Economic Development & Human Services Committee

October 3, 2007

Prepared by: Nelson Diaz

EXHIBITS LIST

NO.	DATE	ITEM #	DESCRIPTION
1	10/3/2007		County Manager's Memorandum of Requested Changes
2	10/3/2007		Draft of proposed ordinance for Miami-Metro Action Plan Trust
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Memorandum

MIAMI-DADE COUNTY

Date: October 3, 2007

To: Honorable Chairperson and Members
Economic Development and Human Services
Committee

From: George M. Burgess
County Manager

RECEIVED
By the Clerk for the record.

OCT 0 3 2007
Item —
Exhibit 1
Meeting EDS&C

Subject: Requested Changes to the
Economic Development and Human Services
Committee Agenda

Additions

1D3

072954 RECOMMENDATION FROM MMAP

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No.
9-4-07

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The following Draft is for discussion at the EDHS Committee Sunshine Meeting of October 3, 2007. This version includes the changes recommended by the EDHS Committee, and further add those of the administration. The highlighted portions reflect the changes recommended by the administration and have comments to their right.

ORDINANCE NO. _____

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

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

Section 1. Section 2-502 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:[1]

Sec. 2-502. Governing Body.

(a) The governing body of the Trust shall be a Board of Trustees composed of [[~~twenty-one (21)~~]] >>fifteen (15)<< voting members.

* * *

Section 2. Section 2-503 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:

Sec. 2-503. Appointment and tenure.

(a) *Nominating council.* Trustees shall be appointed by resolution of the Board of County Commissioners >>(hereinafter known as "Board")<< after having been selected by the Metro-Miami Action Plan Trust Nominating Council (hereinafter known as "Nominating Council") established and described herein. The Nominating Council shall be comprised of five (5) voting members, [[~~one (1)~~]]>>two (2)<< of whom shall be the Chairperson of the Board of Trustees of the Trust >>and

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

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Item —
Exhibit 2
Meeting EDHSC

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the Chair of the Board's Economic Development Committee<< and [[~~four (4)~~]] >>three (3)<< of whom shall be appointed by the [[~~Mayor~~]] >>Chair of the Board of County Commissioners<< and ratified by the Board [[~~of County Commissioners~~]]. No acting Trustee of the Trust, other than the Chairperson of the Board of Trustees, shall serve on the Nominating Council, nor shall any acting member of the Nominating Council, other than the Chairperson of the Board of Trustees, be eligible to serve on the Board of Trustees of the Trust. In serving on the Nominating Council, the Chairperson of the Board of Trustees of the Trust shall not vote on or participate in any way in any matter affecting the Chairperson's appointment to the Board of Trustees of the Trust. The members of the Nominating Council shall be appointed for staggered three-year terms and shall not serve more than >>two (2) consecutive and complete<< three (3) >>years each as set forth in Section 2-503(d) of this article<< [[~~consecutive terms~~]]. The sole function of the Nominating Council shall be to solicit, screen, interview and recommend for appointment the best qualified candidate for each vacancy of the Board of Trustees. The Nominating Council and the procedures under which it will operate shall be approved by the Board of County Commissioners. The Nominating Council shall submit to the Board of County Commissioners one (1) nominee for each vacancy on the Trust Board. The slate of nominees shall be submitted directly to the Board of County Commissioners no later than September 1 of each year. As applicable, Section 2-11.36 et seq. of the Code of Miami-Dade County shall govern the establishment and activities of the Nominating Council. In the event the Commission is unable to appoint a member to the Board of Trustees pursuant to said section(s), no action of the Trust shall be rendered void because of such inability on the part of the Commission.

* * *

(d) *Tenure of Trustees.* The Trustees shall serve terms of three (3) years each; provided, however, that of the original Board of Trustees, the Board of County Commissioners shall select one-third for a term of one (1) year and one-third for a term of two (2) years. No Trustee shall be permitted to serve more than >>two (2)<< [[~~three (3)~~]] consecutive and complete terms of three (3) years each unless so authorized by a two-thirds vote of the full membership of the Board of County Commissioners.

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* * *

Section 3. Section 2-505 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:

Sec. 2-505. Organization; staff support.

* * *

(b) *Employees.* The Executive Director and all employees of the Trust shall be Miami-Dade County employees >>under the administrative oversight of the County Mayor and shall comply with all Miami-Dade County personnel policies and practices<<. The Board of Trustees shall submit the names of nominee(s) for the position of Executive Director to the County Manager. The Manager shall make a recommendation from the nominee(s) proposed by the Trust to the Board of County Commissioners for its approval. The Trust shall have the power to remove the Executive Director. >>The County Mayor may remove the Executive Director for cause.<<

Comment [CMO1]: NOT supported by the MMAP Trust. It should be noted that employees of MMAP are in fact County employees

Comment [CMO2]: NOT supported by the MMAP Trust. Staff also presented an **Alternative**: the removal of the Executive Director by the Mayor, which removal could be overridden by a 2/3 vote of the MMAP Trust. This alternative was also NOT supported by the MMAP Trust.

* * *

(e) The Trust shall present [[~~an annual~~]] >>quarterly<< financial [[~~report~~]] >>and programmatic reports,<< including a current statement of all accounts>>, to the Commission Auditor, and the County Manager<<. >>Said reports shall also include information concerning an assessment of the performance of each agency funded by the Trust as well as those program activities carried out directly by the Trust In addition to these quarterly reports, the Trust shall submit annual reports to the County Manager and the Board of County Commissioners summarizing and evaluating all programs and activities undertaken by the Trust during the previous fiscal year. The annual report shall include an audit and accounting in accordance with generally accepted accounting principles of all funds received and expended by the Trust..<< The Trust shall not be able, however, to establish any bank accounts without the express approval of either the Board of County Commissioners or the County Manager;

Comment [CMO3]: Supported by the MMAP Trust; original recommendation amended to include a quarterly report outlining all procurement activities to Commission Auditor and County Manager.

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provided, however, that the Trust can establish ~~an account for Miami-Dade Community Foundation monies to receive and~~ expend non-County monies which the Trust receives. No County monies nor income from County accounts shall be deposited into >>any external<<~~the Miami-Dade Community Foundation~~ account>>s<<.>>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.<<

Comment [CMO4]: Supported by the MMAP Trust

* * *

Section 4. Section 2-506 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:

Sec. 2-506. Powers and Duties of the Trust.

The Trust, acting through its governing body, shall be authorized to exercise such powers and shall be required to perform such duties as are hereinafter provided:

(a) Every five (5) years, the Trust shall establish a five-year comprehensive plan (hereinafter "the plan"). The plan shall contain one-year goals and objectives, the completion of which shall be needed to accomplish the comprehensive plan. The first plan shall be submitted to the Board of County Commissioners for approval.

(b) The Trust shall be empowered to expend administrative and programmatic resources to achieve each of its one-year goals and objectives as well as to accomplish and complete each five-year plan >>subject to the limitations of Section (d) below<<. >>However, the Trust shall not without the prior approval of the Board of County Commissioners, enter into or amend any contract which shall require the expenditure of funds in excess of the amounts appropriated to the Trust by the Board of County Commissioners.<<

(c) The Trust shall identify and develop a variety of alternative funding sources and shall seek and apply for State, federal and private grants.

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(d) [[~~The trust, as an agent and instrumentality of Miami-Dade County, shall be authorized toact for Miami-Dade County in the performance and enforcement of all contracts and, subsequent to the effective date of this chapter and subject to the limitations set forth below, shall additionally be empowered to negotiate and execute such contracts as are properly within the powers and duties of the trust. However, the trust shall not without the prior approval of the Board of County Commissioners, enter into or amend any contract which shall require the expenditure of funds in excess of the amounts appropriated to the trust by the Board of County Commissioners.~~]]

The trust shall comply with the formal bid requirements of Section 4.03(D) of the Charter of Miami-Dade County, Florida [[~~, and for such purpose the term "board" as used in Section 4.03(D) shall be construed to be "board of trustees" and the term "manager" shall be construed to be executive director of the trust~~]].

Comment [CMO5]: NOT supported by the MMAP Trust (treatment of the Trust as a regular County department). **Alternative:** If placed on Management Watch, MMAP will be treated as a regular County department. Alternative is NOT supported by the MMAP Trust.

For all construction contracts, the trust shall comply with the provisions of Section 10-38 of the County Code and the administrative procedures adopted pursuant to said section.

For all purchases of commodities and services, the trust shall comply with the provisions of Section 2-8.2 of the County Code and the administrative procedures adopted pursuant to said section.

(e) The Trust's budget requests shall be prepared and submitted in the same manner as the budget for a County department and will be considered as part of the Miami-Dade County budget process. The Trust's budget requests shall be prepared in a format prescribed by the County Manager.

Deleted: 4

Section 5. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Deleted: 5

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Section 6. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be re-numbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Deleted: 6

Section 7. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency. _____

Prepared by: _____

Shannon D. Summerset