



MIAMI-DADE COUNTY
FINAL OFFICIAL
Meeting Minutes

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

Thursday, December 9, 2010
As Advertised

Harvey Ruvlin, Clerk
Board of County Commissioners

Diane Collins, Director
Clerk of the Board Division

Alan Eisenberg, Commission Reporter, (305) 375-2510



FINAL OFFICIAL

Members Present: Bruno Barreiro; Lynda Bell; Audrey M. Edmonson; Carlos A. Gimenez; Barbara J. Jordan; Joe A. Martinez; Jean Monestime; Dennis C. Moss; Natacha Seijas; Rebeca Sosa; Javier D. Souto

Members Absent: None.

Members Late: Jose "Pepe" Diaz 10:44AM

Members Excused: Sally A. Heyman

Members Absent County Business: None.

1 MINUTES PREPARED BY:

Report: Alan Eisenberg, Commission Reporter, (305) 375-2510

1A ROLL CALL

Report: Deputy Clerk Doris Dickens announced that a memorandum was received from Commissioner Heyman indicating that she would be absent from today's (12/09) meeting.

Chairman Moss called the meeting to order at 10:16 a.m.

Chairman Moss acknowledged his colleagues, County Administration, County Attorney, Clerk of the Board's staff and Commission Auditor for participating in today's (12/09) meeting.

County Attorney Robert Cuevas noted that Commissioner Sosa asked to be removed as a co-sponsor to Item 11A3; and that the Committee of the Whole; Item 6B5; Ordinances for Second Reading 7F, 7G, 7H, 7I; and the following Pull List Carryover Items 8E1A, 8F1E, 8G1A, 8M1C and its Supplement, 8M1D, 8O1F, 11A3, 11A11, 11A27, 11A31 and 11A32 would be considered. He also noted that Add On Item 8O1H would be considered at today's (12/09) meeting.

Chairman Moss noted that the Committee of the Whole meeting would be considered later in today's (12/09) meeting in order that more Board members would be available to participate.

Chairman Moss recessed the Board of County Commissioners meeting at 10:45 a.m. and the Board convened as the Committee of the Whole.

Following the Committee of the Whole meeting, the Board reconvened at 10:56 a.m.

Chairman Moss recessed the Board of County Commissioners meeting at 2:14 p.m. for the Metropolitan Planning Organization meeting.

Following the Metropolitan Planning Organization meeting, the Board reconvened at 3:15 p.m.

1B MOMENT OF SILENCE

1C **PLEDGE OF ALLEGIANCE**

Report: *The Board convened in a moment of silence, followed by the Pledge of Allegiance.*

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

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

6B5

102816

Discussion Item

Rebeca Sosa

DISCUSSION RE: MIAMI SPRINGS LIBRARY RENOVATION
PROJECT

Presented

Report: Commissioner Sosa provided an overview of the Miami Springs Library construction process, noting that two contractors had been hired for this project; however, the library renovations were not completed four years later. She acknowledged Ms. Wendi Norris, Director, General Services Administration, for responding to residents' concerns. Commissioner Sosa questioned the scope of responsibility for project oversight and necessary steps to complete this project. She asked Ms. Norris to investigate the allegation that children were allowed at the Miami Springs Library during the summer while renovations were underway.

Ms Norris informed Commissioner Sosa that a Certificate of Occupancy would be issued by the end of December; that the Enterprise Technology Services Department was ready to begin data and cable installations; that furniture would be delivered in January; and that the library would be operational by March or earlier.

Commissioner Sosa noted that companies could not be debarred because they entered into a settlement agreement in order to expedite the process; however, this did not mean that the company failed to perform as contracted. She asked the County Attorney to draft legislation in cooperation with Ms. Norris, which would include past history of any problems with companies in future hiring recommendations.

Ms. Norris explained that a rating system existed and that evaluations were completed during and after a project. She noted that construction award items included past performance information. Ms. Norris said many problems existed with the first contractor on this project and that firm would be written up. She noted that Responsibility legislation was deferred to an upcoming workshop and the Board would be reviewing this information in the near future.

Commissioner Sosa said that this legislation was needed to prevent similar problems from occurring in other Districts.

Chairman Moss questioned the reason that a company could not be debarred and whether the settlement method was consistent with County policy.

Ms. Norris responded to Chairman Moss that a Notice to Cure and a Notice of Default was issued to the first contractor and that the contractor subsequently sued the County. She said that a surety bond existed on this project and in order to move forward expeditiously, a settlement whereby the County would not pursue debarment was adopted. Ms. Norris noted another condition existed requesting that the County not write any negative comments.

County Attorney Robert Cuevas responded to Chairman Moss' inquiry that the settlement negotiated by the bonding company was a tradeoff between the contractor and the County to complete the job after the contractor's default.

Assistant County Attorney Richard Seavey noted that the surety company would not finalize a settlement in the event that debarment proceedings were initiated. He noted that the County Manager's office accepted the settlement.

Ms. Norris noted these issues were taken seriously and the County's first priority was to get the job completed. She stated that the County was at the mercy of the bonding company who needed to be given the opportunity to complete the job.

Chairman Moss expressed concern that the actions taken by the Board against the contractor should not affect the bond company's responsibility to complete the project.

County Attorney Cuevas responded that the contractor had sued the County saying the County did something wrong. He noted the bonding company could only exercise its rights to the extent that the principal had defaulted and not properly performed its obligations under the contract. County Attorney Cuevas confirmed the statement made by Chairman Moss that the bonding company would have been reluctant to proceed until a possible lawsuit was settled.

Commissioner Sosa questioned whether the bonding company represented the County or the contractor.

County Attorney Cuevas responded that performance and payment bonds on construction jobs were issued to ensure the County, material men and suppliers, that the job would be faithfully performed properly and that the subcontractor's material men would be paid.

Commissioner Sosa noted her understanding that a bond was a safety mechanism for the County to ensure contractor performance. She said that the County needed to reevaluate its methods of conducting future business. Commissioner Sosa noted she would welcome suggestions for legislation which would protect the County and/or provide specific negotiation guidelines.

Commissioner Bell questioned whether language could be included in future Requests for Proposals (RFPs) which would disqualify a company based upon past performance issues.

County Attorney Cuevas responded affirmatively to Commissioner Bell's question and indicated that such language could be included in future RFPs.

Mr. George Navarrette, Director, Office of Capital Improvements (OCI), agreed with Commissioner Sosa that the County should not be doing business with companies that were not performing a good job and looking after the County's interest. He noted that legislation already existed which considered past performance. Mr. Navarrette said that departments were required to complete performance evaluations; that a centralized system existed to keep track of all performance evaluations; and that departments were required to consider this data when making award decisions. He noted that items presented to the Board included a contractor past performance ranking. Mr. Navarrette said that OCI was currently working with Commissioner Jordan's Item approved earlier this week which would standardize contract language. He noted the County Attorney was considering the option of whether the County could hire another company to finish the work in the event that the bonding company was not performing quickly enough and to recover damages from the bonding company later.

Commissioner Jordan as the Transit, Infrastructure and Roads Committee Chairwoman, expressed appreciation to Chairman Moss for allowing a discussion on the federal issues pertaining to Transit and commended staff for the information they provided. She noted that the County Manager offered preliminary assurance that the issue seemed to be correctable; that it did not appear to be fraud; and that it was not as enormous as depicted by The Miami Herald. Commissioner Jordan noted that the \$14 million Federal Transit Administration's Electronic Clearing House Operation System drawdown was

a disservice to the County's credibility and that the Transit Director had instructed personnel not to drawdown any additional funds prior to this occurrence. She said that it was appropriate for personnel action to be taken on the employee who executed the drawdown and did not follow instructions. Commissioner Jordan noted it was essential that the Board implement systems as expeditiously as possible to prevent similar situations in the future.

Commissioner Gimenez inquired who the insubordinate employee was and what action was taken against this person; however, he indicated that he would follow-up on this question later.

12/7/2010 Carried over by the Board of County Commissioners

7 ORDINANCES SET FOR SECOND READING

7F

102643 Ordinance Dennis C. Moss

ORDINANCE PERTAINING TO ZONING; REGULATING THE APPEARANCE AND MAINTENANCE OF WALLS AND FENCES IN ALL DISTRICTS; AMENDING SECTION 33-11 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 102123]

*Adopted
Ordinance 10-87
Mover: Dennis C. Moss
Seconder: Audrey M. Edmonson
Vote: 10- 1
No: Martinez
Absent: Heyman, Diaz*

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

Chairman Moss noted this proposed ordinance required that the finished (attractive) side of a privacy fence needed to face the neighbors' yard so that they would not incur an expense to finish the unattractive side of the fence installed by another person.

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

11/9/2010 Forwarded to BCC with a favorable recommendation from the Budget, Planning and Sustainability Committee

12/7/2010 Carried over by the Board of County Commissioners

7G

102345

Ordinance

Katy Sorenson,
Audrey M. Edmonson,
Rebeca Sosa,
Joe A. Martinez,
Jean Monestime

ORDINANCE RELATING TO THE MIAMI-DADE WATER AND SEWER DEPARTMENT; AMENDING SECTION 32-92 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; ESTABLISHING COUNTY POLICY PROVIDING FOR TENANTS TO RECEIVE WATER AND SEWER SERVICE THROUGH A BRIDGE ACCOUNT NOT TO EXCEED SIX MONTHS WHERE MULTI-UNIT PROPERTY IS SERVED BY ONE METER AND PROPERTY OWNER'S ACCOUNT IS TERMINATED FOR NONPAYMENT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

Amended

Report: *Commissioner Seijas questioned whether one of the co-sponsors should become the prime sponsor of this proposed ordinance in the absence of Commissioner Sorenson.*

First Assistant County Attorney Abigail Price-Williams responded that the Board could continue as is; however, the Board's Rules and Procedures provided that another commissioner could assume sponsorship as part of the motion.

Commissioner Bell indicated her desire to become the Prime sponsor to this proposed ordinance.

Chairman Moss recessed the Board meeting indicating that this discussion would continue later and convened the Committee of the Whole meeting.

Following the Committee of the Whole meeting, the Board reconvened and continued its discussion on this proposed ordinance.

First Assistant County Attorney Price-Williams read the foregoing proposed ordinance into the record.

It was moved by Commissioner Edmonson that the foregoing ordinance be adopted. This motion was seconded by Commissioner Bell.

Commissioner Seijas suggested Commissioner Edmonson consider the following amendment to this proposed ordinance: that this ordinance would become effective upon adoption of the Implementing Order (IO).

Commissioner Edmonson responded that the Department was preparing an IO; that she would prefer to leave the ordinance as written; however, she would like to hear from her colleagues.

Commissioner Seijas said that she wanted the proposed amendment to be considered before adopting this proposed ordinance since the IO would become effective upon adoption of the ordinance.

Commissioner Diaz asked Mr. John Renfrow, Director, Miami-Dade Water and Sewer Department (WASD), whether the water would remain turned off after six months. He said that he wanted people to fully understand the outcomes under various circumstances.

Mr. Renfrow responded that an IO was being prepared by the Department; it would address the specific procedures and concerns expressed by the Board; and it would be presented to the Board once completed.

Commissioner Diaz reiterated that this ordinance would not be enforced without the Board's review of the IO.

Responding to Commissioner Diaz, Ms. Price-Williams noted that no specific timeframe was given for bringing the IO back to the Board. She also confirmed that today's (12/09) approval of this ordinance was only a concept about moving forward on an idea; the IO would establish guidelines and procedures to incorporate what was being approved; and that the IO would not become effective until it was approved by the Board.

Commissioner Gimenez questioned whether the ordinance would become effective, if approved without the amendment, prior to the IO being written by

the Department and the effect of Commissioner Seijas' amendment on the ordinance.

Ms. Price-Williams responded to Commissioner Gimenez that the ordinance would become effective ten days after the enactment date; however, implementation of the ordinance required IO approval. She noted that Commissioner Seijas' proposed amendment would delay implementation of this ordinance until IO approval.

Commissioner Seijas said that her amendment was to provide transparency so that the public would have complete information at one time on this ordinance.

Ms. Price-Williams noted that Subsection C of the ordinance required the Department to establish specific procedures which would not go into effect until Board approval.

Commissioner Gimenez proposed and Commissioner Edmonson accepted an additional amendment directing the Department to provide the IO within 60 days.

Commissioner Sosa noted her support for Commissioner Edmonson's proposal, indicating that the ordinance included specific language in the County Code that would allow temporary water connections. She said that the County should not take away services from paying customers because other residents did not pay their bill. Commissioner Sosa noted a strong message needed to be sent to the Department requiring that specific procedures be developed and that the IO be finalized expeditiously.

Commissioner Bell supported the approval of this proposal as amended, noting language on page 2; "whereas the policy shall be implemented through Miami-Dade County's Water and Sewer Department Rules and Regulations."

Commissioner Jordan asked staff to clarify the requirement to pay in advance an annual fee of three dollars (\$3.00) per monthly account and two dollars (\$2.00) per quarterly account for the administration of bridge accounts for the duration of the six-month coverage period.

Mr. Renfrow explained that the annual fee requirements as indicated by Commissioner Jordan were the existing rules for any new tenant, new connection or new account. He said he was not prepared today (12/09) to provide details, but would return in 60 days with specific procedures and would brief commissioners individually in the interim.

Commissioner Jordan noted she was concerned about unintended consequences to the Department. She said that numerous multi-family buildings existed in both Districts 1 and 13 and questioned the impact of these buildings on the Department's ability to develop a legitimate payment plan after the public was informed of the six-month grace period. Commissioner Jordan noted she would be unable to support this proposal without complete details of the IO.

Commissioner Diaz concurred with Commissioner Jordan's sentiments. He expressed his concern that the Department needed sufficient time to determine the impact of this ordinance on its budget. He said it was inhumane to keep water from residents; however, he did not want the wrong procedural message portrayed to the community.

Commissioner Barreiro noted that future multi-family buildings should be designed with the ability for units to be individually metered, if necessary. He also inquired whether a substantial remodeling of greater than 50% to a multi-family building could include a requirement to retrofit the building with water meters.

Mr. Renfrow commented that any new multi-unit building construction already required individual meters. He said that the retrofit requirement was not included in the ordinance since it would be physically impossible to make these changes based upon the existing structure of many buildings.

Chairman Moss asked Mr. Renfrow to determine how issues relating to multi-unit buildings served by one meter were addressed in other counties/cities. He also asked Mr. Renfrow to determine whether a provision could be included in the leases to require that non-payment of water bills would be grounds for individuals to be removed from the property.

Commissioner Martinez said that there was a disincentive for the building owner to pay water bills in the event that this ordinance was approved and that this would negatively impact the Department. He questioned the amount of deposits required from multi-family buildings.

Mr. Joseph Ruiz, Deputy Director, Operations, Water and Sewer Department (WASD), responded that deposits were based upon an estimate of one-month's usage.

Commissioner Martinez suggested that the Department keep the deposit after the property owner defaulted on his/her payment for a one-month period. He said that the Department would then inform tenants that the water would be shut off in three months.

Mr. Ruiz said that residents were not cut off for approximately 90 days and that an expedite procedure was already established to notify tenants.

Commissioner Gimenez noted that this was a six-month program which would provide ample time for tenants to start looking for another place to live in the event that the property owner did not pay the bill. He said that the owner would ultimately pay the bill since the property could not be rented without water. Commissioner Gimenez suggested that the IO include a 90 percent cutoff.

Commissioner Jordan questioned and Ms. Price-Williams concurred that this proposed ordinance would become law upon its adoption. Ms. Price-Williams responded to Commissioner Jordan's question that the Board would consider revisiting the ordinance in the event the IO was not approved.

Commissioner Jordan asked Mr. Renfrow to provide a report detailing the number of existing multi-unit buildings within the County with one water meter.

Commissioner Jordan asked Commissioner Edmonson to consider deferring this item pending more information on the ramifications and potential harm to the Department.

Commissioner Edmonson asked Mr. Renfrow to provide the Board with information prior to the IO. She noted that today's (12/09) action was only

FINAL OFFICIAL

the first step and that additional research was required before the Board considered the IO. Commissioner Edmonson said that the Board had the authority to rescind the ordinance in the event that the IO was not approved. She accepted the amendment proposed by Commissioner Gimenez.

Commissioner Seijas questioned whether the amendment which she proposed would be accepted.

Commissioner Gimenez noted that Commissioner Seijas' amendment was for purposes of clarification; it was already included in the ordinance; and it would not go into effect until the IO was approved.

Commissioner Seijas asked that language be included in the title specifying that the ordinance would become effective upon its adoption.

Commissioner Edmonson noted she accepted the amendments presented by both Commissioners Gimenez and Seijas.

Commissioner Barreiro said that many buildings accepted Section 8 vouchers and suggested that customers not paying their water bills should not receive these incentives.

Chairman Moss asked County Attorney Cuevas to determine whether the County could authorize the WASD to accept payments directly from tenants under certain circumstances where the property manager or the property owner failed to make payments to the County within a specified timeframe.

There being no further questions or comments, it was moved by Commissioner Edmonson that the foregoing proposed ordinance be adopted as amended to become effective upon adoption of the Implementing Order; and to direct the Water and Sewer Department to submit the IO to the Board within 60 days. This motion was seconded by Commissioner Bell, and upon being put to a vote, passed by a vote of 11-0, (Commissioners Bell and Heyman were absent).

The foregoing ordinance has been assigned No. 10-88.

- 10/5/2010** Tentatively scheduled for a public hearing by the Board of County Commissioners to the Government Operations Committee
- 10/5/2010** Adopted on first reading by the Board of County Commissioners
- 11/9/2010** Forwarded to BCC with a favorable recommendation from the Government Operations Committee
- 12/7/2010** Carried over by the Board of County Commissioners

7H

102400

Ordinance

Rebeca Sosa,
 Audrey M. Edmonson,
 Barbara J. Jordan,
 Jean Monestime,
 Dorrin D. Rolle,
 Lynda Bell,
 Dennis C. Moss,
 Carlos A. Gimenez

ORDINANCE PERTAINING TO COMMUNITY SMALL BUSINESS ENTERPRISE PROGRAM; AMENDING SECTION 10-33.02 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO PROVIDE RETROACTIVE TEMPORARY EXTENSION TO CERTIFIED FIRMS DURING PROCESSING AND REVIEW OF RECERTIFICATION APPLICATIONS; AND PROVIDING SEVERABILITY, INCLUSION IN CODE AND EFFECTIVE DATE (SEE ORIGINAL ITEM UNDER FILE NO. 102271)

*Adopted
 Ordinance 10-89
 Mover: Rebeca Sosa
 Seconder: Audrey M. Edmonson
 Vote: 11- 0
 Absent: Heyman, Bell*

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

Commissioner Jordan and Chairman Moss requested to be listed as co-sponsors.

Commissioner Sosa asked the Small Business Development Department Director to implement this item expeditiously since re-certifications were pending on many companies.

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

- 10/5/2010 Adopted on first reading by the Board of County Commissioners
- 11/9/2010 Forwarded to BCC with a favorable recommendation from the Budget, Planning and Sustainability Committee
- 12/7/2010 Carried over by the Board of County Commissioners

71

101958 Ordinance

ORDINANCE AUTHORIZING CERTAIN POINT OF SALE SIGNS IN THE AU (AGRICULTURAL) ZONING DISTRICT; AMENDING SECTIONS 33-95, AND 33-100.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE (Department of Planning & Zoning)

*Adopted
Ordinance 10-90
Mover: Natacha Seijas
Seconder: Audrey M. Edmonson
Vote: 11- 0
Absent: Heyman, Bell*

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

Commissioner Sosa questioned whether individuals who applied for a sign would be paying a new fee.

Assistant County Manager Alex Munoz responded that this was not a new fee and that the ordinance provided greater flexibility for businesses within the agricultural zoning area.

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

- 9/14/2010 Requires Municipal Notification by the Board of County Commissioners to the Budget, Planning and Sustainability Committee*
- 9/21/2010 Tentatively scheduled for a public hearing by the Board of County Commissioners to the Budget, Planning and Sustainability Committee*
- 9/21/2010 Adopted on first reading by the Board of County Commissioners*
- 9/28/2010 Municipalities notified of public hearing by the Board of County Commissioners to the Budget, Planning and Sustainability Committee*
- 11/9/2010 Forwarded to BCC with a favorable recommendation from the Budget, Planning and Sustainability Committee*
- 12/7/2010 Carried over by the Board of County Commissioners*

8 DEPARTMENTAL ITEMS**8E FINANCE DEPARTMENT**

8E1A

102747 Resolution

RESOLUTION APPROVING FORM OF AMENDED AND RESTATED LOAN AGREEMENT WITH SUNSHINE STATE GOVERNMENTAL FINANCING COMMISSION FOR PURPOSE OF REFUNDING CERTAIN COMMERCIAL PAPER NOTES THROUGH ISSUANCE OF SUNSHINE STATE GOVERNMENTAL FINANCING COMMISSION REVENUE BONDS (MIAMI-DADE COUNTY PROGRAM), SERIES M; AUTHORIZING EXECUTION OF SUCH LOAN AGREEMENT BY COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE; AND DELEGATING AUTHORITY TO COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE AND OTHER COUNTY OFFICIALS TO TAKE ALL ACTION NECESSARY IN CONNECTION WITH THE LOAN AGREEMENT WITHIN CERTAIN PARAMETERS (Finance Department)

Adopted
Resolution R-1226-10
Mover: Rebeca Sosa
Seconder: Jean Monestime
Vote: 9- 1
No: Martinez
Absent: Heyman, Gimenez, Bell

Report: Commissioner Martinez noted that the annual fee paid to Dexia Credit Local (Dexia) Letter of Credit (LOC) was 0.43 percent of the outstanding principal amount until the LOC expired on June 2, 2011, whereas the JP Morgan (JPM) LOC was 1.02 percent. He questioned the rationale behind making the requested changes today (12/09), rather than waiting until the expiration date of the existing LOC.

Mr. Carter Hammer, Finance Director, Miami-Dade Finance Department, recommended that the County take advantage of the non-alternative minimum tax (AMT) provisions provided by the federal government before the December 31, 2010 ending date. He noted this provision could save the County \$8 million through the remaining 25 years of the loan with a variable interest rate; however, the intent was to eventually secure a fixed interest rate which would generate up to a \$30 million savings. He noted that although the County would be paying a higher rate for the LOC, the non-AMT provisions would come into play allowing the County to save money over the loan's 25 year duration. Mr. Hammer clarified that the intention was to maintain the loan for 25 years; however, not to maintain the LOC since it would not be needed once the loan rate was fixed. He noted that Dexia would no longer be issuing LOC's.

Commissioner Martinez noted he believed that something was wrong with this proposal and that unintended consequences would result in the future.

Commissioner Gimenez requested clarification and Mr. Hammer confirmed that by removing the AMT provision, the County would be saving 80 basis points on the fixed rate differential between the taxable AMT rate and the fixed non-AMT rate.

Mr. Hammer noted that the differential was 15 basis points (\$8 million) on a variable rate over the remaining 25 years.

Commissioner Gimenez questioned the amount of potential savings realized by refinancing from a variable rate with an AMT provision to a variable rate without an AMT provision.

Mr. Hammer responded to Commissioner Gimenez that the savings from the refinance would be 15 basis points or \$8 million over a 25 year period.

Commissioner Gimenez noted that the County would be losing money until it converted to a fixed rate, due to the additional 59 basis point cost for the LOC.

Mr. Hammer confirmed that the County would lose money; however, indicated that if the County did not take advantage of the non-AMT provision, it would forego the potential \$8 million savings on a variable rate and up to \$30 million on a fixed rate. He noted the County needed to convert the current LOC to another LOC because it expired June 2, 2011. Mr. Hammer said the LOC market had tightened significantly over the past five years.

Commissioner Gimenez questioned whether the AMT provision would be maintained at the time when the loan was converted into a fixed rate and if so, why.

Mr. Hammer responded that the AMT provision would be maintained. He asked Mr. Sergio Masvidal, The Public Financial Management Group, to further respond to Commissioner Gimenez' question.

Mr. Masvidal said a new LOC was needed before June 2011. He noted that by securing a new LOC today, the County was paying up-front to get out of the existing AMT and saving 15 basis points (\$300,000 annually) on a variable rate. Mr. Masvidal noted the savings would cover any up-front expenses.

Commissioner Gimenez clarified that the County would save 15 basis points by getting out of the AMT and would be paying more in the event the AMT was not converted to a fixed rate. He noted that the only timeframe to get out of the provision was between now and December 31, 2010. Commissioner Gimenez said that if the proposal was not accepted, it would cost more because the LOC would increase and the same AMT provisions would exist.

In response to Commissioner Gimenez' question whether it was definite that Dexia was getting out of the LOC business resulting in the County incurring a higher LOC cost, Mr. Masvidal noted that negotiations to renew Dexia's LOC through the Sunshine State Program Administrator were attempted. He said that Dexia had stopped issuing LOC's throughout Florida and that Dexia proposed to extend the LOC through June 2011 and allow the County to flip out of the AMT at a higher LOC cost closer to 200 basis points.

Commissioner Gimenez said that a higher LOC was needed; that there was no guarantee of future market conditions; and that it may not be attractive to flip to a fixed rate in April 2011.

Commissioner Sosa said she was happy that Mr. Masvidal clarified this issue as it was her understanding that the LOC would increase and result in additional cost to the County if action was not taken by December 31, 2010. She said the potential to save interest costs was attractive.

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

12/7/2010 Carried over by the Board of County Commissioners

8F GENERAL SERVICES ADMINISTRATION

8F1E

102428 Resolution

RESOLUTION APPROVING IMPLEMENTING ORDER 6-8 *Amended*
FOR THE USE OF CELLULAR TELEPHONES WHILE
OPERATING COUNTY VEHICLES (General Services
Administration)

Report: (See Agenda Item 8F1E Amended; Legislative File No. 102862)

11/9/2010 Forwarded to BCC with a favorable recommendation from the Government Operations Committee

12/7/2010 Carried over by the Board of County Commissioners

8F1E Amended

102862 Resolution

RESOLUTION APPROVING IMPLEMENTING ORDER 6-8 FOR THE USE OF CELLULAR TELEPHONES WHILE OPERATING COUNTY VEHICLES [SEE ORIGINAL ITEM UNDER FILE NO. 102428] (General Services Administration)

*Adopted as amended
Resolution R-1227-10
Mover: Rebeca Sosa
Seconder: Natacha Seijas
Vote: 6- 3
No: Monestime, Edmonson,
Martinez
Absent: Gimenez, Bell, Diaz
Excused: Heyman*

Report: *Commissioner Barreiro noted he did not agree with the provision that the Mayor or designee could exempt certain employees.*

Ms. Wendi Norris, Director, General Services Administration, responded that the provision mirrored the policy previously approved by the Board after substantial committee discussion on this issue. She read several amendments into the record on this proposed resolution.

First Assistant County Attorney Abigail Price-Williams clarified that this policy applied to every County owned or leased vehicle, all County employees and commissioners, and any location whether within or outside County boundaries where that vehicle may be located.

The Board adopted the foregoing proposed resolution as amended to delete the Exemption clause on handwritten page 5 in its entirety; and to add the following language to the end of the Policy clause on handwritten page 5: "Violation of this policy may be grounds for disciplinary action up to and including termination of employment."

8G MIAMI-DADE PUBLIC HOUSING AGENCY

8G1A

102615 Resolution

RESOLUTION APPROVING THE PUBLIC HOUSING ASSESSMENT SYSTEM (PHAS) MANAGEMENT OPERATIONS CERTIFICATION; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO CERTIFY THE MANAGEMENT ASSESSMENT SUBSYSTEM CERTIFICATION FOR FISCAL YEAR 2010 ON BEHALF OF MIAMI-DADE COUNTY; AND AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO SUBMIT SAID CERTIFICATION TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (Miami-Dade Public Housing Agency)

*Adopted
Resolution R-1228-10
Mover: Audrey M. Edmonson
Seconder: Barbara J. Jordan
Vote: 9- 0
Absent: Heyman, Gimenez, Bell,
Diaz*

Report: *Commissioner Edmonson questioned the public housing vacancy rate.*

Mr. Gregg Fortner, Executive Director, Miami-Dade Public Housing Agency, noted a 92% occupancy rate which was up from 88% at the end of FY 2009-10.

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

11/10/2010 *Forwarded to BCC with a favorable recommendation from the Housing & Community Development Committee*

12/7/2010 *Carried over by the Board of County Commissioners*

8M PARK AND RECREATION DEPARTMENT

8M1C

102336 Resolution

RESOLUTION WAIVING FORMAL BID PROCEDURES PURSUANT TO SECTION 5.03(D) OF MIAMI-DADE COUNTY HOME RULE CHARTER AND THE REQUIREMENTS OF ADMINISTRATIVE ORDER 3-38, BY A TWO-THIRDS VOTE TO ALLOW THE PARK AND RECREATION DEPARTMENT TO CONTRACT WITH PROFESSIONAL ENTERTAINERS AND ARTISTS FOR ENGAGEMENTS AT PARK VENUES IN AN AGGREGATE AMOUNT NOT TO EXCEED \$1,000,000 AND NOT TO EXCEED \$50,000 PER PERFORMANCE OR EXHIBITION AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SUCH AGREEMENTS AND TO EXERCISE THE CANCELLATION PROVISIONS CONTAINED THEREIN (Park & Recreation Department)

Amended

Report: *It was moved by Commissioner Seijas that the foregoing proposed resolution be adopted as amended to add the language "and in County venues" in the title and body of this resolution. This motion was seconded by Commissioner Jordan, and upon being put to a vote, passed by a vote of 9-0, (Commissioners Bell, Diaz, Gimenez and Heyman were absent).*

The foregoing resolution has been assigned R-1229-10.

11/8/2010 Forwarded to BCC with a favorable recommendation from the Recreation, Culture & Tourism Committee

12/7/2010 Carried over by the Board of County Commissioners

8M1C SUPPLEMENT

102760 Supplement

SUPPLEMENTAL REPORT PROVIDING ADDITIONAL IMPACT INFORMATION TO LEGISTAR NO. 102336 - WAIVER OF FORMAL BID PROCEDURES ALLOWING PAYMENT TO ENTERTAINERS TO PERFORM AND/OR EXHIBIT AT MIAMI-DADE COUNTY PARK FACILITIES

Presented

12/7/2010 Carried over by the Board of County Commissioners

8M1D

102499 Resolution

RESOLUTION APPROVING A PARALYMPIC SPORT CLUB AGREEMENT BETWEEN MIAMI-DADE COUNTY THROUGH THE PARK AND RECREATION DEPARTMENT, LEISURE ACCESS SERVICES DIVISION, AND THE UNITED STATES OLYMPIC COMMITTEE FOR THE DEVELOPMENT, IMPLEMENTATION, OPERATION AND MANAGEMENT OF ALL ASPECTS OF A PARALYMPIC SPORT CLUB AND FURTHER AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE THE RENEWAL AND CANCELLATION PROVISIONS CONTAINED THEREIN (Park & Recreation Department)

*Adopted
Resolution R-1230-10
Mover: Natacha Seijas
Seconder: Jean Monestime
Vote: 8- 0
Absent: Heyman, Barreiro,
Gimenez, Bell, Diaz*

Report: *Commissioner Seijas questioned whether any additional costs to the County would be incurred as a result of this foregoing proposed resolution.*

Mr. Jack Kardys, Director, Miami-Dade Park and Recreation Department, responded to Commissioner Seijas that no additional costs would be incurred. He noted the proposed resolution was seeking authorization to use the United States Olympic Committee seal as an indication of the County's participation in the program.

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

11/8/2010 Forwarded to BCC with a favorable recommendation from the Recreation, Culture & Tourism Committee

12/7/2010 Carried over by the Board of County Commissioners

80**PROCUREMENT MANAGEMENT DEPARTMENT**

801F

102745 Resolution

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE OPTION-TO-RENEW PERIODS FOR CERTAIN COMPETITIVE CONTRACTS DESCRIBED IN THE ITEM, SUBJECT TO THE MONETARY LIMITATIONS SET FORTH THEREIN, AWARDED UNDER THE COUNTY MAYOR OR THE COUNTY MAYOR DESIGNEE'S DELEGATED AUTHORITY FOR THE PURCHASE OF GOODS AND SERVICES AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR THE PURCHASE OF GOODS AND SERVICES (Procurement Management Department)

Adopted

Resolution R-1231-10

Mover: Barbara J. Jordan

Seconder: Dennis C. Moss

Vote: 10- 0

Absent: Heyman, Gimenez, Bell

Report: Commissioner Sosa expressed concern that contracts were continually coming before the Board which were not from local vendors. She questioned whether anything could be done to help local vendors without manipulating contracts or compromising standards.

Ms. Miriam Singer, Director, Department of Procurement Management (DPM), responded that the local preference policy was applied to all non-federal contracts. She said that local community outreach efforts existed. Ms. Singer noted that many of the opportunities for local firms focused on pre-qualified pools because the majority was open pools and as vendors became qualified, they could participate in subsequent competitions. She noted instances where local firms had not pre-qualified or where they may have competed and taken advantage of local preference; however, they were not the highest ranked or the lowest price. Ms. Singer offered to work with Commissioner Sosa to review the local preference legislation and try to identify ways to accommodate her concerns.

Commissioner Jordan questioned whether residents who were overcharged by Kauff's of Miami, Inc. (Kauff), and A-1 Redland Economy Tow (A-1) had been reimbursed and to describe procedures that were implemented to avoid similar future violations.

Ms. Singer explained that a letter of warning was issued after the first violation; a 96 hour suspension after the second violation; and a 120 hour suspension after the third violation. She noted a provision was included in the contract for performance improvement.

Sergeant Edelmira Moraitis, Property and Evidence Bureau, Miami-Dade Police Department (MDPD), explained that vendors were audited monthly regarding any vehicle related to a police directed tow. She said that paid invoices were forwarded monthly to the MDPD and reviewed for overcharges after the vehicle was released to the citizen. Additionally, Sergeant Moraitis said that tow companies were also audited annually and that A-1's overcharge was discovered through the annual audit. She said that upon discovery of an overcharge, the company must refund the amount of the overcharge to the citizen and provide MDPD with a copy of the refund check. Sergeant Moraitis said that the MDPD worked with the DPM to determine whether the overcharge was a contractual violation. She noted that three violations were grounds for termination.

Commissioner Martinez said that some of the firms listed had been overcharging residents for many years; that these firms continued to receive new contracts; and that the process must not be working. He said that the penalties were not sufficient.

Ms. Singer responded that the towing rates were established by the Board and an increase to the fine structure would be addressed if that was the desire of the Board.

Sergeant Moraitis noted that no companies were terminated over the past six years due to overcharges; that no overcharges were discovered in the 2009 annual audit; and that A-1's overcharge was a single occurrence discovered in the 2008 audit. She also noted that two or three citizen complaints had been received related to negligence and rate structure issues.

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

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12/7/2010 Carried over by the Board of County Commissioners

801H

102841 Resolution

RESOLUTION AUTHORIZING AWARD OF COMPETITIVE CONTRACTS, REJECTION OF BIDS, AND CONTRACT MODIFICATIONS, AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE OPTIONS-TO-RENEW ESTABLISHED THEREUNDER FOR PURCHASE OF GOODS AND SERVICES, AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS (SEE ORIGINAL ITEM UNDER FILE NO. 102437) (Procurement Management Department)

Adopted

Resolution R-1232-10

Mover: Barbara J. Jordan

Seconder: Dennis C. Moss

Vote: 10- 0

Absent: Heyman, Gimenez, Bell

Report: Mr. Harpal Kapoor, Director, Miami-Dade Transit, noted the Tire Leasing and Vehicle Tire Services contract was coming up for renewal on December 16, 2010 and this proposal was a new procurement for next year.

Ms. Miriam Singer, Director, Department of Procurement Management (DPM), noted sufficient funds existed for the tire and leasing contract; however, additional time was needed. She said the contract complied with all Federal Transit Administration (FTA) Buy America requirements and that it would be succeeded by a new contract which would be submitted to the Transit, Infrastructure and Roads Committee (TIRC) in January 2011 and to the Board in February 2011. She noted the additional time was needed to go through the legislative process and to transition the company awarded the new contract.

Commissioner Seijas questioned whether the Transit Department (Transit) had its own procurement operation.

Assistant County Manager Ysela Llord responded to Commissioner Seijas that the DPM provided procurement services for Transit; and that specific staff within DPM exclusively addressed Transit's procurement requirements.

Commissioner Seijas commended Ms. Llord for her explanation of the Transit issue at Tuesday's (12/07) meeting. She noted that she was not opposed to extending the contract; however, was concerned that the County conducted sufficient due diligence to ensure that tires could be obtained from within the United States (U.S.) in compliance with FTA's Buy America requirements.

Mr. Kapoor explained that although the buses were manufactured in the U.S., they used Michelin tires according to original equipment manufacturer (OEM) specifications. He noted that the current contract vendor, The Goodyear Tire & Rubber Company, did not manufacture these tires. Mr. Kapoor said that Michelin was the only company which manufactured the OEM tire and that they did not make these tires in the U.S. He noted that the portion of this contract related to tires manufactured outside the U.S. could be considered non-federal while the remainder of the contract provisions would continue to conform to federal requirements.

Ms. Singer noted that she would follow up on all vendors, including Michelin, in response to Commissioner Seijas' inquiry as to whether this tire could be manufactured in the U.S. prior to this item being presented to the Board.

Commissioner Seijas noted that she believed in Buy America; and that she would not vote for this proposal without Michelin addressing whether they would manufacture the requested tires in the U.S.

Mr. Kapoor said a waiver was issued by the FTA in 2007 authorizing the waiver of Buy America requirements for the tire under consideration.

Chairman Moss asked Ms. Singer to provide the Board with a written response on whether the required tire sizes for 70 Miami-Dade Transit buses could be manufactured in the U.S.

Commissioner Edmonson questioned whether Michelin was currently a County vendor.

Ms. Singer noted that Michelin was the recommended vendor for the successor contract. She said that the FTA approved the request that a non-

U.S. manufactured tire be used for this one tire and that they authorized this exception on the previous contract as well. Ms. Singer said that Michelin was the responsible and responsive bidder and that the FTA review of the award had been completed. She noted that the award recommendation would be presented to the TIRC in January 2011 and to the Board in February 2011. Ms. Singer informed Commissioner Edmonson that Michelin did not currently have any contracts with the County.

Mr. Kapoor responded to Commissioner Edmonson's inquiry that New Jersey Transit and Phoenix Transit were the only other transit systems in the country using these tires.

Commissioner Monestime questioned the amount of the total \$27 million contract which was attributed to the tires in question.

Ms. Singer responded that she did not have the information requested by Commissioner Monestime; however, she would provide the value of non-US manufactured tires from those which met the Buy America requirement when presenting the award to the Board.

Commissioner Monestime concurred with Commissioner Seijas' sentiments related to the importance of Buy America whenever possible.

Commissioner Jordan questioned whether the Buy America tire issue would be resolved once the Michelin contract was approved in January 2011.

Ms. Singer responded to Commissioner Jordan that the issue would not be resolved; however, she said that federal funds should not be used for Michelin tires manufactured outside the U.S. pursuant to consultation with the FTA.

Mr. Amos Roundtree, Procurement Competition Advocate, Department of Procurement Management, noted that the contract was for a tire leasing service where the entire Transit fleet would be serviced by a single company. He said that in the event that a U.S. tire manufacturer was identified; that company would need to sell the tire to Michelin who was responsible for providing all tires required by Transit.

Commissioner Souto questioned whether the entire fleet would be using Michelin tires.

Ms. Singer responded to Commissioner Souto that it was possible that Michelin would use other tire manufactures as part of the leasing agreement. She noted that tire leasing saved the County approximately \$1 million over a five-year period. Ms. Singer said the bid specifications called for specific tires based upon bus model. She noted that the company which received the award could not substitute tires and must provide the tire which they proposed in their offer.

Commissioner Souto questioned Mr. Kapoor about the number of buses which required non-U.S. manufactured Michelin tires; when these buses were purchased and who made the purchase decision to acquire these buses which were used by only a few other cities and had limited tire availability.

Mr. Kapoor responded to Commissioner Souto that 70 buses existed which required Michelin tires. He noted that Michelin tires could be used across the entire fleet if approved by federal motor vehicle standards. Mr. Kapoor also noted that the County would be liable in the event of an accident if Transit did

not use OEM tires in accordance with federal standards, unless sufficient research had been performed on an equivalent substitute product. He said that the buses were purchased in 2006 and that the Board authorized this purchase.

Commissioner Souto noted his support for Buy America.

Chairman Moss noted that the Buy America issue had recently been heightened and was now a major focus after being brought to the Board's attention.

Mr. Kapoor said that according to federal guidelines, only a minimum of 60% of the purchase contract needed to comply with Buy America guidelines.

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

Following approval of this resolution, Commissioner Martinez asked Mr. Kapoor, to read the Continuing Resolution adopted by Congress which resulted in a \$3 billion decrease in transportation funding. He also asked the Director to discuss this resolution with the Office of Intergovernmental Affairs Director and to determine the impact of this resolution on the County and report back to the Board.

11 COUNTY COMMISSION

11A RESOLUTIONS

11A3

102194	Resolution	Carlos A. Gimenez
	RESOLUTION DIRECTING MAYOR OR DESIGNEE TO OBTAIN AND POST ON MIAMI-DADE COUNTY'S WEBSITE PROPOSED MUNICIPAL BUDGETS FOR EACH FISCAL YEAR AS WELL AS ADOPTED MUNICIPAL BUDGETS AND ANNUAL FINANCIAL AUDITS FOR THE PRECEDING FIVE-YEAR PERIOD	<i>Deferred to no date certain Mover: Carlos A. Gimenez Seconder: Lynda Bell Vote: 11- 0 Absent: Heyman, Diaz</i>
10/12/2010	Carried over by the Government Operations Committee	
11/9/2010	Forwarded to BCC with a favorable recommendation from the Government Operations Committee	
12/7/2010	Carried over by the Board of County Commissioners	

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11A11

102604

Resolution

Dennis C. Moss

RESOLUTION DIRECTING THE MAYOR OR MAYOR'S
DESIGNEE TO STUDY THE FEASIBILITY OF CREATING A
MEGA MALL SHOPPING DISTRICT IN MIAMI-DADE
COUNTY

Adopted

Resolution R-1233-10

Mover: Jose "Pepe" Diaz

Seconder: Jean Monestime

Vote: 10- 0

Absent: Heyman, Gimenez, Bell

Report: Commissioner Diaz noted that the County was waiting to hear from the City of Doral in response to the request that they split the \$74,000 study cost required by this foregoing proposed resolution.

Chairman Moss noted a request to extend the timeframe; however, suggested that the timeframe remain as is and any additional time be requested later, if necessary.

Commissioner Sosa said this proposed resolution affected her District and that the potential for a convention center near the airport needed to be included in these discussions. She requested information about the feasibility study which was presented to the Board in May 2010; who conducted the study, what was the cost of the study, and the resemblance to the study being proposed by this resolution.

Mr. Marc LaFerrier, Director, Department of Planning and Zoning (DPZ), responded that the study was the initial phase of the study being requested in the proposed resolution and that it was conducted by the Economic Development Department and Department of Planning and Zoning staffs. He said that funding was needed to hire an Equitable Distribution Pool consultant for the next phase of this study.

Commissioner Sosa questioned whether sufficient funds were available in the event that the Board approved this resolution.

Assistant County Manager Alex Munoz noted that a large portion of the study could be conducted in-house by the DPZ; however, additional consulting would be needed since the required expertise did not currently exist within the County. He said that the costs associated with the consulting services would need to be determined.

Commissioner Sosa suggested that the study address the impact of the proposed shopping district on existing businesses, including the Dolphin Mall and The Mall of the Americas. She noted she had already received two phone calls expressing concern about the potential that this proposal would have on their business.

Commissioner Diaz noted the proposed shopping district was strictly within his District.

Chairman Moss noted the concept behind the shopping district was to create an environment that was compatible to the community, where everyone would benefit under one roof, such as Sawgrass Mills Mall. He said the mall would become a tourist attraction, would create jobs and would have a tremendous economic impact and he believed that people would continue to shop in other malls.

Commissioner Diaz noted that it was not the intention to improve any area at the detriment of another. He said the objective was to provide additional opportunities for tourists to spend their money within Miami-Dade County.

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

Following approval of this resolution, Chairman Moss questioned whether the \$74,000 needed to fund the study was available or whether some action was necessary to make the required funds available.

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Staff responded to Chairman Moss that the availability of funds would not be an issue.

Commissioner Diaz noted that the 5th Whereas clause on handwritten page 3, reflected "on the east by Miami International Airport;" however the language should have reflected "west of the Miami International Airport."

County Attorney Robert Cuevas informed Commissioner Diaz that the language read: "bounded on the east by Miami International Airport," which was correct.

11/9/2010 Forwarded to BCC with a favorable recommendation from the Budget, Planning and Sustainability Committee

12/7/2010 Carried over by the Board of County Commissioners

11A27

102730

Resolution

Budget, Planning and
Sustainability Committee

RESOLUTION REJECTING THE COUNTY MANAGER'S RECOMMENDATION TO REJECT PROPOSALS RECEIVED IN RESPONSE TO RFP NO. 726 AND THAT THE FIRM OF SHARPTON, BRUNSON & COMPANY, P.A. BE HELD NOT RESPONSIBLE IN CONNECTION WITH THE AWARD OF CONTRACTS FOR EXTERNAL INDEPENDENT AUDITING SERVICES AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO NEGOTIATE WITH THE FIRMS RESPONDING TO RFP NO. 726 (SEE ORIGINAL ITEM UNDER FILE NO. 102368)

Adopted

Resolution R-1234-10

Mover: Audrey M. Edmonson

Seconder: Barbara J. Jordan

Vote: 5- 3

No: Monestime, Bell, Diaz

Absent: Heyman, Sosa, Gimenez,

Souto, Martinez

Report: Commissioner Sosa noted the foregoing proposed resolution was going against the Department of Procurement Management's (DPM) recommendation. She said that Administration had concerns about whether or not Sharpton, Brunson & Company, P.A. (Sharpton) was a responsive vendor. Commissioner Sosa noted she had always followed the procurement process since she was unable to personally judge the responsiveness of one company over another. She stated that she could not support the recommendation to select a vendor without following the procurement process; otherwise the DPM was not needed. Commissioner Sosa noted the DPM should not influence the procurement process.

Commissioner Monestime questioned the rationale behind the DPM's request to start a new procurement process.

Ms. Miriam Singer, DPM Director, responded to Commissioner Monestime that the DPM reviewed Sharpton's capacity and integrity as part of its review process. She noted questions were posed to Sharpton specifically relating to issues addressed on handwritten page 11 of the Status Report and Recommendations. Ms. Singer said capacity issues related to the proposed staffing needed to perform the Water and Sewer Department (WASD) and the Transit Department (Transit) external audits. She noted Sharpton was currently performing well on other County and Clerk of the Board contracts. Ms. Singer said that integrity issues related to Internal Revenue Service tax liens; appropriate staffing needed to support audits required for WASD and Transit bond offerings; compliance with federal requirements; and issues relating to the Federal government hiring another firm to replace Sharpton after its Housing Agency takeover. Ms. Singer noted that Sharpton was asked to identify mechanisms that they would have to implement to do things differently and whether they would take responsibility for issues identified through subsequent audits.

Ms. Singer noted that a Selection Committee composed of field professionals reviewed, evaluated and ranked proposals. She said that the Committee did not evaluate oral presentations as a result of timeframe constraints needed for the DPM and Finance Department to ensure that the scope was up-to-date. Ms. Singer noted that the Selection Committee forwarded three firms to the County Manager and the DPM conducted a responsibility review and assessed whether firms had the financial and/or workforce capacity. She said that the review process also identified that Ernst & Young, LLP (Ernst) did not agree to accept the Indemnification Clause or Dispute Resolution Clause required by the County. Ms. Singer noted that it was her belief that the procurement process could be improved by rejecting all bids and beginning a new procurement process.

Ms. Singer noted that the Board previously extended the contracts of the current firms for a one-year period. She said that today's (12/09) action was to reject the DPM's impressions of the capacity of the firm and to proceed with negotiations. Ms. Singer said a detailed record of the rationale for the review existed on handwritten page 11 and it was up to the Board to decide whether to accept or reject the proposal.

Commissioner Monestime questioned whether the DPM believed Sharpton would be a watchdog for the County if awarded this contract.

Ms. Singer responded that past experience, staffing, and background were among evaluated factors. She noted that Sharpton was not a bad firm; however, they did not demonstrate that they were responsible and had the

capacity. Ms. Singer said that Sharpton did not protest the recommendation as part of their due process. She noted DPM determined that Sharpton did not have the capacity for these specific segments after being asked a series of questions to demonstrate they had the capacity.

Ms. Cathy Jackson, Director, Audit and Management Services Department, noted she did not personally conduct the responsibility review; however, she reviewed and discussed the findings with the DPM. She noted that she agreed with the responsibility review's findings; that the review was conducted properly; and that she supported the County Manager's recommendation.

Commissioner Diaz said he would support the County Manager's recommendation.

Commissioner Seijas noted Administration had the right to ask the necessary questions of each firm in order to obtain sufficient information to make an informed decision. She said the County did not need to proceed with contract negotiations when a firm could not clear its name or resolve any uncertainty. Commissioner Seijas said a vote in favor of this proposal gave the Administration a clear message when making future selections and allowed parties the right to defend themselves.

Chairman Moss questioned whether the firms on handwritten page 8 were listed according to their ranking for each of the Segments.

Ms. Singer responded to Chairman Moss that all firms were listed in order of their recommendation and were now being recommended for rejection.

Assistant County Attorney Hugo Benitez explained that the listing depicted the ranking results of the competitive selection process for each Segment.

Ms. Singer clarified that the item being considered today (12/09) was to continue the process rather than to reject proposals.

Assistant County Attorney Benitez said the proposed resolution to reject the County Manager's recommendation to reject all proposals was forwarded to the Board by the Budget, Planning & Sustainability Committee (BPSC) at its October 12, 2010 meeting. He said the item instructed the Manager to find Sharpton responsible, enabling them to engage in negotiations with the Board. Mr. Benitez said the item also allowed further negotiations with all segments in the order of ranking as stated in the Request for Proposal.

Chairman Moss questioned the contract conditions as set forth by the County which Ernst did not accept.

Ms. Singer explained that Ernst would not accept the Indemnification Clause and Dispute Resolution Clause. She noted that Ernst had previously protested the hearing officer's recommendation that these two clauses be included in the previous solicitation, and that the Board had supported the hearing officer's recommendation at that time. Ms. Singer said that Ernst had initially indicated in negotiations that they would be able to work out these issues; however, they were not able to do so. She said that price also remained an issue when considering the Ernst Segment proposals.

In response to Chairman Moss' question pertaining to KPMG, LLP (KPMG), Ms. Singer noted the firm was non-compliant for not meeting the required Small Business Enterprise (SBE) sub-contractor goal. She then confirmed

that McGladrey & Pullen, LLP (McGladrey), was currently the Transit Department's auditor pursuant to Chairman Moss' inquiry.

Chairman Moss noted McGladrey had identified the Buy America clause as an issue in their audit of the Transit Department. He said that according to Tuesday's (12/07) discussion, the Board was told that although Buy America was an issue, it was not the major issue. Chairman Moss questioned whether McGladrey had identified the major issue which created the Transit Department's problems. He noted that his biggest concern was whether adequate internal controls were in-place.

Assistant County Manager Ysela Llort responded that the Buy America issue was identified by McGladrey on page 13 of their Transit Department external audit report. She said that issues identified in the Federal Transit Administration's (FTA) exit interview included the reconciliation of payroll with the general ledger; whether the Unlimited Access Pass Program was being charged to federal contracts; and other issues which were not considered by McGladrey. Ms. Llort said that these and other issues, some large, some small, were being addressed to determine whether they were of the magnitude as noted by the FTA auditors. She noted she was uncertain whether any issues relating to any potential audit mismanagement would rise to the level that normally would have been cited in this type of audit.

Chairman Moss noted the County had been extremely critical of Sharpton. He questioned whether KPMG was deemed non-responsive.

Ms. Singer responded that KPMG was non-responsive in terms of the SBE goal.

Chairman Moss questioned whether Ernst was deemed non-responsive.

Ms. Singer responded that Ernst was not deemed non-responsive. She said responsiveness issues related to whether the firm met the requirements of the solicitation in terms of items such as licensing and SBE goals, whereas responsibility was the review of references, capacity, background, integrity and the ability to perform the work. Ms. Singer said that the County Attorney was responsible for responsiveness decisions and that these decisions were binding on both the Board and staff.

Chairman Moss noted the County continued to do business with companies that had issues and concerns. He said that some issues were overlooked and others were not. Chairman Moss noted that Sharpton should be treated fairly and that they should receive similar opportunities that the Commission had provided to other firms to help them move forward.

Commissioner Jordan noted that she was informed by Ms. Jackson during Committee and Board discussions that large audit firms were subsequently awarded County contracts after problems associated with audits were identified. She said she understood that staff believed that capacity was an issue for Sharpton; however, this firm scored highest and should be given the same opportunity given to other firms in the past. Commissioner Jordan said that the County Manager could identify the capacity issues, be it staffing or the reporting process, and give Sharpton the opportunity to correct those concerns. She requested Mr. Anthony Brunson, Senior Audit Partner, Sharpton, Brunson & Company, P.A., to put his comments on the record about the firm's ability to handle this contract.

FINAL OFFICIAL

Mr. Brunson congratulated Commissioners Bell and Monestime on being newly elected to the Board. He noted Sharpton was ranked number 1 following a comprehensive evaluation process where capacity, experience, and staffing issues were addressed by industry professionals. Mr. Brunson said that subsequent to the vetting process, the DPM determined that another direction should be pursued. He asked the Board not to deny Sharpton the opportunity to do business as the prime contractor with the County, offering the assurance that Sharpton could not afford and would not fail.

Commissioner Jordan noted her concern that County staff seemed determined to not allow a company to grow simply based on their belief that federal requirements exceeds the firm's capacity. She said that a process which identified specific areas of weakness and provided a timeframe for corrective action was provided to other firms in the past and should equally be provided to Sharpton. Commissioner Jordan said she supported the proposed resolution, noting that it did not automatically give Sharpton the contract; however, it retained the original scores. She said the item allowed the County Manager and Sharpton to enter into negotiations allowing Sharpton the opportunity to rectify issues identified in the responsibility review, and once rectified to bring back a recommendation to the Board based upon the original scores.

Commissioner Diaz said this was not a personal issue; it was one of listening to staff. He asked Ms. Jackson why staff was recommending against Sharpton, the number 1 ranked firm.

In response to Commissioner Diaz' question, Ms. Jackson suggested that Ms. Singer would be in a better position to address this concern.

Ms. Singer said that Sharpton was selected as the highest ranked firm for the Water and Sewer and the Transportation Segments. She said the selection results were submitted to the County Manager for negotiation and a responsibility review of the firm's capacity, integrity, staffing, and performance on other County contracts was then conducted. Ms. Singer said the responsibility review was conducted on all firms in a consistent manner and the specific concerns identified related to Sharpton's four IRS tax liens, their history with the Housing Agency, and insufficient staffing required for these two engagements. She noted that Sharpton did not protest the recommendation to a hearing officer and they did not demonstrate that they could appropriately address County concerns related to capacity concerns in responsibility review meetings.

Mr. Brunson noted for the record that only one IRS lien existed against Sharpton, not four, and that the lien would be fully liquidated in March 2011.

Ms. Singer noted that four IRS liens were identified at the time the records review was performed. She said that upon discussion about these liens with a Sharpton representative, they acknowledged that one lien was being resolved; however, no comment was made on the other liens.

Chairman Moss recessed the Board of County Commissioners meeting at 2:14 p.m. and informed the Board that discussion on the proposed resolution would continue after the Metropolitan Planning Organization meeting.

The meeting was reconvened by Chairman Moss at 3:15 p.m. to continue deliberations on the proposed resolution.

Commissioner Edmonson questioned whether the American Institute of Certified Public Accountants (AICPA) conducted peer reviews, collected complaints and rated Certified Public Accountants (CPAs).

Ms. Jackson responded that AICPA conducted the peer review process. She noted that the State of Florida Board of Accountancy was responsible for CPA complaint resolution; however, the federal government would also address these concerns when the complaint was subject to the receipt and use of federal funds.

Ms. Singer responded to Commissioner Edmonson's inquiry whether the County had filed any complaints against Sharpton. She noted that she was not aware of any complaints which had been filed. Ms. Singer said she was only aware of the adverse opinion from the Government Finance Officers Association in regard to the audit performed by Sharpton. She noted this was the first adverse opinion which the County had received in 27 years for an audit.

Ms. Blanca Padron, Controller, Finance Department, noted that the adverse opinion was not related to Sharpton's audit; it was issued based upon Housing's annual financial report which caused the County's opinion to be qualified (not a clean opinion).

Ms. Jackson noted that an adverse opinion was the worst possible opinion. In this instance, she noted that the opinion was qualified; however, it was an adverse opinion which usually spoke to audit quality. Ms. Jackson said that material significant audit deficiencies were discovered. She said the issue was about quality, explaining that both the Transit and WASD audits were considered high risk audits, therefore it was important to select a firm that had the capacity and the technical abilities to address potential issues that could arise. Ms. Jackson noted that Sharpton had not been precluded from working with the County and their current audit for the Clerk of the Courts was a less risky audit than those under consideration. She said the recommendation was based upon staff concerns to obtain the best qualified firm.

Commissioner Edmonson noted her concern that this was an intentional effort to slander a firm that was currently in good standing with the County and had no blemishes with the AICPA or with anyone else. She said that a firm's capacity could not be predicted.

Ms. Jackson explained that her role was to provide the information for the Board to make the best qualified decision and not to slander any firm. She noted that capacity concerns dealt with the availability of staff at the high level required for proper supervision of high risk audits.

Commissioner Edmonson asked Mr. Brunson about Sharpton's role in the Housing audit and what the firm was hired to do.

Mr. Brunson responded that the intention was to conduct an audit to ensure that the financial information in connection with the work was fairly presented. He noted that much of the activity from the Housing and Urban Development situation was the result of fraud and collusion among staff members perpetuating the fraud by signing documents acknowledging that steps and procedures were completed that were not. Mr. Brunson said that after the fraud was discovered, additional audit tests were conducted which

then revealed other items which would not normally be revealed in an audit process.

Commissioner Edmonson questioned whether staff was normally hired prior to or after receiving a contract award.

Mr. Brunson explained that Sharpton currently had staff resources available to conduct the audit work. He said that it was likely the firm would hire additional staff to strengthen the firm as it increased its work volume.

Commissioner Edmonson said she would support the BPSC's recommendation. She noted she did not understand the logic behind the County's review panel recommendation to negotiate with these firms followed by staff's subsequent determination to reject those recommendations.

Commissioner Bell said she believed that the process needed to be reevaluated and recommended that all information should be provided prior to committee scoring. She noted that review committee scores were based upon information submitted to the committee and any adverse information which was obtained later required a reevaluation. Commissioner Bell said she believed that staff was being treated unfairly for doing their job and presenting information to the Board. She noted the Board was doing the best job for its constituents, noting that she did not believe comments were slanderous, and that personal attacks were not being made.

Commissioner Bell said she was unable to support the County Manager's recommendation to reject the proposal based upon her fiduciary responsibility to County residents. She said the selection committee process needed to be tweaked; that risk was an issue; and that the Board needed to be cautious with County funds. Commissioner Bell noted that capacity issues needed to be taken seriously when considering the adverse opinion. She noted that she did not believe fraud was being suggested inasmuch as the rejection was due to failure to comply with Generally Accepted Accounting Principles and other compliance requirements.

Commissioner Monestime noted he did not want Mr. Brunson to feel that he was being treated unfairly. He said he believed the County required assurance that it could rely upon the reports provided by its auditing firms. Commissioner Monestime noted that after reviewing these proposals, it was a positive step for staff to accept responsibility for mistakes which they made throughout the process. He said he was not comfortable supporting this proposal considering the fact that the goal was to do the best job for County residents and the firm did not currently have the required capacity.

Commissioner Diaz concurred with Commissioner Bell's comments. He offered to work with Ms. Singer to proffer legislation that would provide a responsibility review process for identified issues which would then be readdressed by the assigned committee.

Chairman Moss noted that the Board provided a chance to some firms and others it did not. He said that no one spoke about pending liens or responsibility issues relating to other firms. Chairman Moss asked for clarification about the motion being considered.

County Attorney Cuevas explained that the BPSC recommendation was 1) to reject the County Manager's recommendation to reject all proposals, 2) to reject the Manager's recommendation not to find Sharpton responsible for the

FINAL OFFICIAL

Water and Sewer and Transportation Segments; to direct the County Mayor or designee to negotiate with the firms for those two segments; to bring contracts back to the Board for approval, 3) to direct the County Mayor or designee to negotiate contracts for the General and Aviation Segments in the order of the ranking, all in accordance with the terms of the RFP; to report the results of those negotiations back to the Board for approval, and 4) all contracts shall be for the audit period to ensure uninterrupted coverage following the expiration of the currently existing audit contracts.

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

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

12/7/2010 Carried over by the Board of County Commissioners

11A31

102758

Resolution

Dennis C. Moss

RESOLUTION APPROVING THE ALLOCATION OF FY 2009-10 UNEXPENDED OFFICE OF THE CHAIR DIVISION POOL FUNDS TO FUND VARIOUS PROGRAMS

The motion that this Resolution be Adopted failed.

Mover: Dennis C. Moss

Seconder: Barbara J. Jordan

Vote: 4- 6

No: Barreiro, Sosa, Souto,

Martinez, Diaz, Seijas

Absent: Heyman, Gimenez, Bell

Report: Chairman Moss declined Commissioner Martinez' request for withdrawal of this proposed resolution.

Commissioner Martinez noted the Office of the Chair Division Pool Fund consisted of left-over funds taken from other departments which normally would have been returned to the General Fund to offset the deficit. He said the starting balance for the pool fund was \$852,000 in January 2010 and the account would be depleted after this proposed allocation. Commissioner Martinez said a line item was needed for the \$168,000 combined allocations to the Martin Luther King Parade. He noted a process needed to be established to address these allocations, in particular the \$147,000 allocations being considered today (12/09).

Chairman Moss responded that allocations were made out of the existing budget and that this request had nothing to do with that account. He noted the Board had authorized the transfer of left-over funding to the Office of the Chair. Chairman Moss said that expending these funds would not impact the Office of the Chair's budget since the incoming Chairman would receive a full budget allotment. He said he had been extremely frugal with Office of the Chair budget expenditures over the past two years.

Commissioner Sosa recognized that Chairman Moss was prudent in his expenditures and dividing funds amongst all Districts. She noted that she could not support this proposal due to the budget deficit and the larger deficit projected for next year. Commissioner Sosa said that surplus funds should remain in the General Fund; that funds be applied to next year's community based organization (CBO) allocations; and that a process be established which treated all CBO's fairly.

Chairman Moss noted that the proposed expenditures were allocations that had been funded from the Office of the Chair's budget in the past.

Commissioner Diaz noted that adjustments were needed to meet today's changing economic conditions. He said the Board needed to show the community that the Board was doing its part to reduce expenses.

Commissioner Martinez noted that a misunderstanding existed inasmuch as the Chair never had pooled funds. He said that this was the first time that surplus funds from the departments reporting to the Office of the Chair were transferred to the pool fund account.

Chairman Moss said the transfer of surplus funds was approved by the Board and was not funding which currently existed in the current Chair's budget.

Commissioner Martinez noted that he was the only Board member who had voted against the transfer of funds.

Commissioner Barreiro clarified that the only funds used in the past was from the Office of the Chair and that funds from other departments reporting to the Office of the Chair were not used.

Commissioner Jordan questioned what would happen to these funds should they not be allocated as designated in the proposed resolution. She noted she supported carrying over any remaining funds to next year's General Fund. Commissioner Jordan said that allowing the funds to rollover to next year's Chair would be a disservice to the current Chair.

Commissioner Seijas said that she made the right decision when she originally voted on placing unexpended funds in the Office of the Chair's account; however, times were different and the County was in a different situation. She acknowledged Chairman Moss for being sensitive to her needs and always considering the needs of the County in its entirety. Commissioner Seijas said she could not support this proposal inasmuch as she was now feeling vulnerable and other Board members should be feeling vulnerable and were paying the consequences for past decisions.

Commissioner Monestime requested clarification whether carried over funds would be used by the new Chair at his discretion.

Commissioner Seijas responded that unexpended funds would rollover to the next Chair; however, the Chair could and should transfer these funds back to the General Fund.

Commissioner Jordan asked the County Attorney whether the current Chair could send unexpended funds back to the General Fund.

County Attorney Robert Cuevas responded to Commissioner Jordan that he would review the legislation which established the Chair Division Pool Fund to determine available options and consequences.

Later in the meeting, Assistant County Attorney Geri Bonzon-Keenan explained that absent of a budget amendment enacted by the Board, those unallocated funds would remain within the Chair Division Pool Fund and would be carried over as part of a mid-year budget amendment to the subsequent fiscal year.

Chairman Moss questioned whether Pool Funds could be allocated to the General Fund in the event that today's (12/09) proposed resolution failed.

Ms. Bonzon-Keenan responded that the allocation could only be completed through an appropriate budget amendment approved by the Board. She said that new legislation would not be needed and that this action could be accomplished by a motion.

Ms. Jennifer Glazer-Moon, Budget Director, Office of Strategic Business Management, clarified that she would need to supplement the General Fund for the additional carryover; therefore, a motion to transfer funds to the General Fund as part of the mid-year budget supplement was needed.

Commissioner Barreiro noted that establishing the Pool Fund provided the Chair the flexibility to manage these funds within the scope of the Chair's office. He noted he supported keeping the funds within the Chair's office; however, expressed concerns regarding the allocation of these funds.

Chairman Moss noted that funding was previously allocated to CBO's from the Office of the Chair's budget in the last year of the Chair's term. He said that this proposed resolution left the Office of the Chair's budget whole and did not transfer funds to that Office budget.

It was moved by Chairman Moss that the foregoing proposed resolution be adopted. This motion was seconded by Commissioner Jordan, and upon being put to a vote, failed by a vote of 4-6, (Commissioners Diaz, Barreiro, Martinez, Seijas, Sosa and Souto voted "no") (Commissioners Bell, Gimenez and Heyman were absent).

FINAL OFFICIAL

Upon failure to adopt the foregoing proposed resolution, it was moved by Commissioner Moss that unexpended funds in the amount of \$147,000 in the Office of the Chair's Budget (FY 2009-10 Division Pool Funds) be reallocated to the Countywide General Fund. This motion was seconded by Commissioner Jordan, and upon being put to a vote, passed by a vote of 10-3, (Commissioners Bell, Gimenez and Heyman were absent).

12/7/2010 Carried over by the Board of County Commissioners

FINAL OFFICIAL

11A32

102749

Resolution

Sen. Javier D. Souto

RESOLUTION WAIVING REQUIREMENTS OF
ADMINISTRATIVE ORDER 3-38 FOR SECURING
SPONSORSHIPS AND PURCHASING GOODS AND SERVICES
FOR HOSTING THE 4TH ANNUAL MIAMI INTERNATIONAL
AGRICULTURAL AND CATTLE SHOW ON MARCH 19-20,
2011

Adopted

Resolution R-1235-10

Mover: Sen. Javier D. Souto

Seconder: Rebeca Sosa

Vote: 10- 0

Absent: Heyman, Gimenez, Bell

Report: Commissioner Seijas noted the resolution waived all requirements of Administrative Order (AO) 3-38 for securing sponsorships and purchasing goods and services for an event. She questioned who would perform procurement services; who would collect the money; where would the money go; who was the responsible party; and what was the County's responsibility in regard to the 4th Annual Miami International Agricultural and Cattle Show under these circumstances.

Assistant County Attorney Monica Rizo responded to Commissioner Seijas that Commissioner Souto would be using District 10 funds to purchase items for the Show.

Commissioner Souto clarified that he had always used his District funds for the Show and would continue to do so this year.

Commissioner Seijas said the proposed resolution did not specify that District 10 funds would be used for the Show. She questioned the operational logistics behind the processing of money relating to this event.

Assistant County Attorney Rizo responded that the requirements of AO 3-38 had not been waived in the past for the Show; however, the requirements of AO 3-38 had been waived for previous Health Fairs under Commissioner Martinez' sponsorship.

Commissioner Martinez noted that by waiving the AO, he was able to attract Blue Cross Blue Shield as an event co-sponsor. He said that waiving the AO allowed the participation of less expensive vendors who were not already working with the County and that all details of this arrangement were Board approved.

Assistant County Attorney Rizo said that any allocations would need to be considered by the Board.

Commissioner Seijas said she was not clear about the purchasing of goods and services and wanted to make sure everything was done appropriately. She requested clarification on who would perform and monitor the purchasing of goods and services, who would provide accounting services to monitor what had been paid, and how Commissioner Souto would inform Administration about the financial details and payments to the non-profit organization in circumstances when AO 3-38 requirements were being waived.

County Attorney Robert Cuevas responded to Commissioner Seijas that under this proposal, the Board would be waiving the normal procurement process and there was no mention made in relation to the allocations.

Commissioner Seijas said the proposed resolution did not have sufficient information about the process. She said commissioners were in a vulnerable position and she wanted to understand all details of the proposal in order to provide answers to specific questions when asked.

Commissioner Souto said that the Office of Strategic Business Management handled the financial arrangements last year.

Commissioner Seijas noted that her questions would be addressed if she was assured the process was handled through an Administrative process.

Ms. Jennifer Glazer-Moon, Budget Director, Office of Strategic Business

Management (OSBM), responded that purchase orders, paper work, and payments from District 10 office budget would be processed through OSBM once AO 3-38 was waived. She explained that the OSBM did not handle the payment of event profits to the non-profit organization. Ms. Glazer-Moon further explained that the non-profit organization managed this event at a County facility and in this capacity they collected entry fees and kept profits after expenses.

Commissioner Sosa asked Assistant County Attorney Rizo to review the waiver requirement process for AO 3-38, relating to purchasing goods and services.

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

12/7/2010 Carried over by the Board of County Commissioners

11 B ADDITIONAL BUDGET ALLOCATIONS

11B1

102852 Report

ALLOCATION OF (FY) 2010/11 DISTRICT DISCRETIONARY RESERVE FUNDS (DISTRICT 1)

Approved
Mover: Jose "Pepe" Diaz
Seconder: Barbara J. Jordan
Vote: 8- 0
Absent: Heyman, Gimenez, Bell, Souto, Martinez

Report: *The following funding allocations were made from fiscal year (FY) 2010/11 District 1 Discretionary Reserve Funds as requested by Commissioner Jordan.*

\$300 to Miami-Dade Chamber (In support of their 5th Annual Holiday Gala)
\$75 to Egba Association of South Florida (In support of their Annual Adire and Cultural Night)

11B2

102853 Report

ALLOCATION OF (FY) 2009/10 UNEXPENDED OFFICE BUDGET FUNDS (DISTRICT 3)

Approved
Mover: Jose "Pepe" Diaz
Seconder: Barbara J. Jordan
Vote: 8- 0
Absent: Heyman, Gimenez, Bell, Souto, Martinez

Report: *The following funding allocation was made from fiscal year (FY) 2009/10 District 3 Unexpended Office Budget Funds as requested by Commissioner Edmonson.*

\$500 to Delta Sigma Theta Sorority, Inc., Miami Alumnae Chapter Re: 2011 Founders Day

For the record, Commissioner Edmonson asked to rescind the allocation made to Delta Sigma Theta Sorority, Inc., Dade County Alumnae Chapter in the amount of \$500.00 on February 18, 2010, and reallocate to DeltaCare Re: Founders Day Celebration.

11B3

102854 Report

ALLOCATION OF (FY) 2010/11 OFFICE FUNDS (DISTRICT 5)

*Approved**Mover: Jose "Pepe" Diaz**Seconder: Barbara J. Jordan**Vote: 8- 0**Absent: Heyman, Gimenez, Bell,
Souto, Martinez*

Report: *The following funding allocations were made from fiscal year (FY) 2010/11 District 5 Office Funds as requested by Commissioner Barreiro.*

*\$250 to Christopher Columbus High School for the 2011 Baseball Calendar
\$3,300 to Little Havana Activities & Nutrition Centers for the Bus Service to their Annual Holiday Party
\$750 to Univision Radio for the Three Kings Parade*

11B4

102855 Report

ALLOCATION OF (FY) 2009/10 CARRY-OVER OFFICE FUNDS (DISTRICT 9)

*Approved**Mover: Jose "Pepe" Diaz**Seconder: Barbara J. Jordan**Vote: 8- 0**Absent: Heyman, Gimenez, Bell,
Souto, Martinez*

Report: *The following funding allocations were made from fiscal year (FY) 2009/10 District 9 Carry-Over Funds as requested by Chairman Moss.*

*\$393.50 to Moe's Party Rental for the Community Health Fair Event
\$1,000 to Food for Life Outreach Ministries, Inc., for operational support*

11B5

102856 Report

ALLOCATION OF (FY) 2009/10 CARRY-OVER DISCRETIONARY RESERVE FUNDS (DISTRICT 11)

*Approved**Mover: Jose "Pepe" Diaz**Seconder: Barbara J. Jordan**Vote: 8- 0**Absent: Heyman, Gimenez, Bell,
Souto, Martinez*

Report: *The following funding allocations were made from fiscal year (FY) 2009/10 District 11 Carry-Over Discretionary Reserve Funds as requested by Commissioner Martinez*

*\$250 to King of Kings Ministry
\$500 to Charlee Homes for Children*

11B6

102857 Report

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

Approved
Mover: Jose "Pepe" Diaz
Seconder: Barbara J. Jordan
Vote: 8- 0
Absent: Heyman, Gimenez, Bell,
Souto, Martinez

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

- \$1,375 to Kiwanis of Little Havana*
- \$1,000 to Mater Academy Band Department*
- \$1,000 to John I. Smith Elementary School P.T.A.*
- \$150 to Miami Dade Fire Department*
- \$18,545 to 2010 Elderly Christmas Luncheon Funding Provided by Community sponsorship and District 12 Office funds*

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

16A1

102704 Service Awards Dennis C. Moss

PRESENTATION OF SERVICE AWARDS TO THE FOLLOWING EMPLOYEES: *Presented*

- MARCIA FERNANDEZ-MORIN - AVIATION - 30YRS
- CAROL A. LORD - AVIATION - 30YRS
- LINDA D. SHEALY - AVIATION - 30YRS
- WILNER FERTILIEU - CORRECTIONS - 30YRS
- JOHN R. HARRINGTON - CORRECTIONS - 30YRS
- ILEANA J. CEA - PLANNING AND ZONING - 30YRS
- JOSE R. OTERO - ETSO - 30YRS
- JUAN A. LLANSA JR. - FINANCE - 30YRS
- GLADYS GALVEZ - GIC - 30YRS
- ELMO A. JEFFREY - MDT - 30YRS
- WALTER PETERSON - MDT - 30YRS
- PRINKLETON THOMPSON - MDT - 30YRS
- SHARON SMITH - OFEP - 30YRS
- RICHARD H. JACKSON - PWD - 30YRS
- ARMANDO LOPEZ - PWD - 30YRS
- ALFRED L. POWELL - PWD - 30YRS
- DIOSDADO PONVERT - WASD - 30YRS
- EDUARDO A. VEGA - WASD - 30YRS

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

111164 Resolution

NON-AGENDA ITEM

Report: *It was moved by Commissioner Souto that the Board instruct the County Manager to extend the permits for town cars, limousines and taxicabs which expire December 31, 2010, until January 2011. This motion was seconded by Commissioner Sosa, and upon being put to a vote, passed by a vote of 9-0, (Commissioners Bell, Gimenez, Heyman and Seijas were absent).*

19

ADJOURNMENT

Report: *There being no further business, the meeting was adjourned at 3:43 p.m.*



Dennis C. Moss, Chairman

ATTEST: HARVEY RUVIN, CLERK



By:

Diane Collins, Deputy Clerk



Board of County Commissioners
December 9, 2010

Prepared by: Alan Eisenberg

EXHIBITS LIST

NO.	DATE	ITEM #	DESCRIPTION
1	12/09/2010		Exhibits List
2	12/09/2010		Order of the Day
3	12/09/2010		Pull List
4	12/09/2010		Memorandum from Commissioner Bell re: Absense from today's BCC meeting
5	12/09/2010		Memorandum from Commissioner Heyman re: Absence from today's BCC meeting
6	12/09/2010	11B1	District No. 1 Community Based Organization Allocations
7	12/09/2010	11B2	District No. 3 Unexpended FY 2009-10 Office Budget Funds Allocations
8	12/09/2010	11B3	District No. 5 Office Funds Allocations
9	12/09/2010	11B4	District No. 9 Carry Over Funds Allocations
10	12/09/2010	11B5	District No. 11 Carry Over Discretionary Reserve Funs Allocations
11	12/09/2010	11B6	District No. 12 Office Budget Funds Allocations
12			
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MIAMI-DADE BOARD OF COUNTY COMMISSIONERS
CARRYOVER ORDER OF THE DAY
Thursday, December 9, 2010

9:30 a.m.

Call to Order
Roll Call
Moment of Silence
Pledge of Allegiance

(NO TIME CERTAIN) COMMITTEE OF THE WHOLE

Lunch Break

2:00 p.m.

MPO

****Time Certain****



MIAMI-DADE BOARD OF COUNTY COMMISSIONERS
Tuesday, December 7, 2010
CARRYOVER PULL LIST

ITEM NO.	DESCRIPTION
*8E1A	RESOLUTION APPROVING FORM OF AMENDED AND RESTATED LOAN AGREEMENT WITH SUNSHINE STATE GOVERNMENTAL FINANCING COMMISSION FOR PURPOSE OF REFUNDING CERTAIN COMMERCIAL PAPER NOTES THROUGH ISSUANCE OF SUNSHINE STATE GOVERNMENTAL FINANCING COMMISSION REVENUE BONDS (MIAMI-DADE COUNTY PROGRAM), SERIES M; AUTHORIZING EXECUTION OF SUCH LOAN AGREEMENT BY COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE; AND DELEGATING AUTHORITY TO COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE AND OTHER COUNTY OFFICIALS TO TAKE ALL ACTION NECESSARY IN CONNECTION WITH THE LOAN AGREEMENT WITHIN CERTAIN PARAMETERS(Finance Department)
	Commissioners <i>Martinez, Heyman</i>
8F1E	RESOLUTION APPROVING IMPLEMENTING ORDER 6-8 FOR THE USE OF CELLULAR TELEPHONES WHILE OPERATING COUNTY VEHICLES(General Services Administration)
	Commissioners <i>Heyman, Barreiro</i>
*8G1A	RESOLUTION APPROVING THE PUBLIC HOUSING ASSESSMENT SYSTEM (PHAS) MANAGEMENT OPERATIONS CERTIFICATION; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO CERTIFY THE MANAGEMENT ASSESSMENT SUBSYSTEM CERTIFICATION FOR FISCAL YEAR 2010 ON BEHALF OF MIAMI-DADE COUNTY; AND AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO SUBMIT SAID CERTIFICATION TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT(Miami-Dade Public Housing Agency)
	Commissioners <i>Edmonson, Seijas, Gimenez</i>
*8M1C	RESOLUTION WAIVING FORMAL BID PROCEDURES PURSUANT TO SECTION 5.03(D) OF MIAMI-DADE COUNTY HOME RULE CHARTER AND THE REQUIREMENTS OF ADMINISTRATIVE ORDER 3-38, BY A TWO-THIRDS VOTE TO ALLOW THE PARK AND RECREATION DEPARTMENT TO CONTRACT WITH PROFESSIONAL ENTERTAINERS AND ARTISTS FOR ENGAGEMENTS AT PARK VENUES IN AN AGGREGATE AMOUNT NOT TO EXCEED \$1,000,000 AND NOT TO EXCEED \$50,000 PER PERFORMANCE OR EXHIBITION AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SUCH AGREEMENTS AND TO EXERCISE THE CANCELLATION PROVISIONS CONTAINED THEREIN(Park & Recreation Department)
	Commissioners <i>Seijas</i>
*8M1C SUPPLEMENT	SUPPLEMENTAL REPORT PROVIDING ADDITIONAL IMPACT INFORMATION TO LEGISTAR NO. 102336 - WAIVER OF FORMAL BID PROCEDURES ALLOWING PAYMENT TO ENTERTAINERS TO PERFORM AND/OR EXHIBIT AT MIAMI-DADE COUNTY PARK FACILITIES
	Commissioners
8M1D	RESOLUTION APPROVING A PARALYMPIC SPORT CLUB AGREEMENT BETWEEN MIAMI-DADE COUNTY THROUGH THE PARK AND RECREATION DEPARTMENT, LEISURE ACCESS SERVICES DIVISION, AND THE UNITED STATES OLYMPIC COMMITTEE FOR THE DEVELOPMENT, IMPLEMENTATION, OPERATION AND MANAGEMENT OF ALL ASPECTS OF A PARALYMPIC SPORT CLUB AND FURTHER AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE THE RENEWAL AND CANCELLATION PROVISIONS CONTAINED THEREIN(Park & Recreation Department)
	Commissioners <i>Diaz, Seijas</i>
8O1F	RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE OPTION-TO-RENEW PERIODS FOR CERTAIN COMPETITIVE CONTRACTS DESCRIBED IN THE ITEM, SUBJECT TO THE MONETARY LIMITATIONS SET FORTH THEREIN, AWARDED UNDER THE COUNTY MAYOR OR THE COUNTY MAYOR DESIGNEE'S DELEGATED AUTHORITY FOR THE PURCHASE OF GOODS AND SERVICES AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR THE PURCHASE OF GOODS AND SERVICES(Procurement Management Department)
	Commissioners <i>Sosa, Jordan, Martinez</i>
11A3	RESOLUTION DIRECTING MAYOR OR DESIGNEE TO OBTAIN AND POST ON MIAMI-DADE COUNTY'S WEBSITE PROPOSED MUNICIPAL BUDGETS FOR EACH FISCAL YEAR AS WELL AS ADOPTED MUNICIPAL BUDGETS AND ANNUAL FINANCIAL AUDITS FOR THE PRECEDING FIVE-YEAR PERIOD (Carlos A. Gimenez, Prime Sponsor)
	Commissioners <i>Monestime, Heyman, Barreiro, Martinez, Bell, Seijas</i>



MIAMI-DADE BOARD OF COUNTY COMMISSIONERS
Tuesday, December 7, 2010
CARRYOVER PULL LIST

ITEM NO.	DESCRIPTION
11A11	RESOLUTION DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO STUDY THE FEASIBILITY OF CREATING A MEGA MALL SHOPPING DISTRICT IN MIAMI-DADE COUNTY (Dennis C. Moss, Prime Sponsor) Commissioners <i>Diaz</i>
11A27	RESOLUTION REJECTING THE COUNTY MANAGER'S RECOMMENDATION TO REJECT PROPOSALS RECEIVED IN RESPONSE TO RFP NO. 726 AND THAT THE FIRM OF SHARPTON, BRUNSON & COMPANY, P.A. BE HELD NOT RESPONSIBLE IN CONNECTION WITH THE AWARD OF CONTRACTS FOR EXTERNAL INDEPENDENT AUDITING SERVICES AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO NEGOTIATE WITH THE FIRMS RESPONDING TO RFP NO. 726 (SEE ORIGINAL ITEM UNDER FILE NO. 102368) Commissioners <i>Sosa, Monestime, Diaz, Martinez, Bell</i>
11A31	RESOLUTION APPROVING THE ALLOCATION OF FY 2009-10 UNEXPENDED OFFICE OF THE CHAIR DIVISION POOL FUNDS TO FUND VARIOUS PROGRAMS (Dennis C. Moss, Prime Sponsor) Commissioners <i>Martinez, Sosa</i>
11A32	RESOLUTION WAIVING REQUIREMENTS OF ADMINISTRATIVE ORDER 3-38 FOR SECURING SPONSORSHIPS AND PURCHASING GOODS AND SERVICES FOR HOSTING THE 4TH ANNUAL MIAMI INTERNATIONAL AGRICULTURAL AND CATTLE SHOW ON MARCH 19-20, 2011 (Sen. Javier D. Souto, Prime Sponsor) Commissioners <i>Seijas</i>



MEMORANDUM

Commissioner Lynda Bell
District 8

To: The Honorable Chairman Dennis C. Moss
& Members of the BCC

From: Commissioner Lynda Bell

Lynda Bell

Date: December 8, 2010

Re: BCC Carryover Meeting on December 9, 2010

I will be unable to attend the above referenced BCC Carryover meeting. I apologize for any inconvenience this may cause.

Thank you.

:jf

Cc: Robert Cuevas, County Attorney
George Burgess, County Manager
Diane Collins, Clerk of the Board



MEMORANDUM
BOARD OF COUNTY COMMISSIONERS
COMMISSIONER SALLY A. HEYMAN
DISTRICT 4

TO: The Honorable Dennis C. Moss,
Chairman and Members of the
Board of County Commissioners

DATE: December 13, 2010

FROM: Sally A. Heyman
Commissioner
District 4

SUBJECT: **Absence from Carry-Over BCC Meeting,
Thursday, December 9, 2010**

A handwritten signature in cursive script, appearing to read "Sally A. Heyman", is written over the printed name and title of the sender.

Please be advised due to a previous commitment with NEMA, I will be unable to attend the Carry-Over BCC Meeting scheduled for Thursday, December 9, 2010.

Thank you for your attention in this matter.

Cc: George Burgess, County Manager
R.A. Cuevas, County Attorney
Diane Collins, Acting Division Chief



Date: December 7, 2010

To: Dianne Collins, Acting Division Chief,
Clerk of the Board

From: **Barbara J. Jordan**
Commissioner, District 1
Barbara J. Jordan AD

Subject: Community-based Organization allocations presented at the **December 7, 2010**
County Commission Meeting

I would like to allocate funding from my District 1 Discretionary Reserve to the following organizations:

District 1 Discretionary Reserve

Organization Name	Allocation Amount
<i>Miami Dade Chamber (In support of their 5th Annual Holiday Gala)</i>	\$300.00
<i>Egba Association of South Florida (In support of their Annual Adire and Cultural Night)</i>	\$75.00



MEMORANDUM
BOARD OF COUNTY COMMISSIONERS
COMMISSIONER AUDREY M. EDMONSON
DISTRICT 3

Date: December 9, 2010
To: Ms. Diane Collins, Acting Division Chief
Clerk of the Board
From: Audrey M. Edmonson
Commissioner, District 3
Subject: Allocations

The following allocation is to be made from:

District 3's Unexpended 2009/10 Office Budget Funds

Delta Sigma Theta Sorority, Inc., Miami Alumnae Chapter
Re: 2011 Founders Day \$500.00

I would like to rescind the allocation made to Delta Sigma Theta Sorority, Inc. Dade County Alumnae Chapter in the amount of \$500 on February 18, 2010 and reallocate to DeltaCare re: Founders Day Celebration.

c: Vivian Gonzalez-Cao, Business Analyst
Office of Strategic Business Manager



MEMORANDUM
BRUNO A. BARREIRO
Miami-Dade County Commissioner
District 5

TO: Diane Collins, Acting Division Chief
Clerk of the Board

FROM: Bruno A. Barreiro

A handwritten signature in black ink, appearing to read "Bruno Barreiro", with a small "5" written to the right of the signature.

SUBJECT: District 5 Allocations

DATE: December 9, 2010

I would like to make the following allocations from District 5 office funds:

- \$ 250.00 to Christopher Columbus High School for the 2011 Baseball Calendar
- \$3300.00 to Little Havana Activities & Nutrition Centers for the Bus Service to their annual Holiday Party
- \$ 750.00 to Univision Radio for the Three Kings Parade

Thank you.



Memorandum

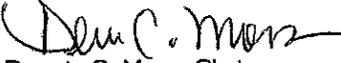
Office of Chairman Dennis C. Moss
District 9

Stephen P. Clark Center · 111 NW 1st Street, Suite 320 · Miami, Florida · 33128

Telephone: 305.375.4832 · Facsimile: 305.372.6011 · E-mail: District9@miamidade.gov

Date: December 7, 2010

To: Dianne Collins, Miami-Dade Clerk of the Board
Vivian Gonzalez-Cao, OSBM

From: 
Dennis C. Moss, Chairman
Miami-Dade County Board of County Commissioners, District 9

Re: Allocations

I would like to make an allocation from my District 9 carry over funds:

- | | | |
|---|------------|----------------------------------------------------------------|
| 1 | \$393.50 | Moe's Party Rental for the Community Health Fair Event |
| 2 | \$1,000.00 | Food for Life Outreach Ministries, Inc for operational support |

Allocation from District 11 Carry-Over Discretionary Reserve Funds

King of Kings Ministry \$250

Charlee Homes for Children \$500

11B6



Date: December 7, 2010
To: Clerk of the Board
From: Jose "Pepe" Diaz
Commissioner, District 12
Subject: December 7, 2010 Board of County Commissioners' Meeting

I would like to allocate the following from my:

DISTRICT 12 OFFICE BUDGET

Organization	Allocation Amount
Kiwanis of Little Havana	\$1,375.00
Mater Academy Band Department	\$1,000.00
John I. Smith Elementary School P.T.A	\$1,000.00
Miami Dade Fire Department	\$150.00
2010 Elderly Christmas Luncheon Funding Provided by Community sponsorship and District 12 Office funds	\$18,545.00