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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 7(C)

(Second Reading 9-1-09)

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

DATE: June 30, 2009

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Ordinance amending Article XLVIII of the Code relating to Metro-Miami Action Plan Trust

Ordinance No. 09-70

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson and Co-Sponsor Commissioner Barbara J. Jordan.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum

MIAMI-DADE COUNTY

Date: June 30, 2009

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Final Report of the Metro-Miami Action Plan Oversight Review Board

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Attached please find the Final Report of the Metro-Miami Action Plan (MMAP) Oversight Review Board as discussed and adopted by the Oversight Review Board at its meeting of May 28, 2009.

As you recall, the MMAP Oversight Review Board was created through Resolution R-1271-08 to review MMAP's management structure and functions, the future oversight of MMAP, establish benchmarks, and serve in an advisory capacity to the Board of County Commissioners and Mayor, among other things.

The attached report contains the observations and recommendations of the MMAP Oversight Review Board. In addition, a list of the MMAP Oversight Review Board's meeting dates is also included.

Attachments

Cynthia W. Curry
Senior Advisor to the County Manager

MMAP Oversight Review Board Report

Board Charge

This report is respectfully presented by the MMAP Oversight Review Board (hereinafter referred to as ORB) in response to the Board of County Commissioners (hereinafter referred to as BCC) adoption of Resolution R-1271-08 on November 20, 2008. This resolution's primary sponsor was Commissioner Audrey Edmonson, with Vice-Chairwoman Barbara Jordan and Commissioner Dennis Moss as co-sponsors. The duties, functions and responsibilities of the ORB were designated as follows:

- To explore various options related to the oversight and management of MMAP. Including but not limited to the possibilities of restructuring, merging MMAP with another department or office of Miami-Dade County, the complete dismantlement of MMAP and/or the creation of a new entity to address those areas that are currently assigned to MMAP.
- To explore the potential role of this Board and/or the County's administration with respect to the future oversight of MMAP;
- To develop benchmarks related to the functions and responsibilities of MMAP.
- To make additional recommendations that address all aspects of MMAP's operations, including but not limited to addressing certain MMAP functions that will assist the agency in achieving its mission.
- To make final findings and recommendations to the Miami-Dade Board of County Commissioners and the Mayor regarding the oversight and management of MMAP.
- To serve in an advisory capacity to the Miami-Dade Board of County Commissioners and the Mayor of Miami-Dade County and other public and governmental entities with respect to all issues affecting or relating to the duties charged herein.

Background

The Metro Miami Action Plan (MMAP) was created in 1983 for the purposes of improving economic conditions in the Black community and to address existing disparities between Blacks and the community at large. The following four indicators defined MMAP's core mission: education; economic development and employment; housing; and criminal justice.

Historically, MMAP had primarily focused on providing homeownership opportunities and alternatives for at-risk youth through the operation of the Teen Court Program and derives most of its funding from Documentary Stamp Surtax revenue, General Fund, Traffic Ticket Surcharges, Miami-Dade County Public School System, and eight percent Local Business Tax *(since redirected to the Beacon Council and replaced by General Fund support).*

The ORB and the Interim Board of Trustees convened its first joint meeting on December 18, 2008. At this meeting, the ORB nominated and unanimously selected Attorney H.T. Srnith as Chairman.

The ORB began its tasks by thoroughly reviewing a binder of resource materials on MMAP that included applicable BCC ordinances and resolutions, organizational profile, budget, program descriptions, existing MMAP Annual Reports (04-06; 06-7), current contracts, the 2006-2007 study **"Thirty-Year Retrospective: The Status of the Black Community in Miami-Dade County" (hereinafter referred to as the FIU Study)** conducted by the Metropolitan Center, Florida International University (FIU) ; and the AMS Follow-Up Audit Report.

In an effort to gain a better understanding of what MMAP's history had been and its overall effectiveness in the community, the ORB invited the past MMAP Executive Directors and the Interim Director to present an overview of their tenures' accomplishments, challenges to the achievement of the stated mission, needs, and recommendations for future direction of the program. The ORB also received a presentation on a few organizations in comparable metropolitan areas with programs similar to that of MMAP.

After careful consideration of the information received from past MMAP executive directors and the interim director, resource materials and reports, a review of the 2006-2007 FIU Study, the ORB unanimously agreed that an entity like MMAP could effectively address economic conditions and issues and hold intrinsic value for the Black residents of Miami-Dade County and the community at large. Further, the ORB's position is supported by the 2006-2007 FIU Study's finding: *"The latest version of the study reveals the persistence of the basic disparities between racial and ethnic communities that existed in Miami-Dade County in 1983".*

It is important to note that economic conditions are one of the most significant determinants impacting the overall well-being of a community. Therefore, economic development is an effective engine for strengthening communities and is one of the critical mechanism by which poverty can be significantly reduced; jobs are created and retained, crime is reduced and all of the quality of life indicators are improved. While such development and initiatives support the creation of strong communities, formidable and effective advocacy efforts cannot be ignored for the value it brings in sustaining and ensuring the viability of those same communities. The ORB strongly believes that given these assertions coupled with the continued disparities faced by Blacks in Miami-Dade County, there continues to be a need for an organization to address these issues.

The series of subsequent discussions provided the impetus for the body of work that the ORB utilized in order to achieve its tasks to develop and define an organizational name, mission statement, structure, and goals.

MMAP Mission

The ORB began the process by deconstructing MMAP's previous mission and role. Given the vastness of the mission of "reducing disparities", the ORB questioned the ability of any agency to fulfill such a broad based mission with such limited powers,

inadequate human and financial resources, and lack of authority. The ORB further asserts that any agency that is significantly underfunded for such an expansive mission is severely handicapped and cannot succeed.

The ORB determined that the mission of MMAP must be refocused and revamped in order to sufficiently respond to its created purpose. To this end, the ORB determined that the recommended core mission of MMAP should be focused on economic development with workforce development as an integral part thereof. Since housing is vital to economic development, the new organization would continue to operate its Surtax funded housing program.

Additionally, a viable and successful organization always has a compelling mission statement that is reflective of its business and mission. This statement serves the best interests of an organization when it is written in a clear and concise manner. In analyzing the previous mission statement, the ORB found it too broad and ambiguous. Further, the mission statement and program activities were largely inconsistent.

The ORB proposes the following mission statement:

To ensure the equitable participation of Blacks in Miami-Dade County's economic growth through advocacy and monitoring of economic conditions and economic development initiatives in Miami Dade County.

Role of MMAP

As it relates to the role of MMAP, the ORB examined and assessed a number of existing resources that have the mission of reducing and/or eliminating economic blight in communities with significant Black populations. As such, these resources provide an opportunity for improving economic and other conditions of Blacks in those communities potentially resulting in a reduction of the disparities that currently exist. However, there was no evidence of coordination even among those government entities charged with the responsibility and funded to improve the conditions in blighted communities largely populated by Blacks. This lack of coordination is further exacerbated by the absence of meaningful and focused ongoing public-private collaborations. The ORB believes that the criticality of these gaps make any significant sustainable black economic development and/or participation in the County's economic opportunities almost impossible. A reconstituted, refocused, and properly funded MMAP has the unique opportunity to bridge these gaps.

The ORB envisions the new role of MMAP to function primarily as an advocacy and coordinating entity, fostering collaborations and building strong alliances with entities that target issues that affect the economic growth and conditions in blighted communities and fostering the equitable participation of Blacks in economic development activities in Miami-Dade County. Additionally the ORB believes that in its new role, MMAP should emerge as the leader/facilitator of this collective and assist in the development of a coordinated strategic plan.

A stalwart advocacy-focused entity will provide the Black community of Miami-Dade County with: 1) strategic opportunities to improve economic and social conditions, 2) foster the economic well-being of Blacks in the most vulnerable communities, and 3) coordinate the communal, governmental, and non-governmental resources necessary to build and sustain a robust community.

Given this leadership/facilitator role, the secondary and equally important role is that of monitoring both governmental and non-governmental entities charged with and funded to improve conditions in blighted communities as well as improving economic conditions of Blacks in Miami-Dade County. The new MMAP would be responsible for tracking and reporting on the activities and the achievements of the entities charged with and funded to improve conditions of Blacks in these blighted communities. The results of this monitoring would be issued annually as a *report card* to the community on the activities and the effectiveness of these entities on improving the economic conditions of Blacks in Miami-Dade County.

Proposed Name Change

Equally important as its mission and role, an organization's name should suggest its purpose and mission. MMAP as a name is inconsistent with its original mission, and provided no identification of its mission. This inconsistency would continue with the newly created mission should the name remain the same. The ORB posits that the bestowal of a new name is connotative of a new beginning. Additionally, changing the name provides an important segue for the renewal of the original social and economic commitments that marked the birth of MMAP. This name change would also facilitate the beginning of positive branding allowing for the creation of a new synergy. To this end, the ORB proposes that MMAP be renamed ***Miami-Dade Economic Advocacy Trust (MDEAT).***

Organizational Structure

The ORB strongly advocates that the new organizational structure aligns itself with the new mission and role of the organization. Programmatically, the ORB recommends that The Teen Court Program remain under the jurisdiction of the new structure no more than 3 years. At the conclusion of this time period, Florida Statute 938.19 (6) requires the BCC to authorize the administration of the Teen Court Program to any of the following entities: non-profit organizations, law enforcement agencies, court administrator, Clerk of the Court, or any other similar agency. However, the ORB believes that MMAP's Board of Trustees should provide recommendations for providers to the BCC. This program modification would allow for the implementation of a structure that supports the organization's new focus on economic development.

Attachment (A) reflects the proposed organizational structure of the new organization with the Teen Court Program. Attachment (B) reflects the proposed new organizational structure without the Teen Court Program.

Reporting

The ORB recommends that the reporting relationship for the new Board remains as codified in the current ordinance. That is, the new Board would continue reporting to the Board of County Commissioners and that all other current relationships with County support departments remain unchanged. The ORB furthers recommends that Commission Auditor's Office expertise be engaged to promote broader oversight of the new structure's activities. The ORB also recommends that all MMAP information submitted to the BCC is shared simultaneously with the Mayor.

Additionally, the success of the recommended structure resides with the ability to engage staff with sufficient qualifications and skill sets to effectively negotiate and engage a cross-section of the public and private business sectors on economic development issues. Further, a critical component of the new structure's success hinges on the staff's capacity to develop and maintain partnerships and orchestrate collaborative agreements that further the mission and achieve the stated goals and objectives. The ORB also recommends that the new Board of Trustees perform an analysis of the Executive Director and all staff positions to determine the relevancy of their experience and skills in achieving the new stated mission.

Organizational Goals

Given the charge of the ORB, the goals presented here are intended to serve as guidance to the new Board who must engage its partners in the development of a strategic plan with specific activities that will ensure the new Trust Board's success in achieving its mission. These activities must be bench marked in order to ensure maximum accountability and transparency. The guidance provided here allows the new board the autonomy necessary to carry out its charge. The ORB recommends the following for the new organization:

- Serve as an economic stimulator for Black businesses targeting all significant development and procurement initiatives (e.g., government funded, public-private ventures, etc.)
- Initiate and maintain collaboration with private and public sector economic development entities to ensure the equitable participation of Blacks in Miami-Dade County's economy.
- Advocate and make recommendations to organizations throughout Miami-Dade County to facilitate the equitable participation of Blacks in all facets of economic development and growth.
- Advocate and facilitate the development of collaborative partnerships to promote workforce readiness in the Black community to meet industry demands.
- Advocate and facilitate the development of covenants among leading businesses in Miami-Dade County to foster Black Business Development while strengthening the businesses' commitment to provide economic opportunities for Blacks in eight key areas:

- Employment and diversity,
- Marketing and advertising,
- Distributorships/franchises,
- Minority retailers,
- Purchasing,
- Professional and other financial services,
- Corporate contributions, and
- Board Representation

Summary of Key Recommendations:

The following recommendations are presented for consideration by the Board of County Commissioners:

1. The current MMAP be restructured as an advocacy and monitoring entity focusing on economic development with workforce development as an integral part thereof. Since housing is vital to economic development, the new organization should continue to operate its Surtax funded housing program, with the following new mission: *To ensure the equitable participation of Blacks in Miami-Dade County's economic growth through advocacy and monitoring of economic conditions and economic development initiatives in Miami Dade County.*
2. The reporting relationship between the new MMAP Board and the BCC remain as codified in the current ordinance.
3. The current MMAP name be changed to the Miami-Dade Economic Advocacy Trust (MDEAT).
4. The new organization should not function as a service provider and that the Organization be given no more than three years to transition the Teen Court Program to another provider.
5. The new organization presents an annual scorecard that reflects the performance of those entities, (both public and private) charged with and funded to improve conditions in blighted communities.
6. The new Board of Trustees conduct a disparity study to ensure that it begins its new direction from a current perspective on economic conditions of Blacks in Miami Dade County.
7. The new Board of Trustees be directed to chart a course of action that will lessen its dependency on County General Funds. In an effort to assist with this task, the BCC also should consider the establishment of a foundation to enhance the new organization's ability to secure funds from philanthropic and other non-tax based sources; and

8. As originally mandated in the motion that passed on June 7, 1994, the BCC should require The Beacon Council to submit the eight (8) percent Local Business Tax revenues to the new organization to carry out its mission.

Conclusion

The ORB strongly believes that these recommendations, if implemented, create an opportunity for the greatest number of those underserved in our community. It also provides them a tangible opportunity to participate in the economic gains many experience in our community.

The challenges facing the new Board of Trustees are significant. Its success will require a renewed cooperation and commitment from both the public and private sectors. This is our community and we must all make a concerted effort to eliminate the disparities that are preventing Miami-Dade County from being the world class community it desires and is needed to be.

Finally, the ORB is cautiously optimistic that a reconstituted and refocused MMAP has a very unique opportunity to ensure that Blacks can equitably participate in Miami-Dade County's economic activities and growth, if and only if, it is properly funded and supported by County leadership and management.

Attachment 2

MMAP Oversight Review Board Meeting Dates*

1. December 18, 2008
2. January 7, 2009
3. January 29, 2009
4. February 10, 2009
5. February 26, 2009
6. March 12, 2009
7. April 2, 2009
8. April 28, 2009
9. May 6, 2009
10. May 12, 2009
11. May 28, 2009

*Quorum was met on all meeting dates.

Memorandum

MIAMI-DADE COUNTY

Date: September 1, 2009

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Ordinance Amending Article XLVIII of the Code relating to Metro-Miami Action Plan Trust

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The ordinance amending the Metro-Miami Action Plan Trust will not have a fiscal impact on Miami-Dade County.

Cynthia Curry
Senior Advisor to the County Manager

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MEMORANDUM

(Revised)

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

DATE: September 1, 2009

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 7(C)

Please note any items checked.

_____ **"4-Day Rule" ("3-Day Rule" for committees) applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Bid waiver requiring County Mayor's written recommendation**

✓ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 7(C)

9-1-09

ORDINANCE NO. **09-70**

ORDINANCE AMENDING ARTICLE XLVIII OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO METRO-MIAMI ACTION PLAN TRUST, PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Article XLVIII is hereby amended to read as follows: [1]

ARTICLE XLVIII. [[~~METRO-MIAMI ACTION PLAN~~]] >>MIAMI-DADE ECONOMIC ADVOCACY TRUST<<

Section 2. Section 2-502 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:

Sec. 2-501. Creation and purpose.

(a) There is hereby created and established a revocable trust, the terms of which may be modified by Miami-Dade County, which trust shall be named and known as the [[~~Metro-Miami Action Plan~~]] >>Miami-Dade Economic Advocacy<< Trust (hereinafter referred to as the "Trust"). The Trust shall be a public body corporate and politic which, through its governing body, may exercise all those powers either specifically granted herein or necessary in the exercise of those powers herein enumerated. The Trust shall be an agency and instrumentality of Miami-Dade County.

(b) >>The purpose of the Trust shall be to ensure the equitable participation of Blacks in Miami-Dade County's economic growth through advocacy and monitoring of

[1] Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

economic conditions and economic development initiatives in Miami Dade County.<<

[[~~(b)~~]]>>(c)<< This Board recognizes the independence of the Trust and its obligation to provide the Board of County Commissioners and the County [[~~Manager~~]] >>Mayor or the Mayor's designee<< with independent advice on matters of policy relating to the purposes and projects of the [[~~Metro Miami Action Plan~~]] >>Trust.<<

[[~~(c)~~]]>>(d)<< Notwithstanding the independence of the Trust, this Board may by resolution take any action to effectuate the purposes of the [[~~Metro Miami Action Plan~~]] >>Trust.<<

Section 3. Section 2-503 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:

Sec. 2-503. Appointment and tenure.

(a) *Nominating council.* Trustees shall be appointed by resolution of the Board of County Commissioners (hereinafter known as "Board") after having been selected by the [[~~Metro-Miami--Action--Plan~~]] >>Miami-Dade Economic Advocacy<< Trust Nominating Council (hereinafter known as "Nominating Council") established and described herein. The Nominating Council shall be comprised of five (5) voting members, two (2) of whom shall be the Chairperson of the Board of Trustees of the Trust and the Chair of the Board's committee with jurisdiction over economic development issues, who shall serve as the chair of the Nominating Council and three (3) of whom shall be appointed by the Chair of the Board of County Commissioners and ratified by the Board. No acting Trustee of the Trust, other than the Chairperson of the Board of Trustees, shall serve on the Nominating Council, nor shall any acting member of the Nominating Council, other than the Chairperson of the Board of Trustees, be eligible to serve on the Board of Trustees of the Trust. In serving on the Nominating Council, the Chairperson of the Board of Trustees of the Trust shall not vote on or participate in any way in any matter affecting the Chairperson's appointment to the Board of Trustees of the Trust. The members of the Nominating Council shall be appointed for staggered three-year terms and shall not serve more than two (2) consecutive and complete three (3) years

each as set forth in Section 2-503(d) of this article. The sole function of the Nominating Council shall be to solicit, screen, interview and recommend for appointment the best qualified candidate for each vacancy of the Board of Trustees. The Nominating Council and the procedures under which it will operate shall be approved by the Board of County Commissioners. The Nominating Council shall submit to the Board of County Commissioners one (1) nominee for each vacancy on the Trust Board. The slate of nominees shall be submitted directly to the Board of County Commissioners no later than September 1 of each year. As applicable, Section 2-11.36 et seq. of the Code of Miami-Dade County shall govern the establishment and activities of the Nominating Council. In the event the Commission is unable to appoint a member to the Board of Trustees pursuant to said section(s), no action of the Trust shall be rendered void because of such inability on the part of the Commission. The County Mayor shall designate a liaison to coordinate the Nominating Council process.

In the event of a vacancy during the term of a Trustee, the Trust shall notify the Board of County Commissioners of the vacancy and shall request that it be filled in accordance with the applicable criteria set forth herein either as a part of the annual appointment process or by a special meeting of the Nominating Council.

(b) *Composition.* Notwithstanding Section 2-11.1 of this Code with respect to eligibility of membership on the Board of Trustees, the voting membership shall include representatives from the following areas of professional expertise: (1) economic and business development; (2) criminal justice; (3) community based organizations; (4) educational organizations; (5) banking and finance; and (6) health organizations. In addition, the Board of Trustees shall have at least one (1) voting member from the Miami-Dade County School Board and one (1) voting member from State or local government. At least seven (7) members of the initial Board of Trustees shall be selected from members of the existing [[~~Metro-Miami Action Plan~~]] >>Trust<< Board of Directors. With respect to the appointment of the balance of Trustees, careful consideration shall be given to the expertise needed to accomplish the goals and objectives of the Trust. In addition, a majority of the membership of the Board of Directors shall be members of the African-American community.

* * *

Section 4. Section 2-506 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:

Sec. 2-506. Powers and duties of the Trust.

* * *

(c) The Trust shall identify and develop a variety of alternative funding sources and shall seek and apply for State, federal and private grants>>, including but not limited from philanthropic and non-tax based sources.

(d) The Trust shall serve as an advocate for and providing of the economic conditions and economic development initiatives in Miami Dade County.

(e) The Trust shall submit to the Board an annual scorecard that reflects the performance of those entities, (both public and private) charged with and funded to improve conditions in blighted communities.

(f) The Trust shall conduct a disparity study that examines the present economic conditions of Blacks in Miami Dade County. This study shall be conducted every tent (10) years and submitted to the Board.<<

[[~~(d)~~]] >>(g)<< The [[~~trust~~]] >>Trust<<, as an agent and instrumentality of Miami-Dade County, shall be authorized to act for Miami-Dade County in the performance and enforcement of all contracts and, subsequent to the effective date of this chapter and subject to the limitations set forth below, shall additionally be empowered to negotiate and execute such contracts as are properly within the powers and duties of the [[~~trust~~]] >>Trust<<. However, the [[~~trust~~]] >>Trust<< shall not without the prior approval of the Board of County Commissioners, enter into or amend any contract which shall require the expenditure of funds in excess of the amounts appropriated to the trust by the Board of County Commissioners.

The [[~~trust~~]] >>Trust<< shall comply with the formal bid requirements of Section 4.03(D) of the Charter of Miami-Dade County, Florida, and for such purpose the term

"board" as used in Section 4.03(D) shall be construed to be "board of trustees" and the term "manager" shall be construed to be executive director of the [[~~trust~~]] >>Trust.<<

For all construction contracts, the trust shall comply with the provisions of Section 10-38 of the County Code and the administrative procedures adopted pursuant to said section.

For all purchases of commodities and services, the trust shall comply with the provisions of Section 2-8.2 of the County Code and the administrative procedures adopted pursuant to said section.

[[~~(e)~~]]>>(h)<< The Trust's budget requests shall be prepared and submitted in the same manner as the budget for a County department and will be considered as part of the Miami-Dade County budget process. The Trust's budget requests shall be prepared in a format prescribed by the County Manager.

* * *

Section 5. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 6. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be re-numbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 7. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: **September 1, 2009**

Approved by County Attorney as
to form and legal sufficiency.

Prepared by:

Terrence A. Smith

Prime Sponsor: Commissioner Audrey M. Edmonson
Co-Sponsor: Commissioner Barbara J. Jordan