

MEMORANDUM

Agenda Item No. 11(A)(15)

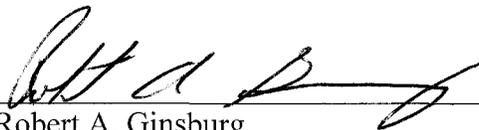
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: April 5, 2005

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Resolution Directing the
County Manager to
Allocate Resources to
Improvement of Area
Affected by Road
Construction

The accompanying resolution was prepared and placed on the agenda at the request of Senator Javier D. Souto.


Robert A. Ginsburg
County Attorney

RAG/dc



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: April 5, 2005

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 11(A)(15)

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

Agenda Item No. 11(A)(15)

Veto _____

04-05-05

Override _____

RESOLUTION NO. _____

RESOLUTION DIRECTING THE MANAGER TO ALLOCATE RESOURCES TO IMPROVEMENT OF AREA AFFECTED BY ROAD CONSTRUCTION

WHEREAS, the County entered into a contract for the refurbishment and improvement of S.W. 97th Avenue from S.W. 40th Street to S.W. 8th St. (the “Affected Area”); and

WHEREAS, the contractor has incurred substantial delays in the construction of the project which are not the responsibility of the County; and

WHEREAS, the neighbors within the Affected Area have suffered substantial hardship as a result of the protracted delays relating to the construction; and

WHEREAS, the contract contains a clause whereby the contractor is obligated to reimburse the County a stipulated amount for each day of delay as liquidated damages,

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

Section 1. The County Manager is hereby directed to expend an amount equivalent to the liquidated damages assessed and collected under the contract in a manner that would primarily serve the neighbors and community of the Affected Area.

Section 2. The County Manager shall report to this Board the amount allocated and the project to which it will be dedicated to give effect to this resolution.

The foregoing resolution was sponsored by Commissioner Senator Javier D. Souto and 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:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of April, 2005. 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: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Hugo Benitez