



**MIAMI-DADE COUNTY
FINAL OFFICIAL MINUTES
Health and Public Safety Committee (HPSC)**

Board of County Commissioners

Stephen P. Clark Center
Commission Chambers
111 N.W. First Street
Miami, Florida 33128

December 8, 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





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

FINAL OFFICIAL Meeting Minutes Health and Public Safety Committee

Dennis C. Moss (9) Chair; Rebeca Sosa (6) Vice Chair; Commissioners Jose "Pepe" Diaz (12), Carlos A. Gimenez (7), Sally A. Heyman (4), and Javier D. Souto (10)

Monday, December 8, 2008

9:30 AM

COMMISSION CHAMBERS, SPCC

Members Present: Jose "Pepe" Diaz, Carlos A. Gimenez, Sally A. Heyman, Dennis C. Moss, 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 INVOCATION

1B PLEDGE OF ALLEGIANCE

1C ROLL CALL

Report: *The following staff members were present: County Manager George Burgess, Assistant County Manager Alina Hudak, Assistant County Attorneys Gerald Sanchez and Daniel Frastai, Ms. Jennifer Glazer-Moon, Director of the Office of Strategic Business Management, and Deputy Clerks Doris Dickens and Mary Smith-York.*

Chairman Moss called the meeting to order at 9:55 a.m., and welcomed members, staff, and everyone in the audience to today's proceedings.

Following Assistant County Attorney Gerald Sanchez' notice that no changes were requested to today's (12/8) agenda, by motion duly made, seconded, and carried by unanimous vote, the committee accepted the agenda as presented.

2 COUNTY COMMISSION

3 DEPARTMENT

3A

083302 Resolution

RESOLUTION AUTHORIZING EXECUTION OF A LEASE AGREEMENT AT 13428 S.W. 131 STREET, MIAMI,, WITH PINELANDS AIRPORT CENTER, LTD., A LIMITED PARTNERSHIP, FOR PREMISES TO BE UTILIZED BY THE MIAMI-DADE FIRE RESCUE DEPARTMENT FOR OFFICE AND WAREHOUSE SPACE; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN (General Services Administration Department)

Forwarded with a favorable recommendation

Mover: Heyman

Secunder: Sosa

Vote: 4-0

Absent: Gimenez, Diaz

Report: *Assistant County Attorney Gerald Sanchez read the foregoing proposed resolution into the record.*

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

3B

083486 Resolution

RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH GOVERNMENT SERVICES GROUP, INC. TO OBTAIN CONSULTING SERVICES FOR THE DEVELOPMENT OF THE FIRE SUPPRESSION ASSESSMENT PROGRAM, 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. RFP 628 (Procurement Management Department)

The motion that this matter be Forwarded to BCC without a recommendation failed.

Mover: Heyman

Seconder: Souto

Vote: 3-3

No: Heyman, Gimenez, Souto

Report:

Assistant County Attorney Gerald Sanchez read the foregoing proposed resolution into the record.

It was moved by Commissioner Heyman that the foregoing resolution be forwarded with a favorable recommendation. This motion was seconded by Commissioner Souto, followed by discussion.

Assistant County Manager Alina Hudak summarized the intent of the foregoing resolution recommending contract Number RFP628 be awarded to Government Services Group, Inc. (GSG) to study and formulate a methodology for imposing a fire suppression assessment fee. She noted, also included in today's agenda was a report from the County Manager, outlining details of the proposed process and describing what a fire assessment fee was. Ms. Hudak noted staff requested that this resolution be forwarded to the Special BCC meeting in January 2009, and advised of statutorily required timeframes tied to this option being available to the Board from a housing perspective during the budget process in the spring.

Fire Chief Herminio Lorenzo, Miami-Dade Fire Rescue (MDFR), explained how the Fire Rescue District was created as a dedicated source of revenue, which currently provided approximately ninety percent (90%) of the department's budget from the County's ad valorem taxes. He noted many other Fire Rescue entities within this community were funded from utility fees, franchise taxes, state revenue sharing, and other fees from their general fund, in addition to ad valorem taxes. Chief Lorenzo noted projections indicated

that by 2010, the department would incur a shortfall, given the current millage and funding mechanism, which prompted staff to begin exploring approaches for maximizing efficiency while continuing the same level of service. He advised the following three options were available to the department: 1) maintain millage rates status quo and begin cutting services in 2010; 2) increase millage rates in 2010, proportionally within the District, up to a three-mill cap; and 3) implement an assessment for fire suppression services. Chief Lorenzo explained the fire suppression fee could be uniformly applied to residential, commercial, industrial, instructional and other property classifications. He noted the traditional method assessed a flat fee for all residential units, independent of size and value of the unit. Commercial, industrial, and institutional units were normally assessed a cost per square foot, dependent upon the type of property, he stated. Chief Lorenzo described the enhanced method as based on the size of residential units, and noted credits would be issued for homes with fire protection and prevention systems. He noted the apportionment method looked at the current cost of providing fire protection to these properties, and in apportions based on incidence of fire within these property classifications, assessed a fee based on their use of the department's fire suppression services. He pointed out that the proposed assessment system balanced fees among the different classifications and ensured everyone paid a fair amount. He advised that eighteen counties within the State of Florida, as well as twenty-seven within Broward County, and the City of Miami, either currently or previously used the fire suppression assessment. Chief Lorenzo provided an example of how the fire suppression fee would be applied to a property valued at \$150,000. He noted it was inevitable that the department would be faced with making difficult decisions to reduce services, increase millages, and/or create other fees to fund the department's current level of services. Chief Lorenzo recommended that the Commission evaluate the feasibility of establishing a fire assessment fee in Miami-Dade County.

Ms. Jennifer Glazer-Moon, Director, Office of Strategic Business Management, advised this proposal was in response to the budget priority and policy adopted by the Board in May 2008, requesting that alternative sources of funding for MDFR be explored. She stated this would provide the opportunity, in the spring, to develop the

proposed budget and make recommendations to the Board about funding the Fire District. Ms. Glazer-Moon emphasized the need to proceed with this proposed consultant contract, since timing was critical due to statutes and other issues that governed how this process worked.

Expressing her feelings that other options were available, Commissioner Heyman suggested staff review the existing budget and make recommendations based on the state of the economy and restrictions to additional funds, rather than to reduce operating costs. She pointed out that the Manager's report reflected approximately 85 percent of the MDR's budget came from ad valorem taxes, rather than 90 percent stated by Chief Lorenzo. Commissioner Heyman explained the ballot question proposed to preserve the Fire District was shelved; and noted the courts ruled that municipalities could opt out of the County's Fire District and could create their own Fire District. She expressed concern that possibly two of the three cities that were plaintiffs in the litigation, were affluent cities in her district (District 4). Commissioner Heyman questioned the outcome if the cities, involved in litigation, pulled out of the County's fire system, based on the funding structure providing 90 percent of operating funds from ad valorem taxes. She highlighted the language in the County Manager's report, which read, "...ad valorem property tax revenue has been seen to be somewhat progressive, with more expensive properties making a greater contribution based on higher value and the assumed ability of the owners to afford the associated property taxes..." Commissioner Heyman expressed concern with residents' ability to pay this assessment on property. She noted some of the cities might consider eliminating their existing departments to save costs and leave the County's Fire District or creating their own department. She noted this initiative addressing legitimate funding for fire suppression services should be included as part of the twenty-four legislative priorities. Commissioner Heyman noted the economy, the lawsuits, and the Property Appraiser's Office should be added as components to the proposed program for looking at costs for operations.

Commissioner Sosa asked why local preference was not applied to this proposal and whether it was possible to save the \$1 million for the MDR department and establish a blue ribbon committee of experts to perform this study. She referenced

the Social and Economic Development Council (SEDC), which consisted of experts and inquired whether the department could attain its goal using such local professionals. Commissioner Sosa also asked the County Attorney to prepare a resolution for her sponsorship, authorizing the County Administration and department director to develop methods for MDFR to remain competitive as a fire department.

Following Ms. Glazer-Moon's comment that GSG was the premier entity to perform this type of analysis, versus the SEDC, Commissioner Sosa clarified her suggestion was to use the expertise of some members of the SEDC, along with other experts, to create the methodology for the assessment.

Ms. Glazer-Moon explained that after the consultants worked out the statutory guidelines and developed the assessment, in-house staff would be able to support the ongoing process.

Chief Lorenzo provided additional information regarding the technical and legal aspects of establishing an assessment. He noted the \$1 million would not be lost if the Board decided not to implement the assessment this year, rather those funds could be reactivated for \$80,000 the following year, and \$140,000 in the third year. Chief Lorenzo advised that once the assessment was in place, it would provide ample flexibility in funding the department.

Commissioner Gimenez recalled that the City of Miami established a fire assessment fee as a mechanism to relieve its financial crisis, and questioned whether the MDFR was in a financial crisis. He noted the City of Miami, as well as other local counties, had used GSG to perform the analysis for establishing a fire assessment fee, and felt that \$1 million seemed excessive for a boiler plate type methodology that had already been established. He also pointed out that the City of Miami's assessment was later ruled unconstitutional because the Emergency Medical Services (EMS) portion could not be charged under the methodology developed by GSG.

In response to Commissioner Gimenez' question of how the EMS portion would be funded, Chief Lorenzo noted EMS would continue being funded by the Fire District, as currently done.

In response to Commissioner Gimenez' inquiry on

MDFR's ability to receive a portion of the franchise and other fees generated within the Fire and Rescue taxing district, Ms. Glazer-Moon noted those options were specifically generated for municipalities.

Speaking in opposition, Commissioner Gimenez pointed out that eight-tenths of a mil remained available that could be charged in ad valorem taxes, and emphasized the department was not currently in a financial crisis. He questioned whether the County had liability insurance in case GSG's recommendation was found to be non-compliant.

County Manager Burgess noted this proposal was being recommended to provide the Board with options later during the budgetary process. He emphasized that the assessment fee would cover only a portion of fire suppression, and not fire rescue. Mr. Burgess explained that the fire fee was calculated based upon the benefit the property class received, and noted residential properties would likely realize a savings based on the values. He advised that the consultant was needed to develop the technical elements of the non-ad valorem based assessment roll. Mr. Burgess explained that if the Board approved the fire fee in the upcoming year, the assessment roll could be updated for two years after for approximately \$90,000, and updated in-house thereafter. He advised Board members that their approval of this item was not critical, but this proposal simply provided the Board with options; and explained that the process associated with the placement of a non-ad valorem assessment fee on the tax bill must be completed by the beginning of March 2009. Mr. Burgess assured members that approval today was not binding and would only initiate a feasibility study on imposing a fire fee and allowing a tax bill mechanism for fee collection should the Board choose to proceed in the spring. He advised that if this proposal was not approved before January 20, 2009, this option would not be available to the Board in the coming year.

Commissioner Gimenez noted, for the record, that although this was being proposed now to be used a uniform method on the tax bill, the assessment fee could also be billed to individual property owners. He recommended MDFR staff develop an assessment fee structure, indicating the categories that would be charged per square foot, and present a recommended schedule of charges

to the Board for review before authorizing a million dollar expenditure.

In response to Chairman Moss' inquiry regarding the City of Miami's issues regarding their assessment fee, Mr. Burgess noted the City's mistake was extending their fire fee beyond suppression, for rescue.

Chief Lorenzo clarified that the statute provided that any assessment must provide a benefit to property, and the opinion had been rendered that rescue provided a direct service to a person, rather than a property. He stated the assessment tended to balance the cost of fire protection across all the properties within a community. Regarding the municipalities within Miami-Dade County that imposed a fire fee, Chief Lorenzo advised that the City of Miami previously had an assessment fee, and the City of Hialeah was in the process of establishing a fee. He also explained that Broward County, and 27 of its 34 municipalities imposed a fire fee. In response to Chairman Moss' question whether Broward County had a Fire District, Chief Lorenzo stated Broward County had a Municipal Service Taxing Unit (MSTU), and also provided service under contract to its municipalities. He further noted the MSTU did not provide for the full funding of all services rendered by the Broward Sheriff's Office (BSO), and only serviced the unincorporated areas of Broward County. Chief Lorenzo stated that all the municipal services provided by Broward County to the cities were performed under contract.

Chairman Moss recommended the committee forward the foregoing proposed resolution to the full Board for discussion. He noted his concerns with the timing aspect, and emphasized that the issue with the municipalities considering to opting out of the Fire District had not been resolved.

Responding to Chairman Moss' request for additional information on the City of Miami's fire fee issue, Commissioner Gimenez explained that the City of Miami switched from assessing a fee for fire and rescue services to only fire suppression services. He noted this was done after the City of Hollywood was sued by a citizen and found in violation of the constitution for assessing a fee for rescue services. Commissioner Gimenez advised that GSG, the same consultant that developed the assessment fee structure for the cities in Broward County, also developed the City of Miami's assessment. He clarified that a fire

suppression assessment was constitutional and noted he supported this concept if done properly, but would not support this proposal as presented. He recommended staff request assistance from Broward County and its municipalities that currently impose a fire assessment to provide the Board with a semblance of the actual product.

Commissioner Heyman expressed her concern that this proposal did not indicate that there would be a reduction in operating costs.

Commissioner Diaz recommended the foregoing proposed resolution be forwarded without a recommendation to allow ample time for committee members to review it further.

Commissioner Sosa recommended this item be deferred to the next committee meeting to allow staff time to revisit and restructure this proposal.

Chairman Moss advised that since a motion was already made to forward this item, the opportunity to propose a deferral was no longer available. He concurred that the full Board should be given the opportunity to review this proposal, and also requested the County Manager engage in discussion with the consultant regarding the concerns raised in today's meeting.

Commissioner Sosa asked that the comments made during today's discussion on this item be included as part of the supporting documents for presentation to the full Board for review.

In response to Commissioner Heyman's question regarding the March 1, 2009 deadline for the County to adopt a resolution of intent to levy a fire assessment, Assistant County Attorney Daniel Frastai explained that four weeks of advertising was required before the Board could approve the March 1st resolution. He advised that waiting until the January BCC Special Meeting might not allow the deadline to be met.

Discussion ensued among committee members and staff regarding whether approval of the foregoing proposed resolution to hire a consultant was necessary in order to proceed with the required resolution of intent to use a method for collecting taxes for the County's Fire District.

Mr. Frastai advised that a resolution of intent to adopt the assessment roll was not before the committee today, which was the document

required by March 1, 2009 by Florida Statutes.

There being no further discussion, the committee proceeded to vote on the motion to forward the foregoing resolution with a favorable recommendation. This motion failed by a vote of 3-3 (Commissioners Gimenez, Heyman, and Souto voted no).

Subsequently, it was moved by Commissioner Heyman that the County Attorney prepare a resolution expressing the Board's intent to preserve the option of using the uniform method of collecting and levying a special assessment fee for fire suppression services with necessary advertising and scheduling to comply with the Florida Statutes. This motion was seconded by Commissioner Diaz, and upon being put to a vote, passed by a vote of 5-1 (Commissioner Gimenez voted no).

County Manager George Burgess advised that staff would meet with the consultant to negotiate a better price, and upon approval of the resolution of intent, would prepare and bring before the Board in January 2009, a revised contract for consideration.

4 COUNTY MANAGER

5 CLERK OF THE BOARD

5A

083450 Report

CLERK'S SUMMARY OF MINUTES FOR HEALTH AND PUBLIC SAFETY COMMITTEE'S FOR NOVEMBER 13, 2008 MEETING (Clerk of the Board)

Approved
Mover: Heyman
Secunder: Diaz
Vote: 6-0

Report: Assistant County Attorney Gerald Sanchez read the foregoing proposed report into the record.

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

6 REPORTS

6A

083485 Report

REPORT ON MIAMI-DADE FIRE RESCUE DISTRICT
FIRE SUPPRESSION ASSESSMENT OPTION
(County Manager)

Accepted
Mover: Heyman
Seconder: Diaz
Vote: 6-0

Report: *Assistant County Attorney Gerald Sanchez read the foregoing proposed report into the record.*

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

7 ADJOURNMENT

Report: *There being no further business to come before the Health and Public Safety Committee, the meeting was adjourned at 11:32 p.m.*



Dennis C. Moss, Chair