



MIAMI-DADE COUNTY
FINAL OFFICIAL
Meeting Minutes

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

Tuesday, March 18, 2008
As Advertised

Harvey Ruvlin, Clerk
Board of County Commissioners

Kay Sullivan, Director
Clerk of the Board Division

Mary Smith-York, Commission Reporter
(305) 375-1598



Members Present: Bruno Barreiro; Jose "Pepe" Diaz; Audrey M. Edmonson; Carlos A. Gimenez; Sally A. Heyman; Barbara J. Jordan; Joe A. Martinez; Dennis C. Moss; Dorrin Rolle; Natacha Seijas; Katy Sorenson; Rebeca Sosa; Javier D. Souto

Members Absent: None.

Members Late: None.

Members Excused: None.

Members Absent County Business: None.

1 **MINUTES PREPARED BY:**

Report: *Mary Smith-York, Commission Reporter
(305) 375-1598*

1A **MOMENT OF SILENCE**

Report: *Chairman Barreiro opened the meeting with a moment of silence followed by the Pledge of Allegiance.*

1B **PLEDGE OF ALLEGIANCE**

1C **ROLL CALL**

Report: *The following staff members were present: Assistant County Manager George Burgess, County Attorney Robert Cuevas, Assistant County Attorney Abigail Price-Williams, and Deputy Clerks Kay Sullivan and Mary Smith-York.*

Miami-Dade County Mayor Carlos Alvarez was also present at today's (3/18) meeting.

1D **REPORTS OF OFFICIAL BOARDS**

1E **CITIZEN'S PRESENTATIONS (5 MINUTES MAXIMUM)**

1E1

080378 Citizen's Presentation

Bruno A. Barreiro

PRESENTATION BY BILL TALBERT TO UPDATE THE
BOARD OF COUNTY COMMISSIONERS ON TOURISM
INDUSTRY INITIATIVES

Presented

Report: *Mr. Bill Talbert, President/CEO, Greater Miami Convention & Visitor's Bureau (GMCVB), appeared before the Board and presented highlights of the travel and tourism industry's status. He commented copies of the 2007 visitors profile was available for any who wanted it. Mr. Talbert noted in 2007, 12 million visitors spent at least one night in Miami and spent \$17 million; there were 6.5 million (54%) domestic visitors and 5.5 million (46%) international visitors. He reported the number of international visitors in 2007 remained 2.6% below the record achieved prior to the 911 incident. Referencing a handout distributed to Board members, Mr. Talbert highlighted the GMCVB's approach to creating year-round tourism and pointed out that 83% were repeat visitors to Miami. He briefly reviewed the "Miami Begins With Me" Customer Service Program, mentioning the television advertisements and campaign button in three languages. He noted a detailed presentation of this program would soon be presented at committee level. Mr. Talbert advised the Travel Industry Association's (TIA) research found the entry process into the United States was the worst in the world. He highlighted several initiatives the Bureau was working on with TIA, including the Visa Waiver, the Model Ports, and the Electronic Traveler Authorization Programs. To address the industry's challenges, Mr. Talbert noted the GMCVB would continue its marketing strategies in key markets, highlighting year-round tourism, and would work with the City of Miami Beach to address the needs of the Miami Beach Convention Center. Mr. Talbert noted TIA owned and operated the "POW WOW," the number travel and tourism show in the United States. He announced that in 2009, "POW WOW" would be held in Miami, and pointed out that 15 percent of all the international businesses in the United States were booked at this show. Mr. Talbert invited the Commission to attend the show in Las Vegas, Nevada with the GMCVB this year (2008), in preparation for POW WOW in Miami-Dade County in 2009. He indicated the show would be held in Orlando, Florida in 2010.*

1F MOTION TO SET THE AGENDA AND "PULL LIST"

Report: County Attorney Robert Cuevas advised that an additional item, sponsored by Commissioner Sosa, urging the Legislature to allow partial payment of property taxes in certain situations, was waived onto today's (3/18) agenda and was forthcoming. Regarding the Pull List, he noted Item 14A1 was a public hearing item; Commissioner Seijas wished to be listed as pulling Item 15A1; Commissioner Jordan wished to be listed as pulling Item 14A4; and Commissioner Sosa wished to be listed as pulling Items 14A5 and 14A11. He further advised the items to be considered in today's meeting would be those items listed on the printed, final agenda, with the additions, deferrals, withdrawals, and scrivener's errors noted in the Manager's Changes Memorandum in the items previously mentioned. Mr. Cuevas stated the Commission would approve all these items by a single vote, setting the agenda, except Mayoral Appointments (Item 2B1); Ordinances for First Reading; Public Hearing Items, Ordinances for Second Reading; and the following Pull List Items: 3J1B, 3O18A, 8O1A, 8O1B, 11A1, 11A4, 12A1, 12A2, 12B1 & Supplement, 14A1, 14A3, 14A4, 14A5, 14A6, 14A7, 14A8, 14A9, 14A10, 14A11 & Alternate, 14A12, 14A13, 14A14, 14A15, 14B1, 14B2, 15B1, 15D1, 15D2.

Chairman Barreiro released 12A2 and 12B1;
 Commissioner Edmonson released Item 3J1B from the Pull List;
 Commissioner Rolle asked to be listed as pulling 8O1A, 14A3, 14A10, and 14A12;
 Commissioner Sosa released 8O1B from the Pull List;
 Commissioner Sorenson asked to be listed as pulling 8O1A and released 14A10;
 Commissioner Moss asked to be listed as pulling 8O1A;
 Commissioner Gimenez released 14B1;
 Commissioner Martinez released item 11A1 following approval of an amendment to include additional allocations of \$5,000 to the Miami-Dade Police Department's Police Athletic League and \$2,800 to the Recreational activities and transportation for seniors in District 11;

Hearing no objections, it was moved by Commissioner Diaz that today's agenda be approved with the changes listed in the County Manager's Memorandum and the additional changes requested by the County Attorney and individual commissioners. This motion was seconded by Commissioner Heyman, and upon being put to a vote, passed by a vote of 13-0.

1G OFFICE OF COMMISSION AUDITOR**1H OFFICE OF INTERGOVERNMENTAL AFFAIRS****1I SPECIAL PRESENTATIONS****2 MAYORAL ISSUES****2A MAYORAL VETOES****2B MAYORAL REPORTS**

2B1

080786 Report

APPOINTMENT OF PROGRAM MANAGER, OFFICE OF SUSTAINABILITY (Mayor)

Appointed

Report: Mayor Carlos Alavrez announced his appointment of Mr. Devesh Nirmul as the Program Manager of the Office of Sustainability.

2B2

080810 Report

APPROVAL OF DEPARTMENTAL AGENDA ITEMS (Mayor)

Accepted

*Mover: Jose "Pepe" Diaz
 Seconder: Sally A. Heyman
 Vote: 13- 0*

3 CONSENT ITEMS

3J1A

080506 Resolution

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO APPLY FOR UP TO \$4,000,000 IN GRANT FUNDS FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, OFFICE OF GREENWAYS AND TRAILS LAND ACQUISITION PROGRAM TO PURCHASE UP TO FOUR PARCELS OF LAND TO SERVE AS A TRAILHEAD TO THE SOUTH DADE GREENWAY NETWORK AND TO BUILD A PASSIVE RECREATIONAL PARK AND FURTHER AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO ACCEPT, EXPEND FUNDS, AND EXECUTE CONTRACTS AND AMENDMENTS AS REQUIRED (Park & Recreation Department)

Adopted

*Resolution R-285-08
 Mover: Jose "Pepe" Diaz
 Seconder: Sally A. Heyman
 Vote: 13- 0*

3J1B

080719 Resolution

RESOLUTION APPROVING SUBMISSION OF GRANT APPLICATION FOR UP TO \$75,000 IN GRANT FUNDS FROM THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF FORESTRY, FOR THE PLANNING AND DESIGN STUDY OF AN AREA FOR OFF-HIGHWAY VEHICLE RECREATIONAL USE AND FURTHER AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO ACCEPT, EXPEND FUNDS, AND EXECUTE CONTRACTS AND AMENDMENTS AS REQUIRED (Park & Recreation Department)

Adopted

*Resolution R-286-08
 Mover: Jose "Pepe" Diaz
 Seconder: Sally A. Heyman
 Vote: 13- 0*

3018A

080556 Resolution

RESOLUTION RATIFYING THE COUNTY MAYOR'S ACTION TO APPLY FOR, RECEIVE, AND EXPEND FEDERAL FUNDS FROM THE SOLVING COLD CASES WITH DNA GRANT PROGRAM FROM THE U.S. DEPARTMENT OF JUSTICE OFFICE OF JUSTICE PROGRAMS NATIONAL INSTITUTE OF JUSTICE, TO SUPPORT THE MIAMI-DADE POLICE DEPARTMENT; AND FURTHER AUTHORIZING THE COUNTY MAYOR, OR HIS DESIGNEE, TO RECEIVE AND EXPEND FUNDS AND EXECUTE SUCH CONTRACTS AND AMENDMENTS AS REQUIRED IF AWARDED (Miami-Dade Police Department)

*Adopted
Resolution R-287-08
Mover: Barbara J. Jordan
Seconder: Sally A. Heyman
Vote: 13- 0*

4 ORDINANCES FOR FIRST READING

4A

080563 Ordinance

ORDINANCE AMENDING ORDINANCE NO. 96-7 RELATING TO ROYAL OAKS SECTION I SECURITY GUARD SPECIAL TAXING DISTRICT, ANNEXING THE PROPOSED DUNNHILL COVE FIRST ADDITION AND THE PROPOSED DUNNHILL ISLE SUBDIVISIONS AND PROVIDING AN EFFECTIVE DATE (Public Works Department)

*Adopted on first reading
Public Hearing: April 8, 2008
Mover: Dennis C. Moss
Seconder: Jose "Pepe" Diaz
Vote: 13- 0*

Report: *The foregoing proposed ordinance was adopted on first reading and set for public hearing before the Board of County Commission meeting on April 08, 2008 at 9:30 a.m.*

4B

080700 Ordinance Dennis C. Moss

ORDINANCE RELATING TO COMPREHENSIVE DEVELOPMENT MASTER PLAN ("CDMP"); MODIFYING REQUIREMENTS FOR SUBMISSION OF RESTRICTIVE COVENANT BY APPLICANTS MAKING CERTAIN REPRESENTATIONS ABOUT FUTURE LAND USES; PROVIDING EXCEPTION FOR CDMP AMENDMENT APPLICATIONS CONSIDERED CONCURRENTLY WITH APPLICATIONS FOR DEVELOPMENT OF REGIONAL IMPACT ("DRI") DEVELOPMENT ORDER; AMENDING SECTION 2-116.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"); PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

*Adopted on first reading
Public Hearing: April 15, 2008
Mover: Dennis C. Moss
Seconder: Jose "Pepe" Diaz
Vote: 13- 0*

Report: *The foregoing proposed ordinance was adopted on first reading and set for public hearing before the Governmental Operations and Environment Committee meeting on April 15, 2008 at 9:30 a.m.*

4C

080604 Ordinance County Commission

ORDINANCE CHANGING THE BOUNDARIES OF THE CITY OF NORTH MIAMI, FLORIDA, AND AMENDING THE CHARTER OF SUCH MUNICIPALITY BY PROVIDING FOR THE ANNEXATION OF CERTAIN LANDS, UNDER AND PURSUANT TO PROCEEDINGS PRESCRIBED BY SECTION 6.04(B) OF THE HOME RULE CHARTER; PROVIDING FOR RESERVATION TO THE COUNTY OF ELECTRIC FRANCHISE, UTILITY TAX AND CIGARETTE TAX REVENUES; PROVIDING RETENTION OF GARBAGE AND REFUSE COLLECTION AND DISPOSAL; PROVIDING THAT THE ORDINANCE WILL ONLY BECOME EFFECTIVE UPON THE OCCURRENCE OF CERTAIN EVENTS; PROVIDING INTERDEPENDENCY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

*Adopted on first reading
Public Hearing: May 13, 2008
Mover: Sally A. Heyman
Seconder: Carlos A. Gimenez
Vote: 12- 1
No: Rolle*

Report: *The foregoing proposed ordinance was adopted on first reading and tentatively set for public hearing before the Governmental Operations and Environment Committee meeting on May 13, 2008 at 9:30 a.m.*

2/28/2008 *Requires Municipal Notification by the Board of County Commissioners to the Governmental Operations and Environment Committee*

4D

080777 Ordinance Sen. Javier D. Souto

ORDINANCE REQUIRING THE AFFIRMATIVE VOTE OF THE ELECTORS OF MIAMI-DADE COUNTY AS CONDITION PRECEDENT TO THE COUNTY ENTERING INTO A CONTRACT FOR CONSTRUCTION OF PUBLIC IMPROVEMENTS WITH ESTIMATED CONSTRUCTION COSTS IN EXCESS OF 25 MILLION DOLLARS; PROVIDING METHOD FOR ELECTION; PROVIDING EXCEPTIONS; CREATING SECTION 2-8.1.7; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Motion to adopt died due to lack of a second

4E

080709 Ordinance Barbara J. Jordan

ORDINANCE PERTAINING TO WORKFORCE HOUSING DEVELOPMENT PROGRAM; READOPTING ORDINANCE 07-05 AS CODIFIED IN VARIOUS SECTIONS OF CHAPTERS 17, 33, 8, AND 8CC OF THE CODE OF MIAMI-DADE COUNTY, EXCLUDING REPEAL PROVISION IN ORDINANCE 07-05; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

*Adopted on first reading
Public Hearing: April 16, 2008
Mover: Dennis C. Moss
Seconder: Jose "Pepe" Diaz
Vote: 13- 0*

Report: *The foregoing proposed ordinance was adopted on first reading and set for public hearing before the Economic Development and Human Services Committee meeting on April 16, 2008 at 9:30 a.m.*

4F

080518

Ordinance

Natacha Seijas,
Sally A. Heyman,
Sen. Javier D. Souto

ORDINANCE REGARDING THE PROPERTY APPRAISER OF MIAMI-DADE COUNTY AND THE OFFICE OF THE PROPERTY APPRAISER; PROVIDING FOR THE TRANSFER OF DUTIES TO THE ELECTED PROPERTY APPRAISER AS HEAD OF THE OFFICE OF THE PROPERTY APPRAISER; PROVIDING FOR ELECTION OF THE PROPERTY APPRAISER OF MIAMI-DADE COUNTY IN 2008 AND EVERY FOUR YEARS THEREAFTER; SETTING FORTH QUALIFYING DATES AND FEES TO RUN FOR PROPERTY APPRAISER AND REQUIREMENTS PERTAINING TO FAIR CAMPAIGN PRACTICES; SETTING FORTH THE COMMENCEMENT DATE OF THE TERM OF OFFICE, DUTIES OF THE OFFICE, COMPENSATION AND BENEFITS FOR THE OFFICE AND OTHER REQUIREMENTS RELATED TO SERVICE AS THE PROPERTY APPRAISER; PROVIDING FOR CONTINUED USE OF COUNTY PERSONNEL, FACILITIES, PURCHASING, LEGAL AND OTHER SERVICES; PROVIDING FOR APPLICABILITY OF COUNTY ORDINANCES, INCLUDING ORDINANCES RELATED TO LOBBYING, THE CODE OF ETHICS AND CONFLICT OF INTEREST AND FINANCIAL DISCLOSURE; ALLOWING THE ELECTED PROPERTY APPRAISER TO PLACE ITEMS ON THE COUNTY COMMISSION AGENDA; REPEALING SECTIONS 2-69; CREATING SECTIONS 2-69 THROUGH 2-73 AND AMENDING SECTIONS 2-11.1.1, 12-5, 12-11, 12-17, 12-18 AND 12-21 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

*Adopted on first reading
Public Hearing: April 15, 2008
Mover: Dennis C. Moss
Seconder: Jose "Pepe" Diaz
Vote: 13- 0*

Report: *The foregoing proposed ordinance was adopted on first reading and set for public hearing before the Governmental Operations and Environment Committee meeting on April 15, 2008 at 9:30 a.m.*

4G

080787 Ordinance

Jose "Pepe" Diaz,
 Joe A. Martinez,
 Dorrin D. Rolle,
 Natacha Seijas,
 Rebeca Sosa

ORDINANCE CREATING A SEPARATE ARTICLE TO BE INCLUDED IN CHAPTER 11A OF THE MIAMI-DADE COUNTY CODE; PROVIDING HEALTH INSURANCE ELIGIBILITY AND OTHER BENEFITS TO THE DEPENDENTS OF MIAMI-DADE COUNTY EMPLOYEES; ESTABLISHING DEPENDENT RIGHTS OF VISITATION; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

*Adopted on first reading
 Public Hearing: April 16, 2008
 Mover: Jose "Pepe" Diaz
 Seconder: Natacha Seijas
 Vote: 10- 3
 No: Edmonson, Heyman,
 Sorenson*

Report: *The foregoing proposed ordinance was adopted on first reading and tentatively set for public hearing before the Economic Development and Human Services Committee meeting on April 16, 2008 at 9:30 a.m.*

5 PUBLIC HEARINGS (Scheduled for 9:30 a.m.)

5A

080163 Ordinance

ORDINANCE CREATING AND ESTABLISHING A SPECIAL TAXING DISTRICT IN MIAMI-DADE COUNTY, FLORIDA, KNOWN AND DESCRIBED AS PALM BAY MULTIPURPOSE MAINTENANCE SPECIAL TAXING DISTRICT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE (Public Works Department)

*Adopted
 Ordinance 08-29
 Mover: Jose "Pepe" Diaz
 Seconder: Dennis C. Moss
 Vote: 13- 0*

Report: *Assistant County Attorney Abigail Price-Williams read the foregoing proposed ordinance into the record.*

Chairman Barreiro opened the public hearing, and there being no one to appear, the public hearing was closed.

There being no questions or comments, the Board proceeded to vote.

- 2/5/2008 Adopted on first reading by the Board of County Commissioners
- 2/5/2008 Tentatively scheduled for a public hearing by the Board of County Commissioners to the Board of County Commissioners
- 3/4/2008 Deferred by the Board of County Commissioners

5B

080164 Ordinance

ORDINANCE CREATING AND ESTABLISHING A SPECIAL TAXING DISTRICT IN MIAMI-DADE COUNTY, FLORIDA, KNOWN AND DESCRIBED AS GRANADA TOWERS MULTIPURPOSE MAINTENANCE SPECIAL TAXING DISTRICT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE (Public Works Department)

Adopted
Ordinance 08-30
Mover: Jose "Pepe" Diaz
Seconder: Dennis C. Moss
Vote: 13- 0

Report: Assistant County Attorney Abigail Price-Williams read the foregoing proposed ordinance into the record.

Chairman Barreiro opened the public hearing, and there being no one to appear, the public hearing was closed.

There being no questions or comments, the Board proceeded to vote.

- 2/5/2008** Adopted on first reading by the Board of County Commissioners
- 2/5/2008** Tentatively scheduled for a public hearing by the Board of County Commissioners to the Board of County Commissioners
- 3/4/2008** Deferred by the Board of County Commissioners

5C

080165 Ordinance

ORDINANCE CREATING AND ESTABLISHING A SPECIAL TAXING DISTRICT IN MIAMI-DADE COUNTY, FLORIDA, KNOWN AND DESCRIBED AS ZUNJIC ESTATES MULTIPURPOSE MAINTENANCE AND STREET LIGHTING SPECIAL TAXING DISTRICT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE (Public Works Department)

Adopted
Ordinance 08-31
Mover: Jose "Pepe" Diaz
Seconder: Dennis C. Moss
Vote: 13- 0

Report: Assistant County Attorney Abigail Price-Williams read the foregoing proposed ordinance into the record.

Chairman Barreiro opened the public hearing, and there being no one to appear, the public hearing was closed.

There being no questions or comments, the Board proceeded to vote.

- 2/5/2008** Tentatively scheduled for a public hearing by the Board of County Commissioners to the Board of County Commissioners
- 2/5/2008** Adopted on first reading by the Board of County Commissioners
- 3/4/2008** Deferred by the Board of County Commissioners

5C1

080206 Resolution

RESOLUTION ADOPTING PRELIMINARY ASSESSMENT ROLLS PROVIDING FOR ANNUAL ASSESSMENTS AGAINST REAL PROPERTY LOCATED WITHIN BOUNDARIES OF A SPECIAL TAXING DISTRICT KNOWN AS ZUNJIC ESTATES MULTIPURPOSE MAINTENANCE AND STREET LIGHTING SPECIAL TAXING DISTRICT IN ACCORDANCE WITH PROVISIONS OF CHAPTER 18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND ORDINANCE NO. (Public Works Department)

Adopted
Resolution R-288-08
Mover: Jose "Pepe" Diaz
Seconder: Dennis C. Moss
Vote: 13- 0

Report: *Assistant County Attorney Abigail Price-Williams read the foregoing proposed resolution into the record.*

There being no questions or comments, the Board proceeded to vote.

3/4/2008 *Deferred by the Board of County Commissioners*

5D

080166 Ordinance

ORDINANCE GRANTING PETITION OF MARSOL ONE, L.L.C., ("PETITIONER") FOR ESTABLISHMENT OF A COMMUNITY DEVELOPMENT DISTRICT; CREATING AND ESTABLISHING CRESTVIEW WEST COMMUNITY DEVELOPMENT DISTRICT ("DISTRICT"); PROVIDING FOR NAME, POWERS AND DUTIES; PROVIDING DESCRIPTION AND BOUNDARIES; PROVIDING INITIAL MEMBERS OF BOARD OF SUPERVISORS; ACCEPTING PROFFERED DECLARATION OF RESTRICTIVE COVENANTS; PROVIDING SEVERABILITY; EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE (Public Works Department)

*Adopted
Ordinance 08-32
Mover: Dennis C. Moss
Seconder: Jose "Pepe" Diaz
Vote: 12- 1
No: Seijas*

Report: Assistant County Attorney Abigail Price-Williams read the foregoing proposed ordinance into the record.

Chairman Barreiro opened the public hearing, and there being no one to appear, the public hearing was closed.

Commissioner Seijas spoke in opposition to continuing to create Community Development Districts, citing the tremendous impact on property taxes of home buyers in the community.

Mr. Don Tock, Chief, Special Taxing Districts, Public Works Department, stated the updated data had been accumulated on the Community Development District (CDD) process and was being prepared for presentation before the committee in the very near future.

Commissioner Seijas asked the Public Works Director to research and prepare a report detailing the foreclosure rate countywide and to include this report in the department's forthcoming annual progress report to the Board.

Ms. Esther Calas, Director, Public Works Department, noted a comprehensive report, addressing concerns regarding the CDDs, would be brought forth for discussion before the Governmental Operations and Environment Committee (GOE), at its April 15, 2008 meeting.

There being no further questions or comments, the Board proceeded to vote.

- 2/5/2008** Tentatively scheduled for a public hearing by the Board of County Commissioners to the Board of County Commissioners
- 2/5/2008** Adopted on first reading by the Board of County Commissioners
- 2/19/2008** Deferred by the Board of County Commissioners

5E

080296 Ordinance

ORDINANCE GRANTING PETITION OF SOUTH KENDALL COMMUNITY DEVELOPMENT DISTRICT ("DISTRICT" OR "PETITIONER") TO EXPAND THE BOUNDARIES OF THE DISTRICT ESTABLISHED BY ORDINANCE NO. 04-107; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE (Public Works Department)

*Adopted
Ordinance 08-33
Mover: Dennis C. Moss
Seconder: Jose "Pepe" Diaz
Vote: 13- 0*

Report: Assistant County Attorney Abigail Price-Williams read the foregoing proposed ordinance into the record.

Chairman Barreiro opened the public hearing, and there being no one to appear, the public hearing was closed.

There being no questions or comments, the Board proceeded to vote.

- 2/19/2008** Tentatively scheduled for a public hearing by the Board of County Commissioners to the Board of County Commissioners
- 2/19/2008** Adopted on first reading by the Board of County Commissioners
- 3/4/2008** Deferred by the Board of County Commissioners

5F

080523 Resolution

RESOLUTION APPROVING THE WAIVER OF PLAT OF AZURE OF SOUTH FLORIDA, LLC, D-22888, LOCATED IN THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 53 SOUTH, RANGE 40 EAST (BOUNDED ON THE NORTH BY APPROXIMATELY NW 21 STREET, ON THE EAST BY APPROXIMATELY NW 107 AVENUE, ON THE SOUTH BY APPROXIMATELY NW 17 STREET, AND ON THE WEST BY NW 108 AVENUE) (Public Works Department)

*Adopted
Resolution R-311-08
Mover: Katy Sorenson
Seconder: Jose "Pepe" Diaz
Vote: 13- 0*

Report: Assistant County Attorney Abigail Price-Williams read the foregoing proposed resolution into the record.

Chairman Barreiro opened the public hearing, and there being no one to appear, the public hearing was closed.

There being no questions or comments, the Board proceeded to vote.

5G

080525 Resolution

RESOLUTION APPROVING THE WAIVER OF PLAT OF DOON JAIKARAN AND TARA G. JAIKARAN, D-21877, LOCATED IN THE SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 56 SOUTH, RANGE 38 EAST (BOUNDED ON THE NORTH BY SW 260 STREET, ON THE EAST BY APPROXIMATELY SW 183 COURT, ON THE SOUTH BY APPROXIMATELY SW 262 STREET, AND ON THE WEST BY APPROXIMATELY SW 185 AVENUE) (Public Works Department)

*Adopted
Resolution R-289-08
Mover: Katy Sorenson
Seconder: Jose "Pepe" Diaz
Vote: 13- 0*

Report: Assistant County Attorney Abigail Price-Williams read the foregoing proposed resolution into the record.

Chairman Barreiro opened the public hearing, and there being no one to appear, the public hearing was closed.

There being no questions or comments, the Board proceeded to vote.

6 CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS

7 ORDINANCES SET FOR SECOND READING

7A

080152 Ordinance Audrey M. Edmonson

ORDINANCE RELATING TO THE SAFETY OF CRANES AND OTHER HOISTING EQUIPMENT; PROVIDING DEFINITIONS; PROVIDING STANDARDS FOR MANUFACTURE AND INSTALLATION; PROVIDING FOR EDUCATION AND CERTIFICATION OF OPERATORS; ESTABLISHING STANDARDS FOR HURRICANE PREPAREDNESS; PROVIDING FOR ENFORCEMENT; CREATING CHAPTER 8E OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NOS. 072478, 073101 AND 073274]

Amended

Report: (SEE AGENDA ITEM 7A AMENDED; LEGISLATIVE FILE NO. 080898.)

12/11/2007 Forwarded to BCC without recommendation with committee amendments from the Governmental Operations and Environment Committee

1/22/2008 Deferred by the Board of County Commissioners

7A AMENDED

080898

Ordinance

Audrey M. Edmonson

ORDINANCE RELATING TO THE SAFETY OF CRANES AND OTHER HOISTING EQUIPMENT; PROVIDING DEFINITIONS; PROVIDING STANDARDS FOR MANUFACTURE AND INSTALLATION; PROVIDING FOR EDUCATION AND CERTIFICATION OF OPERATORS; ESTABLISHING STANDARDS FOR HURRICANE PREPAREDNESS; PROVIDING FOR ENFORCEMENT; CREATING CHAPTER 8E OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NOS. 072478, 073101, 073274, AND 080152]

*Adopted as amended
Ordinance 08-34*

Report: Assistant County Attorney Abigail Price-Williams read the foregoing proposed ordinance into the record.

Assistant County Attorney Hugo Benitez read into the record, the following amendments to foregoing proposed ordinance as requested by Commissioner Edmonson:

- Section 8E-1 Definitions:

* to delete the second occurrence of the words "Accredited Certifying Entity" from the beginning of paragraph (a), and to insert the language "...or other nationally accepted and adopted accredited agency..." at the end of that paragraph, page 2;

- Section 8E-8 Building Permits and Inspections:

* to delete the last line of paragraph (a), page 6;
* to insert the phrase "...or registered..." after the word "incorporated" in the second paragraph of section (d), page 7;

- Section 8E-9 Tower Crane and Mobile Crane Operator Qualification and Certifications:

* to insert the language "...Only active performance of the tasks and skills required to operate the equipment for which the applicant is seeking certification throughout the applicant's career shall be counted towards the experience requirements..." before the last sentence on page 11, paragraph (c);

- Sec. 8CC-10: Schedule of civil penalties:

* to delete the amount of \$500.00, and to add the following schedule: "...First fifteen (15) days - \$1,000 per day; Continued violation beyond fifteen (15) days - \$2,500 per day; and Continued violation beyond thirty (30) days - \$5,000 per day..." in Section 2, page 13;

* to change the effective date for qualifications and certification of crane operators, from January 1, 2009 to January 1, 2011, deleting the remaining words "...provided that by that date tests attendant to the certification program are offered in Spanish and Creole languages..." from that sentence, in Section 5, page 13; and

* to add the following sentences after the effective date: "...The County Mayor or his designee is hereby directed to work together with the crane manufacturing industry, crane operators, accredited certifying agencies and other interested parties to develop tests in languages used by operators in the County. The results of such efforts, together with any recommendations for amendments to this ordinance to accomplish this purpose, shall be reported to this Board no later than January 1, 2009..." in Section 5, page 14.

Referencing the recent, fatal crane accident in the State of New York, Commissioner Edmonson noted the intent of the foregoing proposed ordinance was to enforce stricter inspections and tougher regulations of crane operations. She pointed out that a similar accident occurring locally, two years ago, that resulted in the death of a construction worker, was the basis for this ordinance.

There being no further questions or comments, the Board voted to adopt the foregoing resolution as amended.

7B

073594

Ordinance

Rebeca Sosa,
Jose "Pepe" Diaz

ORDINANCE RELATING TO COUNTY BOARDS; AMENDING SECTION 2-11.38 TO PROVIDE THAT ANY PERSON WHO HAS A PENDING LAWSUIT AGAINST THE COUNTY SHALL NOT BE ELIGIBLE TO SERVE ON A COUNTY BOARD UNLESS THIS REQUIREMENT IS WAIVED BY TWO-THIRDS VOTE OF THE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE

Amended

Report: (SEE AGENDA ITEM 7B AMENDED; LEGISLATIVE FILE NO. 080972.)

- 1/10/2008** Adopted on first reading by the Board of County Commissioners
- 1/10/2008** Tentatively scheduled for a public hearing by the Board of County Commissioners to the Governmental Operations and Environment Committee
- 2/12/2008** Forwarded to BCC without a recommendation from the Governmental Operations and Environment Committee

7B AMENDED

080972

Ordinance

Rebeca Sosa,
Jose "Pepe" Diaz

ORDINANCE RELATING TO COUNTY BOARDS; AMENDING SECTION 2-11.38 TO PROVIDE THAT ANY PERSON WHO HAS A PENDING LAWSUIT AGAINST THE COUNTY SHALL NOT BE ELIGIBLE TO SERVE ON A COUNTY BOARD UNLESS THIS REQUIREMENT IS WAIVED BY TWO-THIRDS VOTE OF THE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 073594]

*Adopted as amended
Ordinance 08-35
Mover: Rebeca Sosa
Seconder: Jose "Pepe" Diaz
Vote: 8-4
No: Heyman, Gimenez,
Sorenson, Souto
Absent: Martinez*

Report: Assistant County Attorney Abigail Price-Williams read the foregoing proposed ordinance into the record.

Assistant County Attorney Mandana Dashtaki read into the record, the following amendments to foregoing proposed ordinance, as requested by Commissioner Sosa:

- to add the phrase "...and that challenges of policies set by the Board of County Commissioners..." on handwritten page 5, Sec. 2-11.38 – Membership on boards, third paragraph, 4th line, after the word "appointment;
- to add the phrase "...that challenges a policy set by the Board of County Commissioners..." on page six, at the end of the sixth line, after the phrase "...a lawsuit against the County..."

Commissioner Sosa clarified that intent of the amendment was to limit the scope of the ordinance only to laws of challenging policy set by the Board of County Commissioners. She pointed out this applied to persons serving on County Boards, who had access to privileged information and an unfair advantage, in the event of litigation involving policy of the County Commission.

Commissioner Heyman expressed concern with the language in this ordinance prohibiting most practicing attorneys with the potential to file litigation involving the County, from membership on any County Board. She also questioned the language pertaining to challenging County policy.

Commissioner Sosa explained that this ordinance was developed because of comments she received regarding individuals seeking to serve on County boards in order to obtain inside information from County departments.

Commissioner Gimenez noted he understood the intent of this ordinance, but stated he felt rather than developing legislation, the Board should deal with individuals who were problematic on a case by case basis. He noted he did not support this item.

There being no further questions or comments, the Board proceeded to vote.

The foregoing ordinance was adopted as amended to include the phrase "...that challenges a policy set by the Board of County Commissioners...", on handwritten page five, third full paragraph, before the words "...without relinquishing..."

8 **DEPARTMENTAL ITEMS**

8A **[No items were submitted for these sections.]**

thru
8N

8O **PROCUREMENT MANAGEMENT DEPARTMENT**

801A

080374 Resolution

RESOLUTION AUTHORIZING THE REJECTION OF ALL PROPOSALS RECEIVED IN RESPONSE TO REQUEST FOR PROPOSALS NO. 439 FOR PTP HEAVY RAIL VEHICLE REHABILITATION; AND WAIVING THE REQUIREMENTS OF SECTIONS 2-8.3 AND 2-8.4 OF THE MIAMI-DADE COUNTY CODE PERTAINING TO BID PROTEST PROCEDURES BY TWO-THIRDS (2/3) VOTE OF THE BOARD MEMBERS PRESENT (Procurement Management Department)

Adopted
Resolution R-290-08
Mover: Dorrin D. Rolle
Seconder: Dennis C. Moss
Vote: 8- 2
No: Souto, Martinez
Absent: Edmonson, Heyman,
Diaz

Report: Assistant County Attorney Abigail Price-Williams read the foregoing proposed resolution into the record.

Commissioner Rolle asked that the Transit Director be allowed to present before the Commission the same report provided at the committee level.

Mr. Harpal Kapoor, Director, Miami-Dade Transit (MDT) provided a PowerPoint presentation entitled "New Vehicle Procurement Proposal" and distributed copies of this presentation to Board members. He highlighted the following points:

- MDT Objectives for Rail Fleet;
- History of MDT Railcar Modernization;
- Rehab vs. New;
- Fiscal Impact – Replacement Cars; and
- Replacement Vehicle Project Cost.

Assistant County Manager Ysela Llord noted this was a sound recommendation based on research and new information.

Mr. Richard Snedden, Assistant Director Rail Services, Miami-Dade Transit, appeared and explained the warranty package included with the purchase of new rail cars. He noted the warranty was a full three-year warranty on all subsystem, with an extended five-year warranty on the trucks and a ten-year warranty on the car body.

Discussion ensued among Board members and staff regarding rehabilitating versus purchasing new metrorail cars and interfacing versus replacing the current analog with a new digital system.

In response to Commissioner Gimenez' concern with replacing the entire fleet of rail cars due to incompatibility with new cars, Mr. Kapoor advised the existing cars were compatible, but would incur problems.

Responding to Commissioner Gimenez' question of whether this rehabilitation project had been sitting on the Manager's desk for 16 months, County Manager Burgess clarified this was not the case and provided a brief overview of the project's progression over the past months.

Discussion ensued among Commissioner Gimenez and staff concerning the date the recommendation to rehabilitate the rail cars was submitted to the County Manager's Office and additional bid project procedures required for implementation. Commissioner Gimenez stated two solid quotes were necessary for him to make a sound decision on whether to rehab the old cars or purchase new ones. Further discussion regarding cost estimates and terms of warranties ensued among Commission members and staff.

In response to Commissioner Martinez' inquiry of why vendor, Bombardier Mass Transit reduced its bid by \$96 million, Mr. Kapoor noted the costs of some critical components, such as trucks and door systems were removed from the pricing. He noted the cost to rehab the cars nearly equaled the price of new cars; therefore, staff made the best business decision to remanufacture the cars by retaining the trucks and doors.

Commissioner Martinez expressed concern that the cost would increase during the Request for Proposal (RFP) process.

Commissioner Sosa asked the Transit Director to provide her with a detailed report regarding the metrorail cars rehabilitation project since its inception in

September 2003.

Commissioner Sorenson concurred with Assistant County Manager Llorca that this was a sound recommendation. She requested staff to advise the Commission of the options early in the process rather than wait until the options disappear and no choices exist.

Commissioner Moss compared the cost estimate of \$188,830.00 for rehabilitating the rail cars in 2004 to the current cost of over \$300 million and noted it no longer made sense to rehabilitate the cars. He stated he would support the purchase of new rail cars with a futuristic look.

In response to Commissioner Souto's inquiry as to whether County Manager had previous knowledge of this railcar maintenance problem, County Manager George Burgess stated the challenge of funding the midlife rehab of the railcars went back to the 1990s. He noted several attempts to secure a dedicated funding source to support the transit system failed until the passage of the half cent sales tax.

Commissioner Souto expressed concern with a newspaper article appearing in the Miami Herald, which stated Miami-Dade Transit delayed the rehab and tacked on expensive extras, increasing the cost from \$188 million to \$301 million. The article also stated that the County had been slammed by the FTA for failing to adequately fund future maintenance and modernization of the entire rail and bus system; that the County Manager had failed to respond to messages seeking comment; and that the Transit staff had conducted secretive new purchase research, Commissioner Souto added.

In response to Commissioner Souto's comments, County Manager Burgess advised that he did not recall receiving any calls for the Miami Herald and pointed out that all negotiations regarding the railcars' rehab were conducted in accordance with the Sunshine law.

Commissioner Jordan pointed out that the difference in the cost to rehab the railcars versus purchase of new cars was only \$45 million and noted since the maintenance had not been done, it would be more reasonable to expend the funds for new cars rather than rehab.

Commissioner Gimenez concurred with County Administration regarding the reconstruction of the existing railcars and advised the funding should be safeguarded to ensure availability for this project.

Commissioner Rolle concurred with staff's decision to purchase new rather than rehabilitate the railcars; however, he expressed opposition to the process used to reach this decision. He asked staff to provide Commissioners with more information regarding these types of issues in the future.

There being no further questions or comments, the Board proceeded to vote.

2/13/2008 Forwarded to BCC with a favorable recommendation from the Transit Committee

3/4/2008 Deferred by the Board of County Commissioners

801B

080768 Resolution

RESOLUTION AUTHORIZING THE MAYOR TO EXERCISE OPTION-TO-RENEW PERIODS FOR COMPETITIVELY BID CONTRACTS AWARDED UNDER THE COUNTY MAYOR'S OR HIS DESIGNEE'S DELEGATED AUTHORITY FOR THE PURCHASE OF GOODS AND SERVICES (Procurement Management Department)

*Adopted
Resolution R-291-08
Mover: Jose "Pepe" Diaz
Seconder: Sally A. Heyman
Vote: 13- 0*

801C

080769 Resolution

RESOLUTION AUTHORIZING THE MAYOR TO EXERCISE OPTION-TO-RENEW PERIODS FOR NON-COMPETITIVE CONTRACTS AWARDED UNDER THE COUNTY MAYOR'S OR HIS DESIGNEE'S DELEGATED AUTHORITY FOR THE PURCHASE OF GOODS AND SERVICES (Procurement Management Department)

*Adopted
Resolution R-292-08
Mover: Jose "Pepe" Diaz
Seconder: Sally A. Heyman
Vote: 13- 0*

9 and 10 [No items were submitted for these sections.]

11 COUNTY COMMISSION

11A RESOLUTIONS

11A1

080757 Resolution Joe A. Martinez

RESOLUTION APPROVING THE ALLOCATION OF FY 2007-2008 DISTRICT DISCRETIONARY RESERVE FUNDS OF DISTRICT 11

Amended

Report: (SEE AGENDA ITEM 11A1 AMENDED; LEGISLATIVE FILE NO. 080823.)

11A1 AMENDED

080823 Resolution Joe A. Martinez

RESOLUTION APPROVING THE ALLOCATION OF FY 2007-2008 DISTRICT DISCRETIONARY RESERVE FUNDS OF DISTRICT 11 [SEE ORIGINAL ITEM UNDER FILE NO. 080757]

*Adopted as amended
Resolution R-293-08
Mover: Jose "Pepe" Diaz
Seconder: Carlos A. Gimenez
Vote: 13- 0*

Report: The Board adopted the foregoing resolution as amended to include additional allocations of \$5,000 to the Miami-Dade Police Department's Police Athletic League and \$2,800 to the Recreational activities and transportation for seniors in District 11, as requested by Commissioner Martinez.

FINAL OFFICIAL

11A2

080733

Resolution

Natacha Seijas,
Dorrin D. Rolle

RESOLUTION APPROVING THE ALLOCATION OF FY 2007-
2008 DISTRICT 13 OFFICE BUDGET FUNDS

Adopted
Resolution R-294-08
Mover: Jose "Pepe" Diaz
Seconder: Sally A. Heyman
Vote: 13- 0

11A3

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

Adopted
Resolution R-295-08
Mover: Jose "Pepe" Diaz
Seconder: Sally A. Heyman
Vote: 13- 0

*3/11/2008 Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the
Budget and Finance Committee*

FINAL OFFICIAL

11A4

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

Adopted
Resolution R-296-08
Mover: Rebeca Sosa
Seconder: Joe A. Martinez
Vote: 10- 0
Absent: Edmonson, Heyman,
Seijas

FINAL OFFICIAL

Report: *Commissioner Gimenez noted this proposed resolution, which he felt was somewhat premature, was discussed during the February 12, 2008, Budget and Finance Committee (BFC) meeting. He noted the County Commission served as the guardian or the fiduciary of surtax monies and he wanted to ensure those funds were used appropriately before urging the State Legislature to extend the program. Commissioner Gimenez also noted that during the BFC meeting, he offered a motion that the Inspector General (IG) recommend a firm to conduct a forensic or financial audit of the use of Surtax funds to ensure the funds were in compliance with State law. Commissioner Gimenez noted although his motion passed by a unanimous vote (6-0) of the Committee, the County Attorney recommended that he offer it before the full Commission.*

It was moved by Commissioner Gimenez that the Inspector General be requested to ensure either a forensic or a financial audit was conducted on the use of Surtax funds. This motion was seconded by Commissioner Seijas.

Commissioner Martinez, as Chair of the BFC, clarified that Commissioner Gimenez' motion was not related to this proposed resolution.

Commissioner Gimenez explained that his motion called for the Inspector General to identify an independent firm to conduct a forensic audit of the County's Surtax Program and to determine whether the funds were used in compliance with State law and were eligible to be forgiven.

Ms. Cynthia Curry, Senior Advisor to the County Manager, stated, for the record, that during the review of the Miami-Dade Housing Agency's operations (2006), KPMG conducted a forensic audit of the Surtax Program from a development perspective. She noted this was not a financial audit, but a forensic audit of how the developers used the money.

Commissioner Gimenez explained the audit referenced by Ms. Curry was not sufficient to satisfy his concerns. He emphasized the importance of an outside firm being used to conduct the audit.

In response to Commissioner Sosa's inquiry concerning the cost of the audit and the funding source, Ms. Rachel Baum, Director, Finance Department, noted forensic audits were generally very costly; that the scope of the audit would need to be defined in order to estimate how much it would cost. She explained this type of audit should be closely monitored to control costs, which could escalate into millions.

Commissioner Sosa recommended the Inspector General be requested to review the findings from audits previously conducted and present his recommendations to the County Commission, rather than spending millions of dollars for a new audit. She expressed concern regarding current budget cuts and noted she would not support the proposed motion without knowing the cost.

Commissioner Gimenez amended his motion to request that the Inspector General examine all previous audits performed on the Surtax Program and report his findings/recommendation(s) to the County Commission; and that the Inspector General's recommendation(s) include a recommendation for an additional audit, if deemed necessary. This motion was seconded by Commissioner Sosa.

FINAL OFFICIAL

In response to County Attorney Cuevas' request for clarification, Commissioner Gimenez confirmed that his motion should be a precondition for the forgiveness of any Surtax loans.

Commissioner Moss questioned whether any legislation was forthcoming requesting forgiveness of the Surtax loans, and noted he felt if the Housing Agency was unable to repay the loans, the debt should not remain on the books. He suggested this issue should be resolved through the General Fund or another funding source.

County Manager Burgess noted he planned to have the Finance Director enlist the services of an external auditor to verify the expenses in the MDHA for which the Surtax dollars were used, apart from the Inspector General's review. Mr. Burgess explained that the agency's operating expenses should not be used for repayment. He commented on growing concern regarding decreasing federal support while the need for affordable housing was continuously increasing. He advised that a recommendation was forthcoming, requesting that Surtax loans be forgiven; however, the program would be reviewed to determine whether the expenses in MDHA, for which Surtax funds were used, were allowable uses.

Responding to Commissioner Moss' inquiry regarding the legal aspect of this issue, County Attorney Cuevas advised that the County Attorney's Office had opined to MDHA that Surtax monies could lawfully be used to rehab affordable housing owned by a public housing agency. He noted he felt the issue being raised questioned whether the funds were actually used for this purpose.

Ms. Curry, Senior Advisor to the County Manager, advised that the agreement between the County and U.S. HUD provided that this issue be addressed within this fiscal year.

Concerning Commissioner Moss' comment regarding whether the audit requested by Commissioner Gimenez would become a lengthy process and impact the County's ability to resume control of the MDHA's operations, Chairman Barreiro stated the intent of the foregoing resolution was to emphasize the need to extend the County's Surtax Program so that members of the State Legislature could consider this issue. He noted issues involving the repayment of the Surtax loans would be addressed once the Inspector General presented his findings.

Commissioner Gimenez again amended his motion to provide that the Inspector General examine all previous audits regarding the use of Surtax funds, and report his findings to the County Commission on April 8, 2008, including a recommendation for an additional audit, if deemed necessary. Commissioner Sosa, as the seconder of the original motion, as accepted this amendment by Commissioner Gimenez,, and upon being put to a vote, passed unanimously by those members present.

There being no further questions or comments, the Board by motion duly made, seconded, and carried, adopted the foregoing proposed resolution. Commissioner Gimenez noted this proposed resolution, which he felt was somewhat premature, was discussed during the February 12, 2008, Budget and Finance Committee (BFC) meeting. He noted the County Commission served as the guardian or the fiduciary of surtax monies and he wanted to ensure those funds were used appropriately before urging the State Legislature to extend the program. Commissioner Gimenez also noted that

FINAL OFFICIAL

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There being no further questions or comments, the Board by motion duly made, seconded, and carried, adopted the foregoing proposed resolution.

3/11/2008 Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the Budget and Finance Committee

11A5

080742

Resolution

Bruno A. Barreiro

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
DECLARE THE MONTH OF MARCH 2008 AS LIONS EYE
BANK MONTH

Adopted
Resolution R-297-08
Mover: Jose "Pepe" Diaz
Secunder: Sally A. Heyman
Vote: 13- 0

11A6

080811 Resolution
Jose "Pepe" Diaz,
Audrey M. Edmonson,
Barbara J. Jordan,
Dennis C. Moss,
Dorrin D. Rolle,
Natacha Seijas

RESOLUTION URGING THE FLORIDA LEGISLATURE TO PASS HB 51, SB 1004 OR SIMILAR LEGISLATION THAT PROVIDES ADDITIONAL FLEXIBILITY IN MAKING PARTIAL PAYMENTS OF PROPERTY TAXES

Adopted
Resolution R-312-08
Mover: Rebeca Sosa
Seconder: Joe A. Martinez
Vote: 12- 0
Absent: Heyman

11A7

080813 Resolution
Rebeca Sosa,
Jose "Pepe" Diaz,
Audrey M. Edmonson,
Dennis C. Moss,
Dorrin D. Rolle,
Natacha Seijas

RESOLUTION URGING THE FLORIDA LEGISLATURE TO PASS LEGISLATION ALLOWING COUNTIES ADDITIONAL FLEXIBILITY RELATED TO THE DEFERRAL OF PROPERTY TAXES FOR HOMEOWNERS WHO HAVE LOST THEIR JOBS OR OTHERWISE SUFFERED SUBSTANTIAL ECONOMIC SETBACKS AS A RESULT OF THE CURRENT ECONOMIC DOWNTURN

Adopted
Resolution R-313-08
Mover: Rebeca Sosa
Seconder: Joe A. Martinez
Vote: 12- 0
Absent: Heyman

11 B ADDITIONAL BUDGET ALLOCATIONS

11B1

080824 Report
 ALLOCATION OF (FY) 2007/08 DISTRICT DISCRETIONARY RESERVE FUNDS (DISTRICT 1)

Approved
Mover: Dennis C. Moss
Seconder: Jose "Pepe" Diaz
Vote: 8- 0
Absent: Rolle, Heyman,
Gimenez, Martinez, Seijas

Report: *The following funding allocations were made from fiscal year (FY) 2007/08 District 1 Discretionary Reserve funds as requested by Chairwoman Jordan.*

\$2,500 to Informed Families (The Florida Family Partnership)
\$2,500 to American Cancer Society (Northwest Dade Relay for Life)
\$10,000 to Florida Memorial University (for the Judge Wilkie D. Ferguson, Jr., Annual Memorial Golf Tournament)

11B2

080825 Report

ALLOCATION OF (FY) 2007/08 OFFICE OPERATING
BUDGET FUNDS (DISTRICT 3)

Approved
Mover: Dennis C. Moss
Seconder: Jose "Pepe" Diaz
Vote: 8- 0
Absent: Rolle, Heyman,
Gimenez, Martinez, Seijas

Report: *The following funding allocations were made from fiscal year (FY) 2007/08 District 3 Office Operating Budget Funds as requested by Commissioner Edmonson.*

\$4,250 to Restaurant Associates
\$1,043.60 to Miami-Dade Transit

11B3

080826 Report

ALLOCATION OF (FY) 2007/08 DISTRICT DISCRETIONARY
RESERVE FUNDS (DISTRICT 3)

Approved
Mover: Dennis C. Moss
Seconder: Jose "Pepe" Diaz
Vote: 8- 0
Absent: Rolle, Heyman,
Gimenez, Martinez, Seijas

Report: *The following funding allocations were made from fiscal year (FY) 2007/08 District 3 Discretionary Reserve funds as requested by Chairwoman Edmonson.*

\$5,000 to Office of Community Advocacy – Re: Economic Summit of Miami-Dade 2008
\$3,300 to Delta Sigma Theta Sorority, Inc., Dade County Alumnae Chapter
\$2,500 to Haitian American Youth Task Force, Inc.
\$2,000 to American Civil Liberties Union of Florida
\$2,000 to Communities United, Inc.
\$1,500 to Egelloc Civic and Social Club, Inc.
\$1,250 to Haitian Neighborhood Center, Sant La Inc.
\$1,000 to Women's Fund of Miami-Dade County
\$1,000 to Miami-Dade Weed & Seed
\$1,000 to Leadership Miami
\$720 to Citizen Crime Watch
\$200 to Kiwanis Club of Miami Shores-North Dade

11B4

080827 Report

ALLOCATION OF (FY) 2007/08 OFFICE FUNDS (DISTRICT 4)

Approved
Mover: Dennis C. Moss
Seconder: Jose "Pepe" Diaz
Vote: 8- 0
Absent: Rolle, Heyman,
Gimenez, Martinez, Seijas

Report: *The following funding allocation was made from fiscal year (FY) 2007/08 District 4 Office Funds as requested by Commissioner Heyman.*

\$1,000 to Community Partnership for the Homeless, Celebrity 5K

11B5

080828 Report

REIMBURSEMENT FROM COMMUNITY-BASED ORGANIZATION - OFFICE FUNDS (DISTRICT 4)

Approved
Mover: Dennis C. Moss
Seconder: Jose "Pepe" Diaz
Vote: 8- 0
Absent: Rolle, Heyman,
Gimenez, Martinez, Seijas

Report: *The following funding allocations were reimbursed from District 4 Community Based Organization – Office Funds as requested by Commissioner Heyman.*

\$500 from Dr. Michael Krop Sr. High School
\$500 from Care Resource
\$125 from NCJW Greater Miami Section
\$3,000 from Jewish Museum of Florida

11B6

080829 Report

ALLOCATION OF (FY) 2007/08 COUNTY SERVICES RESERVES FUNDS (DISTRICT 5)

Approved
Mover: Dennis C. Moss
Seconder: Jose "Pepe" Diaz
Vote: 8- 0
Absent: Rolle, Heyman,
Gimenez, Martinez, Seijas

Report: *The following funding allocations were made from fiscal year (FY) 2007/08 District 5 County Services Reserves Funds as requested by Chairman Barreiro.*

\$1,200 to St. Thomas the Apostle Golf and Luau
\$2,500 to Ada Merritt K-8 Center to purchase Violas and Cellos
\$1,000 to Bridge of Love and Hope

For the record, Chairman Barreiro asked to rescind the allocation he made on December 20, 2007, to People to People Ambassador for Christy Ann Durandisse in the amount of \$500.00.

11B7

080830 Report

ALLOCATION OF (FY) 2007/08 OFFICE FUNDS (DISTRICT 5)

Approved
Mover: Dennis C. Moss
Seconder: Jose "Pepe" Diaz
Vote: 8-0
Absent: Rolle, Heyman,
Gimenez, Martinez, Seijas

Report: *The following funding allocation was made from fiscal year (FY) 2007/08 District 5 Office Funds as requested by Chairman Barreiro.*

\$5,000 to Christopher Columbus High School for the 20th Annual "Dick Pollock/Tom O'Neil Memorial" Alumni Golf Tournament

11B8

080831 Report

ALLOCATION OF (FY) 2007/08 OFFICE FUNDS (DISTRICT 6)

Approved
Mover: Dennis C. Moss
Seconder: Jose "Pepe" Diaz
Vote: 8-0
Absent: Rolle, Heyman,
Gimenez, Martinez, Seijas

Report: *The following funding allocations were made from fiscal year (FY) 2007/08 District 6 Office Funds as requested by Commissioner Sosa.*

\$7,196 to The Grill, Inc., for food and beverages for approximately 2,000 – Commissioner's Sosa's Spring Festival of Services date
\$1,800 to Continental Brass Band – Commissioner's Sosa Spring Festival of Services
\$2,210 to A Kid's Party Express – Commissioner's Sosa Spring Festival of Services
\$2,371 to Miami-Dade County Parks and Recreation Department for showmobile and stage – Commissioner's Sosa Spring Festival of Services
\$1,097 to Trophy World for 20 pens & engravings in rosewood boxes – Tenerife Trip
\$1,000 to American Lung Association of South Florida, Inc., for the Climb Miami

11B9

080832 Report

ALLOCATION OF (FY) 2007/08 DISTRICT DISCRETIONARY RESERVE FUNDS (DISTRICT 7)

Approved
Mover: Dennis C. Moss
Seconder: Jose "Pepe" Diaz
Vote: 8- 0
Absent: Rolle, Heyman, Gimenez, Martinez, Seijas

Report: *The following funding allocations were made from fiscal year (FY) 2007/08 District 7 Discretionary Reserve funds as requested by Chairwoman Gimenez.*

- \$2,000 to Barry University, Department of Fine Arts (for South Miami High School Students, Carnegie Hall, New York Performance Trip)*
- \$5,000 to 20th Annual Dick Pollack/Tom O'Neil Memorial Gold Classic (Christopher Columbus High School)*
- \$10,000 to Hands on Miami*

11B10

080833 Report

ALLOCATION OF (FY) 2007/08 DISTRICT DISCRETIONARY RESERVE FUNDS (DISTRICT 8)

Approved
Mover: Dennis C. Moss
Seconder: Jose "Pepe" Diaz
Vote: 8- 0
Absent: Rolle, Heyman, Gimenez, Martinez, Seijas

Report: *The following funding allocation was made from fiscal year (FY) 2007/08 District 8 Discretionary Reserve Funds as requested by Commissioner Sorenson.*

- \$5,000 to Fairchild Tropical Gardens (funding for Chihuly Night Sponsorship and Lichtenstein Evening Sponsorship)*

11B11

080834 Report

ALLOCATION OF CARRY-OVER OFFICE FUNDS (DISTRICT 8)

Approved
Mover: Dennis C. Moss
Seconder: Jose "Pepe" Diaz
Vote: 8- 0
Absent: Rolle, Heyman, Gimenez, Martinez, Seijas

Report: *The following funding allocations were made from District 8 Carry-Over Funds as requested by Commissioner Sorenson.*

- \$10,000 to Jewish Community Services of South Florida, Inc. (funding for the Gelber Center)*
- \$10,000 to Zoological Society of Florida, Inc.*

11B12

080835 Report

ALLOCATION OF (FY) 2007/08 COUNTY SERVICES RESERVE FUNDS (DISTRICT 10)

Approved
Mover: Dennis C. Moss
Seconder: Jose "Pepe" Diaz
Vote: 8- 0
Absent: Rolle, Heyman, Gimenez, Martinez, Seijas

Report: *The following funding allocations were made from fiscal year (FY) 2007/08 District 10 County Services Reserve Funds as requested by Commissioner Souto.*

- \$10,000 to Brigade 2506*
- \$3,000 to St. Kevins Catholic Church*
- \$3,000 to Colombian American National Coalition, Inc. (CANCO)*
- \$3,000 to Creative Children's Therapy*

11B13

080836 Report

ALLOCATION OF (FY) 2007/08 DISTRICT DISCRETIONARY RESERVE FUNDS (DISTRICT 12)

Approved
Mover: Dennis C. Moss
Seconder: Jose "Pepe" Diaz
Vote: 8- 0
Absent: Rolle, Heyman, Gimenez, Martinez, Seijas

Report: *The following funding allocations were made from fiscal year (FY) 2007/08 District 12 Discretionary Reserve Funds as requested by Commissioner Diaz.*

- \$1,000 to Puerto Rican Chamber of Commerce of South Florida*
- \$1,500 to Latin Chamber of Commerce, Inc.*
- \$750 to Miami Friends*
- \$1,500 to Team Metro for the Cuban Mosaic month of May events*
- \$500 to St. Thomas the Apostle*
- \$2,500 to Ronald Reagan High School PTA*

11C REPORTS

12 COUNTY MANAGER

12A1

080783 Resolution

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF SETTLEMENT AGREEMENT RESOLVING PENDING LITIGATION BETWEEN MIAMI-DADE COUNTY AND MIA CONSULTING GROUP, INC [SEE AGENDA ITEM NO. 14A11 ALTERNATE] (County Manager, County Attorney)

Adopted
Resolution R-298-08
Mover: Dorrin D. Rolle
Seconder: Bruno A. Barreiro
Vote: 11- 0
Absent: Edmonson, Heyman

12A2

080785 Resolution

RESOLUTION SETTING THE POLICY AS TO THE DISTRIBUTION OF DOCUMENTARY SURTAX AND STATE HOUSING INITIATIVE PROGRAM (SHIP) FUNDS [SEE AGENDA ITEM NOS. 12(B)1 AND 12(B)1 SUPPLEMENT] (County Manager)

*Adopted
Resolution R-299-08
Mover: Rebeca Sosa
Seconder: Bruno A. Barreiro
Vote: 12- 0
Absent: Heyman*

12B1

080088 Report

REPORT REGARDING SHIP AND SURTAX PRO FORMA [SEE AGENDA ITEM NO. 12(A)2] (County Manager)

*Approved
Mover: Rebeca Sosa
Seconder: Joe A. Martinez
Vote: 12- 0
Absent: Heyman*

- 1/16/2008 Deferred by the Economic Development and Human Services Committee*
- 2/13/2008 Report Received by the Economic Development and Human Services Committee*
- 3/4/2008 Deferred by the Board of County Commissioners*

12B1 SUPPLEMENT

080781 Supplement

SUPPLEMENTAL REPORT - SHIP AND SURTAX PRO FORMA [SEE AGENDA ITEM NO. 12(A)2]

*Accepted
Mover: Rebeca Sosa
Seconder: Joe A. Martinez
Vote: 11- 0
Absent: Heyman, Souto*

13 COUNTY ATTORNEY

14 ITEMS SUBJECT TO 4-DAY RULE

14A1

080793 Resolution

RESOLUTION APPROVING THE WAIVER OF PLAT OF BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA, D-22487, LOCATED IN THE SOUTHWEST 1/4 OF SECTION 36, TOWNSHIP 57 SOUTH, RANGE 38 EAST AND THE NORTHWEST 1/4 OF SECTION 1, TOWNSHIP 58 SOUTH, RANGE 38 EAST (BOUNDED ON THE NORTH BY SW 374 STREET, ON THE EAST BY SW 184 AVENUE, ON THE SOUTH BY SW 378 STREET, AND ON THE WEST BY SW 187 AVENUE) (Public Works Department)

*Adopted
Resolution R-300-08
Mover: Katy Sorenson
Seconder: Jose "Pepe" Diaz
Vote: 13- 0*

Report: Assistant County Attorney Abigail Price-Williams read the foregoing proposed resolution into the record.

Chairman Barreiro opened the public hearing, and there being no one to appear, the public hearing was closed.

There being no questions or comments, the Board proceeded to vote.

14A2

080614 Resolution

Sally A. Heyman,
Bruno A. Barreiro,
Audrey M. Edmonson,
Barbara J. Jordan,
Dennis C. Moss,
Katy Sorenson,
Jose "Pepe" Diaz

RESOLUTION RECOGNIZING THE WEEK OF APRIL 6-12, 2008 AS 2008 NATIONAL COUNTY GOVERNMENT WEEK WITH THE THEME OF "PROTECTING OUR CHILDREN"

*Adopted
Resolution R-301-08
Mover: Dorrin D. Rolle
Seconder: Bruno A. Barreiro
Vote: 11- 0
Absent: Edmonson, Heyman*

3/12/2008 Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the Economic Development and Human Services Committee

14A3

080494

Resolution

Dorrin D. Rolle,
Audrey M. Edmonson,
Barbara J. Jordan

RESOLUTION DIRECTING THE COUNTY MAYOR AND/OR HIS DESIGNEE TO UTILIZE AN INDEPENDENT FINANCIAL CONSULTANT TO EXAMINE DOCUMENTATION RELATED TO THE CAPITAL AND OPERATING FINANCIAL PLANS USED TO PREPARE THE NEW STARTS NORTH CORRIDOR APPLICATION AND TO PROVIDE RECOMMENDATIONS TO SECURE THE REQUIRED LOCAL FUNDING NECESSARY TO SATISFY THE FEDERAL TRANSIT ADMINISTRATION (FTA) NEW STARTS REQUIREMENTS

*Adopted**Resolution R-302-08**Mover: Dorrin D. Rolle**Seconder: Barbara J. Jordan**Vote: 12- 0**Absent: Heyman*

Report: *County Attorney Cuevas read the foregoing proposed resolution into the record.*

Commissioner Gimenez pointed out that the Citizens Independent Transportation Trust (CITT) had in its employ an independent financial consultant, and suggested Commissioner Rolle consider having this consultant perform the requested analysis.

Commissioner Moss noted the financial consultants should be well acquainted with the legislators and the legislative process in Washington, D.C.

In response to Commissioner Sosa's question regarding the cost to hire an independent financial consultant, Ms. Maria E. Johnson, Manager, CITT, noted the consultant was paid from a budgeted amount, according to the scope of work performed on an hourly basis.

There being no further questions or comments, the Board proceeded to vote.

3/12/2008 Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the Transit Committee

14A4

080713

Resolution

Rebeca Sosa

RESOLUTION APPROVING ALLOCATIONS OF FUNDS FROM BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM OF \$5 MILLION FROM PROJECT NUMBER 249 - "PRESERVATION OF AFFORDABLE HOUSING UNITS AND EXPANSION OF HOME OWNERSHIP", \$7.5 MILLION FROM PROJECT NUMBER 310 - "JACKSON HEALTH CENTER - HIALEAH" AND \$1.5 MILLION FROM PROJECT NUMBER 220 - "ACQUIRE OR CONSTRUCT MULTI-PURPOSE FACILITIES" TO FUND DEVELOPMENT OF MULTI-PURPOSE FACILITY BY CITY OF HIALEAH ON BEHALF OF MIAMI-DADE COUNTY WHICH FACILITY SHALL INCLUDE A HEALTH CARE CENTER, AFFORDABLE HOUSING UNITS AND PARKING FOR SUCH FACILITY

*Adopted**Resolution R-303-08**Mover: Rebeca Sosa**Seconder: Joe A. Martinez**Vote: 11- 0**Absent: Edmonson, Heyman*

FINAL OFFICIAL

Report: Assistant County Attorney Abigail Price-Williams read the foregoing proposed resolution into the record.

Mayor Julio Robaina, City of Hialeah, appeared before the Board and noted he had worked diligently with Commissioner Sosa regarding the foregoing project providing for a Jackson Hospital Outreach Center and affordable housing. He requested the Board's support on this resolution.

Commissioner Jordan expressed concern that this project requested \$5 million from General Obligation Bond (GOB) funds before the priorities for affordable housing from GOB funds had been established.

Ms. Cynthia Curry, Senior Advisor to the County Manager, noted, pertaining to this project, a pre-existing agreement between the City of Hialeah and the Office of Capital Improvements (OCI) was in place.

Commissioner Sosa explained that during the allocation process for GOB funds, she allocated funds for affordable and elderly housing in District 6. She noted this funding allocation was earmarked and approved by the voters.

Mayor Robaina commented that 300 affordable housing units were already being built in Commission District 6, for which the County appropriated \$5 million.

In response to Commissioner Jordan's request for verification, Mr. Johnny Martinez, Director, Office of Capital Improvements, stated that projects 310 and 220 were line items specific to District 6; however, the \$5 million was taken from the \$137 million allocated to build affordable housing countywide.

Discussion ensued, among the Commission and staff, regarding the need to establish a process for prioritizing GOB funds allocation.

Commissioner Sosa asked the County Manager and the County Attorney to provide the Governmental Operations & Environment Committee with a report identifying the funding cost for each affordable housing project commencing within the past ten years, per commission district; and to prepare a resolution providing a formula for equitable distribution of GOB funds for affordable housing based on historical events.

There being no further questions or comments, the Board proceeded to vote.

3/11/2008 Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the Governmental Operations and Environment Committee

14A5

080782 Resolution

RESOLUTION APPROVING THE PROGRAM ASSUMPTION AGREEMENT WITH THE MIAMI DADE EMPOWERMENT TRUST, WHICH AMONG OTHER MATTERS, PROVIDES FOR RETURN OR THE TRANSFER OF CERTAIN PROPERTY AND ASSETS TO THE COUNTY AND ASSIGNMENT BY THE TRUST AND ASSUMPTION BY THE COUNTY OF CERTAIN CONTRACTS AND LEASES, PROVIDES FOR THE TERMINATION OF THE POINCIANA CONVEYANCE PROCEDURES AGREEMENT WHICH APPOINTED THE TRUST AS MASTER DEVELOPER OF THE POINCIANA INDUSTRIAL CENTER; ACCEPTING CERTAIN REAL AND PERSONAL PROPERTY RETURNED, CONVEYED OR TRANSFERRED TO THE COUNTY BY THE TRUST AND ACCEPTING CERTAIN AGREEMENTS; AUTHORIZING THE MAYOR TO TAKE ANY AND ALL NECESSARY RELATED ACTIONS TO EFFECTUATE THE INTENT OF THIS PROGRAM ASSUMPTION AGREEMENT; AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE THE PROGRAM ASSUMPTION AGREEMENT AND RELATED AGREEMENTS [SEE ORIGINAL FILE UNDER NO. 080680] (County Manager)

Adopted***Resolution R-304-08******Mover: Barbara J. Jordan******Seconder: Audrey M. Edmonson******Vote: 8-3******No: Gimenez, Martinez, Diaz******Absent: Heyman, Seijas***

Report: *Commissioner Gimenez expressed concern with the language providing that the County would agree to release and indemnify the current directors and officers against all claims that might arise as a result of their services to Miami-Dade Empowerment Trust (MDET; the Trust), which were not covered by the Trust's liability insurance. He noted he would not support this resolution.*

In response to Commissioner Martinez' inquiry as to the County's exposure relating to this agreement, Ms. Cynthia Curry, Senior Advisor to the County Manager, stated the Trust had postponed all its agreements and the outstanding disbursements were outlined in this agenda package. She advised that as the grantee from United States Housing and Urban Development (HUD), the County was automatically liable. Ms. Curry clarified that the Trust would be responsible for paying its employees and the County would only take advantage of their services for six months. She noted all loan write-offs would be brought before this Board for approval through the Office of Community and Economics Department's Special Projects Division. Ms. Curry identified the following methods for using the proceeds from loan repayments: 1) loans made from venture capital funds seeded by Miami-Dade County General Funds would be returned to the County for use in an empowerment zone program with no federal ties; and 2) and loans made with federal funds would be federal program income and subject to the federal programs' rules and regulations.

County Attorney Cuevas explained that the indemnification of the actions of the Trust directors and officers extended beyond those relating to grants, and included all their actions in the course of administering the Trust. He read into the record the language included in the "Release and Indemnity" clause, from number 13, on handwritten page 26, of the foregoing resolution, at Commissioner Diaz' request.

In response to Commissioner Diaz' question as to whether reverter clauses existed in the previous agreement regarding these properties, Assistant County Attorney Cynthia Johnson-Stacks noted a reverter clause was included in the conveyance procedures agreement in connection with the Poinciana property; but not in the deed. She noted, however, with respect to the Melrose properties, reverter clauses allowing those particular projects to be reclaimed.

Ms. Curry directed the Board's attention to the "Indemnification" section on page 3 of the County Manager's memorandum, and stated this language provided that this did not cover any unlawful acts.

Extensive discussion ensued among Board members and staff, including how and why the Trust was created, and whether the County was entitled to reclaim the revenue generated by the Trust. Assistant County Attorney Shannon Summerset provided a detailed overview of the process involved in the housing development aspect of the Trust's operations. She advised that, with respect to the \$10 million allocated by the County, because the houses were developed and sold to moderate and low income buyers, there was no breach of contract and, therefore, the funds could not be recouped.

County Attorney Cuevas advised that the County terminated the Memorandum of Understanding (MOU) between the Trust and Miami-Dade County in July 2007, ending the contractual relationship. He noted the item before the Board today was an agreement that addressed the issue of what to do with the projects they were authorized by the County to undertake. Mr. Cuevas pointed out that the County would gain control over all the projects with

FINAL OFFICIAL

regard to how they progressed forward. He emphasized the point that the Trust submitted a budget and fulfilled its commitment each year, which eliminated any grounds for recouping any revenues generated. Mr. Cuevas noted the County Attorney's Office had not received from staff, any indication that the Trust had misspent any funds from the County.

Ms. Curry stated the County could not dissolve the Empowerment Trust as an entity, however, the agreement required the Trust to change its name and to cease all association with the Miami Empowerment Zone or Miami-Dade County, upon the effective date of the agreement

Mr. Cuevas suggested the Board consider approving the foregoing proposed resolution subject to the removal of Paragraph 13 "Release and Indemnity clause." He explained that if the Board did not approve this item, the Trust would retain ownership and could attempt development of the subject properties.

Ms. Curry added that until this issue was resolved, the County could not move forward with the Empowerment Zone program, in terms of putting the \$3.9 million, being held by U.S. HUD, back into those communities.

Chairman Barreiro stressed the importance of the Commission having the authority to make direct appointments to the independent boards within the County, explaining this would make the appointees accountable.

Discussion ensued among Commission members and staff regarding which of the subject properties had reverter clauses and how this issue had been ongoing for twenty years. County Attorney Cuevas advised fourteen (14) properties, consisting of ten (10) infill parcels, two (2) within the St. Agnes project, and two (2) additional infill parcels, had reverter clauses included in their deeds. He advised the Poinciana Industrial Center project, which contained fourteen (14) parcels, did not have a reverter clause in its deed; however, it had a Conveyance Procedures Agreement, which provided for the County to retake the properties.

In response to Commissioner Diaz' inquiry concerning the sudden rush to resolve this issue, Ms. Curry stated the Empowerment Trust was holding approximately \$2 million in escrow, approximately \$740,000 in an operating account, and approximately \$40,000 in another account, which staff was working to return to the County.

Commissioner Diaz pointed out that if the County repossessed the 26 properties, it would have the potential to earn over \$4 million without being liable for all claims or damages resulting from the services of the Trust. He requested an alternative method be used to resolve this issue.

County Attorney Cuevas clarified that if this foregoing resolution is not approved by the Board, the County would not be guaranteed return of the properties through litigation. He pointed out the parcels would be looked at individually in separate proceedings and issues specific to each parcel would be considered. Mr. Cuevas reminded the Board that the County was currently engaged in litigation with the City of Miami and Omni Redevelopment District regarding the Crosswinds property, which contained a clear reverter clause.

County Manager George Burgess recommended the Board approval this resolution so the County could move the assets of the Empowerment Trust back to the County to address concerns of U.S. HUD.

Commissioner Moss pointed out that the Trust did successfully complete some of the projects it agreed to develop; and emphasized the Trust undertook some of the riskiest projects in the community.

Commissioner Jordan advised that until a new process is established and approved by U.S. HUD, the County would be unable to draw down on other federal funds for this community. She noted the \$3.9 million was available to the County only until December 2009, and a new process could not be approved until the current entity no longer existed. Commissioner Jordan stated the Empowerment Trust was staffed by County employees and, therefore, the indemnification language meant that the County was responsible for County employees acting on behalf of the County; with the exception of criminal activity.

County Attorney Cuevas advised that Commissioner Jordan's interpretation was incorrect, and clarified the indemnification language released the officers and directors of the Trust for any claims arising out of or connected with the operations of the Trust, the implementation of the plan, and the transition of the assets and liabilities. He noted the indemnification went beyond any acts performed by the County employees.

It was moved by Commissioner Jordan that the foregoing proposed resolution be adopted. This motion was seconded by Commissioner Edmonson, followed by discussion.

In response to Commissioner Diaz' concern that after this agreement was approved, the Trust might continue under a different name, Ms. Curry advised this agreement guaranteed the Trust would no longer associate itself with Miami-Dade County or the County's Empowerment Zone Program. She noted the County could not demand the Empowerment Trust Board, a separate 501(c)3 entity, be dissolved.

There being no further questions or comments, the Board proceeded to vote.

3/12/2008 Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the Economic Development and Human Services Committee

14A5 SUPPLEMENT

080807 Supplement

SUPPLEMENTAL INFORMATION TO RESOLUTION
APPROVING THE PROGRAM ASSUMPTION AGREEMENT
AND TRANSITION PLAN WITH THE MIAMI-DADE
EMPOWERMENT TRUST

Presented

FINAL OFFICIAL

14A6

080776 Resolution

RESOLUTION ACCEPTING CONVEYANCE OF A PROPERTY INTEREST FOR ROAD PURPOSE TO MIAMI-DADE COUNTY, FLORIDA [SEE ORIGINAL ITEM UNDER FILE NO. 080725] (Public Works Department)

Adopted
Resolution R-305-08
Mover: Carlos A. Gimenez
Seconder: Jose "Pepe" Diaz
Vote: 11- 0
Absent: Edmonson, Heyman

3/11/2008 Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the Governmental Operations and Environment Committee

14A7

080698 Resolution

Barbara J. Jordan,
Audrey M. Edmonson,
Sally A. Heyman,
Dorrin D. Rolle,
Katy Sorenson

RESOLUTION APPROVING AN AMENDMENT TO THE PEOPLE'S TRANSPORTATION PLAN TO ALLOW FOR THE USE OF SURTAX FUNDS FOR PROJECTS OTHER THAN THOSE RELATED TO THE ORANGE LINE ONLY IF EACH FISCAL YEAR AN ANNUAL ALLOCATION IS MADE SPECIFICALLY TO PROJECTS RELATED TO THE ORANGE LINE

4 Day Rule Invoked

Report: Commissioner Martinez invoked the 4-Day Rule.

3/12/2008 Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the Transit Committee

14A8

080796 Resolution

Dorrin D. Rolle

RESOLUTION APPROVING THE ALLOCATION OF FY 2007-2008 DISTRICT DISCRETIONARY RESERVE FUNDS OF DISTRICT 2

Adopted
Resolution R-306-08
Mover: Carlos A. Gimenez
Seconder: Jose "Pepe" Diaz
Vote: 11- 0
Absent: Edmonson, Heyman

14A9

080794 Resolution

Dorrin D. Rolle

RESOLUTION APPROVING THE ALLOCATION OF FY 2007-2008 DISTRICT 2 OFFICE BUDGET FUNDS

Adopted
Resolution R-307-08
Mover: Carlos A. Gimenez
Seconder: Jose "Pepe" Diaz
Vote: 11- 0
Absent: Edmonson, Heyman

14A10

080799 Resolution

RESOLUTION AUTHORIZING THE CONVEYANCE OF FORTY-TWO (42) SINGLE FAMILY HOME BUILDING SITES TO HABITAT FOR HUMANITY OF GREATER MIAMI, INC. A NOT-FOR-PROFIT FLORIDA CORPORATION FOR INFILL HOUSING DEVELOPMENT AT A PRICE OF TEN DOLLARS (\$10.00); AUTHORIZING THE WAIVER OF ADMINISTRATIVE ORDER 3-44 AS IT RELATES TO THE SECTION ENTITLED "AVAILABILITY OF COUNTY PROPERTY;" AND AUTHORIZING THE COUNTY MAYOR TO EXECUTE A COUNTY DEED FOR SAID PURPOSE [SEE ORIGINAL ITEM UNDER FILE NO. 080537] [SEE AGENDA ITEM NO. 14A11 ALTERNATE] (General Services Administration Department)

Deferred to April 8, 2008

Report: *Chairman Barreiro noted the foregoing resolution was related to Agenda Items 14A11, 14A11 Supplement and 14A11 Alternate, involving the MDHA Development Corporation, and should be deferred, and forwarded for consideration along with those items.*

Commissioner Rolle asked Ms. Cynthia Curry, Senior Advisor to the County Manager, to ensure that in addition to signs bearing the Habitat for Humanity logo, in connection with the conveyance of the forty-two properties listed in the foregoing resolution, additional signs bearing the Miami-Dade County logo also be installed at each location.

3/12/2008 *Forwarded to the BCC by the BCC Chairperson with favorable recommendation with committee amendments from the Economic Development and Human Services Committee*

14A11

080801 Resolution

RESOLUTION APPROVING THE TRANSITIONAL AGREEMENT WITH THE MDHA DEVELOPMENT CORPORATION (MDHADC) WHICH, AMONG OTHER MATTERS, PROVIDES FOR THE RETURN OF PROPERTY AND RELATED FUNDING FOR AFFORDABLE HOUSING PROJECTS TO THE COUNTY AND RELINQUISHMENT OF CONTRACTS AND LEASES BY MDHADC, PROVIDES FOR MDHADC TO RETAIN THE WARD TOWERS AND POSTMASTER PROJECTS AND RELATED FUNDING IN ACCORDANCE WITH THE TERMS OF SUCH AGREEMENT; AUTHORIZES AND REQUIRES THE APPOINTMENT OF A FIDUCIARY AGENT BY MDHADC; ACCEPTING ALL REAL AND PERSON PROPERTY CONVEYED OR TRANSFERRED TO THE COUNTY; AUTHORIZING ANY AND ALL NECESSARY RELATED ACTIONS TO EFFECTUATE THE INTENT OF THIS TRANSITIONAL AGREEMENT; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE THE TRANSITIONAL AGREEMENT; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ESTABLISH A TRUST FUND TO RECEIVE FUNDS FROM MDHADC AND TO USE THESE FUNDS TO ADDRESS ANY SHORTFALLS OF MDHADC; AND WAIVING THE REQUIREMENTS OF R-130-06 [SEE ORIGINAL ITEM UNDER FILE NO. 080677] [SEE AGENDA ITEM NOS. 8F1H] (County Manager)

4 Day Rule Invoked

Report: *Commissioner Gimenez invoked the 4-Day Rule.*

Commissioner Diaz asked the County Manager to prepare a report identifying existing entities that had transacted agreements similar in nature to the one proposed, indicating the amounts of monies being held, the responsibilities, and the identity of the Boards of Directors and every individual involved, and present it to the County Commission on April 8, 2008.

3/12/2008 Forwarded to the BCC by the BCC Chairperson with favorable recommendation with committee amendments from the Economic Development and Human Services Committee

14A11 SUPPLEMENT

080784 Supplement

SUPPLEMENTAL INFORMATION ON THE TRANSITIONAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND MDHA DEVELOPMENT CORPORATION

4 Day Rule Invoked

Report: *Commissioner Gimenez invoked the 4-Day Rule.*

3/12/2008 Report Received by the Economic Development and Human Services Committee

14A11 ALTERNATE

080806 Resolution

RESOLUTION APPROVING THE TRANSITIONAL AGREEMENT WITH THE MDHA DEVELOPMENT CORPORATION (MDHADC) WHICH, AMONG OTHER MATTERS, PROVIDES FOR THE RETURN OF PROPERTY AND RELATED FUNDING FOR AFFORDABLE HOUSING PROJECTS TO THE COUNTY AND RELINQUISHMENT OF CONTRACTS AND LEASES BY MDHADC, PROVIDES FOR MDHADC TO RETAIN THE WARD TOWERS AND POSTMASTER PROJECTS AND RELATED FUNDING IN ACCORDANCE WITH THE TERMS OF SUCH AGREEMENT; AUTHORIZES AND REQUIRES THE APPOINTMENT OF A FIDUCIARY AGENT BY MDHADC; ACCEPTING ALL REAL AND PERSONAL PROPERTY CONVEYED OR TRANSFERRED TO THE COUNTY; AUTHORIZING ANY AND ALL NECESSARY RELATED ACTIONS TO EFFECTUATE THE INTENT OF THIS TRANSITIONAL AGREEMENT; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE THE TRANSITIONAL AGREEMENT; AUTHORIZING THE MAYOR OR DESIGNEE TO ESTABLISH A TRUST FUND TO RECEIVE FUNDS FROM MDHADC AND TO USE THESE FUNDS TO ADDRESS ANY SHORTFALLS OF MDHADC; AND WAIVING THE REQUIREMENTS OF R-130-06 [SEE ORIGINAL ITEM UNDER FILE NO. 080801] [SEE AGENDA ITEM NOS. 12A1, 14A10 AND 14A12] (County Manager)

4 Day Rule Invoked

Report: *Commissioner Gimenez invoked the 4-Day Rule.*

14A12

080800 Resolution

RESOLUTION AUTHORIZING MAYOR OR DESIGNEE TO RECAPTURE AND REALLOCATE ANY UNEXPENDED DOCUMENTARY SURTAX FUNDS FROM THE \$2 MILLION ALLOCATED TO MDHA DEVELOPMENT CORPORATION PURSUANT TO RESOLUTION R-494-02 FOR THE POSTMASTER APARTMENT PROJECT TO POSTMASTER ASSOCIATES LTD.; CORRECTING SCRIVENER'S ERROR IN RESOLUTION R-641-07 TO AWARD \$3 MILLION IN DOCUMENTARY SURTAX FUNDS TO POSTMASTER ASSOCIATES, LTD. INSTEAD OF PINNACLE HOUSING GROUP; AND AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO EXECUTE ANY NECESSARY AGREEMENTS [SEE ORIGINAL ITEM UNDER FILE NO. 080685] [SEE AGENDA ITEM NO. 14A11 ALTERNATE] (County Manager)

Adopted
Resolution R-308-08
Mover: Dorrin D. Rolle
Seconder: Carlos A. Gimenez
Vote: 11- 0
Absent: Edmonson, Heyman

3/12/2008 Forwarded to the BCC by the BCC Chairperson with favorable recommendation with committee amendments from the Economic Development and Human Services Committee

14A13

080808 Resolution

RESOLUTION AUTHORIZING MAYOR OR HIS DESIGNEE, WITHIN CERTAIN LIMITATIONS, TO NEGOTIATE PURCHASE OF CREDIT FACILITY AND/OR ALTERNATE LIQUIDITY FACILITY, INCLUDING RELATED AGREEMENTS AND TO NEGOTIATE WITH SWAP PROVIDER FOR AMENDMENTS TO SWAP AGREEMENT WITH RESPECT TO COUNTY'S WATER AND SEWER SYSTEM REVENUE BONDS SERIES 1994; PROVIDING COVENANTS AND OTHER REQUIREMENTS; APPROVING AND AUTHORIZING EXECUTION AND DELIVERY OF ALL REQUIRED AGREEMENTS, WITHIN CERTAIN PARAMETERS, INCLUDING DISTRIBUTION AND USE OF DISCLOSURE DOCUMENTS; PROVIDING FOR PAYMENT OF ANY RELATED COSTS INCLUDING REMARKETING OF SUCH BONDS FROM WATER AND SEWER SYSTEM REVENUES; AUTHORIZING COUNTY OFFICIALS TO TAKE ALL NECESSARY ACTIONS IN CONNECTION WITH IMPROVEMENT OF SECURITY OF BONDS AND OTHER RELATED MATTERS; AND PROVIDING FOR SEVERABILITY (Finance Department)

*Adopted
Resolution R-309-08
Mover: Carlos A. Gimenez
Seconder: Jose "Pepe" Diaz
Vote: 11- 0
Absent: Edmonson, Heyman*

14A14

080798 Resolution Sally A. Heyman

RESOLUTION APPROVING THE ALLOCATION OF FY 2007-2008 DISTRICT DISCRETIONARY RESERVE FUNDS OF DISTRICT 4

*Adopted
Resolution R-310-08
Mover: Carlos A. Gimenez
Seconder: Jose "Pepe" Diaz
Vote: 11- 0
Absent: Edmonson, Heyman*

14A15

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)

*Adopted
Resolution R-314-08
Mover: Carlos A. Gimenez
Seconder: Jose "Pepe" Diaz
Vote: 11- 0
Absent: Edmonson, Heyman*

3/11/2008 Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the Budget and Finance Committee

14B1

080606 Bid Awards

CONTRACT AWARD RECOMMENDATION FOR CONSTRUCTION BETWEEN TRIPLE M ROOFING AND MIAMI-DADE COUNTY FOR CRUISE TERMINAL B, C & BOARDING HALL RE-ROOFING; PROJECT NO. 2007.007; CONTRACT NO. 2007.007; (Seaport Department)

Approved
Mover: Carlos A. Gimenez
Seconder: Jose "Pepe" Diaz
Vote: 11- 0
Absent: Edmonson, Heyman

3/12/2008 Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the Transit Committee

14B2

080589 Bid Rejection

REQUEST TO REJECT ALL BIDS FOR THE TERMINAL D PARKING GARAGE - PROJECT NO: 2006.019; CONTRACT NO: 2006.019; PROJECT LOCATION: PORT OF MIAMI (Seaport Department)

Bid Rejection Approved
Mover: Dorrin D. Rolle
Seconder: Jose "Pepe" Diaz
Vote: 11- 0
Absent: Heyman, Seijas

3/12/2008 Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the Transit Committee

15 CLERK OF THE BOARD

15B REPORTS

15B1

080726 Report

PROPOSED PUBLIC HEARING DATES FOR ORDINANCES SUBMITTED FOR FIRST READING ON MARCH 18, 2008 (Clerk of the Board)

Amended

Report: *It was moved by Commissioner Seijas that the foregoing proposed report be adopted as amended. This motion was seconded by Commissioner Sosa, and upon being put to a vote, passed 12-0. (Commissioner Heyman was absent).*

15B2

080734 Report

COUNTY COMMISSION MINUTES FOR APPROVAL BY THE BOARD OCTOBER 2, 2007 (REGULAR MEETING) (Clerk of the Board)

Approved
Mover: Jose "Pepe" Diaz
Seconder: Sally A. Heyman
Vote: 13- 0

15C COUNTY ADVISORY BOARD APPOINTMENTS

15C1

080727 Nomination

APPOINTMENT OF DEANNA GREINER TO THE DIAL-A-LIFE PROGRAM ADVISORY AND OVERSIGHT BOARD
(Clerk of the Board)

Appointed
Mover: Jose "Pepe" Diaz
Seconder: Sally A. Heyman
Vote: 13- 0

Report: *The Board of County Commissioners accepted and the Clerk of the Board of County Commissioners received the appropriate forms and memorandums for the foregoing appointment.*

15C2

080728 Nomination

RE-APPOINTMENT OF DR. LUIS A. PRIETO-PORTAR TO THE ENVIRONMENTAL QUALITY CONTROL BOARD (EQCB) (Clerk of the Board)

Appointed
Mover: Jose "Pepe" Diaz
Seconder: Sally A. Heyman
Vote: 13- 0

Report: *The Board of County Commissioners accepted and the Clerk of the Board of County Commissioners received the appropriate forms and memorandums for the foregoing appointment.*

15D COUNTY ADVISORY BOARD APPOINTMENTS BY BALLOT

15D1

080729 Nomination

BALLOT APPOINTMENT TO THE INDEPENDENT REVIEW PANEL
GLENN P. FALK (INCUMBENT)
CHIEF RAPHAEL HERNANDEZ
CHIEF CHARLES PRESS (Clerk of the Board)

Appointed by ballot vote

Report: *The foregoing ballot appointment to the Independent Review Panel resulted in the following votes:*

<i>Candidate:</i>	<i>Votes:</i>
<i>Mr. Glenn P. Falk</i>	<i>5</i>
<i>Chief Charles Press</i>	<i>4</i>
<i>Chief Raphael Hernandez</i>	<i>2</i>

As a result of the foregoing vote, Mr. Glenn P. Falk (incumbent) was reappointed to serve as a member of the Independent Review Panel.

16A4

080773 Commendation Katy Sorenson

PRESENTATION OF COMMENDATIONS TO: *Presented*

- 1. RALPH LEMON
- 2. VINCENT LEMON
- 3. GREG JACOBS

16A5

080774 Proclamation Sally A. Heyman

PRESENTATION OF A PROCLAMATION FOR WATER CONSERVATION MONTH *Presented*

16B POLICY MATTERS FOR DISCUSSION BY THE BOARD

16C ZONING AGENDA (Scheduled for 9:30 a. m.)

16D METROPOLITAN PLANNING ORGANIZATION AGENDA (Scheduled for 2:00 p.m.)

081952 Report

NON-AGENDA ITEMS REPORT

*Presented***Report: 1) Calendar Changes**

Chairman Barreiro advised that the Board of County Commissioners' Regular meeting scheduled for Tuesday, July 15, 2008, would be moved to Thursday, July 17, 2008, at the regularly scheduled time. He noted a Charter Review Workshop was scheduled for April 3, 2008, at 9:00 a.m., to discuss all Charter Review issues. Chairman Barreiro confirmed the Board of County Commissioners' meeting schedule on April 8, 2008, would convene as scheduled.

2) Martin Luther King (MLK) Transit Village Project – Congressional Earmark by Congressman Meek

Commissioner Edmonson advised that Congressman Kendrick Meek was requesting a Congressional Earmark for the MLK Transit Village Project. She noted Congressman Meek had been successful in obtaining nearly \$10 million for this project. Commissioner Edmonson stated the transit component of this project consisted of: four (4) bus bays/bus shelters, a 75-space surfaced parking lot, and a 3,000 square foot ticket driver rest stop and community meeting space. She noted Congressman Meek, Miami-Dade County Mayor Carlos Alvarez, Miami-Dade County Manager, and she were committed to seeing this transit project completed. She further stated Miami-Dade Transit was in the process of appraising properties of willing sellers, and after careful review by the Federal Transit Administration (FTA), the Board of County Commissioners would be apprised of the next step needed to move forward. Commissioner Edmonson noted, although MDT did not request additional funding this year, Congressman Meek felt strongly about making sure this project received the funds needed as it moved forward. In light of the Congressional Appropriations deadline on tomorrow (Wednesday, March 19th), Commissioner Edmonson noted, she requested to amend the Federal Legislative Package to reflect the following: MLK Transit Village Project – support a \$2 million funding request to construct a transit hub at the intersection at N.W. 7th Avenue and N.W. 62nd Street.

3) House Bill 683 and Senate Bill 2148

Commissioner Martinez made a motion to authorize the County's lobbyist to actively oppose proposed House Bill 683 and Senate Bill 2148, which would require every county within the State of Florida to issue a competitive process for all projects over \$200,000. This motion was seconded by Commissioner Jordan, and passed by a majority of those members present.

19**ADJOURNMENT**

FINAL OFFICIAL



Bruno A. Barreiro, Chairman

ATTEST: HARVEY RUVIN, CLERK



By: Kay Sullivan, Deputy Clerk