

Memorandum



Date: November 30, 2004

To: Honorable Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

Agenda Item No. 7(Q)(1)(A)

From: George M. Burgess
County Manager

Subject: Approval of Standard Form Joint Participation Agreements and Supplemental Joint Participation Agreements with Various Departments of the State of Florida primarily the Department of Transportation

RECOMMENDATION

It is recommended that the Board approve the accompanying resolution authorizing the County Manager to execute standard form Joint Participation Agreements and Supplemental Joint Participation Agreements, with various departments of the State of Florida, primarily the Department of Transportation, for application, receipt and expenditure of funds for various seaport capital projects.

BACKGROUND

Throughout the years, the Port of Miami has been successful in securing grant/bond funds from various State of Florida funding programs. Primarily, the Florida Department of Transportation (FDOT) has played a significant role in financing port transportation or port facilities projects which improve the movement and intermodal transportation of cargo or passengers.

Funds from these various State programs are utilized to fund projects on a matching basis (matching ratios vary from program to program) at eligible deepwater ports in the State of Florida. Projects eligible for funding from these funds include, among others, the acquisition of container cranes or other mechanized equipment used in the movement of cargo or passengers in international commerce; the dredging or deepening of channels, turning basins or harbors; the acquisition, improvement, enlargement, or extension of existing port facilities; and the construction or rehabilitation of wharves, docks, structures, jetties, piers, storage facilities, cruise terminals, security infrastructure, automated people mover systems, or any other facilities necessary or useful in connection with any of the foregoing.

The State of Florida, particularly the FDOT, requires the County to enter into a Joint Participation Agreement (JPA) with them each time the County draws funds from these programs. The JPAs primarily formalize the County's grant application for these funds and ensure proper expenditures and matching sources for said funds.

To expedite the receipt of funds and execution of these documents by the County, on July 21, 1998, the Board approved Resolution R-960-98 which authorized the County Manager to execute standard form JPAs administratively for funds from the Florida Seaport Transportation and Economic Development Trust Fund.

At this time, similar authorization is respectfully requested to execute JPAs for application, receipt, and expenditure of State Funds as well as Supplemental Joint Participation Agreements (SJPAs). Among other things, the SJPAs typically modify changes in the scope of the projects, reallocate funds for projects, and/or extend the term of the original JPA. All SJPAs shall be in substantially the form attached and may only be executed after review by the County Attorney's Office.

The proposed item is similar to the one approved by the Board in July 1998 except that this item provides also for execution of standard form SJPAs and clarifies the authority to receive funds from any State of Florida grant/bond program.

Assistant County Manager



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: November 30, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(Q)(1)(A)

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 _____

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE COUNTY MANAGER TO EXECUTE STANDARD FORM JOINT PARTICIPATION AGREEMENTS AND SUPPLEMENTAL JOINT PARTICIPATION AGREEMENTS WITH VARIOUS DEPARTMENTS OF THE STATE OF FLORIDA, PRIMARILY THE DEPARTMENT OF TRANSPORTATION, FOR APPLICATION, RECEIPT AND EXPENDITURE OF FUNDS FOR VARIOUS SEAPORT CAPITAL PROJECTS; AND TO EXERCISE ALL RIGHTS CONFERRED THEREIN

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board authorizes the County Manager to execute standard form Joint Participation Agreements (JPAs) and Supplemental Joint Participation Agreements (SJPA's) with various departments of the State of Florida, primarily the Department of Transportation, for application, receipt, and/or expenditure of funds for various seaport capital projects in substantially the form attached hereto and approved by the County Attorney's Office; and to exercise all rights conferred therein, including extension, renewal, modification and termination provision.

The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson	
Katy Sorenson, Vice-Chairperson	
Bruno A. Barreiro	Jose "Pepe" Diaz
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dennis C. Moss	Dorin D. Rolle
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 30th day of November, 2004. This Resolution and contract, if not vetoed, shall become effective in accordance with Resolution No. R-377-04.

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

HARVEY RUVIN, CLERK

Approved by County Attorney as
to form and legal sufficiency. JMM

Jess M. McCarty

By: _____
Deputy Clerk