



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

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

Tuesday, February 12, 2008  
As Advertised

Harvey Ruvin, Clerk  
Board of County Commissioners

Kay Madry Sullivan, Director  
Clerk of the Board Division

Scott Rappleye, 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)

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Tuesday, February 12, 2008

2:00 PM

Commission Chambers

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**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.

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#### 1 MINUTES PREPARED BY

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

#### 1A INVOCATION

**Report:** *Chairman Martinez called the meeting to order at 2:17 p.m.*

#### 1B PLEDGE OF ALLEGIANCE

#### 1C ROLL CALL

**Report:** *The following staff members were present: Special Assistant to the County Manager Jennifer Glazer-Moon, Senior Advisor to the County Manger Cynthia Curry, and Assistant County Manager Ysela Llort; Assistant County Attorneys Jess McCarty and Shannon Summerset; and Deputy Clerks Doris Dickens and Scott Rappleye.*

#### 1D POLICY MATTERS FOR DISCUSSION

1D1

## 080372 Discussion Item

Carlos A. Gimenez

IG REPORT RE: WRITE-OFF OF LIABILITIES TO THE  
HOUSING ASSISTANCE LOAN TRUST FUND*Presented*

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

*Mr. Christopher Mazzella, Inspector General, presented his report dated January 30, 2008. He explained the Housing Assistance Loan Trust Fund (Trust Fund) was created in 1983, and authorized uses of its revenues included first and second mortgages and acquired property for purposes of forming housing cooperatives. He pointed out the Trust Fund proceeds should not be used for rent subsidies or grants. He noted the Office of Inspector General (OIG) had conducted extensive investigations at the Miami-Dade Housing Agency (MDHA) that resulted in criminal prosecutions, and issued an audit involving mismanagement within certain aspects of HOPE VI. Mr. Mazzella clarified these investigations involved surtax money from the Trust Fund.*

*Mr. Mazzella emphasized the poor condition of MDHA record keeping and noted some records could not be located. He stated he was surprised the County Administration proposed to forgive \$13 million in loans from the Trust Fund to MDHA on the premise that they always intended to forgive the loans. He pointed out that his investigation clearly established no documented strategy existed to treat these loans as forgivable. Mr. Mazzella noted County Administration documents always provided strong justification for the loans with intent to repay the loans within a specific time frame and with identified revenue sources. He continued, evidence supported that the information to justify a \$9.6 million loan was embellished. He clarified that the \$9.6 million loan was made to Section VIII operations and intended to be repaid with income from non-subsidized MDHA sources over a 10 year period; the memorandum submitted to the County Commission to justify this loan included a table of the history and forecast of non-subsidized MDHA revenue, and the projections in the memorandum were unfounded.*

*Chairman Martinez clarified Mr. Mazzella found that the revenue estimating for non-subsidized MDHA revenue did not equate with what was realized, and pointed out the same scenario*

*existed in the Transit Agency, the Parks and Recreation Department, and the other proprietary departments.*

*Mr. Mazzella explained MDHA set up a special fund to repay the loan with \$1 million payments annually. He noted the \$1 million expectation was not accurate, and, subsequently, the collected funds were spent on other MDHA priorities.*

*Chairman Martinez pointed out the County Manager's response to the Inspector General's Report (Agenda Item 1D1 Supplement) noted MDHA did not have the resources to repay the loan, and the County Administration never intended for MDHA to repay the loan.*

*In response to Chairman Martinez's question why the special fund was set up when the County Manager explained the intent to repay never existed, Mr. Mazzella noted the County Administration always intended for MDHA to repay it.*

*Responding to Commissioner Sosa's question whether a memorandum or other documentation existed that established the County's intent to forgive the loan, Senior Advisor to the County Manager Cynthia Curry noted the County Administration submitted a memorandum to the County Commission in February 2006, that said MDHA would repay the \$9.6 million loan over a ten year period.*

*Mr. Mazzella expressed concern regarding the representations made to use surtax monies from the Trust Fund to provide affordable housing when they were used to fund shortfalls and the surtax fund functioned as a general fund. He stated internal emails clarified MDHA used this account to handle salaries and other MDHA operational expenses. He expressed concern regarding the County forgiving the \$13 million.*

*In response to Commissioner Sorenson's inquiry concerning the legality of the County forgiving the loans, Mr. Mazzella expressed doubt that these loans to MDHA were authorized under the Florida State Statute. He clarified the intent of the loan program and surtax was not to finance MDHA general fund operations.*

*Assistant County Attorney Shannon Summerset advised the County Attorney had no opinion regarding how the funds were used, however, to*

*the extent they were used for the rehabilitation and the acquisitional purchase of housing for low and moderate income families the loans would be proper and forgiveness would be proper.*

*Responding to Commissioner Sorenson's question concerning salaries and support structures being proper uses of the loans, Assistant County Attorney Summerset advised salaries were allowable to the extent that the salaries covered people doing work proffered by the State Statute.*

*Special Assistant to the County Manager Glazer-Moon explained when the County Commission adopted legislation in February 2006, MDHA intended to repay the loan, however, two to three months later the County Administration learned of the MDHA financial situation; when the MDHA Administration started changing the County Administration realized the funding in the special fund set up to repay the loan would be needed to continue MDHA operations and MDHA could need the County to forgive the loan. Special Assistant Glazer-Moon noted MDHA did have \$12 million and \$13 million of surtax eligible activities in two different years.*

*In response to Commissioner Sorenson's questions concerning the County Administration notifying the County Commission when the intent to repay the loans changed, Senior Advisor Cynthia Curry noted she was unaware of an official notification to the County Commission of that decision, however, the County Manager commented several times on the dais that he intended to recommend the County forgive the loans.*

*Responding to Commissioner Sorenson's inquiry concerning a possible funding source to repay the loans, Special Assistant Glazer-Moon noted the funding source would be the General Fund.*

*Mr. Mazzella noted, on the outset, the expenditures from the trust fund were inappropriate. He stressed that the County should audit MDHA to determine where the surtax loans went and were used before any loan was forgiven. He clarified he thought the loans should not have been made.*

*Senior Advisor Curry pointed out that the United States Department of Housing and Urban Development (HUD) Settlement Agreement and Work Plan (Legislative File No. 073202) that came before the County Commission on October*

2, 2007, included a provision that this amount of money should be forgiven.

*In response to Mr. Mazzella's recommendation that the County Administration come before the Commission for approval of forgiveness on each loan, Senior Advisor Curry clarified she did not imply that the County Commission approved forgiveness of the loans by adopting the Settlement Agreement and Work Plan, and the County Administration clearly understood a future recommendation would need to come before the County Commission to forgive the loans.*

*Commissioner Martinez expressed concern regarding the clarity of MDHA intending to repay the \$9.6 million loan versus the ambiguity of the decision that the loan would not be repaid.*

*In response to Commissioner Diaz's questions concerning the decision to forgive the loans and how the loans were used, Special Assistant Glazer-Moon pointed out MDHA had issues with the allocation of one time revenue to support operations and Federal subsidies continued to decline. She clarified the surtax funds were used to support MDHA activities performed by MDHA employees, such as vacancy preparation, rehabilitating housing units, and preparing housing units.*

*Senior Advisor Curry noted MDHA accessed contracts from the Office of Capital Improvements for assistance in some cases.*

*Following further discussion concerning MDHA's unrealistic budget, originating the loans to MDHA, and the plans to forgive the loans, Commissioner Diaz questioned the intent of the County Administration regarding these surtax loans.*

*Senior Advisor Curry pointed out the County Administration had not yet presented a recommendation to forgive the loans, however, the County Manager intended to present such a recommendation.*

*Commissioner Diaz noted he expected the County Manager's recommendation to forgive these loans to be accompanied by disciplinary action to the responsible parties for the consequences of losing over \$12 million of the people's money.*

*Responding to Senior Advisor Curry's comments*

*that the responsible parties were already removed from their positions, Commissioner Diaz asked the County Administration to demonstrate MDHA had made changes to ensure the County did not face the same problems in two or three years.*

*Special Assistant Glazer-Moon noted the County Administration would provide information supporting the appropriate use of the funds in any item that recommended forgiveness of the loans.*

*Chairman Martinez asked that the Mayor provide the County Commission with a response to the Inspector General's report regarding write-off of liabilities to the housing assistance loan trust fund. He pointed out, in 2004, MDHA used \$900,000 of surtax funds for private rentals, and in September 2004, MDHA used \$775,000 for surtax advance private rentals in duress cost payments.*

*In response to Chairman Martinez's question regarding the 2004 expenditures being used for private rentals, Mr. Mazzella noted MDHA provided the description of the use of those funds.*

*Chairman Martinez emphasized the State Statute stated the surtax funds should not be used for rent subsidies or grants, and it appeared \$1.6 million was used for those unauthorized uses.*

*Mr. Cedric Johnson, Supervisory Special Agent, OIG, noted the OIG understood MDHA interpreted "private rental" as Section VIII housing.*

*Senior Advisor Curry pointed out the County Manager sent the County Commission a memorandum dated July 11, 2006, that outlined transfers from surtax funds that did not go through a Request for Application (RFA) process, and most of the items listed in the OIG report were in this memorandum.*

*Following comments by Chairman Martinez and Senior Advisor Curry regarding the timeline for preparing the July 11, 2006, memorandum, Commissioner Sosa noted she was working with Florida State Senator Gwen Margolis and State House of Representatives Speaker Marco Rubio's Office to present a bill in the upcoming Legislative Session that would remove the year 2011 Sunset provision on the County's use of these surtax funds for housing. She expressed concern regarding Senator Margolis and House Speaker Rubio's support if MDHA did not repay the loans.*

*In response to Commissioner Sosa's inquiry concerning who was responsible to ensure the surtax funds were used within the guidelines for construction, rehabilitation, or purchase of low and moderate income housing, Senior Advisor Curry pointed out the MDHA Administration was responsible, and those individuals were no longer with the County. She clarified the County Administration was the responsible entity and the County Manager was the Administrative head in February 2006, when the loans occurred.*

*Commissioner Sosa clarified the County Manager was responsible to ensure the money was used properly. She emphasized the only way the County would succeed to have the Legislature remove the year 2011 Sunset provision on the County's ability to access surtax funds would be placing the proper steps to ensure the funds were used appropriately, and to repay the loan.*

*Mr. Mazzella recommended the OIG and other offices and departments receive a percentage cut to their budgets and divert those revenues to an account until the County had repaid the surtax loans.*

*Following comments by Commissioner Sorenson concerning the County deciding whether it would repay the loans and, if so, what would be the revenue source, Chairman Martinez asked Senior Advisor Curry, to prepare a report regarding how the County forgiving the surtax loans would impact the timeframe of the HUD returning the operations of the Miami-Dade Housing Agency to County control.*

*Commissioner Souto expressed concern regarding the County Administration's practice to transfer funds from one account to another so many times that the money could not be traced. He emphasized the County Commission needed to take care of County funds.*

*Responding to Commissioner Sosa's inquiry concerning the impact of the year 2011 Sunset provision not being removed, Senior Advisor Curry explained the surtax represented \$30 to \$40 million a year of revenue that supplemented home owner and other County housing programs, and the County housing programs would be devastated without the surtax revenue.*

*Chairman Martinez pointed out that pursuant to*

*the constitutional amendment on property tax approved January 29, 2008, the \$30 to \$40 million revenue projection would be lower.*

*Commissioner Gimenez read the following language from the fourth paragraph of the County Manager's response to the OIG report (Agenda Item 1D1 Supplement): "As I have indicated before, while the original intention may have been to repay the loans authorized by the Board of County Commissioners (Board), it has been evident for sometime that MDHA does not have the resources to meet their payment obligations." He noted in the HUD settlement agreement adopted by the County Commission on October 2, 2007, the Federal Government refused to repay the surtax loans to the County. Commissioner Gimenez pointed out that County Manager Burgess stated, on October 2, 2007, the County Administration always intended the surtax loans to be forgiven, and now the County Manager's response contradicted that statement. He expressed concern that the County Administration should have been aware of MDHA's financial struggles since 2000, and they never apprised the County Commission of the situation.*

*In response to Commissioner Gimenez's question whether the surtax funds were shifted to MDHA as part of their budget or through a budget line item that MDHA could access, Special Assistant Glazer-Moon noted MDHA identified activities that were surtax eligible and the surtax funds were moved into the MDHA budget for those activities.*

*Commissioner Gimenez noted the County Administration should have provided the surtax funds to MDHA in a way that MDHA's use of those funds could be tracked through a departmental index code.*

*Special Assistant Glazer-Moon pointed out MDHA did not operate on the County's financial management system and how MDHA tracked the use of the surtax funds was unknown to the County. She noted she received information that detailed the funding for types of activities that were surtax eligible.*

*It was moved by Commissioner Gimenez that the County Commission not forgive the loans in question until an outside firm recommended by the Inspector General or the Commission Auditor conducted a forensic audit of the Miami-Dade Housing Agency to ensure the surtax funds were*

*used within the limits of state statutes.*

*Assistant County Attorney McCarty advised Commissioner Gimenez needed to make this same motion at a County Commission meeting for it to be binding.*

*Discussion ensued between Committee members concerning the timeline of a forensic audit and the impact of waiting for the completion of that audit on the proposed State legislation to remove the year 2011 Sunset provision on the surtax funds.*

*Commissioner Gimenez clarified his intent for a forensic audit was to protect the County Commission in their fiduciary responsibility and ensure that the County would only forgive what should be forgiven.*

*Commissioner Sosa noted Commissioner Gimenez's motion for an audit would have a positive impact on the work being done at the Legislature to remove the year 2011 Sunset provision by demonstrating the County ensured every penny was used properly.*

*Discussion ensued among Committee members, Ms. Rachel Baum, Director, Finance Department, and Mr. Mazzella concerning the appropriateness of a forensic audit versus a financial audit.*

*Special Assistant Glazer-Moon pointed out the OIG Report did not provide additional information to the County Administration records; the County Administration was aware of the situation and was reporting information to the County Commission since 2006. She noted the County Administration was auditing MDHA to ensure eligible expenses for the surtax funds existed, and the eligible expenses would be presented to the County Commission for consideration in whether or not to forgive the surtax loans.*

*Following the discussion and Senior Advisor Curry's comments that KPMG conducted a forensic audit for the County, it was moved by Commissioner Gimenez that the County Commission not forgive the loans in question until an outside firm recommended by the Inspector General or the Commission Auditor conducted a forensic and/or financial audit of MDHA to ensure the surtax funds were used within the limits of State Statutes. This motion was seconded by Commissioner Diaz.*

*Commissioner Sorenson questioned the funding source for the audit proposed in Commissioner Gimenez's motion.*

*Special Assistant Glazer-Moon noted the only funding source would be the General Fund.*

*Chairman Martinez asked Senior Advisor Curry, to provide the Inspector General with a copy of the report of KPMG's forensic audit of the Miami-Dade Housing Agency.*

*Hearing no other questions or comments, the Committee proceeded to vote on Commissioner Gimenez's motion that the County Commission not forgive the loans in question until an outside firm recommended by the Inspector General or the Commission Auditor conducted a forensic and/or financial audit of MDHA to ensure the surtax funds were used within the limits of State statutes, and upon being put to a vote, passed by a vote of 6-0.*

## 1D1 SUPPLEMENT

**080373 Supplement**

SUPPLEMENTAL INFORMATION RE: MANAGER'S  
RESPONSE RELATING TO THE IG REPORT

*Presented*

**Report:** *See Report Under Agenda Item 1D1, Legislative File No. 080372.*

**2 COUNTY COMMISSION**

## 2A

**080321 Resolution****Bruno A. Barreiro**

RESOLUTION RETROACTIVELY AUTHORIZING IN-KIND SERVICES FROM THE MIAMI-DADE PARK AND RECREATION DEPARTMENT AND THE MIAMI-DADE ELECTIONS DEPARTMENT FOR THE FEBRUARY 10, 2008 MIAMI KIDNEY WALK 2008 SPONSORED BY THE NATIONAL KIDNEY FOUNDATION, INC., A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED \$2,566.00 TO BE FUNDED FROM THE COUNTYWIDE IN-KIND RESERVE FUND

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

2B

080325 Resolution Audrey M. Edmonson

RESOLUTION RETROACTIVELY AUTHORIZING IN-KIND SERVICES FROM THE MIAMI-DADE PARK AND RECREATION DEPARTMENT AND THE MIAMI DADE ELECTIONS DEPARTMENT FOR THE JANUARY 28 - FEBRUARY 2, 2008 PARENTS AGAINST VIOLENCE EVENT SPONSORED BY REGIS HOUSE, INC., A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED \$2,290.00 TO BE FUNDED FROM THE DISTRICT 3 IN-KIND RESERVE FUND

*Forwarded to BCC with a favorable recommendation*

*Mover: Diaz*

*Seconder: Sosa*

*Vote: 6-0*

2C

080269 Resolution Carlos A. Gimenez,

Rebeca Sosa, Dorrin D. Rolle

RESOLUTION URGING THE FLORIDA LEGISLATURE TO PASS LEGISLATION ALLOWING VOTERS WITH NO PARTY AFFILIATION TO VOTE IN ANY PARTY PRIMARY

*Forwarded to BCC with a favorable recommendation*

*Mover: Gimenez*

*Seconder: Sosa*

*Vote: 5-1*

*No: Martinez*

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

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

*Commissioner Gimenez clarified that this proposed resolution would only provide for registered voters who had no party affiliation to vote in Presidential Primary elections, and that the Independent Party was considered an official political party and would be excluded.*

*Commissioners Sosa and Souto asked that they be listed as co-sponsors.*

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

2D

**080319 Resolution**

**Carlos A. Gimenez**

RESOLUTION RETROACTIVELY AUTHORIZING IN-KIND SERVICES FROM THE MIAMI-DADE PARK AND RECREATION DEPARTMENT, THE MIAMI DADE FIRE RESCUE DEPARTMENT AND THE MIAMI-DADE POLICE DEPARTMENT FOR THE FEBRUARY 10, 2008 WALK NOW FOR AUTISM EVENT SPONSORED BY AUTISM SPEAKS, INC., A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED \$23,345.00 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: Diaz*

*Seconder: Sosa*

*Vote: 6-0*

2E

080227 Resolution Sally A. Heyman

RESOLUTION URGING THE FLORIDA LEGISLATURE  
TO PASS LEGISLATION PROVIDING TAX  
COLLECTORS WITH ADDITIONAL TOOLS TO  
COLLECT ON DELINQUENT TANGIBLE PERSONAL  
PROPERTY TAXES

*No Action Taken*

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

*Commissioner Sosa questioned whether the  
County had previously contracted with a private  
attorney to collect delinquent taxes.*

*Mr. Fernando Casamayor, Tax Collector,  
responded that the County had not previously used  
private counsel to collect delinquent taxes;  
Florida State Statute did not allow that method of  
tax collection.*

*Responding to Commissioner Sosa's question  
concerning the delinquent taxes coming back to  
the County, Mr. Casamayor noted similar  
legislation that had been proposed at the Florida  
Legislature would allow the collection agent to  
add a premium of up to 18 percent of the  
delinquent taxes to fund collection activities, and  
this method of tax collection would have no fiscal  
impact to the County. He pointed out, presently,  
the County's only method to collect taxes was to  
seize and sell the property.*

*Following further questions from Chairman  
Martinez regarding the value of delinquent taxes  
in the County, Chairman Martinez called for a  
motion.*

*Assistant County Attorney Jess McCarty apprised  
the Committee that no action was equivalent to  
deferring this proposed resolution to the next  
Committee meeting.*

2F

080242 Resolution Sally A. Heyman

RESOLUTION URGING THE FLORIDA LEGISLATURE  
TO PASS LEGISLATION INCREASING THE  
STATUTORY FEE FOR SERVICE OF PROCESS TO  
BETTER REFLECT THE ACTUAL COST OF SERVICE OF  
PROCESS

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

2G

080273 Resolution

Sally A. Heyman,

Bruno A. Barreiro

RESOLUTION APPROVING THE DESIGNATION OF U.S. HIGHWAY 1/BISCAYNE BOULEVARD BETWEEN NE 135TH STREET AND NE 151ST STREET AS "SIGMUND ZILBER MEMORIAL HIGHWAY"; URGING THE CITIES OF NORTH MIAMI AND NORTH MIAMI BEACH TO APPROVE THE DESIGNATION

*Forwarded to BCC with a favorable recommendation*

*Mover: Diaz*

*Seconder: Sosa*

*Vote: 5-0*

*Absent: Sorenson*

2H

080283 Resolution

Sally A. Heyman,

Jose "Pepe" Diaz, Carlos A. Gimenez, Joe A. Martinez,

Katy Sorenson, Rebeca Sosa, Sen. Javier D. Souto, Bruno

A. Barreiro, Audrey M. Edmonson, Dennis C. Moss,

Dorrin D. Rolle, Barbara J. Jordan

RESOLUTION URGING THE FLORIDA LEGISLATURE TO PASS LEGISLATION REQUIRING COVERAGE FOR TREATMENTS FOR AUTISM UNDER HEALTH INSURANCE POLICIES

*Forwarded to BCC with a favorable recommendation*

*Mover: Sosa*

*Seconder: Gimenez*

*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 Gimenez.*

*Commissioners Souto, Gimenez, Diaz, Sosa, and Chairman Martinez asked that they be listed as co-sponsors.*

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

2I

080316 Resolution Sally A. Heyman,  
Carlos A. Gimenez, Joe A. Martinez, Dennis C. Moss,  
Rebeca Sosa

RESOLUTION AUTHORIZING IN-KIND SERVICES FROM THE MIAMI-DADE PARK AND RECREATION DEPARTMENT AND MIAMI-DADE POLICE DEPARTMENT FOR THE APRIL 26, 2008 WALK AMERICA EVENT SPONSORED BY THE MARCH OF DIMES FOUNDATION, INC. A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED \$28,223.00 TO BE FUNDED FROM THE COUNTYWIDE IN-KIND RESERVE

*Forwarded to BCC with a favorable recommendation*

*Mover: Diaz*

*Seconder: Sosa*

*Vote: 6-0*

2J

080181 Resolution Sen. Javier D. Souto

RESOLUTION URGING MIAMI-DADE COUNTY PUBLIC SCHOOLS TO REJECT PROPOSALS TO CLOSE CERTAIN HIGH-PERFORMING SCHOOLS

*Forwarded to BCC with a favorable recommendation*

*Mover: Souto*

*Seconder: Gimenez*

*Vote: 3-2*

*No: Sorenson, Diaz*

*Absent: Sosa*

**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 pointed out Miami-Dade County Public Schools was no longer considering the plan to close high-performing schools.*

*Following further discussion, the Committee proceeded to vote.*

2K

080187 Resolution

Joe A. Martinez,

Jose "Pepe" Diaz, Sally A. Heyman, Katy Sorenson  
RESOLUTION URGING THE FLORIDA LEGISLATURE  
TO REQUIRE RESTAURANTS THAT HAVE TEN OR  
MORE LOCATIONS IN FLORIDA TO POST NUTRITION  
INFORMATION FOR ALL STANDARD MENU ITEMS ON  
MENUS AND MENU BOARDS

*Forwarded to BCC with a favorable  
recommendation*

*Mover: Martinez*

*Seconder: Sorenson*

*Vote: 6-0*

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

*Chairman Martinez relinquished the Chair to Vice-  
Chairman Gimenez.*

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

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

*Following further discussion among  
Commissioners Diaz, Martinez, and Sosa  
regarding the implementation of this proposed  
resolution, the Committee proceeded to vote.*

2L

080401 Resolution

Joe A. Martinez,

Jose "Pepe" Diaz

RESOLUTION URGING THE FLORIDA LEGISLATURE TO PASS SB 800, HB 531 OR SIMILAR LEGISLATION ALLOWING FORENSIC EMPLOYEES OF MEDICAL EXAMINER OFFICES AND LAW ENFORCEMENT AGENCIES TO PURCHASE ADDITIONAL RETIREMENT CREDITS TO UPGRADE THEIR PREVIOUS SERVICE IN THE FLORIDA RETIREMENT SYSTEM TO SPECIAL RISK SERVICE AND AUTHORIZING BUT NOT REQUIRING EMPLOYERS TO PURCHASE UPGRADED CREDIT ON BEHALF OF SUCH EMPLOYEES

*Forwarded to BCC with a favorable recommendation*

*Mover: Martinez*

*Seconded: Diaz*

*Vote: 6-0*

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

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

*Commissioner Martinez explained this proposed resolution would not have a fiscal impact on the County. He clarified forensic employees previously had special risk status; they handled blood samples before the knowledge of AIDS without special risk status. He noted that newly hired forensic employees had special risk status.*

*In response to Commissioner Sosa's request concerning clarification regarding the County's liability, Special Assistant to the County Manager Jennifer Glazer-Moon clarified the employers were only liable if they chose to purchase the upgraded credit; employers were not required to purchase the upgraded credit. She noted the County estimated the fiscal impact to the County would be \$450,000 for last two years if the County Commission adopted legislation to purchase the upgraded credit.*

*Commissioner Diaz asked that he be listed as a co-sponsor.*

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

2M

080264 Resolution

Dennis C. Moss

RESOLUTION DIRECTING THE MAYOR OR HIS  
DESIGNEE TO PREPARE A REPORT CONCERNING THE  
EXISTING POLICIES PERTAINING TO MAINTENANCE  
AND CLEANLINESS OF COUNTY VEHICLES AND  
APPEARANCE OF COUNTY-ISSUED UNIFORMS

*Forwarded to BCC with a favorable  
recommendation*

*Mover: Diaz*

*Seconder: 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 Gimenez asked the General  
Services Administration Director to provide a  
status report of the vehicle fleet reduction at the  
March 11, 2008, Budget and Finance Committee  
meeting.*

*Following further discussion among  
Commissioners Sorenson and Martinez and Ms.  
Norris regarding the current practices and  
existing policies for cleanliness of County vehicles,  
the Committee proceeded to vote.*

2N

080267 Resolution Dennis C. Moss,  
Jose "Pepe" Diaz, Carlos A. Gimenez, Sally A. Heyman,  
Joe A. Martinez, Rebeca Sosa, Sen. Javier D. Souto, Dorrin  
D. Rolle, Katy Sorenson

RESOLUTION URGING GOVERNOR CHARLIE CRIST,  
THE FLORIDA LEGISLATURE AND THE  
COMMISSIONER OF THE OFFICE OF INSURANCE  
REGULATION TO TAKE ALL STEPS NECESSARY TO  
ENSURE THAT INSURANCE COMPANIES WRITING  
PROPERTY INSURANCE POLICIES IN FLORIDA  
COMPLY WITH HB 1-A AND PASS SAVINGS ON TO  
POLICYHOLDERS

*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.*

*Commissioners Diaz, Gimenez, Souto, Sosa,  
Sorenson, and Chairman Martinez asked that they  
be listed as co-sponsors.*

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

2O

080318 Resolution Dennis C. Moss,  
Katy Sorenson

RESOLUTION RETROACTIVELY AUTHORIZING IN-  
KIND SERVICES FROM THE MIAMI-DADE PARK AND  
RECREATION DEPARTMENT AND THE MIAMI-DADE  
TRANSIT AGENCY FOR THE OCTOBER 12, 2007  
CANDLELIGHT WALK AND STAND AGAINST CRIME  
SPONSORED BY POLICE OFFICER ASSISTANCE TRUST  
INC., A NOT-FOR-PROFIT ORGANIZATION, IN AN  
AMOUNT NOT TO EXCEED \$4,414.00 TO BE FUNDED  
FROM THE DISTRICT 8 AND DISTRICT 9 IN-KIND  
RESERVE FUNDS

*Forwarded to BCC with a favorable  
recommendation*

*Mover: Diaz*

*Seconder: Sosa*

*Vote: 6-0*

2P

080045 Resolution

Dorrin D. Rolle

RESOLUTION DIRECTING THE COUNTY MANAGER TO  
DEVELOP A PROCEDURE TO ESTABLISH A MORE  
EQUITABLE DISTRIBUTION OF COUNTY SURPLUS  
PROPERTY TO ELIGIBLE COMMUNITY BASED  
ORGANIZATIONS

*Withdrawn*

**Report:** *See Report Under Agenda Item 2P AMENDED,  
Legislative File No. 080458.*

2P AMENDED

080458 Resolution

Dorrin D. Rolle

RESOLUTION DIRECTING THE MAYOR OR HIS DESIGNEE TO DEVELOP A PROCEDURE TO ESTABLISH A MORE EQUITABLE DISTRIBUTION OF COUNTY SURPLUS PROPERTY TO ELIGIBLE COMMUNITY BASED ORGANIZATIONS [SEE ORIGINAL ITEM UNDER FILE NO. 080045]

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

*Mover: Diaz*

*Seconder: Souto*

*Vote: 6-0*

**Report:** *Assistant County Attorney Jess McCarty read the forgoing proposed resolution into the record. He advised the Committee that a scrivener's error existed and should be corrected to change "County Manager" to "Mayor or his designee" throughout this proposed resolution.*

*It was moved by Commissioner Diaz that this proposed resolution be forwarded to the County Commission with a favorable recommendation with committee amendment(s) to change "County Manager" to "Mayor or his designee." This motion was seconded by Commissioner Souto.*

*In response to Commissioner Gimenez's request for an explanation of the procedure that should be developed pursuant to this proposed resolution, Commissioner Rolle clarified this proposed resolution directed the Mayor to develop a more equitable method of distributing surplus County property that would not have most of the surplus items going to a few Commission Districts; he noted he did not have a particular way to see this accomplished.*

*Ms. Wendi Norris, Director, General Services Administration, noted surplus properties were distributed as they became available, and she did not know of an equitable way to distribute them.*

*Chairman Martinez asked Ms. Norris to provide each Commissioner a report of each Commission District's requests for surplus property and include the type of vehicles each Commissioner had requested before this resolution was considered by the County Commission.*

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

2P SUPPLEMENT

080434 Supplement

SUPPLEMENT TO AGENDA ITEM REGARDING  
RESOLUTION DIRECTING THE COUNTY MANAGER TO  
DEVELOP A PROCEDURE TO ESTABLISH A MORE  
EQUITABLE DISTRIBUTION OF COUNTY SURPLUS  
PROPERTY TO ELIGIBLE COMMUNITY BASED  
ORGANIZATIONS

*Forwarded to BCC with a favorable  
recommendation*

*Mover: Gimenez*

*Seconder: Martinez*

*Vote: 6-0*

2Q

080343 Resolution

Dorrin D. Rolle,

Katy Sorenson, Audrey M. Edmonson

RESOLUTION URGING THE FLORIDA LEGISLATURE  
TO PASS THE "FLORIDA RESTAURANTS LENDING A  
HELPING HAND ACT"

*Forwarded to BCC with a favorable  
recommendation*

*Mover: Gimenez*

*Seconder: Martinez*

*Vote: 6-0*

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

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

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

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

2R

080326 Resolution Rebeca Sosa,  
 Jose "Pepe" Diaz, Carlos A. Gimenez, Sally A. Heyman,  
 Joe A. Martinez, Katy Sorenson, Sen. Javier D. Souto,  
 Audrey M. Edmonson, Dennis C. Moss

RESOLUTION URGING THE FLORIDA LEGISLATURE  
 AND TAXATION & BUDGET REFORM COMMISSION  
 TO PLACE ON THE STATEWIDE BALLOT A  
 CONSTITUTIONAL AMENDMENT STRENGTHENING  
 THE PROVISION OF THE FLORIDA CONSTITUTION  
 PROHIBITING UNFUNDED MANDATES

*Forwarded to BCC with a favorable  
 recommendation*

*Mover: Sosa*

*Seconder: Gimenez*

*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  
 Gimenez.*

*Commissioners Diaz, Gimenez, Souto, Sosa,  
 Sorenson, and Chairman Martinez asked that they  
 be listed as co-sponsors.*

*Commissioner Sorenson pointed out the  
 Taxpayer's Bill of Rights (TABOR) failed in  
 Colorado.*

*In response to Commissioner Sorenson's  
 comments concerning the Taxation & Budget  
 Reform Commission (TBRC), Assistant County  
 Attorney Jess McCarty advised the TBRC had the  
 ability to place a question directly on the ballot,  
 however, he was not sure whether the TBRC would  
 place its proposal directly on the ballot or send it  
 through the Florida Legislature. He explained the  
 TBRC proposal would impose additional spending  
 caps on local governments and the State for ad  
 valorem revenue and fee generated revenue, and  
 set a base year and capped increases in spending  
 to population growth and the rate of inflation;  
 local governments and the State would have to  
 stay within the cap and excess revenue would be  
 placed in a reserve fund or reduce taxes. He  
 pointed out Colorado had suspended TABOR.*

*Commissioner Sorenson pointed out Colorado  
 suspended TABOR when citizens demand a higher  
 quality of life than provided by the level of taxes.  
 She questioned the logic of Florida implementing  
 a program that another state had shown was a  
 failure.*

*Commissioner Sosa emphasized the public needed to know tax dollars were being spent on mandates that did not have proper funding. She noted she would send letters to each municipality requesting their support on this issue.*

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

**3 DEPARTMENTS**

3A

**080345 Resolution**

RESOLUTION APPROVING ISSUANCE OF MIAMI-DADE COUNTY (FLORIDA) EDUCATIONAL FACILITIES AUTHORITY REVENUE BONDS IN AN AMOUNT NOT TO EXCEED \$385,000,000 TO FINANCE CAPITAL PROJECTS FOR THE BENEFIT OF UNIVERSITY OF MIAMI FOR PURPOSES OF SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED (Educational Facilities Authority)

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

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

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

*Chairman Martinez emphasized the issuance of the bonds would have no fiscal impact on the County since the principal and interest would not constitute a debt, liability or a general obligation to the Educational Facilities Authority, Miami-Dade County, the State of Florida or any political subdivision of each, but would be payable solely from the revenues of the University of Miami.*

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

3B

**080192 Resolution**

RESOLUTION AUTHORIZING EXECUTION OF A LEASE AGREEMENT AND ASSIGNMENT OF LEASE AGREEMENT AT 1313 N.W. 36 STREET, GROUND FLOOR, MIAMI, WITH GOLDEN SANDS ALLAPATTAH CORP., A FLORIDA CORPORATION, FOR PREMISES TO BE UTILIZED BY THE STATE OF FLORIDA DEPARTMENT OF HEALTH, MIAMI-DADE COUNTY HEALTH DEPARTMENT, FOR ADMINISTRATIVE OFFICES, A PHARMACY, AND FOR THE STORAGE OF MEDICATION FOR THE PROGRAM; AND AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN (General Services Administration Department)

*Forwarded to BCC with a favorable recommendation*  
*Mover: Gimenez*  
*Seconder: Diaz*  
*Vote: 5-0*  
*Absent: Souto*

3C

**080256 Resolution**

RESOLUTION REJECTING ALL PROPOSALS RECEIVED FOR THE REQUEST FOR QUALIFICATIONS TO OBTAIN HOMELAND SECURITY CONSULTING SERVICES (RFQ 98) (Procurement Management Department)

*Forwarded to BCC with a favorable recommendation*  
*Mover: Diaz*  
*Seconder: Martinez*  
*Vote: 5-0*  
*Absent: Souto*

3D

**080309 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)

*Forwarded to BCC with a favorable recommendation*

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

*In response to Commissioner Sorenson's comments that the United States Department of Housing and Urban Development (HUD) Oversight Administrator had expressed concern regarding Item 3.7: Emphasys Computer Solution Optimization Standard Consulting Services, Ms. Miriam Singer, Director, Department of Procurement Management, pointed out the HUD Oversight Administrator certified this emergency, and Item 3.7 was a ratification of an emergency contract award. She clarified all emergencies were issues by department directors.*

*Commissioner Sosa asked Assistant County Attorney Jess McCarty to prepare legislation requiring the County Administration to report any performance and compliance violations by the companies recommended for award in any procurement item.*

*Responding to Commissioner Sosa's inquiry concerning any vendors in this proposed resolution that had performance or compliance violations, Ms. Singer pointed out Lanzo Construction Co. Inc. (Item 3.8) had previous compliance issues, and Banks Enviro Cleaning Inc. (Item 3.9) had living wage violations that were now resolved.*

*Commissioner Sosa asked the Department of Procurement Management Director to provide a report, before this proposed resolution came before the County Commission, outlining the performance and compliance history on County contracts, including any reported violations of the companies recommended in this proposed resolution. She requested Chairman Martinez allow the Budget and Finance Committee to hold a Responsibility Legislation workshop to allow Committee members to provide input and develop a meaningful responsibility policy that could be*

implemented consistently in each department.

Chairman Martinez noted he would amend this proposed resolution to remove the Delegative Authority provision in this proposed resolution to remove the authority to renew contracts without them coming to the County Commission for consideration.

Discussion ensued between Commissioner Diaz and Ms. Singer regarding his concern with the number of emergency contracts, the difference in the contract amounts from the original contracts, and the process followed to award the emergency contracts in this proposed resolution.

Commissioner Gimenez asked to bifurcate Items 6.1 and 6.2 for their use of People's Transportation Plan (PTP) funds. He noted an editorial in the Miami Herald blamed the County Commission for the shortfalls in the North Corridor. He pointed out the County Administration lobbied for most of the PTP monies allocated outside the PTP promises.

Chairman Martinez clarified the Miami Herald editorial board blamed the County Commission for every PTP expenditure. He assumed responsibility for the PTP funds used on the Patriot Passport. He emphasized that the Miami Herald failed to acknowledge almost every item requesting the use of PTP funds was presented by the County Administration.

It was moved by Commissioner Gimenez that the foregoing proposed resolution be bifurcated to remove Items 6.1 and 6.2, "Lubricant and Diesel Fuel Analysis" and "Synthetic Transmission Fluid," respectively. This motion was seconded by Chairman Martinez, and upon being put to a vote, passed by a vote of 6-0.

Responding to Commissioner Sorenson's inquiry concerning the recommendation of Lanzo Construction Co., Inc, notwithstanding their history of compliance violations, Ms. Singer explained the existing legislation at the time of the violation allowed vendors the opportunity to make up Community Small Business Enterprise goals, and the opportunity to pay employees and applicable fees after Small Business Development's audit.

It was moved by Commissioner Sorenson that this proposed resolution be bifurcated to remove Item

3.8: *Repair of 4th Street Force Main. This motion was seconded by Chairman Martinez, and upon being put to a vote, passed by a vote of 6-0.*

*Responding to Chairman Martinez's concerns regarding the Delegative Authority and option-to-renew (OTR) provisions, Ms. Singer explained OTR provisions were needed for workload management to allow market research to affirm renewing the contract was in the best interest of the County. She pointed out the Department of Procurement Management had time frames for establishing new contracts and bringing every OTR before the County Commission for approval would be very difficult.*

*Following further discussion between Chairman Martinez and Ms. Singer regarding the County Administration bringing contracts before the County Commission when OTRs were exercised, Commissioner Sosa spoke in opposition to the County returning to procurement practices that would delay the process.*

*In response to Chairman Martinez's question concerning contracts coming before the County Commission when the Mayor or his designee exercised the OTR, Ms. Singer noted the contracts would not come before the County Commission unless they would exceed the \$1 million threshold of authority to award contracts without County Commission approval.*

*Chairman Martinez questioned which County Department would transport the deceased bodies after the contract in Item 3.2 expired.*

*Ms. Singer noted the Medical Examiner's Office was preparing to transport the deceased bodies.*

*Responding to Chairman Martinez's question concerning why Item 3.4: Head Start Education and Childhood Development Administration did not come before the County Commission before the July 31, 2007, expiration date, Ms. Singer explained the contract in Item 3.4 was a Community Action Agency (CAA) contract and the Department of Procurement Management recently assumed responsibility for CAA contracts.*

*Ms. Julie Edwards, Director, CAA, noted CAA realized shortly before the contract expired a concern existed regarding continuation of services in Little Haiti. She explained the prior Request for Proposals (RFP) process yielded no response, and*

*the only resolution was to issue an emergency contract.*

*Chairman Martinez asked Assistant County Attorney Jess McCarty to draft a cover memorandum with Resolution No. R-841-06, Legislative File No. 061720, addressed to the Mayor, the County Manager, and the Department Directors.*

*Chairman Martinez expressed concern regarding the unresolved October 19, 2007, Notice of Violation (NOV) for the vendor awarded the contract in Item 3.9: Janitorial Services for Water and Sewer Department (WASD).*

*Ms. Singer noted the October 19, 2007, NOV was for one employee on a cashiers check. She pointed out County Commission policies for compliance allowed for a cure period.*

*Chairman Martinez asked Ms. Singer to prepare a report regarding Items 4.1, 4.2, and 4.3 to include the number of hours the vendor provided the services, the hourly rate the County paid for the services, and the hourly pay rate for the security guards.*

*Discussion ensued between Chairman Martinez and Ms. Singer regarding the issues concerning RFP no. 516, in Item 4.5, detailed on handwritten page 39, and the time required to address those issues.*

*It was moved by Commissioner Gimenez that this proposed resolution be bifurcated to remove the Delegated Authority provision on handwritten page one (1). This motion was seconded by Chairman Martinez, and upon being put to a vote, passed by a vote of 6-0.*

*It was moved by Commissioner Sosa that this proposed resolution be forwarded to the County Commission with a favorable recommendation with Committee amendment(s) to remove Items 3.8, 6.1, and 6.2, and to delete the Delegated Authority provision on handwritten page one (1). This motion was seconded by Commissioner Souto, and upon being put to a vote, passed by a vote of 6-0.*

*Following further discussion regarding the vendor having completed the project in Item 3.8, and the need for the County Commission to ratify this contract to avoid breach of contract, it was moved*

by Commissioner Diaz that Item 3.8: Repair of 4th Street Force Main be forwarded to the County Commission with a favorable recommendation. This motion was seconded by Chairman Martinez, and upon being put to a vote, passed by a vote of 5-1 (Commissioner Sorenson voted "no").

Regarding Items 6.1 and 6.2, Assistant County Manager Ysela Llort clarified these contracts would continue the practice of maintaining, rehabilitating, and operating new services pursuant to the PTP. She emphasized the negative impacts of withholding oil and lubricants to Transit buses.

Following further discussion concerning the percentage of the funds in Items 6.1 and 6.2 that would come from the PTP, and why Commissioner Gimenez opposed the use of PTP funds, it was moved by Commissioner Diaz that Item 6.1: Lubricant and Diesel Fuel Analysis, and Item 6.2: Synthetic Transmission Fluid, be forwarded to the County Commission with a favorable recommendation. This motion was seconded by Commissioner Sorenson, and upon being put to a vote passed 4-2 (Commissioners Gimenez and Sosa voted "no"). Following further discussion on the use of PTP funds, Commissioners Gimenez and Sosa changed their votes to "yes," and the foregoing motion passed by a vote of 6-0.

Chairman Martinez emphasized the Delegative Authority provision was a budget issues.

It was moved by Commissioner Gimenez that the Delegated Authority provision on handwritten page one (1) be forwarded to the County Commission with a favorable recommendation, with the direction that the Department of Procurement Management Director meet with every Commissioner, before this proposed resolution was considered by the County Commission, to discuss recommended changes to the delegated authority provision of this proposed resolution. This motion was seconded by Commissioner Sosa, and upon being put to a vote, passed 5-1 (Chairman Martinez voted "no").

It was moved by Commissioner Gimenez that the Mayor or his designee be directed to provide a report outlining any use of the PTP surtax funds outside the original scope of the PTP, and copies of the documents originating and approving the use of those surtax funds. This motion was seconded by Chairman Martinez.

*Assistant County Manager Ysela Llord noted the foregoing requested report should include how PTP funds were calculated at the end of the fiscal year.*

*Commissioner Gimenez pointed out he had requested a status report outlining how the \$397 million needed to rehabilitate the existing transit system from the PTP was used; how the amount escalated from \$397 million to \$660 million, and how high PTP spending was projected to be in the future.*

3E

**080315 Resolution**

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

*Forwarded to BCC*

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

*It was moved by Commissioner Gimenez that the foregoing proposed resolution be bifurcated to remove the use of People's Transportation Plan (PTP) Surtax Funds in all Items of this proposed resolution. This motion was seconded by Commissioner Sosa, and upon being put to a vote, passed 6-0.*

*In response to Commissioner Diaz's inquiry concerning the impact of the foregoing motion, Assistant County Manager Ysela Llorc explained no money would be available for the transit system to use on fuel and oil, and the transit system would become much smaller.*

*Commissioner Diaz questioned when the County Commission previously approved the use of these PTP funds.*

*Assistant County Manager Llorc explained the Commission approved a budget for transit that included the PTP and General Fund as funding sources and an operating plan. She pointed out the financial impact made it difficult to introduce a different fiscal philosophy for the operating plan in the middle of a fiscal year, unless the Commission allocated other funds for transit.*

*Following further discussion concerning the higher than anticipated cost of diesel fuel and other questionable uses of PTP funds, Chairman Martinez questioned the warranty for new buses and noted the County should not pay for parts on new buses.*

*Assistant County Manager Llorc explained the bus parts were for buses being used on new, expanded routes and increased operations from expanded hours of service.*

*Commissioner Sosa suggested the Committee forward the items in this proposed resolution that used PTP funds to the County Commission without recommendation to allow the County Administration to answer all the questions when these items were considered by the County Commission.*

*Regarding Item 1.2 of this proposed resolution, Chairman Martinez expressed concern regarding the increase in the contract amount from \$14 million for six-years to \$4.6 million for one-year.*

*Ms. Miriam Singer, Director, Department of Procurement Management, indicated this proposed contract represented an 18 to 24 percent increase from the previous contract. She noted these figures matched the Departments findings through market research.*

*Chairman Martinez indicated the contract increase was nearly 100 percent; \$4.6 million for six years would be \$27.6 million.*

*An unidentified County employee indicated the 18 to 24 percent increase was based on the increase in the annualized basis and the labor rate from the last quarter of the six-year contract.*

*Following further discussion concerning the availability of County employees to do the work in Item 1.2, and the parts being covered by manufacturer's warranties, Commissioner Sorenson emphasized the importance of improving the transit system. She suggested the County Commission start holding meetings to revisit the pro forma for the Transit Agency.*

*It was moved by Commissioner Gimenez that this proposed resolution be forwarded to the County Commission with a favorable recommendation with committee amendment(s) to bifurcate all items that included the use of PTP Surtax Funds. This motion was seconded by Commissioner Sosa, and upon being put to a vote, passed 6-0.*

*It was moved by Commissioner Gimenez that all items in this proposed resolution that included the use of PTP Surtax Funds be forwarded to the County Commission without recommendation. This motion was seconded by Commissioner Sosa and upon being put to a vote, passed 6-0.*

- 4 COUNTY MANAGER
  
- 5 COUNTY ATTORNEY
  
- 6 CLERK OF THE BOARD
  
- 7 REPORTS

080722 Report  
NON AGENDA ITEMS

**Report:** *Commissioner Gimenez asked Special Assistant to the County Manager Jennifer Glazer-Moon to provide a report at the March 11, 2008, Budget and Finance Committee meeting regarding the impact to the County of the constitutional amendment to property tax approved January 29, 2008.*

*Responding to Commissioner Gimenez's directive, Special Assistant Glazer-Moon noted the five-year financial outlook that was distributed in December 2007, included the impact to the County of the constitutional amendment to property tax.*

*Commissioner Gimenez asked Special Assistant to the County Manger, Jennifer Glazer-Moon, to provide a report at the March 11, 2008, Budget and Finance Committee meeting concerning the County Administration's plans to absorb the impact of the constitutional amendment to property tax approved January 29, 2008.*

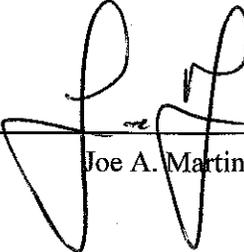
*Special Assistant Glazer-Moon pointed out the County would absorb the impact of the constitutional amendment based on the Commission's budget priorities. She pointed out the financial impact would be approximately \$97 million of less revenue.*

*In response to Commissioner Gimenez's inquiry concerning the assumed growth in the tax roll, Special Assistant Glazer-Moon noted the five-year plan assumed 8 percent growth, however, the County needed to analyze the assumption for personal income growth and new construction. She stated the County Administration assumed a 5.5 percent combined growth in personal income and new construction.*

8 ADJOURNMENT

**Report:** *There being no other business to come before the Committee, the meeting adjourned at 5:26 p.m.*

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 03/18/08  
Joe A. Martinez, Chair