



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

## **Board of County Commissioners**

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

Tuesday, December 9, 2008  
As Advertised

Harvey Ruvlin, 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 D. Souto (10)

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**Tuesday, December 9, 2008**

**2:00 PM**

**Commission Chambers**

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

**Members Absent:** None.

**Members Late:** None.

**Members Excused:** None.

**Members Absent County Business:** None.

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## MINUTES PREPARED BY

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

### 1A INVOCATION

**Report:** *Chairman Martinez called the meeting to order at 2:14 p.m.*

### 1B PLEDGE OF ALLEGIANCE

### 1C ROLL CALL

**Report:** *The following staff members were present: Special Assistant to the County Manager Jennifer Glazer-Moon; Assistant County Attorneys Jess McCarty, William Candela; and Deputy Clerks Doris Dickens, Jovel Shaw, and Scott Rappleye.*

### 1D DISCUSSION MATTERS

1D1

**083200 Discussion Item**

DISCUSSION RE: PROPOSED UNLICENSED DRIVERS  
LEGISLATION, THE HONORABLE ARI PORTH, STATE  
REPRESENTATIVE, DISTRICT 96

*Presented*

**Report:** *The Honorable Mr. Ari Porth, State Representative, District 96, noted that he was sponsoring legislation which aimed to prosecute drivers with suspended driver's licenses, with the assistance of the Honorable Judge Steve Leifman. He pointed out 1.7 million drivers in Florida had a suspended or revoked license and half of them were still driving. He noted this proposed legislation provided for due process; provided a one-year education and awareness process; and provided opportunities for people to reinstate suspended driver's licenses. This proposal would also impose the penalty of impounding vehicles and/or confiscating license plates of individuals charged for driving with a suspended license.*

*Commissioner Gimenez questioned how this proposed legislation would protect drivers who were unaware their license was suspended.*

*Chairman Martinez noted police officers could not arrest drivers under the existing law if they said that they were unaware their license was suspended.*

*Judge Leifman, Associate Administrative Judge, Eleventh Judicial Circuit of Florida, noted that driving with a suspended license could be a criminal or a civil violation and that this proposed legislation was applicable to criminal violations. He noted statistical data indicated the County had approximately 400,000 drivers with a suspended license. Judge Leifman noted this proposed legislation provided incentives for drivers to pay their unpaid fines and fees. He pointed out this proposal would generate funds.*

*Commissioner Gimenez expressed concern regarding drivers placing "lost tag" signs in the rear windows of their vehicles after their tags were confiscated for driving with a suspended license. He noted he supported the proposal to impose a fee for releasing impounded vehicles to the owners, but he felt that driving with a suspended license would not be an issue if police enforced the law.*

*Judge Leifman noted the courts were overwhelmed with suspended license cases and the courts did not have funds to operate.*

*Responding to Commissioner Sosa's concern regarding the impact of this proposed legislation on drivers who were wrongfully cited for SunPass and Miami-Dade Expressway Authority (MDX) violations, Judge Leifman noted the courts were working with MDX and SunPass on the communication problems. However, this proposed legislation would not impact those drivers. He clarified that a notification requirement had to be met before a car or tag could be impounded, and that this proposal was only applicable to individuals whose licenses were suspended for criminal violations.*

*Commissioner Diaz questioned how this proposed legislation would apply to foreign nationals.*

*Judge Leifman noted the number of suspended driver's licenses in Miami-Dade County increased from 100,000 to 400,000 since September 11, 2001; that suspended licenses among foreign nationals were directly related to the 300,000 increase. He clarified that drivers would not need a new license to get their vehicles back; they would only need to pay their fees and fines.*

*It was moved by Commissioner Diaz that the State Legislative Priorities package be amended to support the legislation sponsored by the Honorable Ari Porth regarding unlicensed drivers. This motion was seconded by Commissioner Sosa, and upon being put to a vote, passed by a vote of 5-0 (Commissioner Souto was absent).*

## **1E OFFICE OF INTERGOVERNMENTAL AFFAIRS**

1E1

**083192 Report**

PROPOSED DRAFT 2009 FEDERAL LEGISLATIVE PACKAGE (Office of Intergovernmental Affairs)

*Withdrawn*

**Report:** *See Report Under Agenda Item 1E1 Substitute, Legislative File No. 083490.*

1E1 SUBSTITUTE

**083490 Report**PROPOSED DRAFT 2009 FEDERAL LEGISLATIVE  
AGENDA (Office of Intergovernmental Affairs)*Forwarded to the BCC by the BCC  
Chairperson with a favorable  
recommendation**Mover: Diaz**Seconder: Gimenez**Vote: 6-0*

**Report:** *Commissioner Sorenson pointed out the economic stimulus package that the Federal Government was preparing would emphasize infrastructure projects. She asked the Office of Intergovernmental Affairs Director to provide her with a report updating her on the County infrastructure projects that would be eligible for federal funds in the proposed federal economic stimulus package.*

*Commissioner Diaz asked that this report be amended to add a priority under the Advocacy heading to support additional customs and boarder protection (CBP) and cargo staffing at Opa-locka Executive Airport, without impacting the critical CBP staffing requirements of Miami International Airport.*

*Commissioner Sosa asked that this report be amended to include a statement under the critical Legislative Priorities that the County Commission intended to oppose any unfunded mandates on State and local governments; that the Commission supported strengthening the Unfunded Mandates Reform Act of 1995; and to include a \$500,000 funding request for the County's Venom Response Bureau.*

*Chairman Martinez noted the amendments requested by Commissioners Diaz and Sosa would be incorporated into this report through a supplement when this report was forwarded to the Board.*

*Commissioner Sorenson noted Commissioner Heyman submitted a memorandum in which she identified legislative priorities to be included in this report.*

*Chairman Martinez noted Commissioner Heyman's memorandum was forwarded to the Office of Intergovernmental Affairs Director and it would be incorporated as a supplement to this report when it was forwarded to the Board.*

*Commissioner Souto pointed out the Great Northwest Group was partnering with many of the small counties in the Florida panhandle to develop a super seaport and international airport in Panama City, Florida. He noted the Great Northwest Group was promoting this proposed development in Latin America and was claiming that the State Government supported it. Commissioner Souto asked Special Assistant to the County Manager Jennifer Glazer-Moon to ensure the Mayor sent a County representative to the Great Northwest Group's January 2009 meeting in Panama City, Florida, which was scheduled to discuss this proposal. He expressed concern that this proposal would take a major portion of the business from Miami International Airport and the Port of Miami.*

*Commissioner Diaz clarified the Port of Tampa and other states in the United States were involved in the proposal to develop a super seaport and international airport in the panhandle.*

*Chairman Martinez asked Assistant County Attorney Jess McCarty to prepare an amendment to the State Legislative Priorities urging the State Legislature to oppose the proposed development of a seaport and airport for the panhandle area.*

*Commissioner Souto emphasized the County needed an update on the status of this proposal in Tallahassee, including who was supporting it.*

*Hearing no other questions or comments, the Committee proceeded to vote on this report as presented.*

1E1 SUB. SUPPL

083548 Supplement

SUPPLEMENTAL INFORMATION RE: PROPOSED  
DRAFT 2009 FEDERAL LEGISLATIVE AGENDA

*Presented*

**1F OFFICE OF COMMISSION AUDITOR**

1F1

**083441 Report**

COMMISSION AUDITOR'S FY 2008-09 WORK PLAN  
AND ANNUAL REPORT (Commission Auditor)

*Deferred to no-date certain*

*Mover: Sosa*

*Second: Diaz*

*Vote: 6-0*

**Report:** *Chairman Martinez suggested this proposed report be deferred pursuant to Rule 4.01.(a) and (b) of the Board of County Commissioners Rules of Procedure regarding Committees.*

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

**2 COUNTY COMMISSION**

2A

**083139 Ordinance Bruno A. Barreiro**

ORDINANCE RELATING TO CONE OF SILENCE;  
REPEALING SECTION 2-11.1(T) OF THE CODE OF  
MIAMI-DADE COUNTY, FLORIDA, AS AMENDED BY  
ORDINANCE NO. 08-111, WHICH CREATED CONE OF  
SILENCE; PROVIDING SEVERABILITY, INCLUSION IN  
THE CODE AND AN EFFECTIVE DATE

*The motion that this matter be  
Forwarded to BCC with a favorable  
recommendation failed.*

*Mover: Diaz*

*Seconder: Martinez*

*Vote: 0-6*

*No: Gimenez, Sorenson, Souto,  
Martinez, Sosa, Diaz*

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

*The public hearing was opened by Chairman  
Martinez, and the following individual appeared  
before the Committee:*

*Mr. Alan Rigerman, 17910 NW 84 Avenue, urged  
the Committee to do what was best on the issue of  
the Cone of Silence.*

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

*Commissioner Sosa spoke in opposition to the  
intent of this proposed ordinance to completely  
eliminate the Cone of Silence. She noted the Cone  
of Silence needed to be amended to allow  
communication between County staff and those  
who wanted to do business with the County, but  
not elected officials.*

*Responding to Chairman Martinez's inquiry  
regarding his view of the Cone of Silence, Mr.  
Jose Abreu, Director, Miami-Dade Aviation  
Department, noted the Commission resolved his  
main concern regarding the Cone of Silence when  
it passed Ordinance No. 08-111, which amended  
the Cone of Silence to allow communication  
between the County Manager and Department  
Directors on solicitations.*

*Mr. Robert Meyers, Director, Commission on  
Ethics and Public Trust, suggested the  
Commission allow time to evaluate the impacts of  
the changes to the Cone of Silence in Ordinance  
08-111, rather than completely eliminating the  
Cone of Silence.*

*In response to Chairman Martinez's inquiry  
regarding unethical behavior in the procurement*

process, Mr. Meyers noted the selection committee members presented potential conflicts of interests. He explained a perception existed that the bid solicitation could be written to direct the solicitation to a specific company.

Commissioner Gimenez expressed concern that the Cone of Silence protected the Commission from undue influences, however, it provided the County Administration the ability to influence the procurement process. He questioned how the Commission could protect the community from the County Administration directing a bid solicitation to a specific company if the Commission was unaware how the bid solicitation was written and how the selection committee was assembled.

Discussion ensued between Commissioner Gimenez and Mr. Meyers regarding protecting the community from the County Administration directing a bid solicitation to a specific vendor.

Mr. Meyers noted the community relied on elected officials doing what was right.

Responding to Assistant County Attorney Gerald Sanchez advising Commissioner Gimenez that commissioners could not hold publicly advertised meetings with lobbyists under the existing Cone of Silence, Mr. Meyers noted interpreting the Cone of Silence was the purview of the Commission on Ethics and Public Trust (COE), and the COE had never opined that a lobbyist could or could not hold a publicly noticed meeting with a commissioner.

Following discussion between Commissioner Gimenez and Ms. Miriam Singer, Director, Department of Procurement Management, regarding the practices of the procurement process, Commissioner Gimenez asked Ms. Singer to meet with him to discuss codifying some practices in the existing procurement process.

Commissioner Gimenez spoke in support of the Commission allowing time to evaluate the impact of the changes to the Cone of Silence in Ordinance 08-111 before the Commission adopted additional changes. He noted he would request an opinion from the COE on commissioners calling a public meeting to meet with lobbyists while the Cone of Silence was in place.

Commissioner Sorenson noted the commissioners were policy makers and they did not need to be

*involved in procurement unless the Commission's policies were being violated. She noted the private sector could inform the Commission when the procurement policies were violated without meeting with commissioners individually.*

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

## 2A SUPPLEMENT

**083553 Supplement**

FISCAL IMPACT TO ORDINANCE RELATING TO CONE OF SILENCE; REPEALING SECTION 2-11(T) OF THE CODE OF MIAMI-DADE COUNTY

*The motion that this matter be Forwarded to BCC with a favorable recommendation failed.*

*Mover: Sosa*

*Seconder: Sorenson*

*Vote: 0-6*

*No: Martinez, Sosa, Souto, Sorenson, Gimenez, Diaz*

## 2B

**083363 Resolution**

**Bruno A. Barreiro,**

**Rebeca Sosa, Sally A. Heyman, Katy Sorenson**  
RESOLUTION URGING THE FLORIDA LEGISLATURE TO CREATE A SEPARATE CATEGORY OF VESSEL SPEED VIOLATIONS IN MANATEE PROTECTION ZONES THAT CARRIES A HIGHER PENALTY

*Forwarded to the BCC by the BCC Chairperson with a favorable recommendation*

*Mover: Sosa*

*Seconder: Sorenson*

*Vote: 6-0*

**Report:** *Chairman Martinez asked staff to prepare the appropriate memorandum to the Board of County Commissioners' Chairman Bruno A. Barreiro requesting that the Board's Rules and Procedures be waived to allow the foregoing proposed resolution to be heard at the December 16, 2008 County Commission meeting.*

## 2C

**083452 Resolution**

**Bruno A. Barreiro**

RESOLUTION DECLARING MISCELLANEOUS COMPUTER EQUIPMENT SURPLUS AND AUTHORIZING ITS DONATION TO THE MIAMI BEACH SENIOR CITIZENS HOUSING DEVELOPMENT CORPORATION, INC.

*Forwarded to BCC with a favorable recommendation*

*Mover: Sosa*

*Seconder: Sorenson*

*Vote: 6-0*

2D

083391 Resolution Jose "Pepe" Diaz

RESOLUTION DECLARING TWO 2001 BLUEBIRD  
BUSES SURPLUS AND AUTHORIZING THEIR  
DONATION TO THE CITY OF SWEETWATER

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

2E

083367 Resolution Audrey M. Edmonson

RESOLUTION URGING THE FLORIDA LEGISLATURE  
TO REQUIRE EMPLOYERS TO GIVE WORKERS TIME  
OFF TO VOTE

*Forwarded to the BCC by the BCC  
Chairperson with a favorable  
recommendation  
Mover: Sorenson  
Seconder: Diaz  
Vote: 5-1  
No: Martinez*

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

*Chairman Martinez asked Special Assistant to the  
County Manager Jennifer Glazer-Moon to provide  
him with a report on the fiscal impact of providing  
County employees with an additional one-hour of  
leave time for voting.*

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

*Chairman Martinez asked staff to prepare the  
appropriate memorandum to the Board of County  
Commissioners' Chairman Bruno A. Barreiro  
requesting that the Board's Rules and Procedures  
be waived to allow the foregoing proposed  
resolution to be heard at the December 16, 2008  
County Commission meeting.*

2F

083362 Resolution

Rebeca Sosa,

Barbara J. Jordan, Dorrin D. Rolle

RESOLUTION URGING THE FLORIDA LEGISLATURE TO PASS LEGISLATION PROVIDING COUNTY SUPERVISORS OF ELECTIONS THE AUTHORITY TO SET THEIR OWN GUIDELINES FOR VOTING BY THE ELDERLY AND PERSONS WITH DISABILITIES TO IMPROVE THE VOTING EXPERIENCE FOR THESE INDIVIDUALS

*Forwarded to the BCC by the BCC Chairperson with a favorable recommendation*

*Mover: Sosa*

*Seconder: Sorenson*

*Vote: 6-0*

**Report:** *Chairman Martinez asked staff to prepare the appropriate memorandum to the Board of County Commissioners' Chairman Bruno A. Barreiro requesting that the Board's Rules and Procedures be waived to allow the foregoing proposed resolution to be heard at the December 16, 2008 County Commission meeting.*

2G

083446 Resolution

Carlos A. Gimenez

RESOLUTION URGING COUNTY ATTORNEY TO CONTINUE TO ANALYZE WHETHER LEGAL ACTION SHALL BE TAKEN AGAINST SOME OR ALL OF THE THIRD PARTIES WHO PARTICIPATED IN COUNTY'S AUCTION RATE BOND, VARIABLE RATE BOND AND INTEREST RATE SWAP TRANSACTIONS WHICH HAVE BEEN NEGATIVELY IMPACTED BY DOWNGRADE IN RATINGS OF MUNICIPAL BOND INSURERS AND LIQUIDITY PROVIDERS AND/OR WHETHER NEGOTIATIONS ARE APPROPRIATE WITH SUCH THIRD PARTIES AND TO KEEP COMMISSION APPRISED OF ITS FINDINGS AND CONCLUSIONS MONTHLY

*Forwarded to BCC with a favorable recommendation*

*Mover: Gimenez*

*Seconder: Diaz*

*Vote: 6-0*

2H

083262 Resolution

Sally A. Heyman

RESOLUTION DECLARING ONE 2001 BLUEBIRD BUS SURPLUS AND AUTHORIZING ITS DONATION TO THE LEHRMAN COMMUNITY DAY SCHOOL, INC.

*Forwarded to BCC with a favorable recommendation*

*Mover: Sorenson*

*Seconder: Gimenez*

*Vote: 6-0*

21

**082797 Ordinance****Barbara J. Jordan**

ORDINANCE AMENDING SECTION 2-56.33 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO PROVIDE FOR PAYMENT OF ACCUMULATED SICK AND ANNUAL LEAVE UPON A SHOWING OF GOOD CAUSE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

*Withdrawn*  
*Mover: Sorenson*  
*Seconder: Sosa*  
*Vote: 6-0*

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

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

*Commissioner Jordan explained the ongoing investigation of the housing scandal was preventing former County employees from receiving payment for the unused sick and annual leave time they accrued. She expressed concern that two years later some of these former County employees have never been questioned regarding their involvement in the scandal, and the County had not paid them for their accrued sick and annual leave. She noted the Mayor was willing to release the money to these employees, provided the Miami-Dade Police Department Director concluded his investigation and these employees were acquitted. Commissioner Jordan noted, as proposed, this proposed ordinance would authorize the Mayor to evaluate an investigation after one year and indicate whether any legitimate reason existed for not paying these employees for their accrued leave. If some legitimate reason did not exist, the Mayor could use his discretion to authorize these payouts, Commissioner Jordan clarified.*

*Assistant County Attorney William Candela concurred that pursuant to this proposed ordinance, the Mayor could use his discretion to authorize payouts for accrued leave after one year.*

*Responding to Commissioner Sosa's inquiry as to whether this proposed ordinance was applicable to any County employee under investigation, Assistant County Attorney Candela explained that it was only applicable to former County employees.*

*In response to Commissioner Sosa's request for*

what constituted "good cause," Assistant County Attorney Candela advised "good cause" was a broad term with a significant amount of discretion.

Commissioner Sosa questioned how the County would retrieve funds released at the Mayor's discretion to a former County employee who was later found guilty.

Assistant County Attorney Candela advised the County would find it difficult to retrieve the funds.

Discussion ensued between Commissioners Diaz and Jordan regarding which County employees this proposed ordinance would apply to.

Commissioner Diaz expressed concern regarding this proposed ordinance being open ended. He noted he could support it if it was amended to provide that the County Commission would approve the County Mayor's decision to release the funds.

Following further discussion among Chairman Martinez, Commissioner Jordan, and Assistant County Attorney Candela regarding the former County employees mentioned by Commissioner Jordan and their involvement in the housing scandal, Commissioner Gimenez pointed out Section 2-56.33.(c) on handwritten page 5 indicated these former County employees would receive payment for their unused sick and annual leave time automatically one year after the investigation began, unless the investigating agency indicated the investigation was ongoing. He expressed concern regarding the level of discretion that "good cause" would give the County Mayor.

Commissioner Jordan pointed out an investigation could be ongoing for a County department, but that did not clarify whether the individual(s) were still being investigated.

Mr. Don Allen, Labor Management Director, Human Resources Department, noted the Miami-Dade Police Department (MDPD) Public Corruptions Bureau had an ongoing investigation with the Miami-Dade Housing Agency (MDHA) and the Water and Sewer Department (WASD), and the MDPD Public Corruptions Bureau Commander told the Human Resources Department that the Bureau could not disclose who was under investigation, why they were under investigation, and when someone might be

*implicated in a breach of public trust. He explained the unused sick and annual leave payment could not be made until the Public Corruptions Bureau could determine a person would not be implicated.*

*Commissioner Gimenez pointed out that these former County employees would receive their payment with interest if they were exonerated.*

*Commissioner Jordan asked that this proposed ordinance be withdrawn.*

*Responding to Commissioner Sorenson's inquiry regarding the possible length of time for the WASH and MDHA investigations, Chairman Martinez noted some cases became more complex as they were investigated, and a two to three year investigation was not unusual.*

*Mr. Allen noted the MDPD Public Corruptions Bureau was in the process of providing the Human Resources Department a list of County employees who would not be implicated and could receive their payment of unused sick and annual leave time.*

*Commissioner Sosa asked Special Assistant to the County Manager Jennifer Glazer-Moon to provide her with a report reflecting how County employees accrued sick and annual leave; and to include the fiscal impact of this proposed ordinance and the pay scale for retired County employees who returned to work for the County.*

*Commissioner Jordan noted, notwithstanding her request to withdraw this proposed ordinance, the discussion on this proposal accomplished her intent for making this proposal.*

*Hearing no other questions or comments, the Committee proceeded to vote to withdraw this proposed ordinance*

2J

083430 Resolution Katy Sorenson,  
Rebeca Sosa, Audrey M. Edmonson, Barbara J. Jordan,  
Sen. Javier D. Souto

RESOLUTION URGING THE U.S. CONGRESS, THE U.S. DEPARTMENT OF AGRICULTURE, THE FLORIDA LEGISLATURE AND THE FLORIDA DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES TO TAKE ALL STEPS NECESSARY TO ADDRESS THE RED BAY AMBROSIA BEETLE AND PREVENT THE DESTRUCTIVE SPREAD OF LAUREL WILT DISEASE INTO AVOCADO CROPS IN MIAMI-DADE COUNTY

*Forwarded to the BCC by the BCC Chairperson with an unfavorable recommendation*  
*Mover: Sorenson*  
*Seconder: Sosa*  
*Vote: 6-0*

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

*Commissioner Souto asked that he be listed as a co-sponsor. He noted the County residents needed more advise on treating trees for the ficus white fly. He pointed out the Miami Herald published information that conflicted with the information that the County had been providing residents. Commissioner Souto expressed concern regarding the impact of the ficus white fly on the appearance of the County.*

*Mr. Charles LaPradd, Agricultural Manager, Planning and Zoning Department, noted the County had used the internet, public appearances, newspaper articles, and a list of alternative species of plants to provided information to the public. He further noted the Consumer Services Department trained over 500 lawn maintenance professionals on applying chemicals to trees to fight the ficus white fly.*

*Commissioner Souto suggested the County use Miami-Dade TV to provide more information regarding the proper response to the white ficus fly that would address the conflicting reports in the Miami Herald.*

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

*Chairman Martinez asked staff to prepare the appropriate memorandum to the Board of County Commissioners' Chairman Bruno A. Barreiro requesting that the Board's Rules and Procedures be waived to allow the foregoing proposed resolution to be heard at the December 16, 2008 County Commission meeting.*

2K

083378 Resolution

Barbara J. Jordan

RESOLUTION URGING THE FLORIDA LEGISLATURE  
TO DEVELOP A QUALITY RATING SYSTEM TO ASSESS  
PREKINDERGARTEN AND OTHER EARLY CHILDHOOD  
EDUCATION AND CHILD CARE PROGRAMS AND  
PROVIDE SUCH INFORMATION ONLINE SO THAT  
PARENTS HAVE THE INFORMATION NECESSARY TO  
MAKE GOOD DECISIONS FOR THEIR CHILDREN

*Withdrawn*

**Report:** *See Agenda Item 2K Amended, Legislative File  
No. 083581.*

2K AMENDED

083581 Resolution

Barbara J. Jordan

RESOLUTION URGING THE FLORIDA LEGISLATURE TO DEVELOP A QUALITY RATING SYSTEM TO ASSESS PREKINDERGARTEN AND OTHER EARLY CHILDHOOD EDUCATION AND CHILD CARE PROGRAMS AND PROVIDE SUCH INFORMATION ONLINE SO THAT PARENTS HAVE THE INFORMATION NECESSARY TO MAKE GOOD DECISIONS FOR THEIR CHILDREN [SEE ORIGINAL ITEM UNDER FILE NO. 083378]

*Forwarded to the BCC by the BCC Chairperson with favorable recommendation with committee amendments*

*Mover: Sosa*

*Seconder: Sorenson*

*Vote: 6-0*

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

*It was moved by Commissioner Sosa that this proposed resolution be forwarded to the County Commission with a favorable recommendation with committee amendment(s) to require that the Florida Legislature include online a link to each providers' violations of the Quality Rating System for prekindergarten and early childhood education and child care programs. This motion was seconded by Commissioner Sorenson.*

*Chairman Martinez noted he had some questions for Commissioner Jordan regarding this proposed resolution that he would submit to her in writing.*

*Commissioner Jordan asked the Office of Intergovernmental Affairs Director to ensure this proposed resolution was included in the State Legislative Priorities package.*

*Hearing no other questions or comments, the Committee proceeded to vote on this proposed resolution as amended.*

*Chairman Martinez asked staff to prepare the appropriate memorandum to the Board of County Commissioners' Chairman Bruno A. Barreiro requesting that the Board's Rules and Procedures be waived to allow the foregoing proposed resolution to be heard at the December 16, 2008 County Commission meeting.*

2L

**083364 Resolution** **Dennis C. Moss,**  
**Rebeca Sosa, Sen. Javier D. Souto, Audrey M. Edmonson**  
RESOLUTION URGING THE FLORIDA LEGISLATURE  
AND THE FLORIDA DEPARTMENT OF  
TRANSPORTATION TO PROVIDE FUNDING FOR  
ILLUMINATED STREET SIGNS ON STATE ROADS IN  
MIAMI-DADE COUNTY

*Forwarded to the BCC by the BCC  
Chairperson with a favorable  
recommendation  
Mover: Gimenez  
Seconder: Sosa  
Vote: 6-0*

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

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

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

*Chairman Martinez asked staff to prepare the  
appropriate memorandum to the Board of County  
Commissioners' Chairman Bruno A. Barreiro  
requesting that the Board's Rules and Procedures  
be waived to allow the foregoing proposed  
resolution to be heard at the December 16, 2008  
County Commission meeting.*

2M

**083366 Resolution** **Dennis C. Moss**  
RESOLUTION URGING THE FLORIDA LEGISLATURE  
TO AMEND THE COMMUNITY REDEVELOPMENT ACT  
TO MODIFY THE CRITERIA FOR THE CREATION OF A  
COMMUNITY REDEVELOPMENT AGENCY TO  
INCLUDE LAND PREVIOUSLY USED AS A MILITARY  
FACILITY

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

**Report:** *Chairman Martinez asked staff to prepare the  
appropriate memorandum to the Board of County  
Commissioners' Chairman Bruno A. Barreiro  
requesting that the Board's Rules and Procedures  
be waived to allow the foregoing proposed  
resolution to be heard at the December 16, 2008  
County Commission meeting.*

2N

083390 Resolution Dennis C. Moss,  
 Sen. Javier D. Souto, Audrey M. Edmonson, Barbara J.  
 Jordan, Dorrin D. Rolle

RESOLUTION URGING THE FLORIDA LEGISLATURE  
 AND THE FLORIDA DEPARTMENT OF  
 TRANSPORTATION TO FUND ROADSIDE  
 BEAUTIFICATION PROGRAMS AT NO LESS THAN 1.5  
 PERCENT OF THE COST OF CONSTRUCTION  
 PROJECTS; AND TO RETAIN EXISTING LANGUAGE IN  
 STATUTE THAT REQUIRES FDOT TO SPEND NO LESS  
 THAN 1.5 PERCENT OF CONSTRUCTION COSTS ON  
 ROADSIDE BEAUTIFICATION PROGRAMS

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

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

*Chairman Martinez questioned whether the  
 proposed 1.5% of the road construction cost for  
 roadside beautification programs would be in  
 addition to the funding for the project or would it  
 be deducted from the overall cost.*

*Assistant County Attorney McCarty advised 1.5%  
 of the total project cost would be set aside for  
 roadside beautification programs.*

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

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

*Chairman Martinez asked staff to prepare the  
 appropriate memorandum to the Board of County  
 Commissioners' Chairman Bruno A. Barreiro  
 requesting that the Board's Rules and Procedures  
 be waived to allow the foregoing proposed  
 resolution to be heard at the December 16, 2008  
 County Commission meeting.*

### 3 DEPARTMENTS

3A

**083416 Resolution**

RESOLUTION AUTHORIZING ISSUANCE OF NOT TO EXCEED \$600,000,000 OF 2009 AVIATION REVENUE BONDS, IN ONE OR MORE TRANCHES, FOR SPECIFIED PURPOSES PURSUANT TO SECTION 210 OF AMENDED AND RESTATED TRUST AGREEMENT AND APPLICABLE ORDINANCES; APPROVING ISSUANCE AFTER PUBLIC HEARING AS REQUIRED BY SECTION 147(F) OF INTERNAL REVENUE CODE OF 1986, AS AMENDED; AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE, WITHIN CERTAIN LIMITATIONS AND RESTRICTIONS, TO FINALIZE TERMS AND OTHER PROVISIONS OF BONDS; PROVIDING CERTAIN COVENANTS AND OTHER REQUIREMENTS; FINDING NECESSITY FOR AND AUTHORIZING NEGOTIATED SALE; APPROVING FORMS OF AND AUTHORIZING CERTAIN DOCUMENTS; AUTHORIZING COUNTY OFFICIALS TO TAKE ALL NECESSARY ACTIONS IN CONNECTION WITH ISSUANCE, SALE AND DELIVERY OF BONDS; AND PROVIDING FOR SEVERABILITY (Finance 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.*

*Commissioner Gimenez expressed concern that the Fiscal Year 2015 budget for operations and debt service for the Miami-Dade Aviation Department (MDAD) would be \$1.2 billion. He pointed out the current budget for operations and debt service was \$600 million.*

*Mr. Jose Abreu, Director, MDAD, noted the traffic engineers forecasted the debt service payments in FY 2012 would be \$370 million.*

*Commissioner Gimenez expressed concern that the County would defer principle payments on these aviation revenue bonds to FY 2018, and that the County would be unable to do future projects.*

*Ms. Rachel Baum, Director, Finance Department, explained that these proposed aviation revenue bonds would be used to continue to close out the MDAD construction projects approved by the Commission. She noted the County would pay the principle and interest on these bonds similar to a home mortgage.*

*Following further discussion between Commissioner Gimenez and Ms. Baum regarding*

*the payment schedule for these proposed aviation revenue bonds and the ability of MDAD to finance future capital improvement projects, the Committee proceeded to vote.*

3B

**083465 Resolution**

RESOLUTION RESCINDING RESOLUTION NO. R-1074-04 IN ITS ENTIRETY AND APPROVING A NEW INVESTMENT POLICY FOR PUBLIC FUNDS AND ITS IMPLEMENTATION (Finance Department)

***Withdrawn***

**Report:** *See Report Under Agenda Item 3B AMENDED, Legislative File No. 083625.*

3B AMENDED

**083625 Resolution**

RESOLUTION RESCINDING RESOLUTION NO. R-1074-04 IN ITS ENTIRETY AND APPROVING A NEW INVESTMENT POLICY FOR PUBLIC FUNDS AND ITS IMPLEMENTATION [SEE ORIGINAL ITEM UNDER FILE NO. 083465] (Finance Department)

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

*Mover: Sorenson*

*Seconder: Martinez*

*Vote: 4-0*

*Absent: Sosa, Diaz*

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

*Commissioner Gimenez requested clarification of number "(4) Market Opportunities" on handwritten page 9.*

*Ms. Rachel Baum, Director, Finance Department, clarified the County could sell an investment before it matured, if a need existed; however, the County usually planned for investments to mature when the funds would be needed.*

*Following Ms. Baum explaining the Local Government Surplus Fund Trust Fund on handwritten page 12, Commissioner Gimenez asked that this proposed resolution be amended to add the following language to Section A.1, handwritten page 12, "providing that staff obtain approval from the County Commission prior to investing County resources in the Local Government Surplus Fund Trust Fund."*

*Chairman Martinez pointed out the first sentence under the heading "Fiscal Impact/Funding Source" on handwritten page 1 needed to be revised.*

*Hearing no other questions or comments, the Committee proceeded to vote on this proposed resolution as amended by Commissioner Gimenez.*

3C

**083464 Resolution**

RESOLUTION AUTHORIZING RELEASE OF SURPLUS TAX DEED 06A-127 SALE PROCEEDS IN THE AMOUNT OF \$335,764.17 TO ELEODORO GONZALEZ (Finance Department)

*Forwarded to BCC with a favorable recommendation*

*Mover: Gimenez*

*Seconder: Sorenson*

*Vote: 4-0*

*Absent: Sosa, Diaz*

3D

**083301 Resolution**

RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH SWAP FINANCIAL GROUP, LLC TO OBTAIN DERIVATIVE PRODUCTS ADVISOR SERVICES, AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S 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. RFQ639 (Procurement Management Department)

*Forwarded to BCC with a favorable recommendation*

*Mover: Gimenez*

*Second: Sorenson*

*Vote: 4-0*

*Absent: Sosa, Diaz*

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

*Chairman Martinez requested clarification regarding derivative products.*

*Ms. Rachel Baum, Director, Finance Department, clarified a derivative product was a Swap. She explained the consultant service would advise the County on how to manage its existing Swaps, how to price Swaps for annual financial statements, how to terminate Swaps, and how to manage any new Swaps approved by the Commission. She pointed out the County would only pay for the services it used.*

*Commissioner Gimenez noted that he would support this proposed resolution if the consultant service was limited to the County's existing Swaps; that he would not support the County entering into new Swaps.*

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

3E

**083319 Resolution**

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE AUTHORITY TO REJECT PROPOSALS RECEIVED FOR REQUEST FOR PROPOSALS TO OBTAIN SECURITY GUARD AND SCREENING SERVICES FOR THE PORT OF MIAMI - RFP NO. 487A TIER 3 SECTOR 3B ONLY (Procurement Management Department)

*Forwarded to BCC with a favorable recommendation*

*Mover: Sorenson*

*Second: Souto*

*Vote: 4-0*

*Absent: Souto, Diaz*

3F

**083427 Resolution**

RESOLUTION AUTHORIZING AWARD OF COMPETITIVE CONTRACTS, AND AUTHORIZE THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE, AUTHORITY TO EXERCISE OPTIONS-TO-RENEW ESTABLISHED THEREUNDER, A BID REJECTION, CONTRACT MODIFICATIONS AND AWARD OF COMPETITIVELY BID CONTRACTS OF OTHER GOVERNMENTAL ENTITIES FOR THE PURCHASE OF GOODS AND SERVICES (Procurement Management Department)

*Withdrawn*

**Report:** *See Report Under Agenda Item 3F AMENDED, Legislative File No. 083571.*

3F AMENDED

**083571 Resolution**

RESOLUTION AUTHORIZING AWARD OF COMPETITIVE CONTRACTS, AND AUTHORIZE THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE, AUTHORITY TO EXERCISE OPTIONS-TO-RENEW ESTABLISHED THEREUNDER, A BID REJECTION, CONTRACT MODIFICATIONS AND AWARD OF COMPETITIVELY BID CONTRACTS OF OTHER GOVERNMENTAL ENTITIES FOR THE PURCHASE OF GOODS AND SERVICES [SEE UNDER FILE NUMBER 083427] (Procurement Management Department)

*Forwarded to the BCC by the BCC Chairperson with favorable recommendation with committee amendments*

*Mover: Gimenez*

*Seconder: Sorenson*

*Vote: 4-0*

*Absent: Sosa, Diaz*

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

*Ms. Miriam Singer, Director, Department of Procurement Management, noted scrivener's errors existed and needed to be corrected as follows:*

- to change the term of the existing and modified allocations from one year to five years in Item 3.2: Industrial Blowers, Exhaust Fans, and Air Curtain, on handwritten page 34;*
- to add the non-local vendor FPZ, Inc., 2091 N Port Washington Road, Grafton, WI, Principle: Steve Schultz, on handwritten page 34;*
- to change the number of firms from seven to eight in the Performance Data and the Compliance Data, on handwritten pages 34 and 35; and*
- to remove Item 1.1: Carpet (Purchase and Installation), on handwritten pages 2, 8, 9, and 10.*

*Chairman Martinez asked the Department of Procurement Management Director to provide him with a report on the most recent prices of carpeting that the County would purchase in Item 1.1: Carpet (Purchase and Installation).*

*Hearing no other questions or comments, the Committee proceeded to vote on this proposed resolution as amended by Ms. Singer.*

*Chairman Martinez asked staff to prepare the appropriate memorandum to the Board of County Commissioners' Chairman Bruno A. Barreiro requesting that the Board's Rules and Procedures be waived to allow the foregoing proposed resolution to be heard at the December 16, 2008 County Commission meeting.*

3G

**083428 Resolution**

RESOLUTION RATIFYING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE AWARD OF CONTRACTS UNDER FULL AND OPEN COMPETITION FOR THE PURCHASE OF GOODS AND SERVICES VALUED IN EXCESS OF \$100,000 AND UP TO \$1,000,000 EXECUTED DURING THE PERIOD OF APRIL 1, 2008 THROUGH JUNE 30, 2008 (Procurement Management Department)

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

3H

**083442 Resolution**

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

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

**4 COUNTY MANAGER**

**5 COUNTY ATTORNEY**

**6 CLERK OF THE BOARD**

6A

**083468 Report**

CLERK'S SUMMARY OF MINUTES FOR THE BUDGET AND FINANCE COMMITTEE MEETING FOR: NOVEMBER 4, 2008 (Clerk of the Board)

*Approved*  
*Mover: Sorenson*  
*Seconder: Gimenez*  
*Vote: 4-0*  
*Absent: Sosa, Diaz*

**7 REPORTS**

7A

**083467 Report**

YEAR-END PORTFOLIO PERFORMANCE REPORT FOR  
FISCAL YEAR 2007-08 (County Manager)

*Report Received*

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

*Commissioner Gimenez noted the County earned \$150 million of interest in Fiscal Year (FY) 2007-08. He questioned what the County budgeted for interest earnings for that year.*

*Ms. Rachel Baum, Director, Finance Department, noted the County did not budget interest earnings. She clarified the County projected extraordinarily conservative interest earnings, and the returns for FY 2007-08 were higher than what was projected.*

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

090025 Report  
NON AGENDA ITEMS

**Report:** *Commissioner Sorenson recognized the presence of Commissioner Rodney Long, President, Florida Association of Counties, as well as Florida Association of Counties staff.*

*Commissioner Long expressed appreciation to the Commission for its involvement with the Florida Association of Counties. He noted he was in the County to advocate on behalf of the County with the local newspapers. He requested the support of the County at the State Legislature.*

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*Commissioners Souto, Sorenson, Gimenez and Diaz expressed appreciation to Chairman Martinez for his leadership while chairman of this Committee.*

*Chairman Martinez expressed appreciation to the Committee members, Vice-chairman Gimenez, and the County staff for their work, support, and participation for the last two years.*

*Commissioners Sorenson, Gimenez, and Chairman Martinez commended Ms. Rachel Baum, Director, Finance Department, for her service to the County throughout her career.*

*(Note: This was Ms. Baum's final Committee meeting before she retired.)*

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*Commissioner Souto expressed concern that the County Administration did not provide the Commission with well-detailed presentations on important issues. He asked the County Administration to regularly provide fully-detailed presentations to the Commission on the impact of the economic crisis on County revenues that would provide the Commission with a clear understanding of economic and revenue issues. Commissioner Souto noted these presentations would help the Commission make better decisions.*

*Special Assistant to the County Manager Jennifer Glazer-Moon noted the County Administration held publicly noticed revenue estimating conference meetings pursuant to legislation adopted by the Commission, the County Administration also provided a report on the economic outlook at every County Commission meeting, and the County Administration prepared*

various reports as required by the Code of Miami-Dade County and the Home Rule Charter.

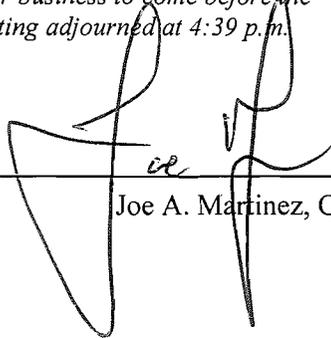
Following discussion between Commissioner Gimenez and Special Assistant Glazer-Moon regarding the frequency of the revenue estimating conferences, Commissioner Gimenez asked the County Administration to include in the presentations requested by Commissioner Souto, an update on the status of the current economy and how it impacted County government.

Commissioner Gimenez asked the Commission Auditor to advise the Commission on the outcome of the discussions at the December 19, 2008, Revenue Estimating Conference, including the projected impacts of the current financial crisis on County revenues and expenses.

Commissioner Souto clarified the intent of his request was to have an economic outlook briefing every time the Commission met and to properly inform the Commission to make responsible decisions.

**8 ADJOURNMENT**

**Report:** *There being no other business to come before the Committee, the meeting adjourned at 4:39 p.m.*



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Joe A. Martinez, Chair