



**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, November 16, 2010  
As Advertised

Harvey Ruvlin, Clerk  
Board of County Commissioners

Diane Collins, Acting, Director  
Clerk of the Board Division

Scott Rappleye, Commission Reporter, (305) 375-5108



**Members Present:** Lynda Bell; Jose "Pepe" Diaz; Audrey M. Edmonson; Carlos A. Gimenez; Sally A. Heyman; Barbara J. Jordan; Joe A. Martinez; Jean Monestime; Dennis C. Moss; Natacha Seijas; Javier D. Souto

**Members Absent:** None.

**Members Late:** Bruno Barreiro ; Rebeca Sosa

**Members Excused:** None.

**Members Absent County Business:** None.

**1 MINUTES PREPARED BY**

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

**1A ROLL CALL**

**Report:** *The following staff members were present: County Manager George Burgess; County Attorney Robert Cuevas, First Assistant County Attorney Abigail Price-Williams, Assistant County Attorneys Monica Rizo, Laura Llorente, Eugene Shy; Deputy Clerks Diane Collins and Scott Rappleye.*

**1B MOMENT OF SILENCE**

**Report:** *Chairman Moss called the meeting to order at 2:17 p.m. The Commission convened in a moment of silence followed by the Pledge of Allegiance.*

**1C PLEDGE OF ALLEGIANCE**

**1D SPECIAL PRESENTATIONS**

1D1

102648	Special Presentation	Natacha Seijas
SPECIAL PRESENTATION RE: 2010 SISTER CITIES SCHOLARSHIP TO MS. AIDA ASHOUR		<i>Presented</i>

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

1E1

**102657 Citizen's Presentation Natacha Seijas**

CITIZEN'S PRESENTATION BY THE WAGE THEFT TASK *Presented*  
 FORCE, RE: SECOND ANNUAL NATIONAL DAY OF ACTION  
 AGAINST WAGE THEFT

**Report:** *Mr. Rudy expressed appreciation to the County Commission for approving the Wage Theft Ordinance that helped him recover \$4,000 in lost wages.*

*Mr. Cruz noted his bosses had withheld wages from him on three different occasions. He noted that he was able to have a lawyer file a lawsuit on his behalf for \$1,560.*

*Ms. Cynthia Hernandez, Research Institute on Social and Economic Policy, Florida International University, noted she had researched wage theft violations since 2007, and that the Research Institute on Social and Economic Policy published a series of reports describing and exposing wage theft in Florida. She explained that the report found that certain types of low wage industries had the highest concentration of wage theft violations. Ms. Hernandez pointed out that professional and high paying occupations were affected by wage theft, as well. She noted that \$4 million had been recovered since August 2006. The volume of wage theft cases was too great for the Community organizations and the Wage and Hour Division to resolve them all, Ms. Hernandez explained.*

*Commissioner Seijas presented a proclamation declaring November 16, 2010, as Miami-Dade County Day Against Wage Theft.*

**1F REPORTS OF OFFICIAL BOARDS**

**Report:** *County Attorney Robert Cuevas advised that no additional changes to the agenda besides those listed in the County Manager's memorandum entitled "Changes for the November 16, 2010 BCC meeting" had been requested.*

*It was moved by Commissioner Heyman that the Commission approve the November 16, 2010, Board of County Commissioners meeting Agenda with the changes listed in the County Manager's memorandum. This motion was seconded by Commissioner Martinez and upon being put to a vote, passed by a vote of 11-0 (Commissioners Barreiro and Sosa were absent).*

**1G MOTION TO SET THE AGENDA AND "PULL LIST"****1H OFFICE OF COMMISSION AUDITOR****1I OFFICE OF INTERGOVERNMENTAL AFFAIRS**



4A

**102558 Ordinance**

ORDINANCE ABOLISHING THE SILVER PALM PROMENADE STREET LIGHTING SPECIAL TAXING DISTRICT AND THE EUREKA PROMENADE STREET LIGHTING SPECIAL TAXING DISTRICT AND PROVIDING AN EFFECTIVE DATE (Public Works Department)

*Adopted on first reading  
Public Hearing: December 7, 2010  
Mover: Sally A. Heyman  
Seconder: Joe A. Martinez  
Vote: 13- 0*

**Report:** *It was moved by Commissioner Sosa that this proposed ordinance be adopted on first reading. This motion was seconded by Chairman Moss and upon being put to a vote, passed by a vote of 11-2 (Commissioners Heyman and Seijas voted "No").*

*It was moved by Commissioner Gimenez that this proposed ordinance on first reading be reconsidered. This motion was seconded by Commissioner Diaz, and upon being put to a vote, passed by a vote of 13-0.*

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

*The foregoing proposed ordinance was adopted on first reading and set for a public hearing before the Board of County Commissioners meeting of Tuesday, December 7, 2010, at 9:30 AM.*

4B

**102624 Ordinance**

**Sen. Javier D. Souto,  
Rebeca Sosa**

ORDINANCE AMENDING SECTION 29-63 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO CONVENTION DEVELOPMENT TAX; AMENDING FISCAL YEAR 2010-11 COUNTY BUDGET TO APPROPRIATE \$500,000 FROM CONVENTION DEVELOPMENT TAX SHORTFALL RESERVE FUND TO MIAMI-DADE PARK AND RECREATION DEPARTMENT TO FUND ZOO MIAMI AND TO ELIMINATE WEEKEND PARKING FEES AT CERTAIN PARKS; PROVIDING SEVERABILITY; INCLUSION IN THE CODE; AND AN EFFECTIVE DATE

*Amended*

**Report:** *See Report Under Agenda Item 4B AMENDED, Legislative File No. 102805.*



5B

**102488 Resolution**

RESOLUTION APPROVING THE WAIVER OF PLAT OF MIAMI-DADE COUNTY, D-23135, LOCATED IN THE NORTHEAST 1/4 OF SECTION 21, TOWNSHIP 53 SOUTH, RANGE 41 EAST (BOUNDED ON THE NORTH BY APPROXIMATELY NW 52 STREET, ON THE EAST BY APPROXIMATELY NW 27 AVENUE, ON THE SOUTH BY APPROXIMATELY NW 51 STREET AND ON THE WEST BY NW 29 AVENUE) (Public Works Department)

*Adopted*  
*Resolution R-1126-10*  
*Mover: Audrey M. Edmonson*  
*Seconder: Sally A. Heyman*  
*Vote: 13- 0*

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

*Chairman Moss opened the public hearing on the foregoing proposed ordinance. He closed the public hearing after no one appeared wishing to speak.*

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

*Commissioner Monestime asked the County Manager to brief him on the status of all affordable housing projects in Commission District 2.*

5C

**102637 Resolution**

RESOLUTION AUTHORIZING THE SALE OF SEVEN (7) PROPERTIES AS AFFORDABLE HOUSING UNITS AS PART OF THE NEIGHBORHOOD STABILIZATION PROGRAM; AUTHORIZING THE MAYOR OR THE MAYOR'S DESIGNEE TO EXECUTE ANY NECESSARY AGREEMENTS AND/OR DEEDS AFTER APPROVAL BY THE OFFICE OF THE COUNTY ATTORNEY; AND REVISING THE INVENTORY LIST OF AFFORDABLE HOUSING SITES TO INCLUDE SUCH SEVEN (7) PROPERTIES (General Services Administration)

*Adopted*  
*Resolution R-1127-10*  
*Mover: Audrey M. Edmonson*  
*Seconder: Sally A. Heyman*  
*Vote: 13- 0*

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

*Chairman Moss opened the public hearing on the foregoing proposed ordinance. He closed the public hearing after no one appeared wishing to speak.*

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

*Commissioner Monestime asked the County Manager to brief him on the status of all affordable housing projects in Commission District 2.*

5D

**102644****Resolution****Carlos A. Gimenez**

RESOLUTION CODESIGNATING SW 102ND AVENUE FROM  
SW 70TH STREET TO SW 74TH STREET AS "MIAMI ELKS  
LODGE AVENUE"

*Adopted**Resolution R-1128-10**Mover: Audrey M. Edmonson**Seconder: Sally A. Heyman**Vote: 13- 0*

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

*Chairman Moss opened the public hearing on the foregoing proposed ordinance. He closed the public hearing after no one appeared wishing to speak.*

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

*Commissioner Monestime asked the County Manager to brief him on the status of all affordable housing projects in Commission District 2.*

## **6 CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS**

### **6A RESOLUTIONS**

### **6B POLICY MATTERS FOR DISCUSSION BY THE BOARD**

6B1

**102621**

**Special Item**

**Dennis C. Moss**

ELECTION OF NEW CHAIRPERSON AND VICE-  
CHAIRPERSON PURSUANT TO RULE 2.01(A)(1) AND (B)(1)  
OF THE RULES OF PROCEDURE FOR THE BOARD OF  
COUNTY COMMISSIONERS

*Presented*

**Report:** Chairman Moss reviewed the memorandum that he distributed regarding the process that would be followed for electing the 2011-12 County Commission Chair and Vice-Chair.

Commissioner Souto nominated Commissioner Martinez for County Commission Chair.

Chairman Moss nominated Commissioner Jordan for County Commission Chair.

Commissioner Barreiro nominated Commissioner Diaz for County Commission Chair.

Chairman Moss allowed the nominated commissioners to briefly explain why they should be elected the next County Commission Chair.

The Commission proceeded to vote, and the results of the vote were as follows:

Commissioner Martinez: 5 votes

Commissioner Jordan: 4 votes

Commissioner Diaz: 3 votes

(Commissioner Gimenez was absent)

The Board of County Commissions Rules of Procedures require commissioner receive seven votes to be elected the Commission Chair. As the nominee with the lowest vote tally, Commissioner Diaz was dropped from the ballot and the Commission voted again between Commissioners Martinez and Commissioner Jordan.

The Commission proceeded to vote a second time, and the results of the vote were as follows:

Commissioner Martinez: 8 votes

Commissioner Jordan: 4 votes

Commissioner Martinez asked Commissioner Diaz to be the County Commission's appointee to the Miami-Dade League of Cities.

It was moved by Commissioner Jordan that Commissioner Joe A. Martinez be the 2011-12 County Commission Chairman. This motion was seconded by Chairman Moss, and upon being put to a vote, passed by a vote of 12-0 (Commissioner Gimenez was absent).

Commissioner Seijas nominated Commissioner Jordan to be the County Commission Vice-Chair.

Commissioner Jordan declined Commissioner Seijas' nomination.

Commissioner Jordan nominated Commissioner Edmonson to be the County Commission Vice-Chair.

As the sole nominee for County Commission Vice-Chair, Commissioner Audrey Edmonson was elected to be the 2011-12 County Commission Vice-Chairwoman.

It was moved by Commissioner Jordan that Commissioner Joe A. Martinez be

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*appointed as the Chairman and that Commissioner Audrey Edmonson be appointed as the Vice-Chairwoman of the Board of County Commissioners, effective January 1, 2011. This motion was seconded by Chairman Moss, and upon being put to a vote, passed by a vote of 12-0 (Commissioner Gimenez was absent).*

6B2

**102659          Discussion Item**

**Dennis C. Moss**

PHT/JMH UPDATE

*Presented*

**Report:** *Hearing no objections, the Commission considered Agenda Items 6B2, 11A4, and 11A5 simultaneously.*

*Chairman Moss expressed concern regarding the international medical program at Jackson Memorial Hospital (JMH). He explained that Agenda Item 11A4 addressed the direction of the Public Health Trust (PHT), which should be focused on JMH operating properly and being fiscally sound. He pointed out that the County Commission had purview over the governance of JMH.*

*County Manager Burgess suggested the County Commission question JMH staff regarding the group purchasing organization (GPO) concept and the potential it had to save JMH \$25 million. He noted the JMH budget appeared to meet the established targets. He pointed out the GPO concept needed additional vetting on how to define the savings, and on whether the savings were real. County Manager Burgess also suggested the County Commission discuss the audit by the Inspector General of the foundation and how the foundation handled its fiduciary responsibility regarding public funds used for the international medical program. He noted the foundation did not have staff present, notwithstanding the County request that they attend this meeting.*

*Chairman Moss asked JMH representatives to address the issues raised by County Manager Burgess.*

*Mr. Ted Shaw, Interim Chief Financial Officer, JMH, noted he had taken over financial oversight of the international medical program. He explained that he had met with the Inspector General regarding his initial report and concerns. He noted he had gone to the Foundation Health Services (FHS) offices and would review all FHS expenditures greater than \$25,000 for the international medical program. Mr. Shaw further noted he would review all FHS employment status and consulting contracts. He requested the Commission allow him 60 days to present a restructured covenants plan.*

*Commissioner Seijas questioned whether Mr. Shaw had seen the first amendment to the FHS consultant agreement with Mr. Rolando Rodriguez, signed on Oct 8, 2010, which had a parachute provision that gave Mr. Rodriguez approximately \$50,000.*

*Mr. Shaw noted he had seen that document, and he would make a recommendation regarding it to the FHS Board.*

*Commissioner Heyman noted during the November 5, 2010, Health, Public Safety & Intergovernmental Committee (HPSIC) meeting the Committee and the PHT discussed the problems associated with the independent medical program and the changes that had been made. She pointed out that the original FHS consultant agreement with Mr. Rodriguez expired in February 2011 and that no parachute provision was in effect. She noted that Mr. Rodriguez interpreted his consultant agreement with FHS to mean that he was a private consultant and he was not obligated to share any information or to be governed by any JMH rules, which contradicted the County Attorney, the Inspector General, and the County Administration's opinions. Commissioner Heyman clarified that the PHT had placed staff in the FHS facility to monitor all expenditures and billings. She noted that many doctors in the international medical program supported an overhaul of the program, however, they did not want the program to stop operating. She explained that stopping the operations would impact patient treatments, endowments and other philanthropic payments. Commissioner Heyman noted that during the*

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November 5 meeting the PHT assured the Committee that the PHT was comfortable with the status of JMH. She explained that the Committee had been waiting for requested information from Mr. Rodriguez for six months.

Commissioner Martinez noted international patients would continue to go to JMH for treatment even if the international medical program was discontinued.

Commissioner Diaz questioned when the amendment to the FHS consultant agreement was presented to Mr. Rodriguez.

Mr. Shaw explained that the consultant agreement was a two year contract that was set to expire around September 30, 2010, and the amendment was to extend that contract. He clarified that the contract between the PHT and FHS expired on February 1, 2011.

In response to Commissioner Diaz's question whether the parachute provision was included in the original contract between Mr. Rodriguez and FHS, Mr. Christopher Mazzella, Inspector General, noted the parachute provision was not included in the original agreement. He clarified that the amendment to the contract included the parachute provision.

Commissioner Diaz questioned how long the parachute provision was in effect.

Mr. Shaw noted the consulting contract was extended to September, 30, 2011, with a total value of \$52,000.

Commissioner Diaz expressed concern that this contract extension was made at such a critical time for JMH finances. He noted he was dissatisfied regarding the information provided in response to the HPSIC requests.

Commissioner Sosa questioned whether JMH could legally continue to have an international medical program if the PHT terminated its contract with FHS.

Mr. Mazzella explained that FHS was created by the Jackson Memorial Foundation, which was not an entity of JMH. He advised that the international medical program could continue to operate as it currently did even without a contract with FHS. He noted that any future contract to operate the international medical program should be competitively bid.

Commissioner Sosa asked the Inspector General for his best recommendation concerning the international medical program.

Mr. Mazzella noted JMH should operate the international medical program if JMH kept the program in house, and if JMH wanted an outside entity to operate the program, then the contract should go through the County's competitive process.

Commissioner Sosa questioned whether the County knew the terms of the contract the contract between FHS and Mr. Rodriguez and the impact of terminating that contract immediately.

Assistant County Attorney Laura Llorente advised that the Commission could direct the PHT to take action with respect to the PHT contract with FHS. She clarified that the Commission could not direct the PHT to take action with

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*respect to the contract between FHS and Mr. Rodriguez since the PHT was not party to that contract.*

*Commissioner Sosa questioned that the only option the County Commission had was to terminate the PHT agreement with FHS.*

*Assistant County Attorney Eugene Shy advised that the FHS would still be obligated to pay Mr. Rodriguez notwithstanding the PHT terminating its agreement with FHS.*

*In response to Commissioner Sosa's inquiry regarding the funding source for the \$52,000 that would be owed to Mr. Rodriguez, Mr. Shaw noted the PHT was the only funding source for FHS.*

*Commissioner Sosa questioned whether the contract between FHS and Mr. Rodriguez had a provision to terminate for cause.*

*Assistant County Attorney Llorente advised the contract between the PHT and FHS could be terminated for cause.*

*Commissioner Sosa suggested that if Agenda Item 11A5 was adopted by the County Commission, then the PHT could terminate its contract with FHS and not be liable to provide FHS with \$52,000 to pay Mr. Rodriguez.*

*Responding to Commissioner Monestime's request for clarification regarding the County Manager's concerns regarding JMH and the PHT, County Manager Burgess noted the fundamental concerns were the responsibility for how public funds were used. He pointed out that the examples of how funds were used went beyond what was reasonably needed to market JMH to international patients.*

*Commissioner Gimenez inquired regarding the terms of the contract between FHS and Mr. Rodriguez.*

*Mr. Shaw noted the contract would pay Mr. Rodriguez for consulting services for a period from October 1, 2010, through September 30, 2011, and should the FHS contract with the PHT not be extended Mr. Rodriguez would be paid a lump sum of the unpaid amount.*

*Commissioner Gimenez questioned whether this provision regarding payment even if FHS lost its contract with the PHT was included in the contract between FHS and Mr. Rodriguez before October 8, 2010.*

*Assistant County Attorney Shy advised this provision was added to the contract when it was amended October 8.*

*Commissioner Gimenez expressed concern that FHS agreed to amend its contract with Mr. Rodriguez to include this provision. He questioned whether FHS already had the funds necessary to provide Mr. Rodriguez this lump sum payment if the contract was terminated immediately.*

*Assistant County Attorney Shy advised FHS did not have the required money.*

*Commissioner Gimenez asked Mr. Shaw to provide him with the funds available in JMH Foundation. He also questioned whether the JMH Foundation helped fund FHS.*

Mr. Shaw noted the JMH Foundation lent \$750,000 to FHS for a working capital.

Mr. Mazzella explained that JMH Foundation was scheduled to receive \$430,000 from FHS in 2010 for the use of JMH Foundation personnel to support FHS. He noted that he thought this use of JMH Foundation personnel was a way to supplement salaries for these JMH Foundation employees.

In response to Commissioner Gimenez's question regarding the total funds that the JMH Foundation provided to JMH, Mr. Shaw noted he would provide Commissioner Gimenez with the amount of funds that the JMH Foundation provided JMH.

Commissioner Gimenez noted he supported Agenda Item 11A5.

Commissioner Jordan questioned who was the Chief Executive Officer (CEO) of the JMH Foundation.

Mr. Shaw noted Mr. Rolando Rodriguez was the CEO.

Commissioner Jordan questioned whether the relationship between JMH Foundation and FHS was reviewed by the County Attorney.

Assistant County Attorney Shy advised that the County Attorney was not involved in the JMH Foundation and FHS agreement.

Commissioner Jordan questioned whether the County Commission adopting Agenda Item 11A5 would make the JMH Foundation responsible to resolve the inherent conflict of Mr. Rodriguez serving as CEO and a consultant.

Assistant County Attorney Shy advised that the JMH Foundation Board would determine whether any action was necessary.

Commissioner Jordan questioned how Agenda Item 11A5 could impact JMH's ability to treat patients.

Dr. Eneida Roldan, President and CEO, Jackson Health System, noted certain employees were involved with specific countries in South America, and they were building the network in those countries to bring international patients to JMH. She pointed out that Mr. Shaw was conducting an evaluation to determine the quantity of international patients at JMH through the networks established by these employees.

Commissioner Jordan noted a special office to facilitate international patients encouraged patients to come to JMH. She noted the proposed legislation would eliminate that special office.

Dr. Roldan noted JMH was in the process of evaluating the networks in South America and determining the value of the special international patients office.

Chairman Moss expressed concern regarding the difficulty to determine the value of the international medical program. He questioned whether JMH would experience a large disruption in services to international patients if Agenda Item 11A5 was adopted.

*Dr. Roldan noted that JMH having financial oversight made her feel comfortable that JMH could continue to deliver the services. She explained that partnering with the University of Miami (UM) or Florida International University (FIU) to administer the international medical program was a possibility.*

*Chairman Moss questioned whether JMH had started discussing with UM and FIU the potential for them to have a role in the international medical program.*

*Dr. Roldan noted JMH, UM and FIU had discussed it.*

*Chairman Moss questioned whether UM and FIU had indicated they were willing to work with JMH on the international medical program.*

*Dr. Roldan noted UM and FIU wanted to see this program prosper.*

*In response to Chairman Moss' inquiry regarding JMH Foundation continuing to raise funds, Dr. Roldan noted the people who donated through the JMH Foundation would have the same commitment to JMH notwithstanding a new direction for the international medical program.*

*Commissioner Martinez questioned why FHS was created in 2006 to administer the international program since JMH had been treating international patients for several years prior to that. He questioned whether JMH received charitable donations before the JMH Foundation was created.*

*Assistant County Attorney Shy advised the JMH Foundation was created in the late 1980s.*

*Commissioner Martinez noted the Inspector General could not track the donations that were being made.*

*Mr. Mazzella clarified he raised a concern regarding the JMH Foundation donating \$1.3 million to FHS. He noted he did not find any records for this donation. He explained that he identified a \$1.3 million donation from British United Provident Association to develop the reception area.*

*Commissioner Martinez questioned whether the County had any liability for FHS to honor its contract with Mr. Rolando Rodriguez.*

*Assistant County Attorney Shy advised the County had no liability.*

*Commissioner Martinez pointed out that FHS had refused to cooperate with the County claiming that it was a private 501(c)3 company, and that if FHS could not honor its contract with Mr. Rodriguez because it had no funds, then the County would not have to provide FHS with funds to honor this contract.*

*Commissioner Souto expressed concern regarding the employees building networks in South American countries. He noted that this could lead to people using JMH for money laundering. He suggested that JMH wait to send employees to foreign countries to promote JMH.*

*Commissioner Gimenez requested clarification regarding the FHS approval process for the contract with Mr. Rodriguez.*

*Dr. Roldan noted she was a member of the FHS Board. She suggested that the*

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*FHS Executive Committee approved contracts, without any review by the FHS Board.*

*Commissioner Gimenez asked the County Attorney to provide him with a report on who approved the contract extension for Mr. Rolando Rodriguez, who proposed that the contract extension include the golden parachute provision, and who gave this person the authority to extend Mr. Rodriguez's contract.*

*Commissioner Gimenez asked the President of Jackson Health System to provide him with a copy of the bylaws for Jackson Memorial Foundation and Foundation Health Services, and for each foundation's executive committees.*

*Chairman Moss questioned whether private, non-profit organizations that received government funding were exempt from responding to requests for information from the funding government entity.*

*Mr. Shaw noted he had received a copy of FHS's articles of incorporation and their by-laws and everything else he has requested from FHS.*

*Commissioner Heyman noted, for the record, Agenda Item 11A5 would not impact JMH's ability to keep the JMH Foundation and continue to raise money and to attend to patients. She pointed out that Mr. Alan Diamond, FHS Chairman, was the only signature on the first amendment to the consultant agreement between FHS and Mr. Rolando Rodriguez. She questioned whether the FHS Board voted to approve the first amendment. Commissioner Heyman asked the County Attorney to provide the Commission with a report explaining the role of Financial Health Services in approving the agreement with Mr. Rolando Rodriguez and the amendment to that agreement. She suggested that Mr. Rodriguez had violated the consulting agreement with FHS, and could be terminated with cause for one or more act of dishonesty and for committing a willful and intentional act of misconduct. Commissioner Heyman asked the County Manager to ensure that the Public Health Trust did not pay Mr. Rolando Rodriguez any additional money until the County Attorney had opined on the legality of the amendment to the agreement between Financial Health Services and Mr. Rodriguez, and on the County's liability if the agreement and its amendment were not honored.*

*Commissioner Jordan pointed out that FHS was an independent 501(c)3 entity, and noted that the County would not be responsible for any money owed to Mr. Rodriguez.*

*Assistant County Attorney Shy advised that JMH was not a party to the contract between FHS and Mr. Rodriguez.*

*In response to Commissioner Jordan's inquiry regarding the PHT continuing to provide funds to FHS if the County Commission approved Agenda Item 11A5, Assistant County Attorney Shy advised that the contract between JMH Foundation and FHS would have to be terminated legally, and that the winding down period could require funds to flow back and forth.*

*Commissioner Jordan explained that the JMH Foundation and FHS existed because of JMH. She questioned how the JMH Foundation and FHS have worked to protect JMH. She noted both the JMH Foundation and FHS should be accountable to JMH.*

*Dr. Roldan noted Mr. Rodriguez reported directly to the FHS Board. She*

*pointed out that Mr. Rodriguez did not report to the PHT.*

*Commissioner Jordan noted Agenda Item 11A5 gave the County the opportunity to protect JMH.*

*Commissioner Edmonson questioned the impact of Agenda Item 11A5 on FHS.*

*Mr. Shaw noted FHS would run out of money and have to stop operating.*

*Commissioner Edmonson questioned how the County, the PHT, and the Inspector General would obtain needed information from FHS if FHS was no longer operating.*

*Mr. Mazzella noted he should be able to do his third audit, notwithstanding FHS ceasing to operate, and he may be closed off to some information, however, he could still complete the second audit credibly.*

*Chairman Moss asked the President of Jackson Health System to ensure that new partners provided international patients to all hospitals in the network, if this proposed resolution resulted in Jackson Health System's restructuring.*

*Commissioner Seijas asked the County Attorney to confirm that the amendment to the agreement between Financial Health Services and Mr. Rolando Rodriguez was approved by Financial Health Services Chairman Alan Diamond, Vice-Chairman Carlos Lopez-Cantera, Treasurer Robert Schwartz, Secretary James Champion, and Past Chairman Abel Holtz.*

*Commissioner Seijas suggested Agenda Item 11A5 be amended to require the PHT terminate all agreements with FHS in 45 days.*

*Assistant County Attorney Llorente advised that to terminate for convenience required 90 days written notice, and that the existing contract would expire on February 1, 2011, which was less than 90 days from today (11/16/10).*

*Commissioner Seijas clarified that Agenda Item 11A5 would not terminate the agreement for convenience.*

*Commissioner Martinez suggested Agenda Item 11A5 be amended to instruct the PHT to not renew the agreement(s) with FHS on February 1.*

*It was moved by Commissioner Seijas that Agenda Item 11A5 be adopted as amended to direct the Public Health Trust not to renew its agreement with the Foundation Health Services, Inc., and that the Public Health Trust should try to negotiate the termination of this contract in less than 90 days. This motion was seconded by Commissioner Martinez, and upon being put to a vote, passed by a vote of 13-0.*

## **7 ORDINANCES SET FOR SECOND READING**

7A

**102582**

**Ordinance**

**Natacha Seijas,  
Sally A. Heyman**

ORDINANCE PROVIDING FOR RESPONSIBLE WAGES IN COUNTY CONSTRUCTION CONTRACTS; MODIFYING THE EXEMPTION FOR CERTAIN PRIVATELY FUNDED CONSTRUCTION PROJECTS; PROVIDING THAT CERTAIN PRIVATELY FUNDED PROJECTS WITH AN ESTIMATED COST LESS THAN FIVE MILLION DOLLARS SHALL BE EXEMPT; DELETING THE EXEMPTION FOR PROJECTS WHOSE ESTIMATED COST EXCEEDS ONE MILLION DOLLARS; AMENDING SECTION 2-11.16 OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 102113]

*Deferred to no date certain  
Mover: Carlos A. Gimenez  
Seconder: Jose "Pepe" Diaz  
Vote: 8- 3  
No: Jordan, Souto, Seijas  
Absent: Barreiro, Martinez*

**Report:** *Commissioner Seijas explained that the intent of this proposed ordinance was to require the use of skilled workers for any project that exceeded \$5 million. She noted this proposed ordinance would be prospective.*

*Commissioner Sosa suggested this proposed ordinance be amended to add the following language at the end of Section 4: "The requirements of this ordinance shall not apply to any contract resulting from a bid proposal or other response to a County competitive process, which has been opened by the County prior to the effective date of this ordinance."*

*Commissioner Seijas accepted Commissioner Sosa's suggested amendment.*

*Chairman Moss asked Commissioner Seijas whether she would accept an amendment that presented an even broader exception to County contracts that were in the bidding process.*

*In response to Commissioner Sosa's request to clarify whether her suggested amendment would protect any prospective County contract that already had a cost amount attached to it, County Attorney Robert Cuevas advised that Commissioner Sosa's suggested amendment would protect any bid, proposal or other response to a competitive process that had been opened by the County.*

*Chairman Moss expressed concern that the County had unopened bids that had already been submitted, which would not be protected by this proposed ordinance as amended.*

*Commissioner Sosa clarified that this proposed ordinance needed to be amended to protect any bids or proposals to County contracts that had already been advertised.*

*County Attorney Cuevas advised the amended language to this proposed ordinance should read as follows: "This ordinance will apply only to projects advertised after the effective date of this ordinance."*

*Commissioner Gimenez questioned whether the Miami-Dade Aviation Director had discussed with contractors the potential impact of this proposed ordinance.*

*Mr. Jose Abreu, Director, Miami-Dade Aviation Department (MDAD), noted he had spoken with three contractors and they explained that this proposed ordinance could have a fiscal impact ranging from nine to 17 percent of the total project cost.*

*Commissioner Gimenez pointed out that this proposed ordinance would only impact the labor costs. He questioned the impact of this proposed ordinance on labor costs.*

*Mr. Abreu noted the three contractors he spoke with indicated the impact to labor costs would be 35-50%. He explained that Florida International University (FIU) would conduct a survey in January 2011 to better determine the impact of this proposed ordinance.*

*Commissioner Gimenez noted that handwritten page 2 of this proposed ordinance indicated this proposed ordinance would not have a fiscal impact to the County, however, handwritten page 1 of Agenda Item 7A Supplement,*

Legislative File No. 102686, indicated this proposed ordinance would increase project costs in the county. He expressed concern that the increased project costs would deter private companies from doing business in the county, and that this deterrent would be done at a critical time in the economy. Commissioner Gimenez suggested the County understand the real fiscal impact that this proposed ordinance would have on projects.

Commissioner Heyman noted the intent of this proposed ordinance was to help the "working poor" class of workers obtain better wages, and this class of workers, to a degree, were tied to public projects. She noted several respected companies called her and said this proposed ordinance would have a severe impact on them. Commissioner Heyman expressed concern that construction scope(s) may need to be reduced to compensate for higher wages. She requested clarification regarding the impact to the scope of projects.

County Manager Burgess noted this proposed ordinance would have a fiscal impact, however, he did not know the exact amount of that impact. He clarified that Agenda Item 7A Supplement attempted to quantify the possible impacts of this proposed ordinance. He explained that if this proposed ordinance did not impact the revenue yield to the County or the cost paid by the County, then it could impact the scope of a project.

Commissioner Heyman expressed concern regarding the unintended consequences of this proposed ordinance on the number of people who could be employed and the amount of work those people would do.

Commissioner Edmonson noted this proposed ordinance had the potential to create jobs and ensure that these jobs paid the workers a living wage.

Responding to Commissioner Edmonson's question whether the County Manager recommended the Commission adopt this proposal, County Manager Burgess noted that this proposed ordinance would have a fiscal impact, and that the County Administration would not have introduced this proposal.

Commissioner Edmonson questioned whether any other governmental entities imposed a living wage on public-private partnerships.

County Attorney Cuevas advised that other governmental entities did. He noted he was unsure whether they had the exact same terms as this proposed ordinance.

Commissioner Edmonson questioned when the County would receive the findings from the FIU survey.

Mr. Abreu noted the County would receive a report from FIU probably at the end of March 2011.

Commissioner Edmonson noted she supported the County waiting until it could review the FIU survey findings before voting on this proposed ordinance.

Commissioner Diaz noted the intent of public-private partnerships (PPP) was to create more jobs. He expressed concern regarding the impact that this proposed ordinance could have on future PPP projects. He noted he supported the County waiting for the findings from the FIU survey.

*Commissioner Monestime questioned what the County could do to undermine the fiscal impact of this proposed ordinance.*

*County Manager Burgess noted the County could not plan a way to undermine the impacts because they were unknown.*

*Commissioner Bell asked the County Manager to provide the County Commission with a report that quantified the results of the FIU survey and applied those results to specific County capital improvement projects. She noted the County Commission should make a decision based on the net impact.*

*It was moved by Commissioner Gimenez that this proposed ordinance be deferred until the County had time to review the FIU survey findings. This motion was seconded by Commissioner Diaz.*

*Commissioner Seijas requested the South Florida Building and Construction Trades Council representative address the Commission.*

*Mr. Alan Ishanbell, South Florida Building and Construction Trades Council, noted every project funded by the Federal government since 1931 under the Davis Bacon Act required a responsible wage be paid to workers. He explained that the same concerns regarding the same impacts were discussed in 1931. He pointed out that hundreds of projects across the county were done by private developers that paid the same wages required by this proposed ordinance. Mr. Ishanbell noted the County would save money by using more skilled workers who would provide a better product and would receive a wage that wouldn't make them dependent on County services.*

*Commissioner Seijas questioned whether the County Administration would continue to advertise projects while the County waited for the results of the FIU survey.*

*County Manager Burgess noted he had been moving forward with the County's capital improvement program. He pointed out that the County did not have a large number of PPP projects ongoing at any given time.*

*Commissioner Seijas asked the County Manager to ensure that no privately funded construction projects proceeded until the Florida International University survey was completed and this proposed ordinance came back before the County Commission.*

*Chairman Moss noted the economic situation at this time made it so he could not support this proposed ordinance. He clarified that the private sector did not always pay the living wage. He noted the County should not hold up PPP projects while it waited for the FIU survey results.*

*Commissioner Jordan questioned Mr. Abreu regarding the FIU survey.*

*Commissioner Jordan asked that she be listed as a co-sponsor to this proposed ordinance. She noted the County would not have the small business program if the cost of the project was the top priority. The County needed more information before implementing this proposal, Commissioner Jordan noted.*

*Hearing no other questions or comments, the Commission proceeded to vote to defer this proposed ordinance to no date certain.*

10/12/2010 Forwarded to BCC with a favorable recommendation with committee amendment(s) from the Budget, Planning and Sustainability Committee

11/4/2010 Deferred by the Board of County Commissioners

7A SUPPLEMENT

**102686 Supplement**

SUPPLEMENT TO FISCAL IMPACT STATEMENT TO ORDINANCE PROVIDING FOR RESPONSIBLE WAGES IN COUNTY CONTRUCTION CONTRACTS

*Deferred to no date certain*

**8 DEPARTMENTAL ITEMS**

**8A thru 8P (No items were submitted for these sections.)**

**8Q SEAPORT DEPARTMENT**

8Q1A

**102523 Resolution**

RESOLUTION AUTHORIZING EXECUTION OF A CRUISE TERMINAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND PRESTIGE CRUISE HOLDINGS; AND AUTHORIZING THE MAYOR OR DESIGNEE TO EXECUTE THE AGREEMENT FOR AND ON BEHALF OF MIAMI-DADE COUNTY (Seaport Department)

*Adopted  
Resolution R-1129-10  
Mover: Audrey M. Edmonson  
Second: Sally A. Heyman  
Vote: 13- 0*

11/5/2010 Forwarded to the BCC by BCC Chairperson due to lack of a quorum from the Airport and Seaport Committee

**9 ADDITIONAL DEPARTMENTAL ITEMS**

9A1

**102498 Resolution**

RESOLUTION AUTHORIZING A COOPERATIVE AGREEMENT WITH THE MIAMI-DADE COUNTY PUBLIC SCHOOLS FOR THE PROVISION OF EDUCATIONAL CLASSES FOR JUVENILES IN THE CUSTODY OF THE MIAMI-DADE CORRECTIONS AND REHABILITATION DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE RENEWAL AND CANCELLATION PROVISIONS CONTAINED THEREIN (Corrections & Rehabilitation Department)

*Adopted  
Resolution R-1130-10  
Mover: Sally A. Heyman  
Second: Jean Monestime  
Vote: 12- 0  
Absent: Sosa*

11/5/2010 Forwarded to the BCC by BCC Chairperson due to lack of a quorum from the Health, Public Safety & Intergovernmental Cmte

9A2

**102552 Resolution**

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AN AGREEMENT WITH 2C MEDIA, INC. FOR THE PRODUCTION OF A BROADCAST TELEVISION SERIES "VENOM ONE" BASED ON THE OPERATION OF MIAMI-DADE FIRE RESCUE VENOM RESPONSE TEAM, AND AUTHORIZING THE COUNTY MAYOR TO EXERCISE ANY AND ALL OTHER RIGHTS, INCLUDING RENEWAL RIGHTS, CONTAINED THEREIN (Miami-Dade Fire and Rescue Department)

*Adopted  
Resolution R-1131-10  
Mover: Sally A. Heyman  
Seconder: Joe A. Martinez  
Vote: 11- 0  
Absent: Barreiro, Sosa*

*11/5/2010 Forwarded to the BCC by BCC Chairperson due to lack of a quorum from the Health, Public Safety & Intergovernmental Cmte*

**10 AUTHORITIES, BOARDS, COUNCILS AND TRUSTS**

10A1

**102605 Resolution**

RESOLUTION APPROVING ISSUANCE OF MIAMI-DADE COUNTY HEALTH FACILITIES AUTHORITY REVENUE AND REFUNDING BONDS IN AMOUNT NOT TO EXCEED \$255,000,000 TO REFUND CERTAIN OUTSTANDING BONDS AND TO FINANCE CAPITAL PROJECTS ON BEHALF OF MIAMI CHILDREN'S HOSPITAL FOR PURPOSES OF SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED (Health Facilities Authority)

*Adopted  
Resolution R-1132-10  
Mover: Sally A. Heyman  
Seconder: Joe A. Martinez  
Vote: 11- 0  
Absent: Barreiro, Sosa*

**11 COUNTY COMMISSION**

**11A RESOLUTIONS**

11A1

<b>101438</b>	<b>Resolution</b>	<b>Sen. Javier D. Souto</b>	
RESOLUTION DIRECTING COUNTY MAYOR OR MAYOR'S DESIGNEE TO LIST BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NO. 286 – "CONSTRUCTION OF THE WESTCHESTER COMMUNITY ARTS CENTER" IN SERIES RESOLUTION AS ELIGIBLE FOR FUNDING IN NEXT SERIES OF BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BONDS, TO FUND \$8 MILLION FROM SUCH BOND PROCEEDS IN ORDER TO TIMELY DEVELOP AND CONSTRUCT THE WESTCHESTER COMMUNITY ARTS CENTER AND TO CONTRACT WITH PROGRAMMING PARTNER FOR SUCH FACILITY; REQUIRING BOARD APPROVAL FOR ANY ADJUSTMENTS TO SUCH FUNDING, INCLUDING CASH FLOW REVISIONS			<i>Amended</i>

**Report:** See Report Under Agenda Item 11A1 AMENDED, Legislative File No. 110597.

- 7/12/2010** Forwarded to BCC with a favorable recommendation from the Recreation, Culture & Tourism Committee
- 9/10/2010** Carried over by the Board of County Commissioners
- 9/21/2010** Deferred by the Board of County Commissioners
- 10/5/2010** Deferred by the Board of County Commissioners

11A1 AMENDED

**110597**

**Resolution**

**Sen. Javier D. Souto**

RESOLUTION DIRECTING COUNTY MAYOR OR MAYOR'S  
DESIGNEE TO LIST BUILDING BETTER COMMUNITIES  
GENERAL OBLIGATION BOND PROGRAM PROJECT NO.  
286 – "CONSTRUCTION OF THE WESTCHESTER  
COMMUNITY ARTS CENTER" IN SERIES RESOLUTION AS  
ELIGIBLE FOR FUNDING IN NEXT 2 SERIES OF BUILDING  
BETTER COMMUNITIES GENERAL OBLIGATION BONDS,  
TO FUND \$1 MILLION FROM BOND PROCEEDS IN FIRST  
SALE AND \$5.5 MILLION FROM BOND PROCEEDS IN  
SECOND SALE IN ORDER TO TIMELY DEVELOP AND  
CONSTRUCT THE WESTCHESTER COMMUNITY ARTS  
CENTER AND TO CONTRACT WITH PROGRAMMING  
PARTNER FOR SUCH FACILITY [SEE ORIGINAL ITEM  
UNDER FILE NO. 101438]

*Adopted as amended*

*Resolution R-1133-10*

*Mover: Sen. Javier D. Souto*

*Seconder: Joe A. Martinez*

*Vote: 12- 0*

*Absent: Barreiro*

**Report:** *Commissioner Heyman questioned whether the Westchester Community Arts Center was already scheduled to be part of the next series of Building Better Communities General Obligation Bonds.*

*County Manager Burgess noted the Westchester Community Arts Center was not shovel ready. He explained that several other projects were shovel ready, and, therefore, scheduled to be part of the next series.*

*Commissioner Heyman noted she could not support this proposed resolution. She explained that funding the Westchester Community Arts Center would cause a shovel ready project to not receive bond monies.*

*Pursuant to Commissioner Souto's request, Assistant County Attorney Monica Rizo advised that this proposed resolution should be amended to provide that \$1 million, instead of \$8 million, be allocated for the Westchester Community Arts Center in the next bond sale, that \$5.5 million be allocated in the next following bond sale; and to add a provision for the County Mayor or designee to "not to make any adjustments to said funding for any reason, including cash flow revisions authorized by implementing Order No. 3-47, without this Board's prior approval."*

*In response to Commissioner Heyman's inquiry whether any shovel ready projects would be impacted by this proposed resolution as amended, County Manager Burgess suggested a better way to proceed would be to provide funding to proceed with the design for the Westchester Community Arts Center. He noted he would like to remove the provision for the County Mayor or designee to "not to make any adjustments to said funding for any reason, including cash flow revisions authorized by implementing Order No. 3-47, without this Board's prior approval."*

*Commissioner Heyman questioned whether the Westchester Community Arts Center could be shovel ready when the bond sale following the next bond sale happened.*

*County Manager Burgess suggested the County start designing the Westchester Community Arts Center and, judging by how that progressed, float bonds for construction of the arts center in the bond sale following the next bond sale.*

*Commissioner Souto noted he would accept the approach suggested by the County Manager, and to delete the provision to "not to make any adjustments to said funding for any reason, including cash flow revisions authorized by implementing Order No. 3-47, without this Board's prior approval."*

*Responding to Commissioner Monestime's inquiry regarding the date for the next bond sale, County Manager Burgess noted he expected to present a list of projects by January 2011, and to present the option of a commercial paper program that would allow the County to fund more cash flow and have cheaper interest rates. He explained the intent of the commercial paper program was to move more projects forward and take advantage of the perfect scenario that existed to put projects out for bid.*

*Commissioner Monestime asked the County Manager to provide him with an updated report of all the projects in the County on the current General Obligation Bond list.*

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

*on this proposed resolution as amended to provide that \$1 million, instead of \$8 million, be allocated for the Westchester Community Arts Center in the next bond sale, that \$5.5 million be allocated in the next following bond sale; and to delete the provision to “not to make any adjustments to said funding for any reason, including cash flow revisions authorized by implementing Order No. 3-47, without this Board’s prior approval.”*

11A2

**101847                      Resolution                      Sen. Javier D. Souto**

RESOLUTION DIRECTING COUNTY MAYOR OR MAYOR’S DESIGNEE TO IDENTIFY LEGALLY AVAILABLE FUNDS IN THE AMOUNT OF \$28,759.00 IN ORDER TO PROVIDE GRANT TO READ2SUCCEED, INC., A NOT-FOR-PROFIT CORPORATION, FOR EXPENSES RELATED TO PROVISION OF MIAMI-DADE POLICE DEPARTMENT OFF-REGULAR-DUTY SERVICES FOR THE JULY 18, 2010 COLOMBIAN INDEPENDENCE FESTIVAL, SUBJECT TO PRIOR BOARD APPROVAL, AND TO REPORT BACK TO BOARD AT ITS NEXT MEETING ON FUNDING SOURCE

*The motion that this Resolution be Adopted failed.*

*Mover: Sen. Javier D. Souto*

*Second: Jose "Pepe" Diaz*

*Vote: 3- 10*

*No: Jordan, Monestime, Edmonson, Heyman, Barreiro, Gimenez, Bell, Moss, Martinez, Seijas*

**Report:** *Commissioner Heyman expressed concern that this proposed resolution would provide unbudgeted funds for an event that already happened. She noted this proposed resolution would set a terrible precedent. She questioned the funding source for the funds in this proposal.*

*Ms. Jennifer Glazer-Moon, Budget Director, Office of Strategic Business Management, explained that Read2Succeed, Inc. had paid for these services, and this proposed resolution would reimburse Read2Succeed. She noted the County would have to identify reserve funds or funds that could be used for some other service.*

*Chairman Moss pointed out that he had allocated \$10,000 from the Office of the Chair budget for this expense. He questioned why the County would need to identify the full \$28,000.*

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

**7/20/2010**    *4 Day Rule Invoked by the Board of County Commissioners*

**9/10/2010**    *Carried over by the Board of County Commissioners*

**9/21/2010**    *Deferred by the Board of County Commissioners*

**10/5/2010**    *Deferred by the Board of County Commissioners*

11A3

**102408**

**Resolution**

**Sally A. Heyman**

RESOLUTION APPROVING THE MEMBER COUNTY AGREEMENT, IN THE FORM ATTACHED AS EXHIBIT C TO THE AMENDED AND RESTATED MANAGED PHARMACY SERVICES AGREEMENT BY AND BETWEEN THE NATIONAL ASSOCIATION OF COUNTIES (NACO) AND CAREMARKPCS HEALTH, L.L.C., FOR MIAMI-DADE COUNTY'S PARTICIPATION IN NACO'S DISCOUNT PRESCRIPTION DRUG PROGRAM AND AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXECUTE THE MEMBER COUNTY AGREEMENT FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ANY AND ALL RIGHTS CONFERRED THEREIN

*Adopted*

*Resolution R-1134-10*

*Mover: Sally A. Heyman*

*Seconder: Lynda Bell*

*Vote: 10- 1*

*No: Diaz*

*Absent: Edmonson, Sosa*

**Report:** *Commissioner Heyman explained that this proposed resolution would approve County membership in the National Association of Counties (NACo). She pointed out that one of the privileges of NACo membership was a free discount prescription card, and that this proposed resolution would make those discounts available in the county to NACo members. Commissioner Heyman noted NACo would market this program, as opposed to the County. She pointed out that a concern had been raised regarding the Federal Trade Commission charging Caremark PCS Health with violations in protecting medical information, and the Health Insurance Portability and Accountability Act (HIPAA) violations. Commissioner Heyman explained that these Caremark issues did not involve any NACo members, and that the cases in Florida were legal since legislation allows companies to sell lists of client information.*

*Commissioner Diaz requested clarification regarding the County Attorney's findings on Caremark's legal issues.*

*Assistant County Attorney Eugene Shy advised that he reviewed Caremark's annual report that was filed with the Securities and Exchange Commission (SEC), which explained Caremark's corporate relationship with its subsidiaries. He advised that, as a subsidiary, Caremark PCS Health was separate and apart from Caremark. He noted that other subsidiaries of Caremark were the ones responsible for the HIPAA violations.*

*Commissioner Diaz expressed concern that the County would attach its name with Caremark. He noted that five other companies expressed an interest in providing this service to the County.*

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

**10/14/2010** *Forwarded to BCC with a favorable recommendation from the Health, Public Safety & Intergovernmental Cmte*

**11/4/2010** *Deferred by the Board of County Commissioners*

11A4

**102515****Resolution****Dennis C. Moss**

RESOLUTION DIRECTING THE PUBLIC HEALTH TRUST IN ACCORDANCE WITH CHAPTER 25A OF THE CODE OF MIAMI-DADE COUNTY TO CEASE, TERMINATE AND DISCONTINUE ITS FORMATION OF ANY AUXILIARY ORGANIZATION (TASK FORCE) REGARDING GOVERNANCE MODELS FOR JACKSON HEALTH SYSTEM

*Adopted**Resolution R-1135-10**Mover: Dennis C. Moss**Seconder: Sen. Javier D. Souto**Vote: 13- 0*

**Report:** (See Report Under Agenda Item 6B2, Legislative File No. 102659.)

*Commissioner Sosa questioned whether this proposed resolution would take away the jurisdiction of the County Commission to form a task force regarding governance models for Jackson Health System.*

*Chairman Moss clarified that the County Commission created the Public Health Trust (PHT) and the Commission should be the entity that creates any auxiliary organization regarding governance models for Jackson Health System (JHS). He explained that the County Commission needed to maintain control of the process.*

*Commissioner Sosa noted the County Commission should not take from itself the ability to form a task force for this purpose in the future.*

*Chairman Moss noted the issue regarding governance was whether the PHT was an autonomous body. He expressed concern regarding the sentiment among a minority of PHT members regarding the County Commission.*

*Commissioner Heyman noted she supported the County Commission forming task forces that targeted certain substantive areas and specific JHS campuses.*

*Chairman Moss relinquished the Chair to Vice-Chairman Diaz.*

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

*Chairman Moss resumed the Chair.*

**11/5/2010** Forwarded to the BCC by BCC Chairperson due to lack of a quorum from the Health, Public Safety & Intergovernmental Cmte



11A6

**102625 Resolution Carlos A. Gimenez**

RESOLUTION APPROVING THE ALLOCATION OF UNEXPENDED DISTRICT DISCRETIONARY RESERVE FUNDS OF DISTRICT 7

*Adopted  
Resolution R-1137-10  
Mover: Sally A. Heyman  
Seconder: Joe A. Martinez  
Vote: 11- 0  
Absent: Barreiro, Sosa*

11A7

**102636 Resolution Joe A. Martinez**

RESOLUTION APPROVING THE ALLOCATION OF UNEXPENDED DISTRICT DISCRETIONARY RESERVE FUNDS OF DISTRICT 11

*Adopted  
Resolution R-1138-10  
Mover: Sally A. Heyman  
Seconder: Joe A. Martinez  
Vote: 11- 0  
Absent: Barreiro, Sosa*

11A8

**102635 Resolution Rebeca Sosa**

RESOLUTION SUPPORTING THE BEACON COUNCIL IN URGING THE FLORIDA LEGISLATURE TO PASS URBAN JOB CREATION INVESTMENT ACT LEGISLATION

*Adopted  
Resolution R-1139-10  
Mover: Sally A. Heyman  
Seconder: Joe A. Martinez  
Vote: 11- 0  
Absent: Barreiro, Sosa*

**11 B ADDITIONAL BUDGET ALLOCATIONS**

11B1

**102709 Report**

ALLOCATION OF DISTRICT OFFICE BUDGET FUNDS (DISTRICT 3)

*Approved  
Mover: Sally A. Heyman  
Seconder: Joe A. Martinez  
Vote: 12- 0  
Absent: Gimenez*

**Report:** *The following funding allocations were made from District 3 Office Budget Funds as requested by Commissioner Edmonson.*

*\$17,800 to Nat's Catering (Re: 2nd Annual Thanksgiving Fest to be held on November 21, 2010)*

*\$500 to MiMo Biscayne Association, Inc. (Re: MiMo Art Project – Mural)*

11B2

**102710 Report**

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

*Approved*  
*Mover: Sally A. Heyman*  
*Seconder: Joe A. Martinez*  
*Vote: 12- 0*  
*Absent: Gimenez*

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

*\$1,500 from Kristi House*  
*\$1,000 from Foster Care Review*  
*\$300 from I Have a Dream Foundation*

11B3

**102711 Report**

ALLOCATION OF (FY) 2010/11 OFFICE BUDGET FUNDS (DISTRICT 12)

*Approved*  
*Mover: Sally A. Heyman*  
*Seconder: Joe A. Martinez*  
*Vote: 12- 0*  
*Absent: Gimenez*

**Report:** *The following funding allocations were made from fiscal year (FY) 2010/11 District 12 Office Budget Funds as requested by Vice-Chairman Diaz.*

*\$2,000 to Charlee*  
*\$350 to Li'L Abner Foundation*  
*\$790 to Miami Dade Parks and Recreation (Transplant Foundation)*

11B4

**102712 Report**

ALLOCATION OF (FY) 2010/11 OFFICE BUDGET FUNDS (DISTRICT 13)

*Approved*  
*Mover: Sally A. Heyman*  
*Seconder: Joe A. Martinez*  
*Vote: 12- 0*  
*Absent: Gimenez*

**Report:** *The following funding allocations were made from fiscal year (FY) 2010/11 District 13 Office Budget Funds as requested by Commissioner Seijas.*

*\$5,000 to City of Hialeah (Holiday Meals: \$2,500 for Victor Wilde Community Center and \$2,500 for Walker Park Community Center)*  
*\$5,000 to Little Havana Activities & Nutrition Centers (Goodlet Senior Center for Holiday Meals)*  
*\$1,000 to American Senior High School (School's Special Purpose Account for tutorial programs)*

**12 COUNTY MANAGER**

12B1

**102611 Report**

MONTHLY REPORT - QUALITY AIRCRAFT SERVICES, INC.  
(County Manager)

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

*11/5/2010 Forwarded to BCC without recommendation by BCC Chairperson due to meeting cancellation from the Airport and Seaport Committee*

**13 COUNTY ATTORNEY**

**14 ITEMS SUBJECT TO 4-DAY RULE**

14A1

**102617 Resolution**

RESOLUTION APPROVING CONVEYANCE OF AN EASEMENT TO FLORIDA POWER AND LIGHT COMPANY FOR CONSTRUCTION, OPERATION AND MAINTENANCE OF ELECTRIC TRANSMISSION AND DISTRIBUTION LINES ON COUNTY-OWNED PROPERTY LOCATED AT 1501 NW 3 STREET; AUTHORIZING COUNTY MAYOR TO EXECUTE SAME AND TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN; AND DELEGATING AUTHORITY TO COUNTY MAYOR TO EXECUTE ADDITIONAL UTILITY EASEMENTS WITHIN THE BALLPARK SITE IF NECESSARY FOR THE TIMELY CONSTRUCTION OF BALLPARK PROJECT AND TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN (Office of Capital Improvements)

*Adopted*  
*Resolution R-1140-10*  
*Mover: Natacha Seijas*  
*Seconder: Sally A. Heyman*  
*Vote: 13- 0*

*11/10/2010 Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the Transit, Infrastructure & Roads Committee*

**15 CLERK OF THE BOARD**

**15B REPORTS**

15B1

**102647 Report**

PROPOSED PUBLIC HEARING DATES FOR ORDINANCES SUBMITTED FOR FIRST READING ON NOVEMBER 16, 2010 (Clerk of the Board)

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

**15C COUNTY ADVISORY BOARD APPOINTMENTS**

**110000 Report**

REAPPOINTMENT TO THE BUILDING BETTER COMMUNITIES CITIZENS ADVISORY COMMITTEE SANDRA GONZALEZ-LEVY

*Appointed*  
*Mover: Sally A. Heyman*  
*Seconder: Joe A. Martinez*  
*Vote: 12- 0*  
*Absent: Gimenez*

**110001 Report**

APPOINTMENT TO THE BUILDING BETTER COMMUNITIES CITIZENS ADVISORY COMMITTEE EDWARD HANNA, JR.

*Appointed*  
*Mover: Sally A. Heyman*  
*Seconder: Joe A. Martinez*  
*Vote: 12- 0*  
*Absent: Gimenez*

**110002 Report**

APPOINTMENT TO THE BUILDING BETTER COMMUNITIES CITIZENS ADVISORY COMMITTEE JERREMY MAXWELL DALE

*Appointed*  
*Mover: Sally A. Heyman*  
*Seconder: Joe A. Martinez*  
*Vote: 12- 0*  
*Absent: Gimenez*

**110003 Report**

APPOINTMENT TO THE YOUTH COMMISSION SHERRIKA OTHELLO

*Appointed*  
*Mover: Sally A. Heyman*  
*Seconder: Joe A. Martinez*  
*Vote: 12- 0*  
*Absent: Gimenez*

**15D COUNTY ADVISORY BOARD APPOINTMENTS BY BALLOT**

15D1

**102646 Nomination**

BALLOT APPOINTMENT OF MEMBERS TO THE LAND ACQUISITION SELECTION COMMITTEE (Clerk of the Board)

*Appointed by ballot vote*

**Report:** *Chairman Moss announced that by ballot vote, the following persons were appointed to the Land Acquisition Selection Committee:*

*Emilie Young*  
*Dr. Kevin Whelan*

**15E MAYOR'S REQUEST FOR ALLOCATIONS FROM DISCRETIONARY OR IN-KIND RESERVE FUNDS**

**16 ITEMS SCHEDULED FOR THURSDAY**

**16A SPECIAL PRESENTATIONS (Scheduled for 8:00 am)**

16A1

**102576 Proclamation Jose "Pepe" Diaz**PROCLAMATION FOR COLONEL NORBERTO R. CINTRON *Presented*

**Report:** *Vice Chairman Diaz presented a proclamation to Brigadier General Hector E. Pagan. He also presented a proclamation to Colonel Norberto R. Cintron.*

16A2

**102540 Certificate of Appreciation Jose "Pepe" Diaz**CERTIFICATE OF APPRECIATION FOR THE FIFA WORLD CUP 2022 *Presented*

16A3

**102541 Certificate of Appreciation Jose "Pepe" Diaz**CERTIFICATE OF APPRECIATION FOR KNOTS OF HOPE *Presented*

16A4

**102658 Special Presentation Audrey M. Edmonson**SPECIAL PRESENTATION DECLARING NOVEMBER 15-21 AS GLOBAL ENTREPRENEURSHIP WEEK *Presented***102702 Report**

NON-AGENDA REPORT-11/18/2010 BCC SPECIAL PRESENTATIONS

**Report:** *Commissioner Jordan honored sponsors of the annual Hispanic Heritage Festival in Commission District 1. She also honored students who participated in an art competition associated with the Festival.*

**16C METROPOLITAN PLANNING ORGANIZATION AGENDA (Scheduled for 2:00 p.m.)****110542 Report**

NON AGENDA ITEMS

**Report:** *Chairman Moss noted that the County Commission voted at the November 4, 2010, County Commission for a new appointee to the Film and Entertainment Advisory Board. He announced that Horacio S. Garcia, Jr. received seven votes and would be appointed to this board.*

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*It was moved by Commissioner Jordan that the meeting be extended. This motion was seconded by Chairman Moss, and upon being put to a vote, passed by a vote of 11-1 (Commissioner Sosa voted "No"; Commissioner Gimenez was absent).*

**19**      **ADJOURNMENT**

**Report:** *There being no other business to come before the Commission, the meeting adjourned at 6:53 p.m.*

\_\_\_\_\_  
Dennis C. Moss, Chairman

ATTEST: HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Diane Collins, Acting, Deputy Clerk