

MEMORANDUM

Amended
Agenda Item No. 11(A)(13)

TO: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

DATE: April 5, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County Mayor to: (I) make all telephone and communication services for detainees in Miami-Dade County Corrections and Rehabilitation Department (“MDCR”) jail facilities free of charge or to allocate a period for detainees to make free calls each day in the next solicitation and contract for telecommunications or communications services; (II) identify legally available funding in Fiscal Year 2021-22 County budget or, if contract is to be awarded in next fiscal year, include funding in County Mayor’s proposed Fiscal Year 2022-23 County budget, to provide free telephone and communication services for detainees in MDCR jail facilities; (III) provide a report; (IV) comply with Resolution No. R-1106-15; and (V) include certain language in the next solicitation and contract for telecommunications or communications services

Resolution No. R-340-22

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Kionne L. McGhee and Co-Sponsors Commissioner Eileen Higgins and Commissioner Jean Monestime.


Geri Bonzon-Keenan
County Attorney

GBK/uw



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: April 5, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Amended
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Please note any items checked.

- ☐ "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
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved	_____	Mayor	Amended
Veto	_____		Agenda Item No. 11(A)(13)
Override	_____		4-5-22

RESOLUTION NO. **R-340-22**

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO: (I) MAKE ALL TELEPHONE AND COMMUNICATION SERVICES FOR DETAINEES IN MIAMI-DADE COUNTY CORRECTIONS AND REHABILITATION DEPARTMENT ("MDCR") JAIL FACILITIES FREE OF CHARGE OR TO ALLOCATE A PERIOD FOR DETAINEES TO MAKE FREE CALLS EACH DAY IN THE NEXT SOLICITATION AND CONTRACT FOR TELECOMMUNICATIONS OR COMMUNICATIONS SERVICES; (II) IDENTIFY LEGALLY AVAILABLE FUNDING IN FISCAL YEAR 2021-22 COUNTY BUDGET OR, IF CONTRACT IS TO BE AWARDED IN NEXT FISCAL YEAR, INCLUDE FUNDING IN COUNTY MAYOR'S PROPOSED FISCAL YEAR 2022-23 COUNTY BUDGET, TO PROVIDE FREE TELEPHONE AND COMMUNICATION SERVICES FOR DETAINEES IN MDCR JAIL FACILITIES; (III) PROVIDE A REPORT; (IV) COMPLY WITH RESOLUTION NO. R-1106-15; AND (V) INCLUDE CERTAIN LANGUAGE IN THE NEXT SOLICITATION AND CONTRACT FOR TELECOMMUNICATIONS OR COMMUNICATIONS SERVICES

WHEREAS, some detainees can spend years housed in Miami-Dade County Corrections and Rehabilitation Department ("MDCR") jail facilities; and

WHEREAS, for many detainees, telephone calls to family and friends are their lifelines to the outside world; and

WHEREAS, this became especially true in March of 2020 when the coronavirus disease 2019 ("COVID-19") became a global pandemic; and

WHEREAS, before the pandemic, MDCR permitted in-person visitations at its jails; and

WHEREAS, however, after the pandemic struck, to combat COVID-19, MDCR imposed safety guidelines which include prohibiting in-person visitations; and

WHEREAS, as a result, detainees must rely on verbal and written means to communicate with friends and family; and

WHEREAS, in addition, for safety reasons, detainees are not permitted to have cellular telephones and must use the telephone services provided by MDCR; and

WHEREAS, on November 9, 2021, the *Miami Herald* reported that the cost of jail telephone calls provided under the County's contract with Global Tel*Link Corporation would be reduced from \$0.14 to \$0.05 per minute, and detainees would be entitled to receive two free 15-minute calls each week from the month of November through the duration of the current contract, which expires on July 31, 2022; and

WHEREAS, this \$0.09 per minute price difference in telephone calls is funded in MDCR's FY 2021-22 budget and was made possible because the County opted to forgo the commissions it ordinarily would have received under the balance of the contract term, which have been estimated to be more than \$2,000,000.00; and

WHEREAS, in the upcoming months MDCR will utilize a formal competitive solicitation process to select a vendor to provide telecommunication or other communication services after its existing contract expires on July 31, 2022; and

WHEREAS, although jail telephone calls that are \$0.09 less expensive than previous call prices are a step in the right direction, more can and should be done to further reduce the cost of telephone calls for detainees to communicate with their friends and family members; and

WHEREAS, it is imperative that during negotiations for the new telecommunications or communications services contract, that best efforts are used to obtain telephone services at no cost to detainees or that detainees are provided telephone services free of charge for a daily allotment of time,

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

Section 1. The foregoing recitals are hereby incorporated herein by reference and adopted by this Board.

Section 2. Subject to the identification and approval of funding, this Board directs the County Mayor or Mayor's designee to make all telephone and communication services for detainees in Miami-Dade County Corrections and Rehabilitation Department ("MDCR") jail facilities free of charge or to allocate a period for detainees to make free calls each day in the next solicitation and contract for telecommunications or communications services at MDCR jail facilities.

Section 3. If the County Mayor or Mayor's designee: (a) anticipates issuing a solicitation and/or awarding a new contract for telecommunications or communications services in Fiscal Year 2021-22, this Board directs the County Mayor or County Mayor's designee to identify one or more legally available funding sources from the Fiscal Year 2021-22 County Budget to make all telephone services for detainees in MDCR jail facilities free of charge or to allocate a period for detainees to make free calls each day in such contract; or (b) does not issue a solicitation and/or award a new contract for telecommunications or communications services in Fiscal Year 2021-22, directs the County Mayor or County Mayor's designee to include sufficient funds in the County Mayor's proposed budget for Fiscal Year 2022-23 to make all telephone and communication services for detainees in MDCR jail facilities free of charge or to allocate a period for detainees to make free calls each day in such contract.

Section 4. In the event such funding in the Fiscal Year 2021-22 County Budget is not available for the purposes set forth in section 3(a) above, the County Mayor or County Mayor's designee shall provide a report to this Board within 30 days of the effective date of this resolution and shall place the completed report on an agenda of the full Board pursuant to Ordinance No. 14-65. Such report shall be presented directly to the full Board without committee review.

Section 5. This Board directs the County Mayor or County Mayor's designee to ensure that this Board's policy of encouraging County vendors to utilize a diverse workforce that is reflective of the racial, gender and ethnic diversity of Miami-Dade County and employ locally-

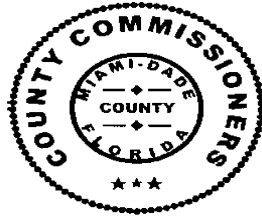
based small firms and employees from the communities where work is being performed as set forth in Resolution No. R-1106-15 is adhered to in the next solicitation and contract for telecommunications or communications services at MDCR jail facilities.

Section 6. This Board directs the County Mayor or County Mayor's designee to include language in the next solicitation and contract for telecommunications or communications services for detainees at MDCR jail facilities that restricts detainees from contacting individuals who have not given prior authorization for receipt of such calls or requires acceptance of said calls before any such calls are connected, to the extent authorized by law.

The Prime Sponsor of the foregoing resolution is Commissioner Kionne L. McGhee and the Co-Sponsors are Commissioner Eileen Higgins and Commissioner Jean Monestime. It was offered by Commissioner **Kionne L. McGhee**, who moved its adoption. The motion was seconded by Commissioner **Eileen Higgins** and upon being put to a vote, the vote was as follows:

	Jose "Pepe" Diaz, Chairman	aye	
	Oliver G. Gilbert, III, Vice-Chairman	aye	
Sen. René García	nay	Keon Hardemon	aye
Sally A. Heyman	aye	Danielle Cohen Higgins	nay
Eileen Higgins	aye	Joe A. Martinez	aye
Kionne L. McGhee	aye	Jean Monestime	aye
Raquel A. Regalado	aye	Rebeca Sosa	absent
Sen. Javier D. Souto	absent		

The Chairperson thereupon declared this resolution duly passed and adopted this 5th day of April, 2022. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.



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

HARVEY RUVIN, CLERK

By: **Basia Pruna**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to be "SG", with a horizontal line extending to the right.

Shanika A. Graves