MIAMI-DADE COUNTY
FINAL OFFICIAL MINUTES
Budget and Finance Committee

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

Tuesday, March 11, 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)

Tuesday, March 11, 2008 **2:00 PM** **COMMISSION CHAMBERS**

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

Members Absent: None.

Members Late: None.

Members Excused: Rebeca Sosa.

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 p.m.*

1B PLEDGE OF ALLEGIANCE

1C ROLL CALL

Report: *The following staff members were present: Assistant County Managers Alina Hudak and Ysela Llort; Assistant County Attorneys Jess McCarty and Gerald Heffernan; and Deputy Clerks Kay Sullivan, Doris Dickens and Scott Rappleye.*

2 COUNTY COMMISSION

2A

080410 **Ordinance** **Bruno A. Barreiro, Barbara J. Jordan**

ORDINANCE RELATING TO RULES OF PROCEDURE OF THE COUNTY COMMISSION; AMENDING SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, REGARDING THE COMMISSION AGENDA, AUTHORITY TO SPONSOR AGENDA ITEMS AND THE DISPOSITION OF REPORTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Deferred to April 15, 2008
Mover: Gimenez
Seconder: Diaz
Vote: 5-0
Absent: Sosa

2B

080617 **Resolution** **Bruno A. Barreiro**

RESOLUTION URGING THE FLORIDA LEGISLATURE TO DESIGNATE A PROMINENT STATE ROAD IN MIAMI-DADE COUNTY AS "ROSENDO ROSELL ROAD"; APPROVING SUCH DESIGNATION

Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Souto
Vote: 4-0
Absent: Diaz, Sosa

2C

080551 **Resolution** **Carlos A. Gimenez**

RESOLUTION URGING THE CITY OF MIAMI TO DESIGNATE S.W. 35TH AVENUE FROM S.W. 4TH STREET TO S.W. 13TH STREET AS OLGA Y TONY AVENUE

Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Souto
Vote: 4-0
Absent: Sosa, Diaz

2D

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

Forwarded to BCC with a favorable recommendation
Mover: Sorenson
Seconder: Gimenez
Vote: 4-0
Absent: Sosa, Diaz

2E

080647 **Resolution** **Sally A. Heyman, Carlos A. Gimenez**

RESOLUTION RETROACTIVELY AUTHORIZING IN-KIND SERVICES FROM THE MIAMI-DADE PARK AND RECREATION DEPARTMENT AND THE MIAMI-DADE TRANSIT AGENCY FOR THE MARCH 30, 2008 CELEBRITY 5K SPONSORED BY COMMUNITY PARTNERSHIP FOR HOMELESS, INC., A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED $4,353.00 TO BE FUNDED FROM THE COUNTYWIDE IN-KIND RESERVE FUND

Forwarded to BCC with a favorable recommendation
Mover: Sorenson
Seconder: Gimenez
Vote: 5-0
Absent: Sosa

2F

080257 **Ordinance** **Barbara J. Jordan**

ORDINANCE PERTAINING TO COMMUNITY SMALL BUSINESS ENTERPRISE ("CSBE") PROGRAM; AMENDING SECTION 10-33.02 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR APPEALS FROM DECERTIFICATION, DENIALS OF CERTIFICATION, AND DETERMINATIONS OF NONCOMPLIANCE WITH SECTION 10-33.02; PROVIDING SEVERABILITY, INCLUSION IN CODE AND EFFECTIVE DATE

Withdrawn

Report: *See Report Under Agenda Item 2F AMENDED, Legislative File No. 080257.*

2F AMENDED

080815 **Ordinance** **Barbara J. Jordan**

ORDINANCE PERTAINING TO COMMUNITY SMALL BUSINESS ENTERPRISE ("CSBE") PROGRAM; AMENDING SECTION 10-33.02 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR APPEALS FROM DECERTIFICATION, DENIALS OF CERTIFICATION, AND DETERMINATIONS OF NONCOMPLIANCE WITH SECTION 10-33.02; PROVIDING SEVERABILITY, INCLUSION IN CODE AND EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 080257]

Forwarded to BCC with a favorable recommendation with committee amendment(s)
Mover: Gimenez
Seconder: Diaz
Vote: 5-0
Absent: Sosa

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed ordinance 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 this proposed ordinance be forwarded to the County Commission with a favorable recommendation. This motion was seconded by Commissioner Diaz for discussion.

Pursuant to this ordinance, Commissioner Gimenez noted the County Manager would be the final decision maker on appeals; if a Community Small Business Enterprise (CSBE) appealed a decision of the County Administration, those appeals would be heard by a hearing officer; and the hearing officer's recommendation could be altered by the County Manger, who would become the final arbiter, or decision maker. Commissioner Gimenez said he did not feel the County Manager should be the final arbiter on appeals involving procurement items or code requirements, particularly when the appeals involved people under his administration.

Responding to Commissioner Gimenez, Commissioner Jordan, sponsor of this proposed ordinance, explained the current appeals process involved the County Manager appointing a committee to review the appeal, not an administrative hearing officer, and a number of CSBEs complained that the process did not provide objectivity. She noted, as proposed, this ordinance would provide for an independent entity to provide an independent ruling to the manager. She also noted this proposed process mirrored the appeal process for the County's Living Wages

Ordinance.

Commissioner Gimenez reiterated his concern that, as proposed, this ordinance codifies the County Manager as having the final say on complaints involving his staff. He suggested the final aribiter be the County Commission, as opposed to the County Manager.

Commissioner Diaz explained the County needed clear and precise guidelines for treating CSBEs. He recommended the County establish those guidelines to ensure one CSBE was not treated different than another and to ensure the appeals process did not go in different directions.

Ms. Penny Townsley, Director, Department of Small Business Development (SBD), pointed out the County was conducting an extensive review of the department's functions and operations, and was imposing penalties and sanctions in the CSBE and other small business programs consistently.

Commissioner Diaz asked Ms. Townsley to provide him with a report on the department's review of its functions and operations as well as clear and precise guidelines to ensure companies were treated equally. He pointed out some CSBEs did not understand what was right and wrong behavior on County contracts. He stated County contractors needed to understand the County's expectations would be enforced.

Chairman Martinez expressed concern that the County Manager would make a decision against a CSBE; the County Manager would appoint a hearing officer to hear the CSBE's appeal of that decision; and the County Manager would make the ruling on the appeal.

In response to Chairman Martinez's concern that the same body determined every step of the appeal process, Commissioner Jordan clarified the hearing officer would be selected from an existing list compiled by the Clerk of the Courts (COC) Office.

Assistant County Manager Alina Hudak explained multiple hearing officer pools existed and the County Administration used the pools on a rotating basis depending on availability.

Chairman Martinez explained he was apprised that the hearing officer pool that would be used would be a pool that was paid through the general

fund and selected by the County Administration.

Commissioner Sorenson recommended the County should ensure projects were built and goods were purchased on an expedited basis, notwithstanding an appeal. She suggested the County develop an appeals process that ended with a decision by an independent entity.

Ms. Townsley explained the use of an hearing officer was not unlike the process used for the procurement bid protests and this proposed ordinance would provide consistency. She noted the filing fee would help reduce frivolous appeals. She noted the County Administration would support this proposed ordinance under these circumstances.

Following Chairman Martinez's comments in support of amending this proposed ordinance to ensure the COC's hearing officer pool was used and to end the appeals process with the administrative hearing officer's ruling, Commissioner Jordan concurred. She requested County staff confirm that, based on Chapter 8CC of the County Code, the Clerk's hearing officer pool would be used for the appeal process in this proposal.

In response to Commissioner Diaz's inquiry concerning how the criteria for hearing officers was established, Ms. Townsley explained the criteria was established by the County Code. She noted the list of administrative hearing officers would include retired judges who were licensed and admitted to practice law in the State of Florida, or arbitrators or mediators certified by the 11th Judicial Circuit Court or State Bar Association.

Commissioner Diaz expressed concern regarding the potential for the County Code to be interpreted to have different meanings. Commissioner Diaz asked that Ms. Townsley provide commissioners with clear information on the provisions in the Code as its applied to who selected hearing officers for SBD and the criteria for selecting the hearing officers before this proposal came before the County Commission.

Commissioner Gimenez expressed concern regarding an unrealistic ruling by the hearing officer. He suggested amending this proposed ordinance to authorize the County Commission to determine the appropriate sanction to be imposed

if the County Manager disagreed with the hearing officer's decision.

Following further discussion regarding the use of the County Mayor or the County Manager in the text of this proposed ordinance, it was moved by Commissioner Gimenez that this proposed ordinance be forwarded to the County Commission with a favorable recommendation with committee amendment(s) to change the language in Section B to provide that the administrative hearing officer would submit written findings and a decision to the County Mayor or his or her designee, and if the County Mayor or his or her designee disagreed with the administrative hearing officer's ruling the issue would come before the County Commission to determine the appropriate sanction to be imposed. 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).

Later in the meeting, Chairman Martinez recognized Ms. Kay Sullivan, Clerk of the Board Director, COC, to provide more information concerning the COC's hearing officer pool.

Ms. Sullivan explained the COC pool consisted of hearing officers selected by the Clerk and the County Attorney. She noted she did not feel that SBD would use the same pool as the Clerk of the Board. She noted the Clerk selected hearing officers for procurement bid protests.

Ms. Miriam Singer, Director, Department of Procurement Management, noted she thought this proposed ordinance would use the COC pool.

Following further discussion concerning the use of the COC hearing officer pool, Chairman Martinez asked Ms. Sullivan to provide committee members a report before April 15, 2008, clarifying whether the COC's pool of administrative hearing officers would be used for the CSBE appeals in this proposed ordinance.

2F SUPPLEMENT

080766 **Supplement**

UPDATED FISCAL IMPACT STATEMENT INFORMATION FOR THE COMMUNITY SMALL BUSINESS ENTERPRISE PROGRAM ORDINANCE

Forwarded to BCC with a favorable recommendation
Mover: Sorenson
Seconder: Gimenez
Vote: 5-0
Absent: Sosa

2G

080352 **Resolution** **Barbara J. Jordan**

RESOLUTION DECLARING ONE 2001 BLUEBIRD BUS SURPLUS AND AUTHORIZING ITS DONATION TO HOLY TEMPLE HUMAN SERVICES CORPORATION, INC.

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

2H

080610 **Resolution** **Barbara J. Jordan**

RESOLUTION URGING THE FLORIDA LEGISLATURE TO REINSTATE LANGUAGE PROHIBITING MUNICIPAL WATER AND SEWER UTILITIES FROM CHARGING A SURCHARGE TO CONSUMERS LOCATED OUTSIDE THE CITY AS "TAXATION WITHOUT REPRESENTATION"

Forwarded to BCC with a favorable recommendation
Mover: Diaz
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 Diaz that this proposed resolution be forwarded to the County Commission with a favorable recommendation. This motion was seconded by Commissioner Gimenez.

Commissioner Gimenez questioned the impact of a municipality no longer supplying water to residents in unincorporated areas as a result of this proposed resolution not permitting it to apply a surcharge to those residents.

In response to Commissioner Gimenez's question concerning a legal requirement that municipalities provide water to residents in unincorporated areas, Assistant County Attorney Jess McCarty noted he would research this issue and report his findings of the ramifications of this proposed resolution to Commissioner Gimenez.

Mr. Joseph Ruiz, Deputy Director of Operations, Water and Sewer Department (WASD), pointed out that the municipalities owned the infrastructure for providing the water, and if a municipality quit servicing those residents the County could not provide water to those residents unless they bought the infrastructure or built infrastructure. He explained State Statute permitted the municipalities to apply a surcharge up to 25 percent of the water and sewer charges.

Commissioner Gimenez clarified his question was whether an unintended consequence of this proposal would be that the municipalities stopped providing water to the unincorporated area.

Commissioner Jordan pointed out that until 1999 municipalities were required to provide water to all residents, and the municipalities lobbied the Legislature to allow them to impose the surcharge. She pointed out the County Manager provided a

memorandum that detailed the revenues generated by municipalities from the surcharge. She clarified the surcharge was a form of taxation without representation; the unincorporated area residents had no vote whether their water rates would go up.

Commissioner Sòrenson pointed out each municipality had a relationship with the County and would realize not providing water to unincorporated area residents was not in their best interest.

Commissioner Jordan explained this proposed resolution urged the Legislature to provide for an equitable process to prevent municipalities from increasing the water service rate on residents outside the municipality who had no vote and leaving the rates the same within the municipality.

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

2I

080613 **Resolution** **Rebeca Sosa, Dorrin D. Rolle**

RESOLUTION URGING THE U.S. CONGRESS TO STRENGTHEN THE UNFUNDED MANDATES REFORM ACT OF 1995; URGING CONGRESS AND FEDERAL AGENCIES NOT TO IMPOSE ADDITIONAL UNFUNDED MANDATES ON STATES AND LOCAL GOVERNMENTS AND FUND UNFUNDED MANDATES THAT ALREADY EXIST

Forwarded to BCC with a favorable recommendation
Mover: Sorenson
Seconder: Gimenez
Vote: 5-0
Absent: Sosa

2J

080392 **Ordinance** **Joe A. Martinez**

ORDINANCE RELATING TO RULES OF PROCEDURE OF THE COUNTY COMMISSION; AMENDING SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO PROVIDE THAT ANY ITEM ON THE COMMISSION AGENDA THAT HAS BEEN AMENDED IN COMMITTEE SHALL SO INDICATE ON THE COVER MEMORANDUM AND INCLUDE A BRIEF DESCRIPTION OF THE AMENDMENT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Withdrawn

Report: *See Report Under Agenda Item 2J AMENDED, Legislative File No. 080973*

2J AMENDED

080973 **Ordinance** **Joe A. Martinez**

ORDINANCE RELATING TO RULES OF PROCEDURE OF THE COUNTY COMMISSION; AMENDING SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO PROVIDE THAT ANY ITEM ON THE COMMISSION AGENDA THAT HAS BEEN AMENDED IN COMMITTEE SHALL SO INDICATE ON THE COVER MEMORANDUM AND INCLUDE A BRIEF DESCRIPTION OF THE AMENDMENT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 080392]

Forwarded to BCC with a favorable recommendation with committee amendment(s)
Mover: Martinez
Seconder: Diaz
Vote: 5-0
Absent: Sosa

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

Chairman Martinez relinquished the Chair to Vice-Chairman Gimenez.

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

Commissioner Martinez explained a cover memorandum explaining committee amendment(s) to legislation forwarded to the Commission would be very helpful, as well as double underlining the amendment(s) in the text of the legislation. He asked that this proposed ordinance be amended to include that committee amendment(s) be double underlined in the text of the legislation.

In response to Assistant County Manager Alina Hudak noting the County Administration already explained committee amendment(s) at the top of the County Manager's memorandum when the item was considered by the Commission, Commissioner Martinez clarified the committee amendment(s) should be in a separate cover memorandum and not at the top of the County Manager's memorandum.

It was moved by Commissioner Martinez that this proposed ordinance be forwarded with Committee amendment(s) to add language to Rule 5.06(g) to provide that the double (==) lines be reflected under the text of language amended at the committee level. This motion was seconded by Commissioner Diaz.

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

2K

080608 **Resolution** **Dennis C. Moss**

RESOLUTION URGING CONGRESS TO RESTORE FUNDING FOR THE NATIONAL INSTITUTE OF CORRECTIONS THAT THE WHITE HOUSE HAS PROPOSED ELIMINATING IN THE FEDERAL BUDGET FOR FISCAL YEAR 2008-09

Forwarded to BCC with a favorable recommendation
Mover: Sorenson
Seconder: Gimenez
Vote: 5-0
Absent: Sosa

2L

080638 **Resolution** **Dennis C. Moss**

RESOLUTION RETROACTIVELY AUTHORIZING IN-KIND SERVICES FROM THE MIAMI-DADE PARK AND RECREATION DEPARTMENT AND MIAMI-DADE POLICE DEPARTMENT FOR THE MARCH 23, 2008 SPRING FESTIVAL SPONSORED BY ARYA SAMAJ OF MIAMI, INC., A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED $3,213.00 TO BE FUNDED FROM THE DISTRICT 9 IN-KIND RESERVE FUND

Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Sorenson
Vote: 5-0
Absent: Sosa

2M

080659 **Resolution** **Dennis C. Moss**

RESOLUTION RETROACTIVELY AUTHORIZING IN-KIND SERVICES FROM THE MIAMI-DADE PARK AND RECREATION DEPARTMENT AND THE MIAMI-DADE PUBLIC WORKS DEPARTMENT FOR THE MARCH 7-9 AND MARCH 14-16, 2008 "DAY OUT WITH THOMAS" EVENT SPONSORED BY THE GOLD COAST RAILROAD MUSEUM, INC., A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED $11,080.00 TO BE FUNDED FROM THE COUNTYWIDE IN-KIND RESERVE FUND

Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Sorenson
Vote: 5-0
Absent: Sosa

2N

080650 **Resolution** **Dorrin D. Rolle**

RESOLUTION RETROACTIVELY AUTHORIZING IN-KIND SERVICES FROM THE MIAMI-DADE PARK AND RECREATION DEPARTMENT AND THE MIAMI-DADE POLICE DEPARTMENT FOR THE JANUARY 26, 2008 WILLIS MCGAHEE FLAG FOOTBALL AND MUSIC FESTIVAL SPONSORED BY GWEN CHERRY PARK FOUNDATION, INC., A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED $20,891.00 TO BE FUNDED FROM THE COUNTYWIDE IN-KIND RESERVE FUND

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

20

080552 **Resolution** **Katy Sorenson, Dorrin D. Rolle**

RESOLUTION URGING THE TAXATION & BUDGET REFORM COMMISSION NOT TO PLACE ON THE STATEWIDE BALLOT CONSTITUTIONAL PROPOSAL NO. 45, ALSO KNOWN AS THE TABOR PROPOSAL, A CONSTITUTIONAL AMENDMENT THAT WOULD IMPOSE INFLEXIBLE REVENUE AND SPENDING CAPS ON THE STATE, CITIES, COUNTIES AND SCHOOL DISTRICTS

Forwarded to the BCC by the BCC Chairperson with a favorable recommendation
Mover: Sorenson
Seconder: Diaz
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 Diaz, for discussion.

Commissioner Diaz requested an explanation concerning the intent of this proposed resolution.

Assistant County Attorney Jess McCarty explained Constitutional Proposal No. 45, the TABOR proposal, would cap local government, School District, and State spending, and growth in spending would be limited to inflation. He clarified a voter referendum was required for any new tax or fee, and a 3/4 majority vote of the Commission would be required to increase the existing tax level. He advised that certain proprietary departments would not be subject to the capped spending.

In response to Chairman Martinez's question regarding the impact of the TABOR proposal on County department's that were partially proprietary, Assistant County Attorney Jess McCarty noted the TABOR proposal would apply to County departments with budgets that were more than 10 percent County and/or State funds.

Following further discussion concerning the impact of the TABOR Proposal, Commissioner Gimenez asked Assistant County Attorney Jess McCarty to provide him a detailed report of Constitutional Proposal No. 45 (CP 45) sponsored by Commissioner Mike Hogan, Jacksonville, Florida, and any provisions to it before this proposed resolution came before the County Commission.

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

Chairman Martinez noted he would prepare a memorandum requesting that Chairman Barreiro waive the Board's Rules and Procedures to allow this proposed resolution to be considered at the March 18, 2008, County Commission Meeting.

2P

080442 **Ordinance** **Rebeca Sosa**

ORDINANCE AMENDING SECTION 2-8.1.6 OF THE CODE OF MIAMI-DADE COUNTY TO REMOVE THE SUNSET PROVISION THAT LIMITS THE TERM OF THE EXPEDITED PURCHASING PROGRAM; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE (Procurement Management Department)

Withdrawn

Report: *See Report Under Agenda Item 2P AMENDED, Legislative File No. 080442.*

2P AMENDED

080861 **Ordinance** **Rebeca Sosa**

ORDINANCE AMENDING SECTION 2-8.1.6 OF THE CODE OF MIAMI-DADE COUNTY TO EXTEND THE TERM OF THE EXPEDITED PURCHASING PROGRAM FOR ONE YEAR; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 080442] (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 ordinance 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 Sorenson that this proposed ordinance be forwarded to the County Commission with a favorable recommendation. This motion was seconded by Commissioner Gimenez for discussion.

Commissioner Gimenez recommended this proposed ordinance be amended to change the language contained within Section 2-8.1(i) to read as follows: "The County Manager shall be authorized to advertise and issue solicitation documents for purchases under the Expedited Purchasing Program through March 16, 2009."

Following discussion between Commissioners Sorenson and Gimenez concerning his proposed amendment, the Committee proceeded to vote on this proposed ordinance as amended.

2Q

080451 **Resolution** **Rebeca Sosa,**

Bruno A. Barreiro, Barbara J. Jordan, Katy Sorenson

RESOLUTION URGING THE FLORIDA LEGISLATURE TO PASS SB 1492 OR SIMILAR LEGISLATION REPEALING THE 2011 SUNSET OF THE MIAMI-DADE AFFORDABLE HOUSING SURTAX PROGRAM

Forwarded to the BCC by the BCC Chairperson with a favorable recommendation
Mover: Sorenson
Seconder: Diaz
Vote: 3-2
No: Souto, Gimenez
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 Diaz.

Commissioner Sorenson asked the Office of Community and Economic Development Director to prepare pamphlets or other materials featuring success stories of people who have benefited from the Miami-Dade Affordable Housing Surtax Program to be distributed to the State Legislature.

Commissioner Gimenez noted an outside entity needed to perform a forensic audit before this proposal was adopted. He clarified the County needed to indicate they had resolved the issues surrounding the Affordable Housing Surtax funds.

Following further discussion concerning why the County would urge the Legislature now for this issue, the Committee proceeded to vote.

Chairman Martinez noted he would prepare a memorandum requesting that Chairman Barreiro waive the Board's Rules and Procedures to allow this proposed resolution to be considered at the March 18, 2008, County Commission Meeting.

2R

080737	**Resolution**	**Audrey M. Edmonson, Dorrin D. Rolle**	
	RESOLUTION URGING THE FLORIDA LEGISLATURE TO PASS H.B. 3, S.B. 500 OR SIMILAR LEGISLATION CREATING A CHILDREN'S ZONE PROGRAM AND/OR A CHILDREN'S ZONE PILOT PROJECT IN MIAMI-DADE COUNTY		***Forwarded to BCC with a favorable recommendation*** ***Mover: Sorenson*** ***Seconder: Diaz*** ***Vote: 5-0*** ***Absent: Sosa***

3 DEPARTMENTS

3A

080509 **Ordinance**

ORDINANCE APPROVING COVENANT TO BUDGET AND APPROPRIATE ANNUALLY FROM LEGALLY AVAILABLE NON-AD VALOREM REVENUES OF COUNTY AMOUNTS SUFFICIENT TO PAY REPAYMENT OBLIGATIONS WITH RESPECT TO IRREVOCABLE LETTER OF CREDIT IN AMOUNT OF $75,000,000 IN FAVOR OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR SEAPORT TUNNEL PROJECT; PROVIDING THAT SELECTION OF LETTER OF CREDIT PROVIDER AND RELATED LOAN DETAILS AND AGREEMENTS SHALL BE APPROVED BY SUBSEQUENT RESOLUTION; AND PROVIDING SEVERABILITY AND EFFECTIVE DATE [SEE AGENDA ITEM NO. 3B] (Finance Department)

Forwarded to BCC with a favorable recommendation
Mover: Sorenson
Seconder: Diaz
Vote: 3-2
No: Souto, Martinez
Absent: Sosa

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed resolution and Agenda Items 3B and 3C into the record.*

Hearing no objections, the Committee proceeded to consider Agenda Items 3A, 3B, and 3C simultaneously.

It was moved by Commissioner Sorenson that Agenda Items 3A, 3B, and 3C be forwarded to the County Commission with a favorable recommendation. This motion was seconded by Commissioner Diaz.

Chairman Martinez spoke in opposition to the Seaport Tunnel project. He questioned the consequences of the Committee not forwarding these Agenda Items.

Assistant County Attorney Heffernan advised the County would be in default of its agreement with the Florida Department of Transportation (FDOT) (Resolution No. R-889-07) to deliver a $75 million letter of credit, as well as $100 million of revenues when the concession agreement was effective, however, this agreement did not have any default provisions. He pointed out the County would accrue a rate of interest until the $100 million was paid; the County would not accrue interest on the $75 million letter of credit. He advised FDOT could litigate to enforce the contract. Assistant County Attorney Heffernan noted the County would be responsible for costs resulting from the contract not going forward if the Commission did not approve these proposed resolutions.

Responding to Commissioner Gimenez's inquiry whether the impact of the Global Agreement (Resolution No. R-1372-07) on the Port Tunnel was to outline the City of Miami's funding contribution for the Port Tunnel project, Assistant County Attorney Gerald Heffernan advised Commissioner Gimenez had correctly explained the impact of the Global Agreement on the funding for the Port Tunnel project.

Pursuant to Assistant County Attorney Heffernan's advice, Commissioner Gimenez clarified these proposed resolutions were not related to the Global Agreement.

Discussion ensued between Commissioner Gimenez, Ms. Rachel Baum, Director, Finance Department, and Assistant County Manager Ysela Llort regarding the funding source for the $75 million letter of credit, the use of tolls to fund Port Tunnel construction, and the County's approach to enable the Seaport to pay its contributions.

Commissioner Gimenez questioned whether Mr. Norman Braman's lawsuit would expose the County to the provision that issuance of a temporary restraining order or any other form of injunction or legal order by a court that prohibits prosecution in any portion of the work.

Assistant County Attorney Heffernan advised the provision Commissioner Gimenez questioned was specific to the work in the concession agreement.

In response to Commissioner Gimenez's questions concerning the County obtaining permits from the United States Army Corps, Assistant County Attorney Heffernan noted he would research the answer to those questions.

Mr. Gus Pego, District Six Director of Transportation Operations, FDOT, explained the concessionaire was responsible for obtaining permits.

Responding to Commissioner Gimenez's concern regarding the concessionaire accessing the geotechnical reserve fund if the concessionaire was delayed in obtaining the permits, Mr. Pego emphasized these funds could only be accessed for events beyond the concessionaire's control.

Following further discussion between Commissioner Gimenez and Mr. Pego regarding the County's liability and the use of County

contingency reserves for mandatory technology enhancements, Assistant County Attorney Heffernan advised the County would not pay for anything requested by FDOT.

In response to Commissioner Gimenez's inquiry concerning the County Administration presenting before the Commission recommended changes to the Port Tunnel Project, Assistant County Attorney Heffernan advised the County Administration would have to present its recommended changes to the County Commission. He clarified the Commission agreed to certain expenditures, and any County Administration recommended changes would be outside the relief events defined for the contingency reserve funds.

Following further discussion concerning the County Administration accessing the contingency reserve funds and the results of an earlier geotechnical analysis, Commissioner Gimenez questioned the safeguards that were in place to prevent the risk of cost overruns.

Mr. Pego pointed out the contractor would build and operate this project; therefore, the contractor had no incentives to take short cuts or to seek excessive pay. He noted the concessionaire was required to absorb money before pursuing reserve funds, and further noted the engineering inspection would provide constant monitoring. He emphasized the concessionaire had demonstrated a great desire to perform this project.

Regarding Agenda Item 3B, Commissioner Gimenez questioned why the line of credit was $85 million when the letter of credit was $75 million.

Ms. Rachel Baum, Director, Finance Department, explained the County needed to cover the estimated $10 million of interest on draws from the letter of credit.

Assistant County Attorney Heffernan advised the County could borrow $10 million to avoid paying interest on draws and underlying fees for five years. He explained the County would borrow against the line of credit rather than repay the bank. He clarified the County estimated the interest on draws and underlying fees after five years would be the $10 million difference between the line of credit and letter of credit.

Following Assistant County Attorney Heffernan's affirmative response to Commissioner Gimenez's

question whether Agenda Item 3B was an upfront approval for $85 million in five years, Commissioner Gimenez inquired whether the County received a Bond Counsel opinion on the Determination of Taxability in Section 5.03(c).

Assistant County Attorney Heffernan noted the County had not received a Bond Counsel opinion, and he advised the County would need to make this project a taxable security to have the occurrence of Determination of Taxability.

Concerning Agenda Item 3C, Commissioner Gimenez requested an explanation of Section 11(a) (ii).

Assistant County Attorney Heffernan advised the three percent of the principal amount of the Series 2008 Bonds used for the purposes identified in Section 6.02(B) of the Master Resolution was to cover the cost of issuing the bonds and administering the program.

Discussion ensued between Commissioner Gimenez and Assistant County Attorney Heffernan regarding Commissioner Gimenez's concerns that Agenda Item 3C would authorize the County Administration to use more than three percent of the principle amount to issue the bonds.

Commissioner Gimenez requested Agenda Item 3C be amended to add a new provision that County Commission approval was required for the use of any bond proceeds for County administrative expenses.

Commissioner Souto noted Florida International University conducted a poll in Commission Districts 9, 10, 11, 12 regarding the Port Tunnel project, and 58 percent of those polled opposed the Port Tunnel project, 25 percent supported the project, and 17 percent had no opinion. He suggested the County Commission did not properly consult the public on this issue.

Hearing no other questions or comments, the Committee proceeded to vote on Agenda Items 3A and 3B, as presented, and Agenda Item 3C, as amended to add a new provision that County Commission approval was required for the use of any bond proceeds for County administrative expenses.

3B

080621 **Resolution**

RESOLUTION APPROVING IRREVOCABLE LETTER OF CREDIT TO BE PROVIDED BY BANK OF AMERICA IN AMOUNT OF $75,000,000 FOR BENEFIT OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR SEAPORT TUNNEL PROJECT; APPROVING LINE OF CREDIT WITH BANK OF AMERICA IN AMOUNT OF $85,000,000 TO BE USED BY COUNTY TO DEFER PAYMENT OF ANY DRAWS ON LETTER OF CREDIT, ACCRUED INTEREST ON SUCH DRAWS AND ANY LETTER OF CREDIT FEES; APPROVING DETAILS AND LOAN AGREEMENT WITH RESPECT TO SUCH LINE OF CREDIT; AND PROVIDING SEVERABILITY [SEE AGENDA ITEM NO. 3A] (Finance Department)

Forwarded to BCC with a favorable recommendation
Mover: Sorenson
Seconder: Diaz
Vote: 3-2
No: Souto, Martinez
Absent: Sosa

Report: *See Report Under Agenda Item 3A, Legislative File No. 080509.*

3C

080622 **Resolution**

RESOLUTION AUTHORIZING ISSUANCE OF MIAMI-DADE COUNTY, FLORIDA, GENERAL OBLIGATION BONDS (BUILDING BETTER COMMUNITIES PROGRAM), SERIES 2008, PURSUANT TO ORDINANCE NO. 05-47 AND RESOLUTION NO. R-576-05, IN PRINCIPAL AMOUNT NOT TO EXCEED $107,000,000 FOR PURPOSE OF PAYING A PORTION OF THE COUNTY'S FUNDING OBLIGATIONS ASSOCIATED WITH THE PORT TUNNEL PROJECT AND PAYING COSTS OF ISSUING BONDS; AUTHORIZING PUBLIC SALE OF BONDS BY COMPETITIVE BID; PROVIDING CERTAIN DETAILS OF BONDS; DELEGATING TO MAYOR OR HIS DESIGNEE, WITHIN CERTAIN LIMITATIONS AND RESTRICTIONS, AUTHORITY TO (I) FINALIZE TERMS AND OTHER PROVISIONS OF BONDS, INCLUDING ACCEPTANCE OF BID(S), (II) SELECT BOND REGISTRAR AND PAYING AGENT, AND (III) APPROVE FORM OF NOTICE OF SALE, OFFICIAL STATEMENT, BONDS AND CONTINUING DISCLOSURE COMMITMENT; PROVIDING CERTAIN COVENANTS; AUTHORIZING CERTAIN OFFICIALS AND EMPLOYEES TO TAKE ALL ACTION NECESSARY IN CONNECTION WITH ISSUANCE AND SALE OF BONDS; AND PROVIDING SEVERABILITY (Finance Department)

Withdrawn

Report: *See Report Under Agenda Item 3C AMENDED, Legislative File No. 080853.*

3C AMENDED

080853 **Resolution**

RESOLUTION AUTHORIZING ISSUANCE OF MIAMI-DADE COUNTY, FLORIDA, GENERAL OBLIGATION BONDS (BUILDING BETTER COMMUNITIES PROGRAM), SERIES 2008, PURSUANT TO ORDINANCE NO. 05-47 AND RESOLUTION NO. R-576-05, IN PRINCIPAL AMOUNT NOT TO EXCEED $107,000,000 FOR PURPOSE OF PAYING A PORTION OF THE COUNTY'S FUNDING OBLIGATIONS ASSOCIATED WITH THE PORT TUNNEL PROJECT AND PAYING COSTS OF ISSUING BONDS; AUTHORIZING PUBLIC SALE OF BONDS BY COMPETITIVE BID; PROVIDING CERTAIN DETAILS OF BONDS; DELEGATING TO MAYOR OR HIS DESIGNEE, WITHIN CERTAIN LIMITATIONS AND RESTRICTIONS, AUTHORITY TO (I) FINALIZE TERMS AND OTHER PROVISIONS OF BONDS, INCLUDING ACCEPTANCE OF BID(S), (II) SELECT BOND REGISTRAR AND PAYING AGENT, AND (III) APPROVE FORM OF NOTICE OF SALE, OFFICIAL STATEMENT, BONDS AND CONTINUING DISCLOSURE COMMITMENT; PROVIDING CERTAIN COVENANTS; AUTHORIZING CERTAIN OFFICIALS AND EMPLOYEES TO TAKE ALL ACTION NECESSARY IN CONNECTION WITH ISSUANCE AND SALE OF BONDS; AND PROVIDING SEVERABILITY [SEE ORIGINAL ITEM UNDER FILE NO. 080622] (Finance Department)

Forwarded to BCC with a favorable recommendation with committee amendment(s)
Mover: Sorenson
Seconder: Diaz
Vote: 3-2
No: Martinez, Souto
Absent: Sosa

Report: *(See Report Under Agenda Item 3A, Legislative File No. 080509.)*

It was moved by Commissioner Sorenson that this proposed resolution be forwarded with Committee amendment(s) to add a new provision that County Commission approval was required for the use of any bond proceeds for administrative expenses. This motion was seconded by Commissioner Diaz.

3D

080623 **Resolution**

RESOLUTION AUTHORIZING ISSUANCE OF NOT TO EXCEED $300,000,000 MIAMI-DADE COUNTY, FLORIDA TRANSIT SYSTEM SALES SURTAX REVENUE BONDS, SERIES 2008, PURSUANT TO SECTIONS 201 AND 208 OF ORDINANCE NO. 05-48, FOR PAYING COSTS OF CERTAIN TRANSPORTATION AND TRANSIT PROJECTS AND, TO THE EXTENT NECESSARY, REFUNDING OUTSTANDING LOAN; AUTHORIZING PUBLIC SALE OF BONDS BY COMPETITIVE BID; PROVIDING CERTAIN DETAILS OF BONDS; AUTHORIZING MAYOR OR HIS DESIGNEE, WITHIN CERTAIN LIMITATIONS AND RESTRICTIONS, TO FINALIZE TERMS AND OTHER PROVISIONS OF BONDS, INCLUDING ACCEPTANCE OF BID WITH LOWEST TRUE INTEREST COST, AND REFUNDING OF LOAN; APPROVING FORMS OF AND AUTHORIZING CERTAIN DOCUMENTS; PROVIDING CERTAIN COVENANTS; AUTHORIZING COUNTY OFFICIALS TO DO ALL THINGS DEEMED NECESSARY IN CONNECTION WITH ISSUANCE, SALE, EXECUTION AND DELIVERY OF BONDS; AND PROVIDING SEVERABILITY
(Finance Department)

Withdrawn

Report: *See Report Under Agenda Item 3D AMENDED, Legislative File No. 080899.*

3D AMENDED

080899 **Resolution**

RESOLUTION AUTHORIZING ISSUANCE OF NOT TO EXCEED $300,000,000 MIAMI-DADE COUNTY, FLORIDA TRANSIT SYSTEM SALES SURTAX REVENUE BONDS, SERIES 2008, PURSUANT TO SECTIONS 201 AND 208 OF ORDINANCE NO. 05-48, FOR PAYING COSTS OF CERTAIN TRANSPORTATION AND TRANSIT PROJECTS AND, TO THE EXTENT NECESSARY, REFUNDING OUTSTANDING LOAN; AUTHORIZING PUBLIC SALE OF BONDS BY COMPETITIVE BID; PROVIDING CERTAIN DETAILS OF BONDS; AUTHORIZING MAYOR OR HIS DESIGNEE, WITHIN CERTAIN LIMITATIONS AND RESTRICTIONS, TO FINALIZE TERMS AND OTHER PROVISIONS OF BONDS, INCLUDING ACCEPTANCE OF BID WITH LOWEST TRUE INTEREST COST, AND REFUNDING OF LOAN; APPROVING FORMS OF AND AUTHORIZING CERTAIN DOCUMENTS; PROVIDING CERTAIN COVENANTS; AUTHORIZING COUNTY OFFICIALS TO DO ALL THINGS DEEMED NECESSARY IN CONNECTION WITH ISSUANCE, SALE, EXECUTION AND DELIVERY OF BONDS; AND PROVIDING SEVERABILITY [SEE ORIGINAL ITEM UNDER FILE NO. 080623] (Finance Department)

Forwarded to BCC with a favorable recommendation with committee amendment(s)
Mover: Sorenson
Seconder: Diaz
Vote: 4-1
No: Souto
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 Diaz, for discussion.

Commissioner Martinez expressed concern that the Miami-Dade Transit Agency was requesting to rehabilitate Metrorail trains when the Commission had approved the purchase of new trains.

Ms. Mayra Bustamante, Deputy Director of Administration, Miami-Dade Transit (MDT), clarified MDT would not rehabilitate any old trains and this proposed allocation would be used to purchase new trains.

In response to Chairman Martinez's question concerning this proposed resolution including funding for the North Corridor, Ms. Bustamante explained, the County would continue with work on the North Corridor pending Federal Government approval to purchase land.

Discussion ensued between Chairman Martinez and Ms. Bustamante concerning funding options for the North Corridor if the Federal Government did not approve funding for that project.

Chairman Martinez asked the Miami-Dade Transit Agency Director to provide him a report explaining why funding for the New Access to Country Walk Land Acquisition and Extension of Railroad Tracks project was included on handwritten page four (4) of this proposed resolution under Major Highway and Road Improvement. He noted the County finished that project at least nine months ago.

Responding to Commissioner Gimenez's inquiry concerning the status of his December 11, 2007, request for a report outlining how the $397 million originally estimated for the People's Transportation Plan was used, and how the original amount escalated from $397 million to $660 million, Assistant County Manager Ysela Llort noted she would provide that information in the meeting they had scheduled later that evening.

Commissioner Gimenez questioned how the County used the Loan Agreement dated September 1, 2004, by and between the Sunshine State Governmental Financing Commission and the County.

Ms. Bustamante explained the County purchased buses and performed other projects from a list of miscellaneous projects.

Hearing no other questions or comments, the Committee proceeded to vote on this proposed resolution, as amended to add language on handwritten page four (4), and throughout this resolution to clarify that the Series 2008 People's Transportation Plan (PTP) Revenue Bonds should only be used to replace Metrorail trains.

3E

080625 **Resolution**

RESOLUTION DESIGNATING MIAMI DAILY BUSINESS REVIEW AS THE NEWSPAPER FOR PUBLICATION OF DELINQUENT TAX LISTS IN 2008 FOR 2007 TAX YEAR IN ACCORDANCE WITH FLORIDA STATUTES §197.402, AND FOR THE PUBLICATION OF DELINQUENT IMPROVEMENT LIENS AND SPECIAL ASSESSMENT LIENS PURSUANT TO SECTION 18-14(8) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND FLORIDA STATUTES §197.363 AND §197.3632 (Finance Department)

Forwarded to BCC with a favorable recommendation
Mover: Sorenson
Seconder: Diaz
Vote: 5-0
Absent: Sosa

3F

080520 **Resolution**

RESOLUTION AUTHORIZING EXECUTION OF A RETROACTIVE LEASE AGREEMENT FOR BUILDINGS NUMBERED 2, 6A, 9, 22, 23, 28, 29, 30, 31, 32, 33, 34 AND 35, COMPRISING 73,850 SQUARE FEET, LOCATED AT 20600 N.W. 47TH AVENUE, MIAMI, WITH HIS HOUSE, INC. FOR THE BUILDINGS TO BE UTILIZED TO OPERATE CHILD WELFARE AND TRAINING PROGRAMS AND FOR ANCILLARY OFFICE AND STORAGE SPACE 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: Sosa

3G

080521 **Resolution**

RESOLUTION AUTHORIZING EXECUTION OF A RETROACTIVE LEASE AGREEMENT ON COUNTY-OWNED PROPERTY LOCATED AT 1701 N.W. 30 AVENUE, MIAMI, WITH THE CITY OF MIAMI FOR PREMISES TO BE UTILIZED SOLELY FOR ITS POLICE SPECIAL OPERATIONS; 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: Martinez
Vote: 5-0
Absent: Sosa

3H

080656 **Resolution**

RESOLUTION APPROVING ISSUANCE OF MIAMI-DADE COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY REVENUE BONDS IN AN AMOUNT NOT TO EXCEED $16,000,000 TO FINANCE CAPITAL PROJECT FOR BENEFIT OF UNITED WAY OF MIAMI-DADE, INC. FOR PURPOSES OF AND PURSUANT TO SECTION 147(F) OF INTERNAL REVENUE CODE OF 1986, AS AMENDED (Industrial Development Authority)

Forwarded to the BCC by the BCC Chairperson with a favorable recommendation
Mover: Gimenez
Seconder: Sorenson
Vote: 5-0
Absent: Sosa

Report: *Chairman Martinez noted he would prepare a memorandum requesting that Chairman Barreiro waive the Board's Rules and Procedures to allow this proposed resolution to be considered at the March 18, 2008, County Commission Meeting.*

3I

080554 **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)

Forwarded to BCC with a favorable recommendation
Mover: Sorenson
Seconder: Gimenez
Vote: 5-0
Absent: Sosa

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed resolution and Agenda Item 3J into the record. He pointed out some scrivener's errors existed in Agenda Item 3J that needed to be corrected.*

Hearing no objections, the Committee proceeded to consider Agenda Items 3I and 3J simultaneously.

Commissioner Gimenez questioned how much the cost of diesel fuel increased in Item 1.1: Gasoline and Diesel Fuel from the previous contract.

Ms. Wendi Norris, Director, General Services Administration (GSA) noted the current price of unleaded gasoline was $2.99 per gallon and diesel fuel was $3.55 per gallon on the stock market. She explained the amount of this proposed contract reflected a 20 percent increase in unleaded gasoline and a 29 percent increase in diesel fuel costs from last year.

Commissioner Gimenez asked Ms. Norris to initiate efforts to conserve gasoline including reducing mileage on county-owned vehicles and establishing polices to replace old, worn out vehicles with hybrid vehicles and/or compact vehicles, as opposed to mid-size models.

Responding to Commissioner Gimenez's request for clarification regarding the pickup trucks in Item 1.6: Model Year 2008 Pickup Trucks, Assistant County Manager Alina Hudak explained all 147 pickup trucks would be replacement vehicles.

Commissioner Gimenez asked Ms. Norris to provide him with a report reflecting the number of pick-up trucks in the County vehicle fleet, as well as the number and type of non-pursuit vehicles being purchased by the Miami-Dade Police and Fire Rescue Departments.

Chairman Martinez noted the County could consume less fuel by using E85 and E10 gasoline. He pointed out an existing County oil supplier was willing to split the cost with the County to make the County's gasoline equipment compatible with E85 and E10. He explained the cost for E10 would be $4,000-$5,000 to clean out the gas tank, and the County would need to clean the gas tank and retrofit the pumps to use E85.

Mr. Mark Hamilton, GSA, noted Hess was marketing and manufacturing E10, and other manufacturers would provide E10 as their base fuel to meet State requirements for evaporative emission controls. He pointed out that GSA would propose the County switch to E85 at two sites for the 940 vehicles capable of using the fuel; that this conversion to E85 fuel would decrease the County's consumption of foreign oil by 940,000 gallons.

Ms. Norris noted the County was committed to using E85 and E10 gasoline. She pointed out the contract in this proposal provided the County flexibility to purchase alternative fuels

Commissioner Sorenson noted ethanol was limited in its use as a fuel source. She spoke in support of the County's Agricultural Community producing bio-fuels.

Ms. Norris noted the County maintained 1500 pickup trucks and the County was consuming less unleaded fuel.

Following further discussion concerning electrically charged vehicles, Assistant County Attorney Jess McCarty advised the Committee of the following scrivener's errors that needed to be corrected in Agenda Item 3J:
- *on handwritten page two (2), "Item 2.2" to "Item 1.2;"*
- *on handwritten page nine (9), the method of award to "Sole Source;"*
- *on handwritten page 11, the Contract Amount to "$416, 607.41" and the method of award to "Bid Waiver;" and*
- *on handwritten pages 11 and 12, the footer to read "Item 2.1."*

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

3J

080560 **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)

Withdrawn

Report: *See Report Unde Agenda Item 3J AMENDED, Legislative File No. 080860.*

3J AMENDED

080860 **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 NO. 080560] (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: *(See Report Under Agenda Item 3I, Legislative File No. 080554.)*

It was moved by Commissioner Sorenson that this proposed resolution be forwarded with Committee amendment(s) to correct a scrivener's error on handwritten page two (2) to change "Item 2.2" to "Item 1.2;" to change on handwritten page nine (9) the method of award to "Sole Source;" to change on handwritten page 11 the Contract Amount to "$416,607.41" and the method of award to "Bid Waiver;" and to change the footer on handwritten pages 11 and 12 to read "Item 2.1." This motion was seconded by Commissioner Gimenez.

3K

080693 **Resolution**

RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH AMERICAN EUROCOPTER, LLC TO PURCHASE FOUR AMERICAN EUROCOPTER AS350 B3 HELICOPTERS FOR THE MIAMI DADE POLICE DEPARTMENT, AUTHORIZING THE COUNTY MAYOR OR DESIGNEE TO EXECUTE AN AGREEMENT FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ANY CANCELLATION AND RENEWAL PROVISIONS, AND TO EXERCISE ALL OTHER RIGHTS CONTAINED THEREIN CONTRACT NO. 528 (Procurement Management Department)

Forwarded to BCC with a favorable recommendation
Mover: Diaz
Seconder: Sorenson
Vote: 5-0
Absent: Sosa

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 Chairman Martinez.

Commissioner Gimenez asked Assistant County Manager Alina Hudak to provide him a report of the funding source of the Capital Outlay Reserve Funds that would be used for this proposed resolution before it came before the County Commission.

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

3L

080585 **Resolution**

RESOLUTION AUTHORIZING EXECUTION OF THE INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN PALM ISLE AT DORAL COMMUNITY DEVELOPMENT DISTRICT AND MIAMI-DADE COUNTY TO PROVIDE SERVICES TO PALM ISLE COMMUNITY DEVELOPMENT DISTRICT IN ACCORDANCE WITH SECTION 197.3632, FLORIDA STATUTES, UNIFORM METHOD FOR THE LEVY, COLLECTION AND ENFORCEMENT OF NON-AD VALOREM ASSESSMENTS (Property Appraisal Department)

Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Sorenson
Vote: 5-0
Absent: Sosa

3M

080586 **Resolution**

RESOLUTION AUTHORIZING EXECUTION OF THE INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN CENTURY GARDENS AT TAMIAMI COMMUNITY DEVELOPMENT DISTRICT AND MIAMI-DADE COUNTY TO PROVIDE SERVICES TO CENTURY GARDENS AT TAMIAMI COMMUNITY DEVELOPMENT DISTRICT IN ACCORDANCE WITH SECTION 197.3632, FLORIDA STATUTES, UNIFORM METHOD FOR THE LEVY, COLLECTION AND ENFORCEMENT OF NON-AD VALOREM ASSESSMENTS (Property Appraisal Department)

Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Sorenson
Vote: 5-0
Absent: Sosa

3N

080587 **Resolution**

RESOLUTION AUTHORIZING EXECUTION OF THE INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN LANDMARK AT DORAL COMMUNITY DEVELOPMENT DISTRICT AND MIAMI-DADE COUNTY TO PROVIDE SERVICES TO THE LANDMARK AT DORAL COMMUNITY DEVELOPMENT DISTRICT IN ACCORDANCE WITH SECTION 197.3632, FLORIDA STATUTES, UNIFORM METHOD FOR THE LEVY, COLLECTION AND ENFORCEMENT OF NON-AD VALOREM ASSESSMENTS (Property Appraisal Department)

Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Sorenson
Vote: 5-0
Absent: Sosa

3O

080588 **Resolution**

RESOLUTION AUTHORIZING EXECUTION OF THE INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN PEBBLEWALK VILLAGE COMMUNITY DEVELOPMENT DISTRICT AND MIAMI-DADE COUNTY TO PROVIDE SERVICES TO PEBBLEWALK VILLAGE COMMUNITY DEVELOPMENT DISTRICT IN ACCORDANCE WITH SECTION 197.3632, FLORIDA STATUTES, UNIFORM METHOD FOR THE LEVY, COLLECTION AND ENFORCEMENT OF NON-AD VALOREM ASSESSMENTS (Property Appraisal Department)

Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Sorenson
Vote: 5-0
Absent: Sosa

4 COUNTY MANAGER

5 COUNTY ATTORNEY

6 CLERK OF THE BOARD

6A

080714 **Report**

CLERK'S SUMMARY OF MINUTES FOR THE BUDGET AND FINANCE COMMITTEE MEETING FOR:

DECEMBER 19 2007
JANUARY 28, 2008
FEBRUARY 12, 2008 (Clerk of the Board)

Accepted
Mover: Gimenez
Seconder: Martinez
Vote: 5-0
Absent: Sosa

7 REPORTS

7A

080492 **Report**

SUNSET REVIEW OF COUNTY BOARDS FOR 2008 – COMMUNITY SMALL BUSINESS ENTERPRISE ADVISORY BOARD (County Manager)

Report Received
Mover: Gimenez
Seconder: Souto
Vote: 5-0
Absent: Sosa

7B

080661 **Report**
DEPARTMENTAL BUDGET PRESENTATIONS (County Manager) ***Presented***

Report: *AUDIT AND MANAGEMENT SERVICES*

Commissioner Sorenson noted the Audit and Management Services (AMS) Base Budget Submission for draft reports issued within 90 days of the fieldwork being completed was only 60 percent (handwritten page 12). She questioned what number could be substituted for 90 to ensure AMS achieved 100 percent.

Ms. Cathy Jackson, Director, AMS, noted the performance goal would be 100 percent by increasing managerial staff from three to six. She explained unplanned audit requests and unexpected findings extended the length of time to issue draft reports within 90 days.

Following further discussion between Commissioner Sorenson and Ms. Jackson regarding the negative perception of the 60 percent goal for draft reports issued within 90 days of the fieldwork being complete, Chairman Martinez questioned what AMS needed to provide audits in a timelier manner.

Ms. Jackson noted AMS needed more managerial level staff. She explained managerial positions were left vacant due to a shortage in qualified applicants; the County required a unique skill set for auditors. However, the County did provided a competitive salary, Ms. Jackson pointed out.

COMMISSION AUDITOR

Commissioner Sorenson questioned whether the Commission Auditor had filled its auditor vacancies.

Mr. Charles Anderson, Commission Auditor, Office of Commission Auditor (OCA), confirmed Ms. Jackson's assessment of a shortage of qualified candidates. He noted he had discussed joint advertising with AMS.

Responding to Chairman Martinez's inquiry concerning recruiting new graduates from local universities, Mr. Anderson explained the OCA positions were not entry level positions.

OFFICE OF INTERGOVERNMENTAL AFFAIRS

Commissioner Sorenson questioned why one additional position was requested on handwritten page 26.

FAIR EMPLOYMENT PRACTICES

Commissioner Sorenson questioned why salary and expenditures would increase from $635,000 to $735,000, while the number of positions remained constant.

Ms. Lucia Davis-Raiford, Director, Office of Fair Employment Practices, noted the Office reclassified two positions to hire qualified candidates.

FINANCE DEPARTMENT

No Discussion

GENERAL SERVICES ADMINISTRATION

Commissioner Sorenson questioned why the General Services Administration (GSA) would reduce the leasing fees when GSA was not generating enough revenue.

Chairman Martinez explained GSA was charging those leasing fees to other County departments.

Ms. Wendi Norris, Director, GSA, noted she had met with the Office of Strategic Business Management to discuss filling the hole in GSA's operating budget by making up the difference in leasing fee revenues with a general fund subsidy. She pointed out almost half of GSA's leases were $1.00 per year.

Commissioner Sorenson asked Ms. Norris to explore the possibility of increasing the $1.00 per year leases to a more substantial sum and provide her with a report of her findings.

In response to Commissioner Sorenson's question concerning the issue of subsidies for low and moderate income buyers, Ms. Norris explained GSA had 28 homes without buyers and developers were complaining regarding the difficulty of finding buyers with sufficient subsidy.

Responding to Commissioner Gimenez's inquiry regarding the progress on the County

Commission's mandated fleet reduction, Ms. Norris noted 107 of 600 vehicles had been returned. She noted some departments thought they could not return the vehicles.

Following further discussion concerning the County Administration's adherence to the County Commission's mandated fleet reduction, Commissioner Gimenez asked Ms. Norris to ensure a majority, if not all, of the vehicles purchased were hybrid vehicles, and to provide him a comparative analysis reflecting the projected decrease in fuel costs to the County for using hybrid vehicles versus the increased initial vehicle cost to the County for purchasing hybrid vehicles.

In response to Commissioner Gimenez's question concerning the $18 million increase in internal service charges, Ms. Norris explained the difference represented an increase in work load.

Following comments by Commissioner Gimenez concerning the reduction of administrative staff levels and GSA's projected carryover, Commissioner Gimenez asked Assistant County Manager Hudak to provide him a report by April 15, 2008, concerning the County Administration's implementation of the County Commission's policy to reduce the light fleet and to detail in that report the obstacles preventing the County Administration from achieving the 600 vehicle mandate.

HUMAN RESOURCES

No Discussion

DEPARTMENT OF PROCUREMENT MANAGEMENT

Responding to Chairman Martinez's inquiry concerning the Department of Procurement Management's needs, Ms. Miriam Singer, Director, Department of Procurement Management, noted the department needed an allocation of $4 million for an integrated technology tool that would take 18 months to procure and would be compatible with the forthcoming enterprise resource planning tool.

In response to Commissioner Diaz questioned regarding the impact of this tool on the procurement process, Ms. Singer explained the proposed integrated technology tool would make

the procurement process more efficient, less labor intensive, less dependent on manual paper files, as well as allow the department to use an electronic document management system. She continued to explain this tool would provide the vendors the ability to apply online, provide for assembling tallies electronically, and provide integrity.

Following comments by Commissioner Sorenson concerning the priority of technology countywide, Chairman Martinez noted the integrated management tool would be a Committee budget priority. He asked Ms. Singer to provide Committee members with a detailed report concerning the integrated technology tool, including the estimated cost, the functions, the procurement timeline for this tool, and the compatibility of this tool with the forthcoming enterprise resource planning tool.

PROPERTY APPRAISER

Commissioner Sorenson questioned the impact of an elected property appraiser on the Commission's discretion of the Property Appraiser's budget.

Mr. Marcus Saiz, Property Appraiser, Property Appraiser's Office, explained all Property Appraisers were required to submit a budget to the Florida Department of Revenue and the County by June 1.

Commissioner Sorenson asked Assistant County Attorney Jess McCarty to provide her with a report outlining the County Commission's purview in setting the budget for the Property Appraiser's Office as an elected official, as well as information on how the Property Appraiser's budget was set in Broward and Palm Beach Counties.

Mr. Saiz noted the Property Appraiser's in other Florida counties submitted their budgets to the Department of Revenue and it ultimately came back to the county commissions.

OFFICE OF STRATEGIC BUSINESS MANAGEMENT

Commissioner Gimenez questioned whether the Office of Strategic Business Management (OSBM) would add a position in FY 2008-09.

Mr. Hugo Salazar, Deputy Director, OSBM, clarified OSBM absorbed a position during FY

2007-08, and the County Administration would revisit that issue.

7B SUPPLEMENT

080759 **Supplement**

SUPPLEMENT TO DEPARTMENTAL BUDGET PRESENTATIONS ***Presented***

7C

080717 **Report** **Carlos A. Gimenez**

ORAL REPORT RE: PROPERTY APPRAISER ESTIMATION OF THE 08/09 PROPERTY TAX ROLL — ***Presented***

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

Mr. Marcus Saiz, Property Appraiser, noted the Property Appraiser's Office (Office) was evaluating the market value of County properties, and the best number the Office could provide for the tax roll would be on June 1, 2008.

Commissioner Gimenez asked Mr. Saiz to provide the County Commission with an analysis of the projected ad valorem tax revenues for fiscal year (FY) 2008-09 based on a representative sample of the County's property base.

Mr. Saiz clarified the Office was working on the roll certification process, and the Committee was requesting the taxable value, which was completely different.

Responding to the explanation by Mr. Hugo Salazar, Deputy Director, Office of Strategic Business Management, that State Legislation required the County to roll back its millage rate to achieve the same revenues as FY 2006-07, and the County Commission did not need the estimated tax roll to estimate revenues, Commissioner Gimenez pointed out the depreciation of property could exceed the defined roll back level.

Following further discussion between Commissioner Martinez and Mr. Saiz concerning the Office's market research and analysis of historical data, as well as the impact of lower advertised sale prices on the value of the tax roll, Commissioner Martinez questioned the feasibility of the Office using a sample of 100 homes to provide the Commission a rough indication of the value of the tax roll.

In response to Mr. Salazar pointing out County revenue was governed by the millage rate, not the tax roll growth, and the millage rate could increase or decrease to meet the same revenue as last year, Chairman Martinez clarified the County Commission set the millage rate.

Commissioner Souto noted the County

Administration should provide updated budget figures to the County Commission as often as possible.

Commissioner Sorenson pointed out the department budget conferences were ongoing, and she recommended each commissioner send staff to attend those meetings.

Following Commissioner Gimenez's explanation that the County Commission needed to know the value of the tax roll and estimated revenues to set the millage rate, Chairman Martinez questioned the impact of foreclosures on collecting taxes, and he requested an explanation of the reported 70,000 homes with unpaid taxes in Broward and Miami-Dade Counties.

Mr. Fernando Casamayor, Tax Collector, Finance Department, noted approximately 22 percent of real estate accounts (189,000 accounts) on the 2007 tax roll were still open, and approximately 19 percent (152,000) were still open at this time for the 2006 tax roll.

Chairman Martinez asked Mr. Casamayor to provide him a report reflecting the number of outstanding, unredeemed tax certificates for 2006.

Mr. Salazar explained the County Administration projected a $60 million loss in revenues for FY 2008-09, and an overall budget gap of $200 million from lost revenues and increased expenditures. He pointed out the County was not using reserve funds to cover the budget gap.

Discussion ensued among Commissioner Gimenez and Mr. Salazar regarding the Commissioner's concern that the County carried over $104 million from FY 2006-07 to FY 2007-08, however, the County only projected to carry over $50-60 million from FY 2007-08.

Commissioner Gimenez explained the County was artificially funding positions and services through carryover funds, and pointed out the County needed to adjust its spending to stop operating from a negative position.

Commissioner Gimenez asked Mr. Salazar to provide the Committee members with a report at the April 15, 2008 meeting, reflecting the projected carryover for fiscal year 2008-09.

Chairman Martinez expressed concern regarding

the County using larger amounts of the carryover funds.

Commissioner Souto noted the County needed to assume the worst case financial scenario of events occurring that would have a negative impact to tourism. He emphasized the County was justified to take extreme measures with money. He cautioned the Committee of the impact of the unexpected.

Assistant County Manager Hudak clarified County reserves continued to be strong and carryover was a function of all factors that impacted any budget, and the County took into account those impacts during the budget process.

Responding to Chairman Martinez's question regarding the amount of County reserves, Mr. Salazar noted the County would have $70 million in reserves at the end of FY 2007-08, and they were accumulated over three to four years.

Following further comments by Commissioner Gimenez on the issue of reserves versus carryover and how the County should analyze these budget categories to determine its true financial position, Commissioner Gimenez asked the Office of Strategic Business Management Deputy Director to provide him a report before April 15, 2008, reflecting the amount of carryover and reserve funds available at the end of fiscal year (FY) 2005-06, FY2006-07, and the projected carryover and reserve funds for the end of FY2007-08. He noted the County's fiscal mantra should be that expenses never exceed recurring revenue. He pointed out the increase in the County's payroll could be more than the increase in the tax roll.

Following further discussion regarding how the County should approach carryover funds, the Committee concluded its discussion on this report.

7D

080763 **Discussion Item** **Joe A. Martinez**

BUDGET AND FINANCE COMMITTEE PRIORITIES FOR FY2008-09 ***Presented***

Report: *Chairman Martinez noted the committee had to adopt budget priorities today (3/11) or schedule a special meeting before April 8, 2008, to adopt the priorities.*

Responding to Chairman Martinez's inquiry concerning the legality of Commissioner Diaz's suggestion to adopt Chairman Martinez and Commissioner Sorenson's memoranda regarding Budget Priorities as the Committee's priorities today and then amend them throughout the budget process, Assistant County Attorney McCarty advised nothing in Ordinance 08-08 prohibited individual commissioners from raising other priorities later.

Commissioner Sorenson spoke in support of priorities that benefited the County in the long run. She explained her initial thoughts regarding the budget were the following principles:

- *Maintaining County buildings, parks, and infrastructure;*
- *Addressing environmental issues—Climate Change, and the water supply;*
- *Providing the Department of Planning & Zoning the resources to wisely plan County growth;*
- *Using technology to increase efficiency; and*
- *Enforcing the existing laws or repealing ordinances.*

Commissioner Sorenson spoke in opposition to reducing each departmental budget by an equal, fixed percentage.

Commissioner Gimenez noted his budget priorities were the following issues:

- *Cutting waste by reducing the bureaucracy by 15 percent, reducing the light fleet vehicles, and eliminating duplicative services;*
- *Providing more direct services, such as police patrolling the street, Public Works improving infrastructure, libraries, and park security;*
- *Accelerating Building Better Communities General Obligation Bond projects that would not include additional operations and maintenance costs to provide construction jobs and save money*

on construction costs;
• Helping the elderly and the young; and
• Protecting the environment, including the purchase of hybrid vehicles.

Chairman Martinez pointed out Commissioners Sorenson and Gimenez, and he had provided budget principles and the only Committee priority was the integrated technology tool for Procurement Management (see Report Under Agenda Item 7B, Legislative File No. 080661, DEPARTMENT OF PROCUREMNT MANAGEMENT).

Following comments by Chairman Martinez and Commissioner Gimenez concerning the committee assigning dollar amounts to their principles, Commissioner Gimenez explained the principle approach would provide the Commission Auditor guidance concerning whether the County Mayor and Manager's proposed budget included the Commission's priorities.

Chairman Martinez explained the County Attorney advised him the County Commission could control the size of the bureaucracy by reducing the number of funds allocated to each job classification.

Following further discussion among Commissioners Sorenson and Gimenez regarding the size of County administrative staff, it was moved by Commissioner Gimenez that Chairman Martinez's memorandum entitled "Budget and Finance Committee Priorities for FY2008-2009," dated March 6, 2008, be approved and forwarded to the County Commission with committee amendment(s) to add the budget priorities listed in memoranda submitted by Commissioners Gimenez and Sorenson and to add an allocation of $4 million to the Department of Procurement Management for an integrated technology tool that would be compatible with the forthcoming enterprise resource planning tool. This motion was seconded by Chairman Martinez, and upon being put to a vote, passed by a vote of 5-0 (Commissioner Sosa was absent).

8 ADJOURNMENT

Report: *There being no further business to come before the Committee, the meeting adjourned at 6:15 p.m.*

04/22/08

Joe A. Martinez, Chair