

Memorandum



Date: (Second Reading 11-01-05)
September 22, 2005

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

From: George M. Burgess
County Manager

Subject: Ordinance Amending the County's Expedite Program to Provide for Repeal in the Event of a Charter
Amendment and Repealing Sunset Provisions

Agenda Item No. 7(N)

RECOMMENDATION

It is recommended that the Board approve the attached ordinance, amending Sections 2-8.2.6 and 2-8.2.7 of the Code and Ordinance No. 05-155 to repeal the County's capital improvement expedite program in the event of an amendment to the County charter modifying or affecting the relative powers, duties or obligations of the Mayor, the Board of County Commissioners or the Manager to award County contracts, and deleting the current sunset provisions applicable to the program. This conditional, automatic repeal is, of course, in addition to, and not in derogation of, the County's ability to repeal these ordinances at any time at its legislative discretion.

BACKGROUND

The Expedite Ordinance, Miami-Dade County Code Sections 2-8.2.6 and 2-8.2.7, authorizes the County Manager to negotiate and award non-controversial capital improvement projects, with previous Board approval. This process reduces the time necessary to obtain approvals on capital improvement projects by more than one hundred twenty (120) days. The projects that the County Manager can expedite are those associated with the Safe Neighborhood Parks Bond Program, the Quality Neighborhoods Improvement Program, any natural disaster or declaration of an emergency by the President of the United States, the Charter County Transit System Sales Surtax and, most recently, the *Building Better Communities* General Obligation Bond Program.

The proposed ordinance deletes the current sunset provisions contained in Ordinance No. 05-155 approved by the Board on August 23, 2005. The current date of sunset is on the day of the first Board of County Commissioners meeting in January 2006. The expedite process has significantly shortened the time required to complete solicitations for qualifying capital improvements which benefit our citizens and improve our communities. For that reason, the program should be allowed to remain in existence beyond the current sunset date. At the same time, the proposed ordinance clarifies that the authority under these sections would automatically terminate in the event of a Charter amendment modifying or affecting the relative powers, duties or obligations of the Mayor, the Board of County Commissioners, or the County Manager to award County contracts.

FISCAL IMPACT

This proposed ordinance allows the County to continue the expedited processing of capital improvement projects. Failure to pass this ordinance will result in reverting to the pre-1999 conventional processing of capital improvement projects that will cost the County in excess of \$1 million in increased staff time and project costs.


Assistant County Manager



MEMORANDUM

(Revised)

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

DATE: November 1, 2005

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 7(N)

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 _____

Agenda Item No. 7(N)
11-01-05

ORDINANCE NO. _____

ORDINANCE AMENDING THE COUNTY'S EXPEDITE PROGRAM FOR CAPITAL CONSTRUCTION, PROVIDING THAT THE PROGRAM SHALL BE REPEALED IN THE EVENT OF AN AMENDMENT TO THE COUNTY CHARTER MODIFYING THE RELATIVE POWERS, DUTIES OR OBLIGATIONS OF THE MAYOR, THE BOARD OF COUNTY COMMISSIONERS, OR THE MANAGER; REPEALING SUNSET PROVISIONS; AMENDING SECTION 2-8.2.7 OF THE CODE OF MIAMI-DADE COUNTY AND ORDINANCE NO. 05-155; 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. Section 2-8.2.7 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

>>(7) In the event that the electorate of Miami-Dade County approve an amendment to the Home Rule Charter which modifies or affects the relative powers, duties or obligations of the Mayor, the Board of County Commissioners, or the Manager in awarding County contracts, then the provisions of Section 2-8.2.6 and this Section establishing the expedite program, and the delegation of authority to the County Manager effected in these Sections, shall stand repealed and be of no further force or effect.<<

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.

Section 2. Section 2 of Ordinance 05-155 is hereby repealed as follows:

~~[[Sections 2-8.2.6 and 2-8.2.7 of the Code of Miami-Dade County, establishing the expedite process, including all amendments contained in this ordinance, shall sunset and be of no further force or effect, on the date of the first Board of County Commissioners meeting in January 2006. The sunset provisions of all ordinances constituting these sections, including ordinances 98-96, 98-197, 00-84, 00-104, 02-84 and this ordinance are hereby amended to reflect this new sunset date.]]~~

Section 3. 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 4. 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 a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. 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:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Hugo Benitez

