



**MIAMI-DADE COUNTY  
FINAL OFFICIAL MINUTES  
Health, Public Safety and Intergovernmental  
Committee (HPSIC)**

**Board of County Commissioners**

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

November 12, 2009  
As Advertised

Harvey Ruvlin, Clerk  
Board of County Commissioners

Diane Collins, Acting Division Chief  
Clerk of the Board Division

Alan Eisenberg, Commission Reporter  
(305) 375-2510





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

## FINAL OFFICIAL

### Meeting Minutes

#### Health, Public Safety & Intergovernmental Cmte

Sally A. Heyman (4) Chair; Rebeca Sosa (6) Vice Chair; Commissioners Bruno A. Barreiro (5), Jose "Pepe" Diaz (12), Dorrin D. Rolle (2), and Javier D. Souto (10)

#### Cancelled Due To Lack Of A Quorum

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Thursday, November 12, 2009

2:00 PM

Commission Chambers

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**Members Present:** Sally A. Heyman, Rebeca Sosa, Javier D. Souto.

**Members Absent:** Bruno A. Barreiro, Jose "Pepe" Diaz, Dorrin D. Rolle.

**Members Late:** None.

**Members Excused:** None.

**Members Absent County Business:** None.

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#### 1 MINUTES PREPARED BY:

**Report:** *Alan Eisenberg, Commission Reporter*  
305-375-2510

#### 1A INVOCATION

#### 1B PLEDGE OF ALLEGIANCE

**Report:** *Chairwoman Heyman called the meeting to order and asked everyone to join in the Pledge of Allegiance.*

**1C**      **ROLL CALL**

**Report:** *The following staff members were present: Assistant County Manager Alina Hudak; Assistant County Attorney(s) Gerald Sanchez, Jess McCarty, and Ben Simon; and Deputy Clerks Judy Marsh and Alan Eisenberg.*

*Chairwoman Heyman noted the meeting would begin with reports on the two agenda items involving law enforcement personnel so they could return to active duty. She said the other items required a quorum of four Committee members and would be discussed later.*

*Later in the meeting, due to the lack of a quorum, Chairwoman Heyman noted that she would request that the Board's Rules and Procedures be waived to allow Items 1D1 and 4A to be considered at the November 17, 2009 BCC meeting. She also said that a request would be made to forward all other Items to the December 1, 2009 BCC meeting.*

**1D**      **OFFICE OF INTERGOVERNMENTAL AFFAIRS**

1D1

**092765 Report**  
2010 FEDERAL AND STATE LEGISLATIVE PACKAGE  
(Office of Intergovernmental Affairs)

***Bifurcated***

**Report:** *Chairwoman Heyman requested the foregoing item be bifurcated in order to separate the State Legislative Package from the Federal Legislative Package and to include Jackson Memorial Hospital as a part of the State Legislative Package. She further requested that the County Commission Chairman waive the Board's Rules and Procedures and allow the State Legislative Package to be considered on November 17, 2009.*

*See Legislative File No. 092696 for the report on the State Legislative Package.*

1D2

**092696 Report**  
2010 STATE LEGISLATIVE PACKAGE

*Forwarded to the BCC by BCC  
Chairperson due to lack of a  
quorum*

**Report:** *The foregoing report was bifurcated from Agenda Item 1D1 (Legislative File No. 092765) pursuant to a memorandum from Commissioner Sorenson, Chairwoman of the Budget, Planning and Sustainability Committee, entitled, "Waiver to the November 17, 2009 Board of County Commissioners Meeting" and dated November 12, 2009.*

**2 COUNTY COMMISSION**

2A

**091973 Resolution** **Katy Sorenson**

RESOLUTION SETTING POLICY FOR MIAMI-DADE COUNTY THAT ALL CONTRACT LOBBYISTS SHALL OBTAIN A CONFLICT WAIVER FROM THE BOARD OF COUNTY COMMISSIONERS PRIOR TO REPRESENTING ANY CLIENT IN ANY FORUM THAT IS ADVERSE TO THE COUNTY; DIRECTING THE MAYOR OR DESIGNEE TO IMPLEMENT THE POLICY IN ALL FUTURE CONTRACTS FOR LOBBYING; REQUIRING ALL CONFLICT OF INTEREST WAIVER REQUESTS TO BE SUBMITTED DIRECTLY TO THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS, WHO SHALL PLACE THE CONFLICT WAIVER REQUEST ON THE NEXT AVAILABLE BOARD OF COUNTY COMMISSIONERS AGENDA

*Forwarded to the BCC by BCC  
Chairperson due to lack of a  
quorum*

**Report:** *Chairwoman Heyman asked staff to prepare the appropriate memorandum to the County Commission Chairman requesting that this proposed resolution be heard at the December 1, 2009 County Commission meeting.*

2B

092886 Resolution Carlos A. Gimenez

RESOLUTION APPROVING THE CITY OF SOUTH MIAMI'S CODESIGNATION OF TWIN LAKES DRIVE AS "MAYOR JACK BLOCK DRIVE"

*Forwarded to the BCC by BCC Chairperson due to lack of a quorum*

**Report:** *Chairwoman Heyman asked staff to prepare the appropriate memorandum to the County Commission Chairman requesting that this proposed resolution be heard at the December 1, 2009 County Commission meeting.*

### 3 DEPARTMENTS

3A

092812 Resolution  
RESOLUTION AUTHORIZING EXECUTION OF A LEASE AGREEMENT AND ASSIGNMENT OF LEASE AGREEMENT AT THE DOMINION TOWER PARKING GARAGE, 1051 N.W. 14 STREET, MIAMI, WITH DOMINION TOWER L.C., A FLORIDA LIMITED LIABILITY COMPANY, FOR PREMISES TO BE UTILIZED BY THE STATE OF FLORIDA DEPARTMENT OF HEALTH, MIAMI-DADE COUNTY HEALTH DEPARTMENT FOR VEHICLE PARKING GARAGE SPACE WITH TOTAL FISCAL IMPACT TO THE STATE OF FLORIDA DEPARTMENT OF HEALTH NOT TO EXCEED \$68,140.80 FOR THE ONE-YEAR TERM OF THE LEASE AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN (General Services Administration)

*Forwarded to the BCC by BCC Chairperson due to lack of a quorum*

**Report:** *Chairwoman Heyman asked staff to prepare the appropriate memorandum to the County Commission Chairman requesting that this proposed resolution be heard at the December 1, 2009 County Commission meeting.*

3B

**092925 Resolution**

RESOLUTION RATIFYING THE MAYOR OR HIS DESIGNEE'S ACTION IN APPLYING FOR AND ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$200,000 FROM THE UNITED STATES DEPARTMENT OF JUSTICE; AUTHORIZING THE MAYOR OR THE MAYOR'S DESIGNEE TO RECEIVE AND EXPEND SAID FUNDS; AUTHORIZING THE EXECUTION OF SUCH CONTRACTS, AGREEMENTS, AND MEMORANDA OF UNDERSTANDING, AND AMENDMENTS AFTER APPROVAL BY THE COUNTY ATTORNEY; AUTHORIZING THE MAYOR OR THE MAYOR'S DESIGNEE TO APPLY FOR, RECEIVE AND EXPEND ADDITIONAL FUNDS THAT MAY BECOME AVAILABLE (Juvenile Services Department)

*Forwarded to the BCC by BCC Chairperson due to lack of a quorum*

**Report:** *Chairwoman Heyman asked staff to prepare the appropriate memorandum to the County Commission Chairman requesting that this proposed resolution be heard at the December 1, 2009 County Commission meeting.*

3C

**092755 Resolution**

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO APPLY FOR, RECEIVE, DISBURSE AND EXPEND FUNDS FROM THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES IN THE AMOUNT OF \$25 MILLION DOLLARS FOR COMPREHENSIVE HEALTH AND SOCIAL SERVICES FOR LOW INCOME PEOPLE LIVING WITH HIV/AIDS; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO RECEIVE AND EXPEND ADDITIONAL FUNDS WHICH BECOME AVAILABLE; AUTHORIZING CONTRACTS THEREOF; AND AUTHORIZING THE MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE AMENDMENTS, MODIFICATIONS, CANCELLATION OR TERMINATION CLAUSES OF ANY EXISTING CONTRACTS AND AGREEMENTS WITH SERVICE PROVIDERS (Office of Grants Coordination)

*Forwarded to the BCC by BCC Chairperson due to lack of a quorum*

**Report:** *Chairwoman Heyman asked staff to prepare the appropriate memorandum to the County Commission Chairman requesting that this proposed resolution be heard at the December 1, 2009 County Commission meeting.*

3D

**092936 Resolution**

RESOLUTION RATIFYING THE MAYOR OR THE MAYOR'S DESIGNEE'S ACTION TO APPLY FOR, RECEIVE AND EXPEND UNITED STATES DEPARTMENT OF JUSTICE, FAMILY DRUG COURT FUNDS IN THE AMOUNT OF \$500,000, AS APPLICANT, ON BEHALF OF THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA ADMINISTRATIVE OFFICE OF THE COURTS; AUTHORIZING THE MAYOR OR THE MAYOR'S DESIGNEE TO RECEIVE, EXPEND, AND EXECUTE SUCH CONTRACTS, AGREEMENTS, AND MEMORANDA OF UNDERSTANDING, AND AMENDMENTS AFTER APPROVAL BY THE COUNTY ATTORNEY; AUTHORIZING THE MAYOR OR THE MAYOR'S DESIGNEE TO APPLY FOR, RECEIVE AND EXPEND ADDITIONAL FUNDS THAT MAY BECOME AVAILABLE (Office of Grants Coordination)

*Forwarded to the BCC by BCC Chairperson due to lack of a quorum*

**Report:** *Chairwoman Heyman asked staff to prepare the appropriate memorandum to the County Commission Chairman requesting that this proposed resolution be heard at the December 1, 2009 County Commission meeting.*

3E

**092937 Resolution**

RESOLUTION RATIFYING THE MAYOR OR THE MAYOR'S DESIGNEE'S ACTION TO APPLY FOR, RECEIVE AND EXPEND UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION FUNDS IN THE AMOUNT OF \$880,445, AS APPLICANT, ON BEHALF OF THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA ADMINISTRATIVE OFFICE OF THE COURTS; AUTHORIZING THE MAYOR OR THE MAYOR'S DESIGNEE TO EXECUTE SUCH CONTRACTS, AGREEMENTS, AND MEMORANDA OF UNDERSTANDING, AND AMENDMENTS AFTER APPROVAL BY THE COUNTY ATTORNEY; AUTHORIZING THE MAYOR OR THE MAYOR'S DESIGNEE TO APPLY FOR, RECEIVE AND EXPEND ADDITIONAL FUNDS THAT MAY BECOME AVAILABLE (Office of Grants Coordination)

*Forwarded to the BCC by BCC Chairperson due to lack of a quorum*

**Report:** *Chairwoman Heyman asked staff to prepare the appropriate memorandum to the County Commission Chairman requesting that this proposed resolution be heard at the December 1, 2009 County Commission meeting.*

**3F**      **COUNTY MANAGER**

4A

**092960 Resolution**

RESOLUTION APPROVING THE STATE OF FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES CIRCUIT ELEVEN PROPOSED TRANSPORTATION EXCEPTION PLAN TO THE FLORIDA MENTAL HEALTH ACT AS PROVIDED IN SECTION 394.462(3) OF THE FLORIDA STATUTES (County Manager)

*Forwarded to the BCC by BCC Chairperson due to lack of a quorum*

**Report:** *Commissioner Heyman asked Assistant County Attorney Gerald Sanchez to comment on the appropriate procedure that would allow discussion of this foregoing proposed resolution without a quorum of Committee members present.*

*In response to Commissioner Heyman's inquiry, Assistant County Attorney Gerald Sanchez noted Committee members could listen to suggestions and input; but could not take any formal action on this item.*

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

*Chairwoman Heyman said this was a public meeting and invited comments from those present at today's meeting for the record. She noted the Committee failed to satisfy the quorum requirement for today's meeting and could not vote on this proposal.*

*Ms. Deborah Dummitt, Adult Mental Health Program Administrator, Department of Children and Families (DCF) said she had been involved in this transportation exception plan for several years. She noted all stakeholders; law enforcement, private and public receiving facilities were included in the process. Ms. Dummitt indicated that Florida Statutes currently required individuals with mental health issues be taken to the nearest public receiving facility. She noted this exception would provide transportation directly to a specialized mental health facility rather than to the nearest facility. Ms. Dummitt said that DCF would be responsible for all supervision and compliance requirements.*

*Commissioner Sosa acknowledged the support of law enforcement personnel and requested that those enforcement officers who were responsible for transporting individuals to these facilities provide input.*

*Lt. Jeffrey Locke, Crisis Intervention Team Commanding Officer, City of Miami Police, and Chairperson for the Miami-Dade CIT Advisory Committee, noted it was important that individuals be directed to the appropriate facility in an expedient manner.*

*Ms. Hopsy Caba, Crisis Intervention Team (CIT) Training Coordinator, Criminal Mental Help Project with Judge Stephen Leifman, spoke in support of this resolution. She noted that over 2,500 police officers among the County's 34 police agencies received crisis intervention training through this program. Ms. Caba noted over 80 telephone calls per month from CIT certified officers requesting assistance in identifying appropriate mental health facilities. Ms. Caba said this resolution would provide law enforcement with the flexibility needed to transport individuals with mental health issues to the most appropriate mental health facility.*

*Mr. James Loftus, Interim Director, Miami-Dade Police Department, spoke in support of this resolution.*

*Mr. Niam Erched, Assistant Director, Miami-Dade Police Department and President, Miami-Dade County Association of Chiefs of Police, spoke in support of this resolution.*

*Mr. Ricardo Gomez, City of Doral Police Department, spoke in support of this resolution.*

*Mr. Mark Overton, Chief, City of Hialeah Police Department, spoke in support of this resolution.*

*Ms. Nannette Murray, Officer, Miami Dade School Board Police Department, spoke in support of this resolution.*

*Mr. Frank Fernandez, Deputy Chief, City of Miami Police Department, spoke in support of this resolution.*

*Mr. Clinton Shannon, Chief of Police, North Miami Police Department, spoke in support of this resolution.*

*Mr. Bill Riley, Division Chief City of Miami Beach Police Department, spoke in support of this resolution.*

*Commissioner Heyman noted the importance that this resolution be considered by the BCC without*

*invoking the 4-day rule.*

*Chairwoman Heyman asked staff to prepare the appropriate memorandum to the County Commission Chairman requesting that the Board's Rules and Procedures be waived and allow this proposed resolution to be considered on November 17, 2009.*

**5 COUNTY ATTORNEY**

**6 CLERK OF THE BOARD**

**7 REPORTS**

7A

**092876 Report**

DIAL-A-LIFE ADVISORY AND OVERSIGHT BOARD  
SEMI-ANNUAL STATUS REPORT AND DIAL-A-LIFE  
PROGRAM SURPLUS CELLULAR TELEPHONES  
REPORT (County Manager)

*Forwarded to the BCC by BCC  
Chairperson due to lack of a  
quorum*

**Report:** *Chairwoman Heyman asked staff to prepare the appropriate memorandum to the County Commission Chairman requesting that this proposed report be heard at the December 1, 2009 County Commission meeting.*

7B

## 092970 Report

PRELIMINARY STUDY ON THE DECRIMINALIZATION  
OF CERTAIN COUNTY ORDINANCES (County Manager)*Presented*

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

*Chairwoman Heyman noted this study evaluated the enforcement of County ordinances. She indicated that the Mayor and County Manager worked diligently on this study along with police, corrections, state attorney, public defender, court administrators, clerk of the courts, and the courts.*

*Chairwoman Heyman noted the study was 1) a philosophical change toward correcting behavior rather than punishing behavior related to the violation of County ordinances; 2) a more efficient method of enforcing ordinance violations and saving Article V costs. She also said this would serve as a Committee sentiment and direction to the County Manager that the penalty suits the violation.*

*Ms. Alina Hudak, Assistant County Manager noted the report was preliminary and an evolving process. She indicated that the Board of County Commissioners passed resolution R-868-09 in June 2009, directing a review of cost savings and the implications of decriminalizing certain County ordinances. She said a committee was convened to review each case, arrest records, and booking information for the year 2008. Ms. Hudak indicated the report provided a global perspective of various ordinances; case loads and fiscal implications to affected agencies involved in the process.*

*Ms. Hudak noted from a fiscal analysis of criminal justice hard costs and soft costs associated with these ordinances, a potential for savings existed as noted on page 3 of the report. She said the goal was to seek quality of life compliance with the law and the community would benefit from enforcement action. Ms. Hudak indicated the committee had recommended an alternative diversion program that would keep existing ordinances criminal in nature. She noted the program would be administered through the police department and would keep violators out of the criminal justice system; insure compliance; and create community service. Ms. Hudak said*

*that several implementation and operational issues remained to be addressed and a comprehensive report would follow.*

*Commissioner Heyman noted the intent was not to decriminalize violations; it was to create diversion and compliance of the County ordinance violations. She said that law enforcement would remain involved in the process and all principals would make presentations in December.*

*Commissioner Sosa noted she agreed with some of the County ordinances recommended for decriminalization. She said that violations related to the appropriateness of signage needed to be reviewed in order to eliminate enforcement subjectivity. Commissioner Sosa asked Assistant County Manager Alina Hudak to meet with her to discuss this study as it applied to the use of a vehicle for commercial purposes without appropriately identifying it as a commercial vehicle. She noted that law enforcement needed to concentrate their efforts on the safety and protection of the community, rather than on minor offenses that could be addressed in other ways.*

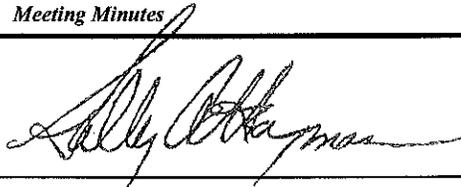
*Chairperson Heyman recognized Miami-Dade Police Department Interim Director James Loftus.*

*Interim Director Loftus commented that vehicle signage enforcement was an effective tool to prevent unlicensed individuals from preying upon County residents under the guise of being legitimate contractors.*

*Commissioner Souto noted an increase in crime was costly to the County. He said this proposed ordinance would relax enforcement efforts at a time when the County needed to support its police force. Commissioner Souto noted a bad economy generated a higher rate of crime and it was important to concentrate on stronger enforcement efforts.*

*Commissioner Heyman asked Assistant County Manager Alina Hudak to present an update on legal and jurisdictional matters associated with the decriminalization of certain County ordinances at the December 10, 2009 Committee Meeting.*

## **8 ADJOURNMENT**



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Sally A. Heyman, Chair