MIAMI-DADE COUNTY
FINAL OFFICIAL MINUTES
Economic Development and Human Services Committee (EDHSC)

Board of County Commissioners
Stephen P. Clark Government Center
Commission Chambers
111 N.W. First Street
Miami, Florida 33128

October 3, 2007
As Advertised

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Board of County Commissioners

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

FINAL OFFICIAL

Meeting Minutes

Economic Development and Human Services Committee

Audrey M. Edmonson (3) Chair; Katy Sorenson (8) Vice Chair; Commissioners Barbara J. Jordan (1), Dennis C. Moss (9), and Javier D. Souto (10)

SUNSHINE MEETING

Wednesday, October 3, 2007 | **11:30 AM** | **COMMISSION CHAMBERS**

Members Present: Audrey M. Edmonson, Barbara J. Jordan, Dennis C. Moss, Katy Sorenson, Javier D. Souto.

Members Absent: None.

Members Late: None.

Members Excused: None.

Members Absent County Business: None.

1 MINUTES PREPARED BY:

Report: *Jovel Shaw, Commission Reporter, (305) 375-1289*

1A INVOCATION

1B PLEDGE OF ALLEGIANCE

Report: *The Committee convened in a moment of silence, followed by the Pledge of Allegiance.*

1C ROLL CALL

Report: *The following staff members were present: Senior Advisor to the County Manager Cynthia Curry; Assistant County Attorney Shannon Summerset; and Deputy Clerk Zorana Gainer.*

Chairwoman Edmonson called the meeting to order at 11:43 a.m.

1D DISCUSSION ITEM(S)

1D1

072467 **Ordinance** **Economic Development and Human Services Committee**

ORDINANCE AMENDING ARTICLE XLVII OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO METRO-MIAMI ACTION PLAN TRUST, PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

Deferred to no date certain

Report: *See Report under Agenda Item 1D2, Legislative File No. 072910 and Agenda Item 1D3, Legislative File No. 072954.*

1D1 SUPPL.

072650 **Report**

FISCAL IMPACT STATEMENT TO ORDINANCE AMENDING ARTICLE XLVII OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO METRO-MIAMI ACTION PLAN TRUST

Deferred to no date certain

Report: *See Report under Agenda Item 1D2, Legislative File No. 072910 and Agenda Item 1D3, Legislative File No. 072954.*

1D2

072910 **Report**

RECOMMENDATION FROM STAFF ***Presented***

Report: *Ms. Cynthia Curry, Senior Advisor to the County Manager, presented staff's recommendation and the proposed revised draft of Article XLVII of the Code of Miami-Dade County pertaining to Metro-Miami Action Plan (MMAP) Trust containing amendments to Sections 2-502, 2-503, 2-505, and 2-506. She noted staff was asking the Committee to include the recommendations outlined in the report as part of the current proposed revision. Ms. Curry noted the Committee asked staff to meet with the MMAP Trust to discuss the recommendations, and she provided an overview of the recommendations and the MMAP Trust's comments, as follows:*

(1) to add the following language to Section 2-505(b), entitled, "Organization; staff support, Employees" to state "...under the administrative oversight of the County Mayor and shall comply with all Miami-Dade County personnel policies and practices..." She noted the MMAP Trust did not support this proposed recommendation. Ms. Curry noted in the discussion with MMAP, staff clarified MMAP employees were County employees;

(2) to add the following language to Section 2-505(b) to state "...The County Mayor may remove the Executive Director for cause." She noted the MMAP Trust did not support this recommendation. Subsequently, staff provided as an alternative recommendation to state "...the removal of the Executive Director by the Mayor, which removal could be overridden by a 2/3 vote of the MMAP Trust...," which the MMAP Trust did not support;

(3) to amend the original proposed recommendation for Section 2-505(e) to add the following language: "...to include a quarterly report outlining all procurement activities to the Commission Auditor and the County Manager..." She noted the MMAP Trust supported this recommendation;

(4) to add the following language to Section 2-505(e) to state: "...The Trust shall be subject to periodic reviews as deemed necessary by the County Manager, by the Department of Audit and

Management Services and the Office of Strategic Business Management..." that was supported by the MMAP Trust; and

(5) to amend Section 2-506(d), entitled, "Powers and Duties of the Trust" to indicate if the MMAP Trust was placed on Management Watch, MMAP would be treated as a regular County department during that time frame; otherwise, MMAP would function as it currently operates, and this alternative was not supported by MMAP

Responding to Commissioner Sorenson's comments regarding the Management Watch, Ms. Curry stated the County Manager's Office has placed MMAP under Management Watch in the past. She indicated the question was whether the County Manager or the Board of County Commissioners (BCC) could place MMAP under Management Watch.

Ms. Curry noted the County Attorney's Office has advised that the BCC, and not the County Mayor or the County Manager, had authority to place MMAP on full Management Watch that would include all decisions of the MMAP Trust been subject to review.

Responding to Commissioner Sorenson's comments regarding fiduciary responsibility, Ms. Curry indicated the County Manager or the Mayor possessed fiduciary responsibility because MMAP fiscal operations were tied to the County; however, the Trust's decisions were submitted to the County Attorney's Office for review before implementation by MMAP staff, but not to the County Manager's Office.

Discussion ensued in connection with the Public Health Trust and the Beacon Council employees who are not County employees.

Commissioner Moss questioned if the change in the County governmental structure should impact any of the Committee's or the County Commission's decisions and considerations during their deliberation regarding MMAP.

Assistant County Attorney Shannon Summerset stated MMAP was different in that the overall structure of MMAP was not an administrative department of the County; therefore, this County entity responded to the BCC. She reminded the Committee that MMAP employees were County employees. She further stated the overall entity

was an agency instrumentality of the County that responded to the BCC.

Commissioner Moss recommended that the Chair of the BCC Committee who has jurisdiction over MMAP serve as Chair of the MMAP Trust Nominating Council. He further stated a review needed to be conducted on the following: (1) the MMAP employees becoming MMAP Trust employees; (2) the Occupational License Tax funding provided to MMAP to ensure that the MMAP portion was expended appropriately; and (3) the increased oversight for MMAP operations and its process.

Ms. Curry apprised the Committee that the County Manager met with the MMAP Trust and staff following the Second BCC Budget Hearing to discuss issues concerning the Occupational License Tax. She noted the first meeting with MMAP was very constructive and the Office of Community and Economic Development was holding these funds in abeyance. In addition, the MMAP staff was working on a marketing plan to present before the BCC on how those dollars would be expended.

1D3

072954 **Discussion Item**
RECOMMENDATION FROM MMAP ***Presented***

Report: *Mr. John T. Jones, Jr., Chairperson, Metro-Miami Action Plan (MMAP) Trust, appeared before the Committee, and presented the MMAP Trust's recommendations for proposed changes to Article XLVII of the Code of Miami-Dade outlined in his memorandum. He proceeded to inform the Committee of MMAP's efforts in advocating and coordinating initiatives and programs for the benefit of this community. Mr. Jones asked that the Committee support the Trust in amending the legislation regarding the Occupational License Tax and to dedicate 8% to MMAP; therefore, those funds could be expended effectively based on the legislation requirements He informed the Committee of the Trust's intent to nominate the MMAP Executive Director and to possess the authority to remove the Director. In addition, he expressed that the Trust desired to have MMAP employees become Trust employees. Mr. Jones suggested that the Trust and the BCC should interview and select the MMAP employees in order to carry out MMAP's mission similar to the Public Health Trust and the Beacon Council.*

A discussion ensued among Chairwoman Edmonson, Mr. Jones and Ms. Curry regarding the selection and hiring of the MMAP Executive Director and the MMAP staff.

Responding to Commissioner Moss' request for the MMAP Trust Chair's position on the MMAP staff, Mr. Jones recommended that the staff employees become Trust employees. He explained that the current MMAP employees were responding to two different entities, which was occasionally difficult for the employees.

Responding to Commissioner Moss' comments regarding additional oversight, Mr. Jones suggested all of the MMAP processes operate under the same framework to achieve effective oversight of MMAP's response to the BCC.

Responding to Chairwoman Edmonson's comments regarding whether the MMAP Executive Director required more assistance from the County Administration, Mr. Jones stated new MMAP employees should attend an orientation that educated them on MMAP's mission.

Ms. Curry stated current MMAP employees have attended a County's New Employee Orientation and procurement related training along with any other required training for County employees. She pointed out MMAP operated under the same general framework for County governmental employees.

Following Chairwoman Edmonson's comments regarding a possible conflict between MMAP's mission and the County' mission, Mr. Jones noted the mission of these two bodies were clearly conflicting. He noted MMAP was created for a specific mission and its mission was not being accomplished through a traditional process. He noted the efforts to achieve MMAP's mission.

Responding to Commissioner Sorenson's request for a clarification on the conflicts between MMAP and the County, a discussion ensued among Mr. Jones, and Commissioners Jordan and Sorenson regarding the job descriptions and classifications that are tailored to each County department in order to accomplish the goals of the department.

Mr. Jones informed the Committee that the Trust was not responsible or capable of changing the administrative job description or function of the MMAP employee's job positions.

Commissioner Sorenson expressed the need for a chain command in the MMAP structure and that the Executive Director should be responsible for training employees.

Mr. Jones agreed with the need to improve the oversight of the MMAP process.

Responding to Commissioner Sorenson's inquiry regarding other funding sources besides the Occupational License Tax, Ms. Curry noted the additional funding sources: the Documentary Stamp Surtax Funds, the traffic fines surcharge, and the County's General Fund.

Commissioner Sorenson questioned the eligible activities for those funding sources.

Ms. Curry explained the authorized use of each MMAP funding source was as follows: (1) the Surtax Funds was for homeownership or housing development; (2) the surcharge on traffic fines was for the Teen Court Program, and (3) the Occupational License Tax was used for

countywide marketing and sales related programs.

Following Commissioner Sorenson's inquiry regarding monitoring of the MMAP activities eligible for the above-mentioned funds, Ms. Curry stated that the MMAP Executive Director was responsible for carrying out the programs associated with all those funding sources. She indicated those funds and activities were under MMAP's purview.

Responding to Commissioner Sorenson's inquiry regarding the consequences of ineligible activities received funding, Ms. Curry noted the instances would be presented to the BCC and subsequently, funds may be withdrawn.

Commissioner Sorenson questioned the responsibility of the MMAP Trust and how it was held accountable.

Mr. Jones explained that the Occupational License Tax legislation needed to be amended to expand the eligible use of those funds. He informed the Committee that the Beacon Council determined whether MMAP should continue to receive the Occupational License Tax. Mr. Jones further informed the Committee of the Beacon Council's practice of providing memorandums to the County Manager with a copy to MMAP regarding MMAP's portion of this funding source. Therefore, MMAP and the MMAP Trust felt the Beacon Council had governance over these funds as it pertained to MMAP. He stated the MMAP Trust has put forth efforts in Tallahassee to amend that legislation to expand the use of those funds.

Following Commissioner Sorenson's question regarding the need to ensure that the current use of Occupational License Tax funds was allowed, Ms. Curry noted this issue has been a prevailing issue for last three (3) years. She noted meetings with the Beacon Council who has concerns and recently raised concern regarding MMAP not submitting reports. Therefore, the Beacon Council could not determine if the current uses were in compliance. Ms. Curry noted in a recent meeting with the MMAP Executive Director, the MMAP staff, the Trust representatives, the County Attorney's Office, the Office of Strategic Business Management, and the Finance Department concluded that it would be in the County's best interest to move forward with a different plan for utilizing those funds. She indicated that staff was in the process of developing a revised plan to

present to the MMAP Trust, then to this Committee; and subsequently, to the BCC. Ms. Curry reminded the Committee that the Office of Community and Economic Development held those funds in abeyance and these funds were not to be expended, and the only funds to be expended would be funding for the marketing plan.

Commissioner Jordan expressed concern regarding MMAP forming its own employees. She pointed out that a past County agency similar to MMAP that no longer existed; and that only the Executive Director was transitioned and all other employees lost their job.

Commissioner Jordan expressed the MMAP mission was very important to this community. She noted she agreed with the County Manager's report regarding the current oversight of MMAP, but ultimately she supported the MMAP mission. She pointed out that she would like for MMAP issues to be addressed through the Committee process. She noted one problem was oversight of the MMAP Trust and the lack of turnover of its members. Commissioner Jordan noted she did not agree with a number of staff's recommendations. She suggested that the County Manager's Office establish an administrative liaison with the MMAP Trust similar to the Homeless Trust who met with the County Manager's Office regularly to update them. She indicated MMAP has operated or attempted to operate in an autonomous manner, but according to the ordinance MMAP must adhere to the County's personnel policies and procedures as well as procurement. She noted reports indicated MMAP has not adhered to the County's contracting process.

Commissioner Jordan noted the Manager's office should serve as an administrative liaison with regular meetings with MMAP just as it does with all other County departments. She expressed the County Manager should also designate the liaison to coordinate the MMAP Trust Nominating Council process similar to the Public Health Trust. She recommended the Chair of the Trust Nominating Council should be the Chair of the BCC committee with jurisdiction over MMAP. Commissioner Jordan stated the Manager's recommendation reflected that the Trust should present "quarterly" financial reports including current statements of all accounts. She added that grants, contracts and documentation of competitive awards should be presented as well. Commissioner Jordan noted a report, prepared by

Mr. Howard Piper, Special Assistant, Management and Performance Assessment, that outlined awards given without any competitive process including awards to MMAP Trust members. She pointed out this practice was unacceptable. Commissioner Jordan expressed that not only should the reports assess the performance of each agency funded by the Trust, it should include program activities carried out directly by the Trust. She pointed out; in addition the Trust should submit annual reports to the Commission Auditor as well. She also added to the staff recommendations that no County monies nor income from County accounts shall be deposited into "any external accounts" and the Trust shall be subject to periodic reviews as deemed necessary by not only the County Manager, but the Board of County Commission"; by the Department of Audit and Management Services and the Office of Strategic Business Management. She indicated these amendments would retain the autonomy, and provide the accountability to the County Commission that was needed.

Chairwoman Edmonson asked that the "any" external be deleted and state "external accounts."

Following Chairwoman Edmonson and Commissioner Moss' comments regarding adding the Commission Auditor, Commissioner Jordan supported the Commission Auditor being added as one the entities/persons that could deem, as necessary, periodic reviews of the Trust.

Commissioner Jordan noted an additional change that would allow the County Commission to remove the entire MMAP Trust, if the County deemed it was necessary. She noted in response to her request for a report from the Commission Auditor regarding MMAP, the report indicated 11 active Trust members served on the current Trust. She indicated if the County Commission allows the current Trust membership to continue only two (2) members would remain on the Trust because the remaining Trust members' terms had expired. Commissioner Jordan noted she opposed grandfathering-in the existing 11 Trust members to continue to serve on the MMAP Trust. She indicated when the MMAP ordinance was amended in 1992, the existing Trust Board members were grandfathered-in. Therefore, her recommendation would be (1) to support the recommendation to removal the entire Trust members and establish a process to recruit new Trust members, or (2) to allow the two Trust

members whose terms have not expired to remain on the Trust for an additional year during the transition to appoint new Trust members, or (3) to present an alternative Committee recommendation.

Commissioner Jordan stated she would not support any recommendation that would maintain the existing MMAP Trust.

Chairwoman Edmonson expressed concern with removing all of the existing Trust members and establishing an entirely new Trust Board.

Following Chairwoman Edmonson's comments, Mr. Jones concurred with Chairwoman Edmonson. He noted if the Committee or the BCC supported the creation of a new Trust the newly appointed Trust members needed to effectively carry out the MMAP mission.

Commissioner Moss noted the positive impact by certain Trust members and noted the current Trust membership needed to be reviewed. He opposed a complete removal of the current Trust membership, but supported term limits for the Trust members.

Chairwoman Edmonson stated some experienced Trust members should remain on the Trust.

Discussion ensued among the Committee members regarding how to proceed with the current MMAP Trust and its membership similar to other County advisory boards and trusts.

Commissioner Jordan urged the Committee to consider all of her recommendations pertaining to MMAP.

The Committee members agreed with maintaining MMAP's mission and providing mechanisms to ensure MMAP and the MMAP Trust carried out its mission.

Responding to comments regarding the report prepared by Mr. Piper, Ms. Curry informed the Committee that several months ago the County Manager asked Mr. Piper to meet with the Department of Audit and Management Services Director to conduct a follow-up meeting with the MMAP Executive Director and staff. She noted as a result of that meeting, Mr. Piper prepared a report that has not been officially released. She informed the Committee that the County Manager requested a few days ago that this report be

released to the BCC members.

Commissioner Jordan informed her colleagues of her request for a copy of the above-referenced report and after her review of the report she had great concerns with MMAP.

Following the comments pertaining to the report prepared by Mr. Piper, it was moved by Commissioner Sorenson that the Committee continue this discussion regarding the foregoing report and adjourns today's meeting. Chairwoman Edmonson seconded this motion.

Commissioner Moss stated these issues should be addressed on an on-going basis until the appropriate safeguards were implemented for MMAP and the MMAP Trust, or until a decision was made on how to proceed. He noted he would continue to review MMAP in terms of accountability.

Mr. Jones informed the Committee that every Trust member must reapply in order to serve on the MMAP Trust. He also noted the Trust has no involvement in the Trust's Nominating Council process.

Commissioner Moss stated that any organization that received County's funding to assist the County in carrying its mission such as the Beacon Council and other organizations needed to be addressed to ensure accountability. He stressed the need for accountability from all entities receiving county funding and noted appropriate steps must be taken to ensure that these entities are held accountable.

Chairwoman Edmonson agreed with Commissioner Moss' comments and indicated that a discussion item addressing the issues noted by him would be placed on a future Committee agenda.

Commissioner Sorenson asked Senior Advisor Cynthia Curry to provide a comprehensive matrix outlining the Metro-Miami Action Plan Trust, Performing Arts Center Trust and all other similar entities that performed work on behalf of the County and received County funds, which would enable the County could conduct a comprehensive review to ensure these entities were carrying out the County's mission and adhering to all Federal, State and local laws.

Chairwoman Edmonson noted she would schedule another Committee Sunshine meeting to continue this discussion pertaining to MMAP and its Trust.

2 ADJOURNMENT

Report: *There being no further business to come before the Committee, the meeting adjourned at 1:17 p.m.*

Audrey M. Edmonson, Chair