



**MIAMI-DADE COUNTY
FINAL OFFICIAL MINUTES
Budget and Finance Committee**

28

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

Tuesday, December 11, 2007
As Advertised

Harvey Ruvin, Clerk
Board of County Commissioners

Kay Madry Sullivan, Director
Clerk of the Board Division

Scott Rapple, Commission Reporter
(305) 375-5108





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

FINAL OFFICIAL

Meeting Minutes

Budget and Finance Committee

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

Tuesday, December 11, 2007

2:00 PM

COMMISSION CHAMBERS, SPCC

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

Members Absent: None.

Members Late: None.

Members Excused: None.

Members Absent County Business: None.

1 MINUTES PREPARED BY

Report: *Scott Rappleye, Commission Reporter,
(305) 375-5108*

1A INVOCATION

Report: *Chairman Martinez called the meeting to order at
2:19 pm.*

1B PLEDGE OF ALLEGIANCE

1C **ROLL CALL**

Report: *The following staff members were present: Special Assistant to the County Manager Jennifer Glazer-Moon; County Attorneys Jess McCarty and Oren Rosenthal; and Deputy Clerk Judy Marsh.*

CHANGES TO TODAY'S COMMITTEE AGENDA

Assistant County Attorney McCarty indicated that in addition to the County Manager's memorandum entitled, "Requested Changes to the Budget and Finance Committee Agenda," the following additional changes had been requested: that Agenda Item 1E1 Supplement #2 be added.

In response to Chairman Martinez's request for an explanation concerning the request in the County Manager's Memorandum to defer Agenda Item 7A, Special Assistant to the County Manager Jennifer Glazer-Moon indicated the Regional Conflict Counsel Representative was unable to attend today's meeting.

Chairman Martinez spoke in opposition to the deferral of Agenda Item 7A, as requested by the County Manager.

It was moved by Commissioner Diaz that the requests for changes to the day's agenda be approved, excluding the request to defer Agenda Item 7A. This motion was seconded by Commissioner Sorenson, and upon being put to a vote, passed 5-0 (Commissioner Souto was absent).

1D **OFFICE OF THE COMMISSION AUDITOR**

1D1

073549 **Report**

OCA WORK PLAN AND ANNUAL REPORT: FY 2007-08

Withdrawn

1D1 AMENDED

073695 Report

OCA WORK PLAN AND ANNUAL REPORT; FY 2007-08
[SEE ORIGINAL AGENDA ITEM UNDER LEGISTAR NO.
073549] (Commission Auditor)

Deferred to December 19, 2007

Mover: Sosa

Second: Gimenez

Vote: 6-0

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

Chairman Martinez noted that he requested County Commission Chairman Barreiro call a Special Meeting of the County Commission on December 20, 2007 to consider this report along with Agenda Items 2E and 2H. He explained that Chairman Barreiro indicated that although he would not call a Special Meeting on December 20th to consider these items, a discussion of the Office of the Commission Auditor would be placed on the December 18, 2007, County Commission Agenda.

Commissioner Gimenez asked that this report be amended to change the first sentence in paragraph 1, under "Projects in previous Work Plan recommended for removal," on handwritten page 2, to read as follows: "Audit of the Implementation of the Reduction of the Fleet;" and that the Office of the Commission Auditor continue to evaluate the County Administration's reduction of the fleet.

Hearing no objection, the Committee considered Agenda Items 1D1 and 7B simultaneously.

Chairman Martinez pointed out that Agenda Item 7B indicated that County Manager Burgess had directed Department Directors to establish a zero based approach to vehicle assignments.

Responding to Commissioner Gimenez's request for an explanation for the reported increase of approximately 500 fleet vehicles since the County Manager's May 2007 memorandum, Mr. Howard Piper, Interim Director, Human Resources Department, clarified that after the County Manager reported the initial amount in May 2007, the County Administration conducted a more detailed count of the number of light fleet vehicles and concluded the amount was more.

Chairman Martinez pointed out that the County Commission approved a resolution at the December 4, 2007, meeting to add more vehicles,

and that on the December 18, 2007, the County Commission adopted a resolution authorizing the purchase of additional vehicles.

Commissioner Gimenez asked Mr. Piper to provide him with a detailed report regarding the number of County vehicles in use as well as the number of County vehicles listed for sale. He asked Mr. Piper to ensure that a process was implemented to accurately track the total number of County vehicles and a breakdown of the number of vehicles issued to each department.

Following Mr. Piper's explanation that the General Services Administration (GSA) was preparing a computer program similar to the process requested by Commissioner Gimenez, Chairman Martinez pointed out that handwritten page 8, of Agenda Item 7B, indicated that the vehicle inventory maintained by the GSA Fleet Management Division did not match the data maintained by the department.

Mr. Piper explained that the light fleet changed everyday, and that the existing manual process used by the County required time for a change in the light fleet inventory of a department to reach GSA.

Commissioner Sorenson asked Ms. Wendi Norris, Director, GSA, to provide a status report indicating expected timeline(s) for meeting the twenty (20%) percent fuel reduction goal outlined in Resolution No. R-969-03.

Commissioner Sosa expressed concern that Agenda Item 1D1 did not dedicate many resources for budget preparation. She noted the County Commission needed to ensure the Commission Auditor's task was redefined to emphasize budget, audit, and finances.

In response to Chairman Martinez's inquiry concerning the status of the additional positions to the Office of Commission Auditor (OCA) approved by the County Commission and a pending review of the OCA, Mr. Charles Anderson, Commission Auditor, noted the approved positions were not filled. He explained that Agenda Item 2B from the November 13, 2007 Budget and Finance Committee meeting called for a best practices review of the OCA; however, this Agenda Item was deferred and subsequently withdrawn by the sponsor. Mr. Anderson clarified that the Commission instructed him not to fill the approved

positions until they had discussed potential changes to the OCA.

Commissioner Sosa suggested the Budget and Finance Committee hold a special meeting to discuss the OCA and present the results of their discussion to County Commission Chairman Barreiro.

Following further discussion concerning a special Committee meeting to discuss the OCA and the need to provide clear directions to the Commission Auditor, Chairman Martinez asked Special Assistant to the County Manager, Jennifer Glazer-Moon, to provide him with a report explaining why corrective action was not taken by County Department Directors in response to the findings/recommendations identified in the Commission Auditor's Report contained within Section II of Agenda Item 1D1.

Discussion ensued concerning the duties and responsibilities of the Commission Auditor and the County Commission's expectations of the OCA.

1D1 It was moved by Commissioner Sosa that Agenda Item 1D1 be deferred to the December 19, 2007 Special Budget and Finance Committee meeting with committee amendments to change the first sentence in paragraph 1, under "Projects in previous Work Plan recommended for removal," on handwritten page 2, to the following language: "Audit of the Implementation of the Reduction of the Fleet;" and that the Office of the Commission Auditor continue to evaluate the County Administration's reduction of the fleet. This motion was seconded by Commissioner Gimenez, and upon being put to a vote, passed by a vote of 6-0.

7B It was moved by Commissioner Sosa that Agenda Item 7B be received. This motion was seconded by Commissioner Gimenez, and upon being put to a vote, passed 6-0.

1E OFFICE OF INTERGOVERNMENTAL AFFAIRS

1E1

073588 Report

PROPOSED 2008 STATE LEGISLATIVE PACKAGE

Withdrawn

Report: *See Report Under Agenda Item 1E1 AMENDED,
Legislative File No. 073694.*

1E1 AMENDED

073694 Report

REVISED 2008 STATE LEGISLATIVE AGENDA

*Forwarded to the BCC by the BCC
Chairperson without
recommendation
Mover: Gimenez
Seconder: Diaz
Vote: 6-0*

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

Commissioner Sosa explained that the State Intergovernmental Affairs Subcommittee (SIAS) concluded that the Legislature would not have extra funds next year (2009); and that the County needed to target its efforts to maintain what it already had. She noted she was surprised by the County Administration's recommendations in Agenda Item 1E2 Supplement, and that the recommendations were inconsistent with the discussion that occurred at the December 3, 2007, SIAS meeting.

Commissioner Diaz pointed out that the Speaker of the State House of Representatives was from Miami-Dade County; and that considering the ramifications of a local resident in this position, the County should lobby for funding for all projects.

Commissioner Souto suggested the County Commission actively attend House and Senate Committee meetings.

Referencing Agenda Item 1E2 Supplement #2, Chairman Martinez emphasized that, in the past, the County Commission had established policy regarding issues involving the Legislature, and that department directors would lobby against the established policy. He pointed out that Agenda Item 1E2 Supplement #2, requested the County Commission include specific departmental priorities.

It was moved by Commissioner Gimenez that this report and its two supplements be forwarded to the County Commission without recommendation. This motion was seconded by Commissioner Diaz.

Following Chairman Martinez's comments that the "Proposed BCC Legislative Requests" section of this report would be amended to include his

request that the County "SUPPORT efforts to pursue all available resources including the Low Income Pool (LIP) Program (Leveraging existing IGT funds) to help fund the subsidy portion of the Limited Benefit Insurance Product, as long as LIP funds were not redirected from Jackson Memorial Hospital," the Committee proceeded to vote.

In response to comments by Mr. Joe Rasco, Director, Office of Intergovernmental Affairs, concerning the SIAS's consensus on five critical priorities and five appropriations, Commissioner Diaz asked Mr. Rasco to meet with each Committee member before the December 18, 2007 Regular County Commission meeting to discuss the critical priorities and appropriations to be included in the State Legislative Package.

Following Commissioner Sorenson's comments that the County Commission should prioritize, rather than limit, its requests from the Legislature, Chairman Martinez pointed out that individual commissioners could lobby the Legislature for their individual priorities.

Chairman Martinez asked staff to prepare the appropriate memorandum requesting that the County Commission's Chairman Bruno A. Barreiro waive the Committee's rules and allow the foregoing report to be heard at the December 18, 2007 County Commission meeting.

1E1 SUPPLEMENT

073614 Report

SUPPLEMENTAL INFORMATION REGARDING
PROPOSED 2008 STATE LEGISLATIVE PACKAGE

*Forwarded to the BCC by the BCC
Chairperson without
recommendation
Mover: Gimenez
Seconder: Diaz
Vote: 6-0*

Report: *(See Report Under Agenda Item 1E1 AMENDED,
Legislative File No. 073694.)*

Chairman Martinez asked staff to prepare the appropriate memorandum requesting that the County Commission's Chairman Bruno A. Barreiro waive the Committee's rules and allow the foregoing report to be heard at the December 18, 2007 County Commission meeting.

1E1 SUPPLEMENT #2

073639 Report

ADDITIONAL SUPPLEMENTAL INFORMATION
REGARDING PROPOSED 2008 STATE LEGISLATIVE
PACKAGE

*Forwarded to the BCC by the BCC
Chairperson without
recommendation
Mover: Gimenez
Seconder: Diaz
Vote: 6-0*

Report: *(See Report Under Agenda Item 1E1 AMENDED,
Legislative File No. 073694.)*

*Chairman Martinez asked staff to prepare the
appropriate memorandum requesting that the
County Commission's Chairman Bruno A.
Barreiro waive the Committee's rules and allow
the foregoing report to be heard at the December
18, 2007 County Commission meeting.*

2 COUNTY COMMISSION

2A

073530 Resolution**Bruno A. Barreiro**

RESOLUTION RETROACTIVELY AUTHORIZING IN-
KIND SERVICES FROM THE MIAMI-DADE PARK AND
RECREATION DEPARTMENT, THE MIAMI DADE FIRE
RESCUE DEPARTMENT, THE MIAMI-DADE
ELECTIONS DEPARTMENT AND THE MIAMI-DADE
POLICE DEPARTMENT FOR THE NOVEMBER 17-18,
2007 HARVEST FESTIVAL SPONSORED BY THE
HISTORICAL ASSOCIATION OF SOUTHERN FLORIDA
INC., A NOT-FOR-PROFIT ORGANIZATION, IN AN
AMOUNT NOT TO EXCEED \$16,366.00 TO BE FUNDED
IN PART FROM THE COUNTYWIDE IN-KIND RESERVE
FUND, AND IN PART FROM THE NON-AD VALOREM
PORTION OF THE FIRE RESCUE IN-KIND RESERVE
FUND

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

2B

073547 Resolution Jose "Pepe" Diaz,
Joe A. Martinez, Carlos A. Gimenez, Dorrin D. Rolle, Katy
Sorenson

RESOLUTION AUTHORIZING ADDITIONAL PAID
LEAVE FOR COUNTY EMPLOYEES ON ACTIVE
MILITARY SERVICE AND AMENDING COUNTY LEAVE
MANUAL ACCORDINGLY

*Forwarded to BCC with a favorable
recommendation*

Mover: Diaz

Seconder: Sorenson

Vote: 6-0

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

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

*Chairman Martinez asked that he be listed as a co-
sponsor.*

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

2C

072840 Resolution Audrey M. Edmonson,
Jose "Pepe" Diaz, Katy Sorenson, Barbara J. Jordan, Sally
A. Heyman, Rebeca Sosa
RESOLUTION URGING THE U.S. CONGRESS TO
PROVIDE A SAFE HAVEN FOR UNDOCUMENTED
IMMIGRANT CHILDREN IN THE U.S. UNTIL SUCH
TIME AS CONGRESS ADOPTS A NEW POLICY
RELATED TO SUCH CHILDREN

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

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

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

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

*Responding to Chairman Martinez' question
whether this proposal supported illegal
immigration, Assistant County Attorney McCarty
advised that this resolution was applicable to
children who immigrated to the United States as a
result of a decision made by their parents; and
that it would provide a path to citizenship for those
children through college or military service. He
clarified that this proposal would not apply to the
parents of those children; that the children would
be allowed to stay in the Country; that legislation
on this issue was pending before the United States
Congress; and that this proposed resolution would
remain in effect, pending the adoption of new
legislation.*

*Commissioner Diaz emphasized that the County
opposed illegal immigration. He explained that
this proposed resolution was a humanitarian way
to handle a sad problem.*

*In response to Commissioner Souto's question
whether the County would maintain a registry of
undocumented children that should not be
deported, pursuant to the provisions of this
proposed resolution, Chairman Martinez pointed
out one of the consequences of this proposed
resolution would be the creation of a registry.*

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

2D

073510 Resolution

Rebeca Sosa,

Katy Sorenson, Barbara J. Jordan, Joe A. Martinez
RESOLUTION URGING THE LEGISLATURE TO ENACT
APPROPRIATE LEGISLATION TO PREVENT EVICTION
OF MOBILE HOME PARK TENANTS DUE TO A
CHANGE IN USE OF LAND DURING THE PENDENCY
OF A MORATORIUM IMPOSED BY LOCAL
GOVERNMENT

*Forwarded to BCC with a favorable
recommendation*

Mover: Sosa

Seconder: Diaz

Vote: 6-0

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

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

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

*Commissioner Souto questioned how this
proposed resolution could impact existing state
law regarding property rights.*

*Assistant County Attorney McCarty advised that
this proposed resolution would be an additional
limitation on the property owner in the limited
circumstance when a land use change was
pending and when a local government imposed a
moratorium.*

*Responding to Commissioner Gimenez's inquiry
concerning how this proposed resolution would
apply when a tenant was delinquent on payments,
Assistant County Attorney McCarty advised this
proposed resolution would not impact eviction.*

*Following comments by Chairman Martinez and
Commissioner Sosa in support of this proposal,
the Committee proceeded to vote.*

2E

073191 Resolution

Sen. Javier D. Souto

RESOLUTION DIRECTING THE COMMISSION AUDITOR TO ASSIGN A BUDGET ANALYST AND/OR AUDITOR TO EACH COUNTY DEPARTMENT AS WELL AS ENTITIES THAT RECEIVE SUBSTANTIAL COUNTY FUNDING, TO WORK ALONGSIDE AND IN COORDINATION WITH THE CORRESPONDING BUDGET ANALYST FROM THE OFFICE OF STRATEGIC BUSINESS MANAGEMENT

Deferred to December 19, 2007

Mover: Sorenson

Seconder: Gimenez

Vote: 6-0

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

It was moved by Commissioner Souto that this proposed resolution be forwarded to the County Commission with a favorable recommendation. This motion was seconded by Commissioner Gimenez.

Commissioner Sorenson suggested this proposed resolution be deferred to the Special Budget and Finance Committee meeting on December 19, 2007, to discuss the Office of Commission Auditor.

Special Assistant to the County Manager Jennifer Glazer-Moon noted she met with the Commission Auditor and his staff last week to initiate the budget analysis process.

Hearing no objection, the Committee considered Agenda Items 2E and 2H simultaneously.

Assistant County Attorney McCarty read Agenda Item 2H into the record.

The public hearing was opened. It was closed after no one appeared in response to Chairman Martinez's call for persons wishing to be heard.

It was moved by Commissioner Gimenez that Agenda Item 2H be deferred to December 19, 2007, with committee amendment(s) to include language that the Commission Auditor would work with the Office of Strategic Business Management prior to the release of the proposed budget. This motion was seconded by Commissioner Sorenson.

Following further discussion, the Committee proceeded to vote to defer both Agenda Items 2E and 2H to December 19, 2007.

2F

073514 Resolution

Audrey M. Edmonson,

Dorrin D. Rolle

RESOLUTION URGING CONGRESS TO AMEND THE HOPE ACT AND RELATED INITIATIVES TO FURTHER EXPAND TEXTILE AND APPAREL TRADE BETWEEN HAITI AND THE U.S.; URGING THE FEDERAL GOVERNMENT TO FULLY FUND TRADE PREFERENCE INITIATIVES RELATED TO HAITI

Forwarded to BCC with a favorable recommendation

Mover: Sorenson

Seconder: Sosa

Vote: 6-0

2G

073566 Resolution

Rebeca Sosa,

Bruno A. Barreiro, Barbara J. Jordan, Joe A. Martinez
RESOLUTION URGING THE FLORIDA LEGISLATURE TO REMOVE A 30-YEAR RESTRICTION ON COUNTY LEASES CURRENTLY IN STATUTE IN THE INTEREST OF FACILITATING WORKFORCE AND AFFORDABLE HOUSING

Forwarded to BCC with a favorable recommendation

Mover: Sosa

Seconder: Gimenez

Vote: 6-0

2H

073189 Ordinance

Carlos A. Gimenez

ORDINANCE AMENDING SECTION 2-1795 OF THE CODE OF MIAMI-DADE COUNTY RELATED TO PROCEDURES TO BE FOLLOWED IN THE PREPARATION AND ADOPTION OF THE COUNTY'S ANNUAL BUDGET; AMENDING SECTION 2-481 OF THE CODE OF MIAMI-DADE COUNTY RELATED TO THE COMMISSION AUDITOR'S ACCESS TO INFORMATION; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND EFFECTIVE DATE

Withdrawn

Report: *See Report Under Agenda Item 2H AMENDED, Legislative File No. 073701.*

2H AMENDED

073701 Ordinance

Carlos A. Gimenez,

Rebeca Sosa

ORDINANCE AMENDING SECTION 2-1795 OF THE CODE OF MIAMI-DADE COUNTY RELATED TO PROCEDURES TO BE FOLLOWED IN THE PREPARATION AND ADOPTION OF THE COUNTY'S ANNUAL BUDGET; AMENDING SECTION 2-481 OF THE CODE OF MIAMI-DADE COUNTY RELATED TO THE COMMISSION AUDITOR'S ACCESS TO INFORMATION; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 073189]

Deferred with committee amendments

Mover: Gimenez

Seconder: Sorenson

Vote: 6-0

Report: *(See Report Under Agenda Item 2E, Legislative File No. 073191.)*

Following the holding of the public hearing, it was moved by Commissioner Gimenez that the foregoing proposed ordinance be deferred to December 19, 2007, with committee amendment(s) to include language that the Commission Auditor would work with the Office of Strategic Business Management prior to the release of the proposed budget. This motion was seconded by Commissioner Sorenson.

21

073477 Resolution

Sally A. Heyman

RESOLUTION DIRECTING THE COUNTY MANAGER TO CREATE INDEMNITY AND INSURANCE REQUIREMENTS FOR AGREEMENTS WITH NOT-FOR-PROFIT ENTITIES; DEVELOP AND IMPLEMENT A STANDARDIZED PROCESS FOR CONDUCTING DUE DILIGENCE OF NOT-FOR-PROFIT ENTITIES AND THEIR PRINCIPALS; AND SUBMIT A PROPOSED IMPLEMENTING ORDER

Forwarded to BCC with a favorable recommendation

Mover: Sorenson

Seconder: Gimenez

Vote: 6-0

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

It was moved by Commissioner Sorenson that this proposed resolution be forwarded to the County Commission with a favorable recommendation. This motion was seconded by Commissioner Gimenez.

Pursuant to Chairman Martinez's request for an explanation of the second WHEREAS clause, Assistant County Attorney Oren Rosenthal advised this clause would create standard indemnity insurance language, approved by the County Commission, that would be included in contracts with not-for-profit entities; and that the language would provide what level of insurance the County wanted the not-for-profit entities to have and the indemnities the not-for-profit organizations would offer the County if they failed to fulfill a portion of the contract. He noted the not-for-profit organization would be required to notify the County Commission of failure to fulfill a portion of the contract.

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

2J

073489 Resolution Sally A. Heyman

RESOLUTION REQUIRING THAT NON-UNION, EXEMPT EMPLOYEES WITH CERTAIN EXEMPTIONS, PARTICIPATE IN DIRECT DEPOSIT PROGRAM AND DIRECTING THE MAYOR OR HIS DESIGNEE TO IMPLEMENT PROCEDURE THEREFOR; DIRECTING MAYOR OR HIS DESIGNEE TO INCLUDE MANDATORY PARTICIPATION IN THE DIRECT DEPOSIT PROGRAM FOR UNION EMPLOYEES AS A NEGOTIATING ISSUE WHEN COLLECTIVE BARGAINING CONTRACTS ARE NEGOTIATED OR RE-OPENED

*Deferred to January 15, 2008**Mover: Sosa**Seconder: Sorenson**Vote: 5-1**No: Martinez*

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

It was moved by Commissioner Sorenson that this proposed resolution be forwarded to the County Commission with a favorable recommendation. This motion was seconded by Commissioner Gimenez.

Commissioner Sosa questioned the impact of this proposed resolution on young employees who did not have checking accounts and whether arrangements would be made for those individuals. She noted she opposed the government making a mandate on such a personal issue.

Chairman Martinez spoke in opposition to this proposed resolution. He pointed out that this proposal could create two tiers of employees if the Unions were opposed.

Responding to Commissioner Gimenez's inquiry regarding the County accommodating an employee that requested to be paid in cash, Ms. Rachel Baum, Director, Finance Department, noted an employee could not be paid in cash.

Commissioner Gimenez pointed out that the County was currently forcing employees to be paid by check; and that this proposed resolution was consistent with current practice and with technological changes.

Discussion ensued concerning the veracity of the \$300,000 annual cost indicated on handwritten page three (3).

Commissioner Gimenez withdrew his second to Commissioner Sorenson's motion to forward this

proposed resolution with a favorable recommendation, followed by Commissioner Sorenson withdrawing her motion.

It was moved by Commissioner Sosa that this proposed resolution be deferred to January 15, 2008. This motion was seconded by Commissioner Sorenson.

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

2K

073493 Resolution

Sally A. Heyman,

Katy Sorenson, Rebeca Sosa, Audrey M. Edmonson, Carlos A. Gimenez, Barbara J. Jordan, Dorrin D. Rolfe
 RESOLUTION URGING THE U.S. CONGRESS AND/OR THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES TO AMEND FEDERAL LAW TO ALLOW FEDERAL FINANCIAL PARTICIPATION FOR MEDICAL BENEFITS TO INCARCERATED BUT UNADJUDICATED INDIVIDUALS; URGING THE FLORIDA LEGISLATURE TO SUSPEND RATHER THAN TERMINATE MEDICAID BENEFITS FOR PERSONS CHARGED WITH A CRIME AND/OR INCARCERATED FOR LESS THAN A YEAR

Forwarded to BCC with a favorable recommendation

Mover: Sorenson

Seconded: Gimenez

Vote: 5-1

No: Martinez

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

It was moved by Commissioner Sorenson that this proposed resolution be forwarded to the County Commission with a favorable recommendation. This motion was seconded by Commissioner Gimenez.

Chairman Martinez clarified the Federal Government cut financial support for health and human services to incarcerated, but unadjudicated individuals, on the premises that the State would compensate for those funds.

Commissioner Sosa explained the intent of this proposed resolution was to reinstate medical benefits to individuals released from incarceration; and that the County would be relieved of the cost to attend to these individuals at Jackson Memorial Hospital while they did not have medical benefits.

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

2L

073552 Resolution

Sally A. Heyman

RESOLUTION DIRECTING COUNTY MAYOR TO
STUDY AND PROPOSE A UNIFORM COUNTY PUBLIC
RECORDS FEE STRUCTURE TO BE UTILIZED BY ALL
COUNTY AGENCIES AND DEPARTMENTS

*Forwarded to BCC with a favorable
recommendation*

Mover: Sorenson

Seconder: Diaz

Vote: 6-0

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

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

*Special Assistant to the County Manager Jennifer
Glazer-Moon noted, for the record, that
Administrative Order 4-48, outlined the fee
structure for public records; and that she would
meet with Commissioner Heyman to review that
fee structure.*

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

2M

073485 Resolution

Barbara J. Jordan

No Action Taken

RESOLUTION URGING THE U.S. CONGRESS AND THE FLORIDA LEGISLATURE TO STRENGTHEN HATE CRIME LAWS TO PROVIDE THAT INTENTIONALLY EXPOSING A PERSON TO HANGING NOOSES OR OTHER OBJECTS OR SYMBOLS EVIDENCING PREJUDICE CREATES A PRESUMPTION OF A HATE CRIME, IN LIGHT OF RECENT EVENTS IN JENA, LOUISIANA

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

It was moved by Commissioner Sorenson that this proposed resolution be forwarded to the County Commission with a favorable recommendation.

Commissioner Gimenez expressed concern regarding the language "other objects or symbols" on handwritten page four (4). He noted that the preceding language was a slippery slope that could impact people's ability to express themselves through flags on their cars and t-shirt designs.

Commissioner Diaz concurred with Commissioner Gimenez; and noted that the intent of this proposed resolution was good and valid.

Commissioner Sorenson withdrew her motion.

Chairman Martinez spoke in opposition to this proposed resolution being a slippery slope that would limit individuals' right to free speech.

Pursuant to the Committee taking no action on this proposed resolution, Assistant County Attorney Jess McCarty advised this proposed resolution would be considered at the next Committee meeting.

2N

073484 Resolution

Joe A. Martinez

Withdrawn

RESOLUTION CONFIRMING A POLICY THAT ALL COUNTY EMPLOYEES AND COUNTY CONTRACT LOBBYISTS SHALL LIMIT LOBBYING EFFORTS IN WASHINGTON AND TALLAHASSEE AND RELATED TO FEDERAL AND STATE LEGISLATION AND FUNDING REQUESTS TO THOSE APPROVED BY THE BOARD OF COUNTY COMMISSIONERS; PROVIDING EXCEPTIONS; DIRECTING THE MAYOR OR HIS DESIGNEE TO REVIEW AND APPROVE ALL ADMINISTRATION WASHINGTON AND TALLAHASSEE TRAVEL REQUESTS CONSISTENT WITH THIS POLICY

Report: See Report Under Agenda Item 2N AMENDED, Legislative File No. 073741.

2N AMENDED

073741 Resolution Joe A. Martinez

RESOLUTION ESTABLISHING A POLICY THAT, WHILE REPRESENTING THE COUNTY OR ADVOCATING AS IF THEY ARE REPRESENTING THE COUNTY, ALL COUNTY EMPLOYEES AND COUNTY CONTRACT LOBBYISTS SHALL LIMIT LOBBYING EFFORTS IN WASHINGTON AND TALLAHASSEE AND OTHER COMMUNICATIONS RELATED TO FEDERAL AND STATE LEGISLATION AND FUNDING REQUESTS TO THOSE APPROVED BY THE BOARD OF COUNTY COMMISSIONERS; PROVIDING EXCEPTIONS; RESCINDING PRIOR POLICIES TO THE EXTENT INCONSISTENT; DIRECTING THE MAYOR OR HIS DESIGNEE TO REVIEW AND APPROVE ALL ADMINISTRATION WASHINGTON AND TALLAHASSEE TRAVEL REQUESTS CONSISTENT WITH THIS POLICY [SEE ORIGINAL ITEM UNDER FILE NO. 073484]

Forwarded to BCC with a favorable recommendation with committee amendment(s)

Mover: Diaz

Seconded: Sosa

Vote: 6-0

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

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

Commissioner Sorenson questioned the need for a resolution to confirm an existing policy.

Chairman Martinez pointed out that, notwithstanding the existing policy, County employees had lobbied the Legislature against policies adopted by the Commission.

In response to Commissioner Gimenez's inquiry concerning the impact of this proposed resolution on a County employee lobbying the Legislature against the Commission's adopted policy during non-working hours, Assistant County Attorney McCarty advised that this proposed resolution was targeted at County employees who represented themselves as County employees; and that it did not prohibit an employee from lobbying on an issue unrelated to the County. He clarified that a County employee who was also a Union President, and identified himself or herself to the Legislature as such, could lobby the Legislature; however, he or she could not identify himself or herself as a representative of the County. Assistant County Attorney McCarty noted language could be added to this proposal to clarify what he explained.

Responding to Commissioner Gimenez's question concerning the impact of this proposed resolution on lobbyists, Assistant County Attorney McCarty advised that contract lobbyists were governed by other restrictions not set forth in this proposed resolution, and would have to comply with those restrictions.

Commissioner Diaz questioned whether a County employee lobbying the Legislature, on his or her own time, would present an ethics violation. He noted he recalled that shortly after he was elected a Commissioner, an employee lobbied the Legislature, as a citizen and on his own time, against the County; and that he was advised the employee should not have lobbied in that capacity.

Chairman Martinez pointed out that the example used by Commissioner Diaz could have violated an Administrative Order, and not a County policy.

Commissioner Diaz noted he supported the County allowing County employees who were Union representatives to lobby as a Union representative; and that he was opposed to a County employee lobbying against the policy of the County Commission.

In response to Commissioner Sorenson's request for an explanation of the first three lines of Section 1 of this proposed resolution, Assistant County Attorney McCarty advised that the provisions in those lines intended to address trips to Washington and Tallahassee, phone calls, and meetings in Miami or elsewhere.

Commissioner Sorenson clarified that the intent of the first three lines of Section 1 of this proposed resolution was to limit other communications related to federal and state legislation.

Assistant County Attorney McCarty suggested the Committee amend this proposed resolution to rescind the prior policies (Resolution Nos. R-1236-99 and R-232-01), and this proposal would be a new policy that prohibited County employees to represent the County or to advocate as if they represented the County.

It was moved by Commissioner Diaz that the foregoing proposed resolution be forwarded to the County Commission with a favorable recommendation with committee amendment(s) to include language in Section 1 that clarified the limitations on lobbying activities by County

employees; and to add a section to rescind Resolution Nos. R-1236-99 and R-232-01. This motion was seconded by Commissioner Sosa.

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

20

073541 Resolution

Joe A. Martinez,

Rebeca Sosa, Bruno A. Barreiro

RESOLUTION AUTHORIZING IN-KIND SERVICES FROM THE MIAMI-DADE PARK AND RECREATION DEPARTMENT, THE MIAMI DADE FIRE RESCUE DEPARTMENT, THE MIAMI-DADE POLICE DEPARTMENT AND THE DEPARTMENT OF SOLID WASTE MANAGEMENT FOR THE FEBRUARY 11-20, 2008 "EL MEMORIAL CUBANO" EVENT SPONSORED BY MEMORIAL CUBANO, INC., A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED \$21,865.00 TO BE FUNDED IN PART FROM THE COUNTYWIDE IN-KIND RESERVE FUND, AND IN PART FROM THE NON-AD VALOREM PORTION OF THE FIRE RESCUE DISTRICT IN-KIND RESERVE FUND

Forwarded to BCC with a favorable recommendation

Mover: Sosa

Secunder: Souto

Vote: 6-0

Report: Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record.

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

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

2P

073486 Resolution**Dorrin D. Rolle**

RESOLUTION URGING THE U.S. CONGRESS AND THE DEPARTMENT OF DEFENSE TO RELOCATE THE ARMORY LOCATED AT NW 27 AVENUE AND 119 STREET

Forwarded to BCC with a favorable recommendation

Mover: Sorenson

Seconder: Gimenez

Vote: 6-0

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

It was moved by Commissioner Sorenson that this proposed resolution be forwarded to the County Commission with a favorable recommendation. This motion was seconded by Commissioner Gimenez.

Chairman Martinez asked Mr. Joe Rasco, Director, Office of Intergovernmental Affairs, to ensure that the County's lobbyists in Washington lobbied this proposed resolution as a top priority.

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

2Q

073297 Resolution**Rebeca Sosa**

RESOLUTION DIRECTING MAYOR OR HIS DESIGNEE TO PREPARE A CONTINGENCY PLAN IN THE EVENT OF ABOLISHMENT OF A MUNICIPALITY AND TO SUBMIT SUCH PLAN TO THE BOARD OF COUNTY COMMISSIONERS FOR ITS REVIEW

Forwarded to BCC with a favorable recommendation

Mover: Sosa

Seconder: Gimenez

Vote: 6-0

2R

073481 Resolution**Rebeca Sosa,****Sally A. Heyman**

RESOLUTION URGING THE FLORIDA LEGISLATURE TO REVISE STATUTES PASSED DURING SPECIAL SESSION B ON PROPERTY TAXES TO ADDRESS ANNEXATIONS, INCORPORATIONS AND CHANGES TO DISTRICT BOUNDARIES

Forwarded to BCC with a favorable recommendation

Mover: Sosa

Seconder: Gimenez

Vote: 5-0

Absent: Souto

2S

073487 Resolution

Rebeca Sosa,

Jose "Pepe" Diaz, Carlos A. Gimenez
 RESOLUTION URGING THE FLORIDA LEGISLATURE
 TO ENACT A STUDENT LOAN FORGIVENESS
 PROGRAM FOR TEACHERS, PROSECUTORS, AND
 PUBLIC DEFENDERS

*Forwarded to BCC with a favorable
 recommendation*

Mover: Sosa

Seconder: Diaz

Vote: 5-0

Absent: Souto

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

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

*Chairman Martinez questioned how long
 individuals would need to remain in their
 profession to receive loan forgiveness.*

*Assistant County Attorney McCarty advised that
 this proposed resolution did not specify a
 timeframe. He noted that similar bills filed in
 previous years with the Legislature had a three to
 five year timeframe.*

*In response to Commissioner Diaz's inquiry
 concerning existing State legislation that
 accomplished the intent of this proposal, Assistant
 County Attorney McCarty advised that a loan
 forgiveness program existed for teachers in
 particular areas of the State that had difficulty
 finding teachers.*

*Following Commissioner Sosa's explanation of the
 intent of this proposed resolution, Commissioner
 Diaz asked that he be listed as a co-sponsor.*

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

3 DEPARTMENTS

3A

073164 Ordinance

ORDINANCE AUTHORIZING LOAN IN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$52,000,000 FROM SUNSHINE STATE GOVERNMENTAL FINANCING COMMISSION FOR PURPOSE OF PAYING OR REIMBURSING COST OF CERTAIN CAPITAL EXPENDITURES; PROVIDING THAT SUCH LOAN SHALL BE SECURED BY COVENANT TO BUDGET AND APPROPRIATE FROM LEGALLY AVAILABLE NON-AD VALOREM REVENUES OF THE COUNTY; AUTHORIZING FINANCE DIRECTOR TO APPROVE FINAL DETAILS OF LOAN WITHIN CERTAIN PARAMETERS; APPROVING FORM AND EXECUTION AND DELIVERY OF RELATED LOAN AGREEMENT; AND PROVIDING CERTAIN OTHER MATTERS IN CONNECTION WITH SUCH LOAN; PROVIDING SEVERABILITY AND EFFECTIVE DATE (Finance Department)

Withdrawn

Report: *See Report Under Agenda Item 3A AMENDED, Legislative File No. 073794.*

3A AMENDED

073794 Ordinance

ORDINANCE AUTHORIZING LOAN IN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$52,000,000 FROM SUNSHINE STATE GOVERNMENTAL FINANCING COMMISSION FOR PURPOSE OF PAYING OR REIMBURSING COST OF CERTAIN CAPITAL EXPENDITURES; PROVIDING THAT SUCH LOAN SHALL BE SECURED BY COVENANT TO BUDGET AND APPROPRIATE FROM LEGALLY AVAILABLE NON-AD VALOREM REVENUES OF THE COUNTY; AUTHORIZING MAYOR OR HIS DESIGNEE TO APPROVE FINAL DETAILS OF LOAN WITHIN CERTAIN PARAMETERS; APPROVING FORM AND EXECUTION AND DELIVERY OF RELATED LOAN AGREEMENT; AND PROVIDING CERTAIN OTHER MATTERS IN CONNECTION WITH SUCH LOAN; PROVIDING SEVERABILITY AND EFFECTIVE DATE.

Forwarded to BCC with a favorable recommendation with committee amendment(s)

Mover: Diaz

Seconder: Sorenson

Vote: 5-0

Absent: Sosa

(Finance Department)

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed ordinance into the record. He indicated that this proposed resolution needed to be amended to remove "Finance Director" and substitute "Mayor or designee" in the title, in Section four (4), and in Section seven (7).*

Commissioner Gimenez requested an explanation of Capital Outlay Funds and questioned the future revenue source for Capital Outlay Funds.

Ms. Rachel Baum, Director, Finance Department, explained that Capital Outlay Reserve Funds were transferred from the different County departments; and that the funding source was the General Fund.

In response to Commissioner Gimenez's question concern how much the County owed to the Sunshine State Loan, Ms. Baum noted the County had issues \$675 million; and that a good portion of the \$675 million was for the Seaport Department, which funded its own debt service.

Commissioner Gimenez questioned how much General Fund money paid for debt service to the Sunshine State Loan.

Special Assistant to the County Manager Jennifer Glazer-Moon explained that approximately 25 percent of the \$36 million from the General Fund

provided backing for debt service payments.

Discussion ensued among Commissioner Gimenez, Ms. Baum, and Assistant County Attorney Gerald Heffernan concerning handwritten page 40, Section 6.02. Mandatory Prepayment in Connection with Liquidity Facility.

It was moved by Commissioner Diaz that the foregoing proposed ordinance be forwarded to the County Commission with a favorable recommendation with committee amendment(s) to remove "Finance Director" and substitute "Mayor or designee" in the title, in Section four (4), and in Section seven (7). This motion was seconded by Commissioner Sorenson.

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

3B

073412 Resolution

RESOLUTION APPROVING IMPLEMENTING ORDER 1-1 (IMPLEMENTING ORDERS), RESCINDING ADMINISTRATIVE ORDER 1-1 (ADMINISTRATIVE ORDERS), RESCINDING CURRENT ADMINISTRATIVE ORDERS, EXCEPT FOR THOSE ADMINISTRATIVE ORDERS CONTAINING BOTH POLICY AND PROCEDURAL ELEMENTS, AND ADOPTING THE IMPLEMENTING ORDERS OF THE BOARD OF COUNTY COMMISSIONERS (Office of Strategic Business Management)

Forwarded to BCC without a recommendation

Mover: Diaz

Secunder: Gimenez

Vote: 5-0

Absent: Sosa

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

Pursuant to Commissioner Diaz's request, Assistant County Attorney Oren Rosenthal explained that when the County's Home Rule Charter was amended on January 26, 2007, the Mayor was given authority to issue Administrative Orders; and that the Mayor's Administrative Orders concerned only administrative acts. He continued to explain that a number of Administrative Orders were issued concerning policy matters; and that Administrative Orders concerning policy matters would be transferred to Implementing Orders. He pointed out that the title to all Administrative Orders were included in the attachments to this proposed resolution.

Commissioner Diaz questioned who reviewed and classified all of the Administrative Orders.

Special Assistant to the County Manager Jennifer Glazer-Moon noted her staff, representatives from the County Attorney's Office, and she had reviewed all Administrative Orders approved by the County Commission; and that they classified the Administrative Orders into the following categories: Administrative Related, Policy Related, and both Administrative and Policy Related. She pointed out that four existing Administrative Orders were found to be no longer applicable and would be rescinded.

Following further discussion between Commissioner Diaz and Special Assistant Glazer-Moon concerning the classification of the existing Administrative Orders, Commissioner Diaz indicated he would like more time to review this proposed resolution.

Commissioner Gimenez asked Assistant County Attorney Jess McCarty to meet with him to discuss whether some existing Administrative Orders were classified appropriately in this proposed resolution before it was considered by the County Commission.

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

3C

072666 Ordinance

ORDINANCE AMENDING SECTION 2-10.4.01 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO THE COMMUNITY BUSINESS ENTERPRISE PROGRAM FOR ARCHITECTURAL, LANDSCAPE ARCHITECTURAL, ENGINEERING, AND SURVEYING AND MAPPING PROFESSIONAL SERVICES (CBE-A/E); CONSOLIDATING THE SCHEDULE OF PARTICIPATION AND LETTER OF INTENT; REPLACING BOTH WITH A LETTER OF AGREEMENT, ALLOWING PROPOSERS TO CURE DEFECTS ON THE LETTER OF AGREEMENT WITHIN FORTY-EIGHT HOURS OF NOTIFICATION; AND INCREASING THE SIZE LIMITS FOR FIRST AND SECOND TIER CBE-A/E'S; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE (Procurement Management Department)

*Withdrawn
Mover: Diaz
Secunder: Sorenson
Vote: 5-0
Absent: Souto*

3D

073558 Resolution

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

Amended

Report: *(See Report Under Agenda Item 3D AMENDED, Legislative File No. 073772).*

It was moved by Commissioner Sorenson that the foregoing proposed resolution be bifurcated to vote separately on Item 4.1, Elevator and Escalator Maintenance. This motion was seconded by Commissioner Diaz, and upon being put to a vote, passed by a vote of 5-0, (Commissioner Sosa was absent).

Following discussion, it was moved by Commissioner Diaz that Agenda Item 4.1, Elevator and Escalator Maintenance, be deferred to no date certain. This motion was seconded by Commissioner Sorenson, and upon being put to a vote, passed by a vote of 5-0.

3D AMENDED

073772 Resolution

RESOLUTION WAIVING FORMAL BID PROCEDURES FOR THE PURCHASE OF GOODS AND SERVICES AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO AWARD SAME, WITH AUTHORITY TO EXERCISE OPTIONS-TO-RENEW ESTABLISHED THEREUNDER [SEE ORIGINAL ITEM UNDER FILE NUMBER 073558] (Procurement Management Department)

Forwarded to BCC with a favorable recommendation with committee amendment(s)

Mover: Sorenson

Seconder: Gimenez

Vote: 5-0

Absent: Sosa

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

It was moved by Commissioner Sorenson that this proposed resolution be forwarded to the County Commission with a favorable recommendation. This motion was seconded by Commissioner Souto.

Chairman Martinez referenced Section 4.1, and questioned the justification for using half-penny surtax funds on elevators and escalators that were constructed many years ago. He pointed out that the County should take some measure against the contractor or engineer who did not take into account that Miami was a salt air environment. He asked that the Committee bifurcate Section 4.1, of this proposed resolution to vote on this item separately.

Commissioner Diaz referenced Section 2.1: EMD Diesel Engine Generator, and questioned the availability of vendors, particularly local vendors, for these generators.

Mr. Amos Roundtree, Procurement Competition Advocate, Procurement Management Department, explained that the recommended vendor had territorial rights.

In response to Commissioner Diaz's inquiry concerning what type of generators would be purchased, Mr. George Rodriguez, Assistant Director, Water and Sewer Department, clarified that the Electro-Motive Diesel (EMD) generator in this proposed resolution needed to be the same as the other generators at the Alexander Orr Water Treatment Plant. He explained that the County had attempted to use a Caterpillar generator at another plant; and that the Caterpillar generator did not synchronize with the other generators and it was now unusable.

Commissioner Gimenez pointed out that the County Commission had approved the use of half-penny surtax funds from the People's Transportation Plan (PTP) on existing systems. He requested he be provided the original amount of surtax funds reported to the County Commission that would be spent for those existing systems and the actual amount of surtax funds used to date.

Commissioner Diaz referenced Item 3.1, and questioned what the County would do with the unpaid balance of the previous contract.

Mr. Roundtree clarified that the County would release those monies when Small Business Development confirmed that employees had been paid.

Chairman Martinez referenced Item 4.2, and questioned whether the allocations in this item were only for labor.

Mr. Roundtree indicated that the allocations would cover all expenses, including supplies, labor, and vendor profit.

It was moved by Commissioner Sorenson that the foregoing proposed resolution be bifurcated to vote separately on Item 4.1, Elevator and Escalator Maintenance. This motion was seconded by Commissioner Diaz, and upon being put to a vote, passed by a vote of 5-0, (Commissioner Sosa was absent).

It was moved by Commissioner Sorenson that the foregoing proposed resolution be forwarded to the County Commission with a favorable recommendation, excluding Item 4.1. This motion was seconded by Commissioner Gimenez, and upon being put to a vote, passed by a vote of 5-0, (Commissioner Sosa was absent).

Pursuant to Commissioner Diaz's request for further explanation concerning Item 4.1, Ms. Nan Markowitz, Director, Citizens' Independent Transportation Trust, noted repairs and replacement of elevators and escalators were projects approved by the County Commission for the use of PTP funds.

Mr. Mike Chavez, Elevator Engineer, General Services Administration, explained that the elevators that needed to be replaced were properly specified to be galvanized trusses when they were originally installed. However, between the time

they were specified and the time they were installed a substitution was made. He noted he could not determine whether this substitution was approved by the County. Mr. Chavez pointed out that the subcontractor on the original project Kone, Inc. had agreed to pay 56 percent of the cost to replace the equipment in this item.

Commissioner Diaz asked the Inspector General (IG) to investigate why galvanized trusses were not used for the Metromover elevators and escalators specified in Item 4.1 of this proposed resolution; including who was involved, who authorized the vendor to use other trusses, and who targeted the change from the original specifications. He asked that copies of the IG's findings be submitted to Committee members.

Discussion ensued concerning the impact of the Committee not forwarding Item 4.1 to the County Commission.

Responding to Commissioner Gimenez's earlier question regarding the original amount of surtax funds reported to the County Commission that would be spent to repair existing systems and the actual amount of surtax funds used to date, Ms. Nan Markowitz noted she thought the original estimate was \$397 million and the actual amount used to date was \$660 million.

Commissioner Gimenez noted he could not support Item 4.1, with the proposed funding formula.

Following further discussion regarding the current condition of the elevators and escalators in Item 4.1, of this proposed resolution, it was moved by Commissioner Diaz that Agenda Item 4.1, Elevator and Escalator Maintenance, be deferred to no date certain. This motion was seconded by Commissioner Sorenson, and upon being put to a vote, passed by a vote of 5-0.

Commissioner Gimenez asked Ms. Markowitz to provide him with a status report outlining how the \$397 million originally estimated for the People's Transportation Plan was used; how the original amount escalated from \$397 million to \$660 million, and how high the total PTP dollars used was expected to be in the future.

3E

073559 Resolution

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

Withdrawn

Report: *See Report Under Agenda Item 3E AMENDED,
Legislative File No. 073773.*

3E AMENDED

073773 Resolution

RESOLUTION AUTHORIZING AWARD OF COMPETITIVE CONTRACTS, WITH AUTHORITY TO EXERCISE OPTIONS-TO-RENEW ESTABLISHED THEREUNDER, AND CONTRACT MODIFICATIONS FOR THE PURCHASE OF GOODS AND SERVICES [SEE ORIGINAL ITEM UNDER FILE NO. 073559] (Procurement Management Department)

Forwarded to BCC with a favorable recommendation with committee amendment(s)

Mover: Gimenez

Second: Sorenson

Vote: 5-0

Absent: Sosa

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

Chairman Martinez asked the Commission Auditor to provide him a report outlining the amount of surtax monies collected from the People's Transportation Plan (PTP) versus the amount spent, as well as a detailed report of how those monies were expended. He expressed concern regarding the request in Items 3.1, 3.2, and 3.3, to change the funding source to the PTP Surtax.

Commissioner Gimenez concurred with Chairman Martinez's concern regarding the use of PTP Surtax funds. He expressed concern regarding the County's level of fulfillment of the promised PTP projects.

In response to Commissioner Diaz's concern regarding the continuation of the Patriot Passport, Ms. Nan Markowitz, Director, Citizens' Independent Transportation Trust, explained that the Patriot Passport program was still in effect; however, the funding source was not the PTP; and that Miami-Dade Transit Agency was paying for the program.

Following further discussion concerning the Patriot Passport program, Chairman Martinez requested Items 3.1, 3.2, and 3.3 be bifurcated. He pointed out he did not approve of the use of the PTP surtax in Items 1.2, 1.4, and 1.5. He explained that he thought resurfacing roads was not a PTP issue.

Special Assistant to the County Manager Jennifer Glazer-Moon indicated that the County Administration would delineate General Fund and PTP allocations in future Procurement Items.

It was moved by Commissioner Gimenez that the foregoing proposed resolution be forwarded to the County Commission with a favorable

recommendation, excluding Item 3.1, Promotional Items, Trophies, Plaques, and Award Ribbons; Item 3.2, Photographic Processing Services and Supplies; and Item 3.3, Audio-Visual Equipment and Supplies. This motion was seconded by Commissioner Sorenson, and upon being put to a vote, passed by a vote of 5-0, (Commissioner Sosa was absent).

It was moved by Commissioner Sorenson that Items 3.1, 3.2 and 3.3 be forwarded to the County Commission with a favorable recommendation. No second to this motion was made, whereupon Items 3.1, 3.2, and 3.3 were laid on the table.

3F

073560 Resolution

RESOLUTION RATIFYING THE COUNTY MANAGER'S AWARD OF CONTRACTS UNDER FULL AND OPEN COMPETITION FOR THE PURCHASE OF GOODS AND SERVICES VALUED IN EXCESS OF \$100,000 AND UP TO \$1,000,000 EXECUTED DURING THE PERIOD OF JULY 1, 2007 THROUGH SEPTEMBER 30, 2007 (Procurement Management Department)

Withdrawn

Report: *See Report Under Agenda Item 3F AMENDED, Legislative File No. 073771.*

3F AMENDED

073771 Resolution

RESOLUTION RATIFYING THE MAYOR'S OR HIS DESIGNEE'S AWARD OF CONTRACTS UNDER FULL AND OPEN COMPETITION FOR THE PURCHASE OF GOODS AND SERVICES VALUED IN EXCESS OF \$100,000 AND UP TO \$1,000,000 EXECUTED DURING THE PERIOD OF JULY 1, 2007 THROUGH SEPTEMBER 30, 2007 [SEE ORIGINAL ITEM UNDER FILE NO. 073560] (Procurement Management Department)

Forwarded to BCC with a favorable recommendation with committee amendment(s)

Mover: Sorenson

Seconder: Gimenez

Vote: 4-0

Absent: Sosa, Diaz

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record. He advised that this proposed resolution needed to be amended to remove "County Manager" and substitute "Mayor or designee" in the title.*

It was moved by Commissioner Sorenson that the foregoing proposed resolution be forwarded to the County Commission with a favorable recommendation with committee amendment(s) to substitute "Mayor or designee" for "County Manager" in the title. This motion was seconded by Commissioner Gimenez.

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

4 COUNTY MANAGER

5 COUNTY ATTORNEY

6 CLERK OF THE BOARD

7 REPORTS

7A

073579 Report
REGIONAL CONFLICT COUNSEL (County Manager)

Deferred to no date certain
Mover: Gimenez
Seconder: Sorenson
Vote: 4-0
Absent: Sosa, Diaz

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

Special Assistant to the County Manager Jennifer Glazer-Moon noted the County Administration requested this report be deferred, since the Regional Conflict Counsel Representative could not attend. She explained that the Regional Conflict Counsel had requested action, and the County Administration was seeking the County Commission's direction regarding how to proceed on the Regional Conflict Counsel's requests.

Commissioner Sorenson pointed out that the County should not pay the money figures in this report. She suggested the Committee defer this report until litigation was resolved.

Special Assistant to the County Manager Jennifer Glazer-Moon noted the State indicated that statutory changes had been made; and that some parties were challenging the constitutionality of those changes.

Assistant County Attorney McCarty advised that the State Constitution clearly indicated the County was not required to pay for the Conflict Counsel; and that the statute placed the funding obligation for the Conflict Counsel on the counties. He noted that nothing in the statute prohibited the County from making a policy decision of whether to fund the Conflict Counsel.

Commissioner Sorenson pointed out the County would accept something it should not accept if it provided any funding.

Responding to Commissioner Gimenez's question whether the County paid for public defender facilities, Special Assistant Glazer-Moon noted the County did pay for public defender facilities under a revision to Article V; and that the County was obligated to fund the facilities and telecommunications for the different Court System sectors.

Commissioner Gimenez questioned whether the Conflict Counsel would be an arm of the Public Defender's Office.

Special Assistant Glazer-Moon clarified that the Conflict Counsel was a State responsibility, as delineated in Article V; and that the State statute would make the County responsible to provide the same facilities and telecommunication funding to the Conflict Counsel as it did the Public Defender's Office.

Assistant County Attorney McCarty advised that the State statute placed the Regional Conflict Counsel under the Public Defender's Office.

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

7B

073589 Report

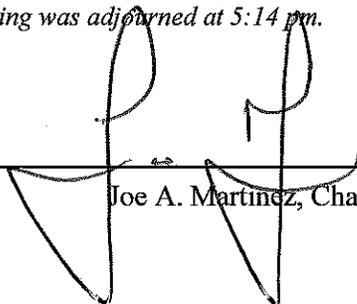
FLEET REDUCTION REPORT (County Manager)

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

Report: See Report Under Agenda Item 1D1 AMENDED, Legislative File No. 073695.

8 ADJOURNMENT

Report: There being no other business to come before the Committee, the meeting was adjourned at 5:14 pm.



Joe A. Martinez, Chair