum regarding the budget crisis. Commissioner Gimenez noted that he asked for a report on newly hired individuals since February 2007 and the cost to the County. He stated that the County Manager implemented the last hiring freeze in 2005.

Commissioner Martinez recommended that this resolution be withdrawn and implemented when the budget crisis was more apparent.

FINAL OFFICIAL

Hearing no further questions or comments, the Board proceeded to vote on the foregoing resolution as presented, which failed.

Commissioner Seijas motioned to ask the Mayor to provide a report detailing his plan for a hiring freeze, if necessary, as a result of State Legislature action in the next special session. Commissioner Edmonson seconded the motion, and upon being put into a vote, passed with a vote of 11-0 (Commissioners Diaz was absent); (Commissioner Souto was absent, OCB)

3/13/2007 Forwarded to BCC without recommendation with committee amendments from the Budget and Finance Committee

4/24/2007 Deferred by the Board of County Commissioners

5/8/2007 Carried over by the Board of County Commissioners

11A28

071288 Resolution Natacha Seijas

RESOLUTION EXPRESSING THE INTENT OF THE BOARD OF COUNTY COMMISSIONERS TO MAKE THE TOWN OF MIAMI LAKES WHOLE BY REIMBURSEMENT OF MITIGATION PAYMENTS AS APPROPRIATE, IN THE EVENT THE BOARD APPROVES A MUNICIPAL CHARTER CHANGE FOR THE CITY OF DORAL OR THE VILLAGE OF PALMETTO BAY WHICH HAS THE EFFECT OF ALLOWING THOSE CITIES TO PAY MITIGATION FOR FEWER YEARS THAN MIAMI LAKES OR IS OTHERWISE INEQUITABLE

Deferred to June 26, 2007
Mover: Jose "Pepe" Diaz
Seconder: Natacha Seijas
Vote: 12- 0
Absent, OCB: Souto

Report: See Report under Agenda Item 11A21, Legislative File No. 071005.

5/8/2007 Carried over by the Board of County Commissioners

11B1

071543 Report

ALLOCATION OF (FY) 2006/07 DISTRICT DISCRETIONARY RESERVE FUNDS (DISTRICT 1)

Approved
Mover: Joe A. Martinez
Seconder: Barbara J. Jordan
Vote: 7- 0
Absent: Rolle, Sosa, Sorenson,
Diaz, Seijas
Absent, OCB: Souto

Report: The following funding allocations were made from fiscal year (FY) 2006/07 District 1 Discretionary Reserve funds as requested by Commissioner Jordan.

\$750 to New Birth Baptist Church Cathedral of Faith International (16th Pastoral Anniversary)

\$1,000 to Bunche Park Sports & Community Optimist Club.

11B2

071544 Report

ALLOCATION OF (FY) 2206/07 DISTRICT DISCRETIONARY
RESERVE FUNDS (DISTRICT 2)

*Approved**Mover: Joe A. Martinez**Seconder: Barbara J. Jordan**Vote: 7- 0**Absent: Rolle, Sosa, Sorenson,
Diaz, Seijas**Absent, OCB: Souto*

Report: *The following funding allocations were made from fiscal year (FY)
2006/07 District 2 Discretionary Reserve Funds as requested by
Commissioner Rolle.*

*\$1,254 to Global Elegance Catering, Inc. (for the Healthy Fat Free Luncheon
& Seminar)*

\$1,500 to Jackson Memorial Hospital (Sista Plus Program)

*\$5,000 to Miami COSW Special Project Fund (Miami Commission on the
Status of Women) for the Julia Tuttle Statue project.*

*For the record, Commissioner Rolle rescinded an allocation made November
28, 2006, to Crime Watchers in the amount of \$10,000, should read Crime
Stoppers of Miami Dade County*

11B3

071545 Report

ALLOCATION OF (FY) 2006/07 DISTRICT DISCRETIONARY
RESERVE FUNDS (DISTRICT 3)

*Approved**Mover: Joe A. Martinez**Seconder: Barbara J. Jordan**Vote: 7- 0**Absent: Rolle, Sosa, Sorenson,
Diaz, Seijas**Absent, OCB: Souto*

Report: *The following funding allocations were made from fiscal year (FY)
2006/07 District 3 Discretionary Reserve Funds as requested by
Commissioner Edmonson.*

\$7,500 to The Black Affairs Advisory Board

\$5,000 to Labor in Love, Inc.

\$2,500 to Women International Film Festival

\$2,000 to Dade County Police Benevolent Association

\$2,000 to South Florida AIDS Network

*\$1,000 to Advantage Charters & Tour on behalf of Overtown Community
Group*

\$1,000 to Neat Stuff, Inc.

\$1,000 to Cooperative Charter School

\$1,000 to New Providence Missionary Baptist Church

\$1,000 to Virginia Key Beach Part Trust

\$1,000 to Allene V. Taylor Memorial Center

\$600 to Progressive Officers Club

*\$500 to Miami-Dade County Public School District on behalf of The School
for Applied Technology*

11B4

071546 Report

REIMBURSEMENT FROM (FY) 2006/07 COMMUNITY
BASED ORGANIZATION FUNDS (DISTRICT 4)

Approved
Mover: Joe A. Martinez
Seconder: Barbara J. Jordan
Vote: 7- 0
Absent: Rolle, Sosa, Sorenson,
Diaz, Seijas
Absent, OCB: Souto

Report: *The following funding allocations were reimbursed from District 4
Community Based Organization Funds as requested by Commissioner
Heyman.*

\$2,000 for Actors Playhouse
\$1,000 for I Have a Dream Foundation

11B5

071547 Report

ALLOCATION OF (FY) 2006/07 DISTRICT DISCRETIONARY
RESERVE FUNDS (DISTRICT 4)

Approved
Mover: Joe A. Martinez
Seconder: Barbara J. Jordan
Vote: 7- 0
Absent: Rolle, Sosa, Sorenson,
Diaz, Seijas
Absent, OCB: Souto

Report: *The following funding allocations were made from fiscal year (FY)
2006/07 District 4 Discretionary Reserve Funds as requested by
Commissioner Heyman.*

\$7,100 to Aventura Marketing Council
\$1,000 to Women's Fund of Miami Dade
\$1,000 to Customer Firstival (Haitian Creole Festival)
\$1,000 to Miami-Dade County Hispanic Affairs Advisory Board
*\$1,500 to Museum of Contemporary Art (MOCA) – Creative Arts Scholarship
Fund*
\$1,000 to YWCA of Greater Miami-Dade
\$1,000 to Michael-Ann Russell Jewish Community Center
\$500 to Boys and Girls Club (Summer Scholarship Fund)

11B6

071548 Report

ALLOCATION OF (FY) 2006/07 OFFICE FUNDS (DISTRICT 5)

Approved
Mover: Joe A. Martinez
Seconder: Barbara J. Jordan
Vote: 7- 0
Absent: Rolle, Sosa, Sorenson,
Diaz, Seijas
Absent, OCB: Souto

Report: *The following funding allocation was made from fiscal year (FY) 2006/07 District 5 Office Funds as requested by Chairman Barreiro.*

\$3,000 to George T. Baker Aviation School – for the participation of ten students in the Lemelson-MIT Odyssey event.

11B7

071549 Report

ALLOCATION OF (FY) 2006/07 OFFICE FUNDS (DISTRICT 6)

Approved
Mover: Joe A. Martinez
Seconder: Barbara J. Jordan
Vote: 7- 0
Absent: Rolle, Sosa, Sorenson,
Diaz, Seijas
Absent, OCB: Souto

Report: *The following funding allocations were made from fiscal year (FY) 2006/07 District 6 Office Funds as requested by Commissioner Sosa.*

\$400 to Citizens Crime Watch – Sponsoring a table at the 32nd annual awards ceremony

\$500 to Seminole Elementary School PTA – Sponsoring Milton Fernandez’s trip to Japan

\$385 to Mora Arriaga - Senior Center Entertainment at Hialeah Senior Center

11B8

071550 Report

ALLOCATION OF (FY) 2006/07 DISTRICT DISCRETIONARY RESERVE FUNDS (DISTRICT 6)

Approved
Mover: Joe A. Martinez
Seconder: Barbara J. Jordan
Vote: 7- 0
Absent: Rolle, Sosa, Sorenson,
Diaz, Seijas
Absent, OCB: Souto

Report: *The following funding allocation was made from fiscal year (FY) 2006/07 District 6 Discretionary Reserve Funds as requested by Commissioner Sosa.*

\$20,000 to Miami Lighthouse for the Blind and Visually Impaired

11B9

071551 Report

ALLOCATION OF (FY) 2006/07 DISTRICT DISCRETIONARY RESERVE FUNDS (DISTRICT 7)

Approved
Mover: Joe A. Martinez
Seconder: Barbara J. Jordan
Vote: 7- 0
Absent: Rolle, Sosa, Sorenson, Diaz, Seijas
Absent, OCB: Souto

Report: *The following funding allocations were made from fiscal year (FY) 2006/07 District 7 Discretionary Reserve Funds as requested by Commissioner Gimenez.*

- \$1,962 to Navarro Distribution Center for Mother's Day Events at Senior Centers*
- \$600 to Christ Episcopal Church Scholarship Golf Tournament*
- \$500 to Boys and Girls Club for 2007 summer scholarship*

11B10

071552 Report

ALLOCATION OF (FY) 2006/07 DISTRICT DISCRETIONARY RESERVE FUNDS (DISTRICT 8)

Approved
Mover: Joe A. Martinez
Seconder: Barbara J. Jordan
Vote: 7- 0
Absent: Rolle, Sosa, Sorenson, Diaz, Seijas
Absent, OCB: Souto

Report: *The following funding allocations were made from fiscal year (FY) 2006/07 District 8 Discretionary Reserve Funds as requested by Commissioner Sorenson.*

- \$400 to Citizens' Crime Watch of Miami Dade County – 32nd Annual Award Ceremony*
- \$500 to Omega Psi Phi Fraternity, Inc., Scholarship Ball*
- \$1,000 to South Florida Film Festival*

11B11

071553 Report

ALLOCATION OF (FY) 2006/07 DISTRICT DISCRETIONARY
RESERVE FUNDS (DISTRICT 9)

Approved

Mover: Joe A. Martinez

Seconder: Barbara J. Jordan

Vote: 7-0

*Absent: Rolle, Sosa, Sorenson,
Diaz, Seijas*

Absent, OCB: Souto

Report: *The following funding allocations were made from fiscal year (FY) 2006/07 District 9 Discretionary Reserve Funds as requested by Commissioner Moss.*

\$5,000 to My Perfect Image for their summer athletic camp

\$2,000 to PINU CHAPTER of Omega Psi Phi Fraternity, Inc., for the 8th Annual Purple & Gold Ball

\$2,500 to YWCA of Greater Miami Dade towards the 10th National Annual Day of Commitment to Eliminate Racism and Hate Luncheon

\$1,500 to The South Florida Film Festival held on July 11 – 15

\$400 to Citizen's Crime Watch Awards Ceremony purchase one table

\$1,000 to Miami Community Service, Inc., for Mother's Day and Father's Day Picnic at Larry & Penny Park

\$3,275 to MLK Jr., Institute Spring Tour sponsorship for District 9 Kids

\$250 to Faith Christian Center for "Jewels Among Us 6th Anniversary"

\$2,500 to Cathedral House, Inc., for program support services

\$1,500 to Albany State University Miami Alumni Chapter for their scholarship breakfast

\$2,500 to Ebenezer Community Church, Inc., for their 25th Anniversary Black Tie Banquet Celebration

\$4,500 to Naranja Optimist Club, Inc., for "Christmas in July"

\$5,000 to Naranja Princeton Community Development Corporation for a college and culture tour of the LA area

\$5,000 to Homestead Soup Kitchen for operational support

For the record, Commissioner Moss read the following: On April 24, 2007, an allocation of \$2,000.00 was made from his District Discretionary funds to "New Vision of South Dade" for the Willie Brown, Sr., Community Memorial Celebration. He rescinded the allocation and re-allocated the \$2,000.00 to Brown & Rios, Inc., for the same event.

11B12

071554 Report

ALLOCATION OF (FY) 2006/07 DISTRICT DISCRETIONARY RESERVE FUNDS (DISTRICT 11)

Approved
Mover: Joe A. Martinez
Seconder: Barbara J. Jordan
Vote: 7- 0
Absent: Rolle, Sosa, Sorenson, Diaz, Seijas
Absent, OCB: Souto

Report: *The following funding allocations were made from fiscal year (FY) 2006/07 District 10 Discretionary Reserve Funds as requested by Commissioner Martinez.*

- \$500 to Miami Friends Baseball*
- \$10,000 to Family Life Center*
- \$10,000 to Liga Contra el Cancer*
- \$10,000 to Roots and Culture*
- \$2,000 to South Florida Film Festival*

11B13

071555 Report

ALLOCATION OF (FY) 2006/07 DISTRICT OFFICE FUNDS (DISTRICT 11)

Approved
Mover: Joe A. Martinez
Seconder: Barbara J. Jordan
Vote: 7- 0
Absent: Rolle, Sosa, Sorenson, Diaz, Seijas
Absent, OCB: Souto

Report: *The following funding allocation was made from fiscal year (FY) 2006/07 District 10 Office Funds as requested by Commissioner Martinez.*

- \$500 to Arts and Business Council of Miami*

12A2

070962 Resolution

RESOLUTION RETROACTIVELY AUTHORIZING EXECUTION OF A MODIFICATION OF AGREEMENT TO THE LEASE WITH MUSEUM OF SCIENCE, INC FOR USE OF 3280 SOUTH MIAMI AVENUE, MIAMI, FOR THE OPERATION OF A MUSEUM OF SCIENCE AND PLANETARIUM; AND AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN (County Manager)

*Adopted
Resolution R-611-07
Mover: Barbara J. Jordan
Seconder: Joe A. Martinez
Vote: 11- 0
Absent: Diaz
Absent, OCB: Souto*

Report: *Commissioner Jordan noted this resolution was a retroactive lease. She stated that modifications were agreed to but changes were recently made. Commissioner Jordan noted the Board needed more diligence to ensure matters were accomplished within proper timeframes.*

Hearing no further questions or comments, the Commission proceeded to vote.

4/9/2007 Forwarded to BCC with a favorable recommendation from the Recreation & Cultural Affairs Committee

5/8/2007 Carried over by the Board of County Commissioners

12A3

071126 Resolution

RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE THE SETTLEMENT AGREEMENT AND MUTUAL RELEASE SETTLING ALL LEGAL CLAIMS AND COUNTERCLAIMS BETWEEN MIAMI-DADE COUNTY AND SIGNAL SERVICE INDUSTRIES, INC. IN CONNECTION WITH CONTRACT NO. 18 FOR THE ANNUAL TRAFFIC SIGNAL SAFETY IMPROVEMENT PROJECT (MIAMI-DADE COUNTY PUBLIC WORKS DEPARTMENT PROJECT NO. 671811) (County Manager, County Attorney)

*Adopted
Resolution R-612-07
Mover: Dorrin D. Rolle
Seconder: Audrey M. Edmonson
Vote: 10- 0
Absent: Sosa, Martinez
Absent, OCB: Souto*

5/8/2007 Carried over by the Board of County Commissioners

16A SPECIAL PRESENTATIONS

FINAL OFFICIAL

16A1

071279 Service Awards Bruno A. Barreiro

SERVICE AWARDS CEREMONY FOR THE FOLLOWING *Presented*
EMPLOYEES:

JIMMIE L. ANDERSON - AVIATION DEPARTMENT- 35
YEARS
LOUVENIA A. TOSTON - MIAMI-DADE PUBLIC LIBRAR -35
YEARS
VICTOR M. HERNANDEZ - MIAMI-DADE TRANSIT- 35
YEARS
FRANK D. TALLEDA - MIAMI-DADE TRANSIT- 30 YEARS
JOSEPH L. TOMLIN - MIAMI-DADE TRANSIT- 35 YEARS
DONALD SMITH - SOLID WASTE MANAGEMENT- 30 YEARS
ERNESTO J. CAYO - WATER AND SEWER DEPARTMENT-
30 YEARS

5/8/2007 *Not presented by the Board of County Commissioners*

16A2

071318 Proclamation Bruno A. Barreiro

PRESENTATION OF A PROCLAMATION FOR
"EMPLOYMENT FREE CHOICE ACT DAY"

5/8/2007 *Presented by the Board of County Commissioners*

16A3

071319 Proclamation Joe A. Martinez

PRESENTATION OF A PROCLAMATION DECLARING "DR. *Presented*
LUIS E. MARIN DAY"

5/8/2007 *Not presented by the Board of County Commissioners*

16A4

071375 Proclamation Dorrin D. Rolle

PRESENTATION OF A PROCLAMATION DECLARING *Not presented*
"KOREAN WAR VETERANS MONTH"

5/8/2007 *Not presented by the Board of County Commissioners*

16A5

071445 Proclamation Dorrin D. Rolle

PRESENTATION OF A PROCLAMATION DECLARING *Not presented*
"STEPHANIE HERNANDEZ DAY"

5/8/2007 *Not presented by the Board of County Commissioners*

16A6

071446 Proclamation Sally A. Heyman

PRESENTATION OF A PROCLAMATION TO AMARILIS *Presented*
MORAN OSORIO

5/8/2007 *Not presented by the Board of County Commissioners*

16A7

071479

Proclamation

Joe A. Martinez

PRESENTATION OF A PROCLAMATION DECLARING
"STEPS OF LIFE SOL DAY"

Presented

16B

POLICY MATTERS FOR DISCUSSION BY THE BOARD

16B1

071474

Discussion Item

Dennis C. Moss

1. INCORPORATION AND MITIGATION
2. STATE PROPERTY TAXES
3. FEDERAL HUD NEGOTIATIONS STATUS
4. DEPARTMENT OF BUSINESS DEVELOPMENT REORGANIZATION
5. GREATER MIAMI NEIGHBORHOODS GARBAGE PICKUP PROBLEMS

Presented

Report: 16B1 (2)

Commissioner Moss noted the Board was waiting for a report from administration regarding property tax reform. He stated the Board needed a plan in conjunction with other municipalities and counties, and should be prepared to justify it before the State.

Commissioner Sosa asked County Manager Burgess to prepare a report describing the affect in numbers per year of the incorporations of new municipalities from the year 2000 to fiscal year 2006-07. She requested that the report include statements of remaining funds, how much money was saved, and the lost of population. Commissioner Sosa asked for the revenues due to the real estate boom from year 2000 to 2006-07, a comparison of the revenue vs. the population growth vs. the cost of leaving. She also requested that the administration provide alternative solutions for funding the Fire Department.

Commissioner Sosa asked the Commission Auditor to analyze the percentage of property taxes coming from those who claimed home ownerships, from rental claims, and from the business and industrial areas. Commissioner Sosa asked for a report detailing how much money each department spent.

Chairman Barreiro suggested that County Manager Burgess offer information to House and Senate members of Miami-Dade delegation outlining the creation of a budget and other issues. County Manager Burgess noted they were reaching out to key leadership of the Conference Committee to those matters on a personal basis

Commissioner Heyman noted a policy call occurred every Friday morning for the Florida Association of Counties. She stated last Friday (5/4) they suggested counties invite municipalities and school board delegation to a meeting to inform them about the potential consequences based on Property Tax Reform proposals.

Chairman Barreiro noted the Board could schedule a meeting on May 18th to discuss the issue with municipalities and other delegation members.

16B1 (3)

County Manager Burgess noted the negotiations committee had ongoing discussions with HUD, but continue to face hurdles.

County Attorney Greenburg noted the County Attorneys Office needed direction from the Board because on two separate occasions, they were directed to file a lawsuit, but was then directed to attain greater flexibility to negotiate.

Ms. Cynthia Curry, County Manager's Office Senior Advisor, noted Housing and Urban Development (HUD) sent a letter late April 2007, concerning a breach on Section Eight and Public Housing, and gave the County a May 9th deadline to respond. She stated the deadline was extended to May 16th to grant opportunities for additional discussions.

Responding to Commissioner Sorenson's question regarding the residential impact in the event of an agreement or a takeover, Ms. Curry advised the programs and residents would be less impacted if an agreement was reached.

With regards to issues pertaining to Sectors 2 through 4, Ms. Curry advised

FINAL OFFICIAL

that in the event of a settlement, staff would continue their involvement in housing program daily operations, and they would move forward with oversight with input from HUD. She stated that she hoped staff could move forward with little disruption.

Commissioner Rolle expressed concern that negotiations would halt the developer selection process to handle those sectors. Ms. Curry advised that negotiations were ongoing and has not stopped. She stated that the Hope Six funds were frozen at this point in time.

Ms. Kris Warren, Miami-Dade Housing Agency (MDHA) Director, advised that the Hope Six funds were frozen because the allocations of those dollars were spent. She stated that those funds remained frozen until the development plan was completed and presented to HUD.

Responding to Chairman Barreiro's question regarding federal and non-federal funds, Ms. Warren advised those accounts were separated from finance. She stated MDHA were identifying all personnel and issues between those two accounts within the agency.

Commissioner Jordan referred to a group of individuals from different departments that were placed in MDHA to alleviate the HUD crisis. Ms. Warren noted three individuals were still with MDHA but were paid out of their respective department budgets.

County Attorney Greenburg noted the Federal Government stated they would takeover if the County did not respond or take action by the May 16th deadline. He stated an extension was requested to give the County until the end of the month to respond.

Assistant County Attorney Cynthia Johnson Stacks noted HUD's attorneys would consider the extension in good faith but wanted feedback from the Board and the Mayor.

With regards to issues pertaining to the recovery administrator, County Manager Burgess noted that their duties were to govern, hire, and fire as they saw fit.

Commissioner Jordan noted whether the recovery administrator came with the ability to determine what happened regarding housing was their purview. She stated that in the event of the administrator choosing a separate staff, then that staff would not consist of county employees unless the County decided to retain them on another budget.

Responding to Commissioner Martinez's question regarding the percentage of the budget coming from federal funds, Ms. Warren estimated \$275 million came through the agency for federal programs including employee salaries. She stated that 654 employees were paid from federal HUD.

Assistant County Attorney Stacks advised they had discussions with the Federal Government in an effort to alleviate County employee issues. She stated they would have control over employees paid with federal funds, but would retain their status as a county employee status and their rights.

It was moved by Commissioner Gimenez that that the Board direct County Attorney Greenburg to file a lawsuit should the initial May 16th deadline come to pass without a clear extension, as requested by the County. This

FINAL OFFICIAL

motion was seconded by Commissioner Moss, and upon being put into a vote, passed with a vote of 7-0 (Commissioners Diaz, Rolle, Seijas, Sorenson, Sosa were absent); (Commissioner Souto was absent, OCB).

16B1 (4)

Commissioner Moss expressed his wishes that the administration allowed the Department of Business Development (DBD) to remain a separate department, and that the County Manager and the Mayor handled the department in that respect. Commissioner Moss noted the department hired an Interim Director, and asked for operations support.

Commissioner Jordan noted DBD served a critical need, and the merger with the Department of Procurement Management (DPM) was a mistake. She stated DPM Director Ms. Miriam Singer had a better understanding of DBD operations. Commissioner Jordan noted that each department had opposite goals, and feared the County would be setback by this merger. She stated that DBD was removed from the County website, and firms could not access information. Commissioner Jordan presented a document to the Board, and presented it to the County Manager and the Mayor in an effort to encourage them to reconsider their actions towards local businesses.

Commissioner Moss asked staff to meet with Greater Miami Neighborhoods to discuss the issues amongst various affordable housing units regarding garbage pick-ups.

16B1 (5)

Commissioner Moss noted Greater Miami Neighborhoods received county funding, and managed affordable housing complexes throughout the County. He referred to the Cutler Meadows and the Villages of Naranja complexes where residents lived in deplorable conditions. Commissioner Moss expressed concern regarding the viability of affordable housing units throughout the County, and stated the County could not afford to lose those units.

Commissioner Moss suggested that someone be placed on-call 24 hours a day due to the difficulty to reach someone.

16B2

071475 Discussion Item Carlos A. Gimenez

COUNTY ATTORNEY'S REPLACEMENT PROCESS *Presented*

Report: *Commissioner Gimenez suggested the selection process for replacement of the County Attorney include input from individuals with an understanding of the legal profession to create a list of candidates for the Board's consideration.*

Commissioner Heyman noted the County Attorney's Office was a critical department within the County that handled adjustments and defended the County against lawsuits. She stated that it may not be feasible to wait another two weeks to decide on a replacement since County Attorney Greenburg's retirement was imminent.

Commissioner Jordan noted that First Assistant County Attorney Robert A. Cuevas would forego his impending retirement in the event that he was appointed the County Attorney position.

Responding to Commissioner Edmonson's question regarding the duration of training a replacement, County Attorney Greenburg noted he planned to lose a great deal of time, but was committed to staying until June 30th. He stated that training a replacement would not be a lengthy process if the Board selected a candidate from within the County Attorney's Office.

Commissioner Edmonson expressed concern regarding the length of the replacement process, and urged the Board to reach a decision as soon as possible.

Commissioner Gimenez asked County Attorney Greenburg to contact the Deans Office of St. Thomas University, Florida International University, and University of Miami, and inquire whether the Deans would be interested in participating on the selection Committee for the County Attorney.

Commissioner Moss asked for a list of the Section Line Chiefs in the County Attorneys Office as potential candidates for this position.

16B3

071485 Discussion Item Rebeca Sosa

1. ALTERNATIVE POSSIBILITIES OF CHANGING THE FUNDING FORMULA OF THE FIRE DEPARTMENT *Not presented*
 2. THE FISCAL IMPACT OF LOSING 58.40 SQUARE MILES WITH THE TRANSFER OF 185,000 RESIDENTS FROM THE UNINCORPORATED MUNICIPAL SERVICE AREA TO A MUNICIPAL JURISDICTION.

ADJOURNMENT

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Bruno A. Barreiro, Chairman

ATTEST: HARVEY RUVIN, CLERK



By: _____
Kay Sullivan, Deputy Clerk