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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Amended
Agenda Item No. 11(A)(33)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: November 20, 2008

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

SUBJECT: Resolution creating the Metro Miami Action Plan Trust Oversight Review Board

Resolution No. R-1271-08

This resolution was amended by the Economic Development and Human Services Committee to add the words underlined, as indicated in the item.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson, and Co-Sponsors Vice-Chairwoman Barbara J. Jordan and Commissioner Dennis C. Moss.

R. A. Cuevas, Jr.
County Attorney

RAC/up

MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: November 20, 2008

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

SUBJECT: Amended Agenda Item No. 11(A)(33)

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 Manager'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 _____

Amended
Agenda Item No. 11(A)(33)
11-20-08

RESOLUTION NO. R-1271-08

RESOLUTION CREATING THE METRO MIAMI ACTION PLAN TRUST OVERSIGHT REVIEW BOARD; REMOVAL OF MMAP TRUSTEES; CONVENING THE NOMINATING COUNCIL; AND AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO PLACE MMAP ON MANAGEMENT WATCH

WHEREAS, pursuant to Article XLVIII, Section 2-501 et seq. of the Code of Miami-Dade County the Metro Miami Action Plan Trust ("MMAP") was created in 1992 as an independent revocable trust that is also an agency and instrumentality of Miami-Dade County; and

WHEREAS, the purpose of MMAP's creation was to address the racial disparities between members of the African-American community and members of other communities by development of an action plan for the social and economic development of the African American community; and

WHEREAS, over the years MMAP has served the African American community in Miami-Dade County through various programs that address the economic, housing and educational needs of this community; and

WHEREAS, notwithstanding MMAP's accomplishments over the years, the Board recognizes that serious concerns have been raised concerning MMAP's operations; and

WHEREAS, the Miami-Dade Audit and Management Services ("AMS") recently issued a draft audit report which, while commending MMAP on its programs that provide homeownership opportunities for qualified residents of Miami-Dade County and its alternative

program through Teen Court for at-risk youth, identified serious deficiencies in leadership, strategies, vision, accountability and stewardship of their limited resources; and

WHEREAS, this Board ultimately has the responsibility for the oversight of MMAP; and

WHEREAS, this Board desires to explore all options with regard to the management and oversight of MMAP through the creation of an advisory board that will provide findings and recommendations to this Board; and

WHEREAS, this Board believes that notwithstanding the creation of the advisory board it is in the best interest of MMAP and this Board to remove all current MMAP Trustees and to convene the MMAP Nominating Council immediately to commence the process for appointing a new Board of Trustees,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The Board considers the management problems of MMAP to be urgent and serious thus requiring immediate action to be taken by this Board.

Section 2. Creation of Oversight Board. There is hereby created and established in Miami-Dade County an advisory board to be known as the Metro Miami Action Plan Trust Oversight Review Board ("Oversight Board") which shall exist for a period not to exceed ninety (90) days following the adoption of this resolution, or the appointment and seating of the new Board of Trustees of MMAP or any other entity created by this Board, whichever is earliest.

Section 3. Initial Membership. The Oversight Board shall initially be composed eleven (11) members of whom the following nine (9) members are hereby appointed as the initial members:

a. Rachel Reeves, Publisher of the Miami Times;

b. Robert Holland, Esq. Private Attorney;

c. Rev. Richard Dunn, President of People United to Lead the Struggle for Equality (P.U.L.S.E.);

d. Patrick Range, Sr., President of Range Funeral Home, Inc.;

e. H.T. Smith, Esq. Private Attorney;

f. Rev. Walter T. Richardson, Senior Pastor at Sweet Home Missionary Baptist Church;

g. Bishop Victor T. Curry, Senior Pastor of New Birth Baptist Church Cathedral of Faith International and President of Miami-Dade Branch of the NAACP;

h. Darryl K. Sharpton, CPA, Consulting Partner, Sharpton Brunston & Company; P.A. and

i. The Honorable Betty Ferguson, Educator and Former Miami-Dade County Commissioner

Section 4. Organization. The Oversight Board shall appoint a Chair from amongst its members. In order to transact any business or to exercise any power vested in the Oversight Board, a quorum consisting of no less than six (6) of the voting members shall be present. The Oversight Board shall adopt a schedule of regular meetings. Special meetings of the Oversight Board may be called by the Chairperson or upon the written request of four (4) members. All meetings of the Oversight Board shall be public and written minutes shall be maintained.

Section 5. Duties and Functions. The Oversight Board shall be charged with the following duties, functions and responsibilities:

a. 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.

b. To explore the potential role of this Board and/or the County's administration with respect to the future oversight of MMAP;

c. To develop benchmarks related to the functions and responsibilities of MMAP.

d. To make any 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.

e. To make final findings and recommendations to the Miami-Dade Board of County Commissioners regarding the oversight and management of MMAP.

f. 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.

Section 6. Staff Support. The Oversight Board shall have the assistance from staff designated by the Mayor, County Manager, County departments and other governmental entities and legal representation from the County Attorney's Office to enable the Oversight Board to carry out its duties, functions and responsibilities.

Section 7. Report. The Oversight Board shall provide the Miami-Dade Board of County Commissioners with a final report of its findings and recommendations within forty-five days of the effective date of this resolution.

Section 8. Pursuant to Section 2-504 of the Code of Miami-Dade County, the Board hereby removes by a two-third (2/3) vote of the entire membership of this Board John T. Jones, Herbert Robinson, Arthur Barnes, Dr. Marzell Smith, Marie B. Hyppolite and Greicy Lovin-Meighan as MMAP Trustees

Section 9. The Nominating Council shall convene its members within ten (10) days of the date of this resolution pursuant to Section 2-503 of the Code of Miami-Dade County to commence the process of nominating the new Board of Trustees of MMAP.

Section 10. The County Mayor or the Mayor's designee is authorized pursuant to Section 2-505(e) of the Code of Miami-Dade County to place MMAP on Management Watch; provided however the Mayor or the Mayor's designee shall not be allowed to change, program or reprogram funds during the Management Watch. The Management Watch shall continue until such time as the new MMAP Board of Trustees is in place, following the report of the Oversight Board. The Mayor or Mayor's designee is further directed to present a plan to this Board prior to the seating of the new Board of Trustees, which provides timelines for removal of MMAP from Management Watch as required by the before-mentioned section of the Code.

The Prime Sponsor of the foregoing resolution is Commissioner Audrey Edmonson, and the Co-Sponsors are Vice-Chairwoman Barbara J. Jordan, and Commissioner Dennis C. Moss. It was offered by Commissioner **Audrey M. Edmonson** , who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman **aye**
Barbara J. Jordan, Vice-Chairwoman **aye**

Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**aye**
Carlos A. Gimenez	**aye**	Sally A. Heyman	**aye**
Joe A. Martinez	**absent**	Dennis C. Moss	**absent**
Dorrin D. Rolle	**aye**	Natacha Seijas	**aye**
Katy Sorenson	**aye**	Rebeca Sosa	**absent**
Sen. Javier D. Souto	**absent**		

The Chairman thereupon declared the resolution duly passed and adopted this 20th day of November, 2008. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: **Kay Sullivan**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Terrence A. Smith