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, July 12, 2007
As Advertised

Harvey Ruvin, Clerk
Board of County Commissioners

Kay Sullivan, Director
Clerk of the Board Division

Judy Marsh, Commission Reporter
(305) 375-1967

Members Present: Bruno Barreiro; Jose "Pepe" Diaz; Carlos A. Gimenez; Barbara J. Jordan; Joe A. Martinez; Dennis C. Moss; Dorrin Rolle; Rebeca Sosa; Javier D. Souto

Members Absent: Audrey M. Edmonson; Natacha Seijas

Members Late: None.

Members Excused: None.

Members Absent County Business: Sally A. Heyman' Katy Sorenson

1 MINUTES PREPARED BY:

Report: *Judy Marsh, Commission Reporter*
(305) 375-1967

1A INVOCATION

1B ROLL CALL

1C MOMENT OF SILENCE

8M3D

071738 **Change Orders**

RETROACTIVE CHANGE ORDER NO. 3 FOR IVES ESTATES PARK YOUTH BALLFIELD COMPEX, PROJECT NO. 123203-02-001, CONTRACT NO. 123203-02-001, PROJECT LOCATION: 20901 NE 16 AVENUE, MIAMI, FL. 33179 (Park & Recreation Department)

Approved
Mover: Barbara J. Jordan
Seconder: Jose "Pepe" Diaz
Vote: 9- 0
Absent: Edmonson, Seijas
Absent, OCB: Heyman, Sorenson

Report: *In response to Commissioner Gimenez' inquiry regarding the delay in the Ives Estates Park Youth Ballfield Complex project, Ms. Vivian Donnell Rodriguez, Director, Park and Recreation Department, said the delay was primarily to construct a custom designed methane gas alarm system and the electrical portion of an active vertical extraction system due to the presence of methane on the project site. She noted staff would be proceeding with claims against the original design firm.*

Assistant County Manager Alex Munoz stated legal staff would be pursuing the recovery of $358,000 in damages resulting from errors/omissions committed during the performance of this contract. He noted additional costs may be identified as more information was received. Mr. Munoz said not all of the changes resulted from design issues and some were agency requested changes to achieve better results.

Commissioner Gimenez expressed concern regarding administrative change orders, especially those that were retroactive. He asked that in the future, changes/upgrades be included as part of the original contract.

In response to Commissioner Sosa's questions regarding the change order, Assistant County Manager Munoz noted the design firm was responsible for the errors and omissions; not the on-site firm that was performing the work.

Ms. Donnell Rodriguez said most of the change order was due to the methane issue as the design firm did not account for the fact that the project site was located on a trash landfill.

In response to Commissioner Sosa's concern regarding potential liability to the County because the contract expired in December 2006 and work was being performed on the project site without a contract, Ms. Donnell Rodriguez said a contract was in place for the soil testing, boring and design. She assured Commissioner Sosa that the County was covered from any potential liability as the contractor was not on site, and insurances and bonds had not expired.

Assistant County Manager Munoz stated staff was asking for the authority to remobilize. He said seven months was lost on the project because staff had to renegotiate due to the design fault. Mr. Munoz noted, however, the builder on site was not responsible.

Commissioner Gimenez directed the county attorneys to apprise him when the County Administration filed for errors and omissions from the design firm relating to the project and the County's position on what transpired.

Commissioner Jordan asked who determined the design submission included the County's specifications prior to the contract award recommendation.

In response to Commissioner Jordan's inquiry, Ms. Donnell Rodriguez said the Department relied on staff's expertise and the consultants' expertise which was specific. She noted the project had undergone design review and permitting, and the site had been monitored when it was under the jurisdiction of the Department of Solid Waste and methane had not been identified in the perimeter of the site. Ms. Donnell Rodriguez said methane was later discovered by the Department of Environmental Protection and staff had to react.

Commissioner Jordan asked Ms. Donnell Rodriguez to meet with her to further discuss the presence of methane gas on the landfill site. She emphasized the importance of the site being safe for children. Commissioner Jordan asked Ms. Donnell Rodriguez to provide a report on the status of the park at a community meeting scheduled for July 17, 2007 in Commission District 1.

Commissioner Diaz spoke in support of the foregoing proposed change order.

In response to Commissioner Diaz' inquiry regarding litigation results, Acting County Attorney Robert Cuevas advised staff was seeking to create a computerized system of monitoring the cases and would like to have the ability to apprise commissioners of litigation affecting their districts.

6/11/2007 *Forwarded to the BCC by BCC Chairperson due to lack of a quorum from the Recreation & Cultural Affairs Committee*

7/10/2007 *Carried over by the Board of County Commissioners*

8P1A

071294 **Resolution**

RESOLUTION APPROVING RETROACTIVE CHANGE ORDER NO. ONE & FINAL TO THE CONTRACT WITH H & J ASPHALT, INC., RATIFYING THE PRODUCTION INCENTIVE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CONTRACTOR AND REALLOCATING TO THE CONTINGENCY ALLOWANCE $106,180.99 IN CONTRACT FUNDS FOR RESURFACING (PUBLIC WORKS DEPARTMENT) CONTRACT (MIAMI-DADE COUNTY PUBLIC WORKS DEPARTMENT PROJECT NO. 20040422) (Public Works Department)

Adopted
Resolution R-849-07
Mover: Dorrin D. Rolle
Seconder: Rebeca Sosa
Vote: 8- 1
No: Jordan
Absent: Edmonson, Seijas
Absent, OCB: Heyman, Sorenson

Report: *Commissioner Jordan expressed concern that the County Commission was on the verge of awarding contracts to companies that appeared to disregard the Commission's Community Small Business Enterprise (CSBE) guidelines. She noted H&J Asphalt, Inc. had been awarded ten contracts as a prime contractor with CSBE goals since 2001 and had not met the required CSBE goal on four projects and would be required to perform CSBE makeup on three projects.*

Commissioner Jordan stated H&R Paving, Inc. had been awarded 30 projects as a prime contractor with CSBE goals, nine projects were in progress and the company had not met the required CSBE goal on seven of the nine projects. She noted Notices of Violation had been issued on four projects. Commissioner Jordan said the documented CSBE goal deficit was approximately $1 million and a double make up goal would be approximately $2 million.

Commissioner Jordan expressed concerns that the Public Works Department had not begun debarment proceedings against H&J Asphalt, Inc. and H&R Paving, Inc.

Ms. Esther Calas, Director, Public Works Department (PWD), explained these were not normal contract awards and were change orders for work that was performed subsequent to Hurricanes Katrina, Rita and Wilma in 2005. She noted the County entered into a production incentive agreement with H&J Asphalt, Inc., under which the contractor would receive additional compensation of $20.00 per ton of asphalt employed on a particular month, as long as the production for that month exceeded the contractual monthly production rate for at least 25%.

Ms. Calas agreed with Commissioner Jordan that the contractors' non-compliance was an issue; however, she explained that she was not aware the PWD needed to proceed with debarment proceedings as administrative issues were being addressed by the Department of Business Development (DBD). She noted the PWD had resolved many issues, working with the DBD and the Department of Procurement Management (DPM). Ms. Calas said the DBD conducted evaluations after the job was closed and after payments were issued.

Ms. Penny Townsley, Director, Small Business Affairs (SBA), said immediate and full disclosure was made when violation issues occurred. She noted the SBA was making sure that departments understood the nature of the violations and compliance options.

In response to Commissioner Jordan's inquiry whether the SBA could direct other departments to begin debarment proceedings, Assistant County Attorney Hugo Benitez advised each department was responsible for initiating debarment proceedings.

Commissioner Jordan expressed concern that departments had contracted with prime contractor(s) who had not honored the integrity of the CSBE program. She suggested the County Commission look at how departments were proceeding in the future when bringing items with pending violations to the Commission.

Commissioner Moss concurred with Commissioner Jordan's concerns regarding companies disregarding the CSBE program. He emphasized the

importance of all companies adhering to the CSBE requirements and noted it may be necessary to re-educate departments on the CSBE process. Commissioner Moss also expressed concern that the CSBE program was not being enforced and noted this was the only way to create opportunities for small businesses as set aside programs were no longer in existence. He emphasized the importance of creating opportunities for small businesses and noted he would continue monitoring this issue in the future.

Ms. Townsley pointed out the SBA was making a concerted effort to reach out to the capital departments to ensure they were educated in terms of the ordinance requirements, and to ensure that companies knew what was required of them, as well as the actions and penalties associated with non-compliance. She noted the SBA was preparing legislation that would strengthen its programs and the sanctions and penalties associated with them.

Commissioner Rolle said he was working with the county attorneys and the SBA Department Director on proposed legislation to strengthen penalties against firms that were not in compliance with the CSBE program. He referenced a report from Ms. Townsley that was sent to all department directors which covered the timeframe from 2000 to 2007 indicating a total of $8 million in missed goals from many departments. Commissioner Rolle noted for the record that the County Commission awarded a contract for $61 million to Fisk Electric Company, and they too had a CSBE goal deficiency. He stated the Commission was subsequently informed that Fisk would make up the deficiency in the future.

Commissioner Rolle released the foregoing proposed resolution and agenda item 8P1A Supplement from the Pull List.

Commissioner Martinez said some of the CSBE goals placed on projects were unrealistic. He noted H&J Asphalt, H&R Paving and General Asphalt were the only three companies that had actual plants and if they were disbarred the County's price would increase because the companies would sell the asphalt to other companies and the taxpayers would pay more. Commissioner Martinez suggested the County Commission try to attract more asphalt companies and set more realistic goals.

Ms. Townsley noted paving was an issue and staff was not inclined to place a goal on paving work.

Commissioner Diaz said the County Commission had given the ability to small companies to be able to work but it was also important to make sure that the larger companies could meet the goals. He noted he felt the County Commission should review and establish goals properly and strengthen the CSBE legislation. Commissioner Diaz said the Commission needed to find a way to address the situation before considering debarring companies. He noted the quality of the companies' work was also important. Commissioner Diaz said staff should be strict if the companies did not perform, however, they should also ensure that the guidelines and the laws were fair to everyone. He asked staff to review both sides of the issue.

Ms. Townsley said the SBA was looking at ways to assist companies by giving them the resources needed to build capacity to allow them to be successful on projects.

In response to Commissioner Gimenez' inquiry regarding an issue involving H&J Paving and the Water and Sewer Department that occurred in 2000, Assistant County Attorney Hugo Benitez advised H&J was a subcontractor to Church and Tower in a claim filed by the County against Church and Tower. He stated the issue was resolved approximately three to four years ago. Mr. Benitez advised a second issue involving H&J and the Water and Sewer Department regarding a contract for valves and manhole covers was also resolved in 2002. He noted the lawsuit was settled and the request for debarment was withdrawn.

Assistant County Attorney David Murray expounded on the request for debarment. He noted in 2002, the request for debarment was withdrawn as H&J had been placed on suspension by the County Manager's Office for a number of years while the debarment proceeding was pending.

Commissioner Gimenez pointed out that H&J's goal deficit was not as serious as the Notice of Violation (NOV) that was issued to H&R for attempting to comply with the CSBE Ordinances through fraud, misrepresentation or material misstatement.

Following further questions to Ms. Townsley and Ms. Callas regarding the CSBE goals, Commissioner Jordan stated safeguards were in place to ensure that the goals could be adjusted if it was determined these goals were unrealistic. She noted although there may be only three companies that could perform the work, they should not be allowed to disregard the County's rules. Commissioner Jordan asked staff to look closely at the NOVs so that companies could be held more accountable to the Commission's process.

There being no further discussion, the County Commission voted on the foregoing proposed resolution as presented.

5/15/2007 *Deferred to next committee meeting by the Governmental Operations and Environment Committee*

6/12/2007 *Forwarded to BCC with a favorable recommendation from the Governmental Operations and Environment Committee*

7/10/2007 *Carried over by the Board of County Commissioners*

8P1A SUPPLEMENT

071817 **Supplement**

REPORT OF FINDINGS ON H&R PAVING, INC. AND H&J ASPHALT, INC. RELATED TO CONTRACT COMPLIANCE WITH COMMUNITY SMALL BUSINESS ENTERPRISE AND RESPONSIBLE WAGE AND BENEFIT CONTRACT REQUIREMENTS [SUPPLEMENT TO AGENDA ITEM NOS. 8P1A, 8P1B, & 8P1C

Presented
Mover: Dorrin D. Rolle
Seconder: Rebeca Sosa
Vote: 8- 1
No: Jordan
Absent: Edmonson, Seijas
Absent, OCB: Heyman, Sorenson

Report: *(See notes under Agenda Item 8P1A)*

6/12/2007 *Forwarded to BCC with a favorable recommendation from the Governmental Operations and Environment Committee*

7/10/2007 *Carried over by the Board of County Commissioners*

8P1B

071297 **Resolution**

RESOLUTION APPROVING RETROACTIVE CHANGE ORDER NO. ONE & FINAL TO THE CONTRACT WITH H & J ASPHALT, INC., RATIFYING THE PRODUCTION INCENTIVE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CONTRACTOR AND REALLOCATING TO THE CONTINGENCY ALLOWANCE $102,129.71 IN CONTRACT FUNDS FOR RESURFACING IMPROVEMENT PROGRAM (ZONE 2) (MIAMI-DADE COUNTY PUBLIC WORKS DEPARTMENT PROJECT NO. 20030252) (Public Works Department)

Adopted
Resolution R-850-07
Mover: Dorrin D. Rolle
Seconder: Rebeca Sosa
Vote: 8- 1
No: Jordan
Absent: Edmonson, Seijas
Absent, OCB: Heyman, Sorenson

Report: *(See notes under Agenda Item 8P1A)*

5/15/2007 *Deferred to next committee meeting by the Governmental Operations and Environment Committee*

6/12/2007 *Forwarded to BCC with a favorable recommendation from the Governmental Operations and Environment Committee*

7/10/2007 *Carried over by the Board of County Commissioners*

8P1C

071298 **Resolution**

RESOLUTION APPROVING RETROACTIVE CHANGE ORDER NO. ONE & FINAL TO THE CONTRACT WITH H & J ASPHALT, INC., RATIFYING THE PRODUCTION INCENTIVE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CONTRACTOR AND REALLOCATING TO THE CONTINGENCY ALLOWANCE $97,464.59 IN CONTRACT FUNDS FOR RESURFACING (PUBLIC WORKS DEPARTMENT) CONTRACT (MIAMI-DADE COUNTY PUBLIC WORKS DEPARTMENT PROJECT NO. 20040423) (Public Works Department)

Adopted
Resolution R-851-07
Mover: Dorrin D. Rolle
Seconder: Rebeca Sosa
Vote: 8- 1
No: Jordan
Absent: Edmonson, Seijas
Absent, OCB: Heyman, Sorenson

Report: *(See notes under Agenda Item 8P1A)*

5/15/2007 *Deferred to next committee meeting by the Governmental Operations and Environment Committee*

6/12/2007 *Forwarded to BCC with a favorable recommendation from the Governmental Operations and Environment Committee*

7/10/2007 *Carried over by the Board of County Commissioners*

8R3A

071583 Bid Awards

CONTRACT AWARD RECOMMENDATION TO METRO EQUIPMENT SERVICES FOR INSTALLATION OF 16-INCH DUCTILE IRON (D.I.) SANITARY SEWER IN NE 172 STREET FROM COLLINS AVENUE TO NORTH BAY ROAD, CONTRACT NO: S-783 (Water & Sewer Department)

Approved
Mover: Dorrin D. Rolle
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Edmonson, Gimenez, Seijas
Absent, OCB: Heyman, Sorenson

Report: *In response to Commissioner Jordan's inquiry as to how prior violations would be corrected, Ms. Penny Townsley, Director, Small Business Affairs, said Metro Equipment Services currently had three violations on record, one of which involved a make up plan and two violations that had been resolved. She noted this proposed project did not include a make up plan.*

Hearing no further questions or comments, the County Commission voted on the foregoing item.

6/12/2007 *Forwarded to BCC with a favorable recommendation from the Governmental Operations and Environment Committee*

7/10/2007 *Carried over by the Board of County Commissioners*

8R3B

071711 Bid Advertisement

REQUEST TO ADVERTISE FOR ALEXANDER ORR JR. WATER TREATMENT PLANT 96-INCH FILTER INTERCONNECTING PIPE. CONTRACT NO. W-895. PROJECT LOCATION: 6800 SW 87 AVENUE, MIAMI, FLORIDA (Water & Sewer Department)

Approved
Mover: Barbara J. Jordan
Seconder: Dorrin D. Rolle
Vote: 8- 0
Absent: Edmonson, Gimenez, Seijas
Absent, OCB: Heyman, Sorenson

Report: *Responding to Commissioner Jordan's comment that the foregoing proposed bid advertisement did not include participation measures, Ms. Penny Townsley, Director, Small Business Affairs, said the Review Committee considered whether the project could be broken down, and it appeared that was the only trade involved in this particular project and there were no firms that could perform the scope of the project.*

Hearing no further questions or comments, the County Commission voted on the foregoing item.

6/12/2007 *Forwarded to BCC with a favorable recommendation from the Governmental Operations and Environment Committee*

7/10/2007 *Carried over by the Board of County Commissioners*

11B1

072258 **Report**

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

Approved
Mover: Joe A. Martinez
Seconder: Carlos A. Gimenez
Vote: 7- 0
Absent: Edmonson, Sosa, Diaz, Seijas
Absent, OCB: Heyman, Sorenson

Report: *The following funding allocation was made from fiscal year (FY) 2006/07 District 1 Discretionary Reserve funds as requested by Vice-Chairwoman Jordan.*

$850 to Caribbean Music Festival, Inc. (for a table at the Jamaica Grand Independence Ball)

11B2

072259 **Report**

ALLOCATION OF (FY) 2006/07 DISTRICT DISCRETIONARY RESERVE FUNDS (DISTRICT 2)

Approved
Mover: Joe A. Martinez
Seconder: Carlos A. Gimenez
Vote: 7- 0
Absent: Edmonson, Sosa, Diaz, Seijas
Absent, OCB: Heyman, Sorenson

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

$677.80 to Walt Disney Parks and Resorts LLC (tickets to Disney World for the winners of the 5th Annual Brain Bowl Contest)
$2,000 to Haitian American Scholarship Funds
$1,000 to Caribbean American Media Productions (Advertisements)
$10,000 to Contractor's Resource Center (Ex-Offender Project)

11B3

072260 **Report**

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

Approved
Mover: Joe A. Martinez
Seconder: Carlos A. Gimenez
Vote: 7- 0
Absent: Edmonson, Sosa, Diaz, Seijas
Absent, OCB: Heyman, Sorenson

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

$3,000 to Bottin la liberte International, Inc.
$3,000 to Curley's House of Style, Inc.
$2,000 to Ebenezer United Methodist Church
$732 to Metro Miami Action Plan – Re: District 3 Teacher Homeownership Initiative

11B4

072261 **Report**

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

Approved
Mover: Joe A. Martinez
Seconder: Carlos A. Gimenez
Vote: 7- 0
Absent: Edmonson, Sosa, Diaz, Seijas
Absent, OCB: Heyman, Sorenson

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

$2,500 to FitMiami Foundation, Inc.
$5,000 to Miami Children's Museum
$5,000 to Voices for Children
$1,600 to Fairchild Tropical Botanic Garden
$2,500 to ORT America

11B5

072262 **Report**

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

Approved
Mover: Joe A. Martinez
Seconder: Carlos A. Gimenez
Vote: 7- 0
Absent: Edmonson, Sosa, Diaz, Seijas
Absent, OCB: Heyman, Sorenson

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

$1,000 to Artistas Productions and Promotions, Inc.
$1,000 to Haitian American Historical Society

11B6

072263 **Report**

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

Approved
Mover: Joe A. Martinez
Seconder: Carlos A. Gimenez
Vote: 7- 0
Absent: Edmonson, Sosa, Diaz, Seijas
Absent, OCB: Heyman, Sorenson

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

$1,500 to Harambee, Inc., for their 1st Annual Back to School Festival
$1,950 to Alirio's Inc., d/b/a Junior's Catering for West Perrine Park Football Camp
$5,000 to Twin Cities Track Club, Inc., for their USA Track and Field Youth National Junior Olympics Championship
$1,000 to The National Association of the Bahamas 34th Anniversary of the Bahamas

13A1

071964 **Resolution**

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF A PERMANENT AERIAL EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT NEEDED FOR ROADWAY CONSTRUCTION FOR ROADWAY IMPROVEMENTS TO N.W. 97 AVENUE, FROM FONTAINEBLEAU BOULEVARD TO NORTH OF N.W. 14 STREET, IN MIAMI-DADE COUNTY, FLORIDA (County Attorney)

Adopted
Resolution R-852-07
Mover: Joe A. Martinez
Seconder: Dorrin D. Rolle
Vote: 8- 0
Absent: Edmonson, Gimenez, Seijas
Absent, OCB: Heyman, Sorenson

7/10/2007 *Carried over by the Board of County Commissioners*

SPECIAL PRESENTATIONS (Scheduled for 8:00 a.m.)

15C COUNTY ADVISORY BOARD APPOINTMENTS

15C1

082701 **Nomination**

COMMUNITY ACTION AGENCY BOARD OF DIRECTORS

Appointed
Mover: Joe A. Martinez
Seconder: Carlos A. Gimenez
Vote: 7- 0
Absent: Rolle, Edmonson, Sosa, Seijas
Absent, OCB: Heyman, Sorenson

Report: *ANITA YOUNGKIN*

The Board of County Commissioners accepted and the Clerk of the Board of County Commissioners received the appropriate forms and memorandums for the foregoing appointment made by Commissioner Moss.

15C2

082702 **Nomination**

COMMUNITY RELATIONS BOARD

Appointed
Mover: Joe A. Martinez
Seconder: Carlos A. Gimenez
Vote: 7- 0
Absent: Rolle, Edmonson, Sosa, Seijas
Absent, OCB: Heyman, Sorenson

Report: *CAROLYN BOYCE*

The Board of County Commissioners accepted and the Clerk of the Board of County Commissioners received the appropriate forms and memorandums for the foregoing appointment made by Commissioner Rolle.

15C3

082703 **Nomination**

PUBLIC HEALTH TRUST EVALUATION AND COMPENSATION COMMITTEE

Appointed
Mover: Joe A. Martinez
Seconder: Carlos A. Gimenez
Vote: 7- 0
Absent: Rolle, Edmonson, Sosa, Seijas
Absent, OCB: Heyman, Sorenson

Report: *COMMISSIONER DENNIS C. MOSS*

The Board of County Commissioners accepted and the Clerk of the Board of County Commissioners received the appropriate forms and memorandums for the foregoing appointment made by Chairman Bruno A. Barreiro.

16A1

071947 **Service Awards** **Bruno A. Barreiro**

SERVICE AWARDS CEREMONY FOR THE FOLLOWING EMPLOYEES: ***Presented***
JUAN C. REVOREDO - AVIATION - 30 YEARS
LORINE E. WYARTT - CONSUMER SERVICES-30 YEARS
EDUARDO R. ASTIGARRAGA - CORRECTIONS - 30 YEARS
JAMES D. BRANNOCK - CORRECTIONS - 30 YEARS
RICHARD T. LAVOIE - MIAMI-DADE TRANSIT- 35 YEARS
HERNAN GARCES - PUBLIC WORKS- 40 YEARS
LEROY SUTTON - PUBLIC WORKS - 35 YEARS
JOHN A. PEREZ - SEAPORT DEPT. - 30 YEARS

16A2

072055 **Congratulatory Certificate** **Rebeca Sosa**

PRESENTATION OF A CONGRATULATORY CERTIFICATE TO GEORGE T. BAKER AVIATION SCHOOL ***Presented***

16A3

072070 **Proclamation** **Sen. Javier D. Souto**

PRESENTATION OF A PROCLAMATION TO ALEX FERRER ***Presented***

16A4

072071 **Proclamation** **Sen. Javier D. Souto**

PRESENTATION OF A PROCLAMATION TO CHRIS FERRER ***Presented***

16B POLICY MATTERS FOR DISCUSSION BY THE BOARD

16B1

072177 **Discussion Item** **Dennis C. Moss**

DISCUSSION ITEM RE: LAWSUIT FROM WESTON MAYOR REGARDING PROPERTY TAXES ***Presented***

Report: *Pursuant to Commissioner Moss' request, Assistant County Attorney Jess McCarty provided an overview of the merits of the lawsuit filed by the Mayor of Weston regarding the proposed property tax amendment. He indicated the Mayor filed the lawsuit on behalf of himself.*

Assistant County Attorney McCarty advised the Florida Supreme Court transferred the case to the Circuit Trial Court in Leon County, Tallahassee this morning (7/12), and subsequent to being heard by the Trial Court, the case would proceed to the Court of Appeals and back to the Florida Supreme Court. He noted the petition consisted of three main arguments which related to the ballot question directly or indirectly. These arguments, Mr. McCarty said, included a reference to a $50,000 homestead exemption and the Save Our Homes differential; the eventual phasing out of the existing Save Our Homes program; and passage of the statutory component of House Bill 1B.

Discussion ensued among the County Commission members regarding the proposed property tax amendment to be voted on by the electors in January 2008.

Commissioner Diaz said he felt the proposed amendment would be approved by the voters in January and the County Commission would be faced with service cuts.

In response to Commissioner Diaz' inquiry regarding the outcome of the lawsuit, Mr. McCarty stated the Legislature had discussed the possibility of holding a Special Session at the end of September to address problems; however, it was unlikely the lawsuit would have gone through the Court process by the end of September. He noted the Court could delay the election and possibly roll back the ballot question to the general election in November 2008, or allow the vote to proceed in January 2008 and continue the legal proceedings.

Commissioner Sosa stated she supported the initial proposed tax reform which included the sales tax provision. She noted under the proposed property tax amendment, cuts would have to be made without a mechanism to recover. Commissioner Sosa said she did not believe the public understood the intent of the proposed amendment and people were more concerned about the Save Our Homes differential than they were about other issues. She noted this might pave the way for a different reform that could occur at the next Legislative Session. Commissioner Sosa said local governments needed to send a message that if funding was cut without a mechanism to recover, people would suffer. She noted she believed in the public's decision and would not be supportive of the County joining the lawsuit.

Commissioner Martinez noted he was not inclined to join the lawsuit.

Commissioner Jordan commended the Mayor for filing the lawsuit, although she was doubtful of its success.

Commissioner Gimenez said he felt the County Commission should not become involved in the lawsuit and he felt the proposed property tax amendment would not be approved by the voters. In terms of the statutory, Commissioner Gimenez noted the County's proposed budget had increased from $4.7 billion to $4.8 billion, and he asked that the General Fund be separated from the Proprietary Fund.

Chairman Barreiro said he did not believe the County Commission should join the lawsuit and he felt the proposed property tax amendment might be approved in January 2008. He noted he felt rental communities and commercial properties were issues that needed to be addressed by the State and the County.

Commissioner Moss noted he wanted to make sure from a merit standpoint that the Miami-Dade County Home Rule Charter was being protected and that the actions taken by the State Legislature were within its purview.

Upon conclusion of the foregoing, discussion ensued among the County Commission members and staff regarding the proposed FY 2007-08 budget released today (7/12) by County Manager George Burgess and Mayor Carlos Alvarez' response to the proposed budget.

Commissioner Martinez noted the Mayor's Mental Health Task Force was being funded while the County Commission's Health Care Task Force was defunded. He also noted three positions from the Inspector General's Office had been removed and placed in the Auditing Department. Commissioner Martinez said 11 positions from the County Commission were removed, (ten from the County Attorney's Office). He noted he was not briefed on the proposed budget.

Chairman Barreiro noted he was verbally briefed yesterday (7/11) on the proposed budget.

Commissioner Martinez asked Commission Auditor Charles Anderson to determine whether the vacant positions referenced in the County Manager's proposed budget were vacant at this particular time, and to provide him with a response by today (7/12).

In response to Commissioner Gimenez' inquiry whether the County Administration examined each line item and each expense account pursuant to the requirements of Ordinance 07-45, Mr. Anderson said he and his staff met with the Budget Director and her staff and examined each revenue stream, but not the expenditures.

Commissioner Gimenez asked that the expenses be vetted by the Commission Auditors' Office and if any differences occurred between the Administration's figures and the Auditors, then the Commission would decide the correct figure.

Commissioner Gimenez asked Mr. Anderson to provide him with a report indicating the number of vacant positions and a breakdown of departments that were merged; the number of staff as a result of the consolidations; and a breakdown of enterprise versus non-general fund, with enterprise and general fund separated. He also asked that the report include from the ad valorem tax perspective, reductions in the Unincorporated Municipal Service Area, Fire Rescue, Library and the General Fund.

In response to Commissioner Gimenez' inquiry regarding the funding appropriation, and whether the County Commission approved funding for positions, Acting County Attorney Cuevas advised the County Commission had appropriated a complete budget, and the Commission had the ability in that process, to control the amount of funds that were approved. He noted the Commission controlled the categories of positions (i.e. pay plan) and

controlled the amounts of money authorized for the rates to be set and the total appropriations for that department. Mr. Cuevas advised the Commission would control the budgeted amount of funds appropriated for positions, with one caveat. He noted certain departments and functions were mandated to be in existence and required reasonable funding to fulfill their mandated roles.

Commissioner Gimenez said the budget was the County Commission's greatest power and duty. He noted while he commended the Manager and the Mayor for preparing the budget, he was somewhat disheartened by the fact that commissioners were not involved in the process. Commissioner Gimenez said he felt the Commission needed to be involved in the budget process earlier and receive more detailed information than what had been previously presented.

Commissioner Jordan questioned whether it would be within the County Commission's parameters from a policy standpoint, to look at all county departments globally and determine from an organizational standpoint that a cost savings could be achieved if similar functions were consolidated.

In response to Commissioner Jordan's inquiry, Acting County Attorney Cuevas advised allocating and appropriating funds were within the Commission's parameters; however, the table of organization was within the Mayor's prerogative.

Commissioner Jordan stated the County had grown from being generalist to being more specialists in terms of departmental responsibility. She noted based on State mandated cuts, she requested the Commission Auditor to look at all of the departments for ways in which a generalist approach could be accomplished. Commissioner Jordan referenced an article in today's newspaper (7/12) regarding the number of positions that might be cut and noted this must be addressed by the County Commission. She noted service impact was critical and cuts usually affected employees at the bottom level of the scale.

Acting County Attorney Cuevas advised the County Commission would approve the pay plan as part of one of the budget ordinances that would be presented.

In response to Commissioner Moss' inquiry whether some merit increases for county employees were included as part of union contracts, Acting County Attorney Cuevas noted generally a percentage was included in the budget for cost of living and merit increases; however, he would check on the union contracts.

Commissioner Moss noted the insurance issue also needed to be reviewed.

Commissioner Gimenez asked Mr. Anderson to provide the County Commission with a recommendation regarding the amount of funds that could be taken from the expenditures and whether the transfer of funds was being tracked.

Commissioner Moss encouraged the Commission Chairman and the Chairman of the Budget and Finance Committee to develop a process to facilitate full discussion on establishing priorities for the 2007-08 proposed budget. He asked staff to develop a basic budgetary template so that certain

issues would be addressed by all committees.

Commissioner Souto asked that future meetings between Mr. Anderson and the County Administration be videotaped for the Commission's review.

Chairman Barreiro noted the Executive side had presented its proposal and now it was the County Commission's turn to deliberate on the budget.

7/10/2007 Carried over by the Board of County Commissioners

16C ZONING AGENDA (Scheduled for 9:30 a.m.)

ADJOURNMENT

Bruno A. Barreiro, Chairman

ATTEST: HARVEY RUVIN, CLERK

By: Kay Sullivan, Deputy Clerk