MEMORANDUM

Amended
Agenda Item No. 7(A)

(Second Reading 04-24-07)

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

DATE: February 6, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Ordinance amending Section 29-124 of the Code relating to special fund created; uses of surtax proceeds and role of the CITT

O#07-56

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Sally A. Heyman.

Murray A. Greenberg
County Attorney

MAG/bw

Memorandum

MIAMI-DADE COUNTY

Date: April 24, 2007

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

From: George M. Burgess
County Manager

Subject: Ordinance amending Section 29-124 of the Code relating to special fund created, uses of surtax proceeds and the role of CITT

The ordinance amending Section 29-124 of the Code relating to special fund created, uses of surtax proceeds and the role of Citizens Independent Transportation Trust (CITT) will not have a fiscal impact on Miami-Dade County. The ordinance provides an exemption of contracts worth less than $1,000, which utilize surtax funds in support of the CITT from requiring approval of CITT and Board of County Commissioners.

The ordinance will provide for increased efficiency by reducing procurement cycle times for these contracts.

Alex Muñoz
Assistant County Manager

fiscal00106

MEMORANDUM
(Revised)

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

DATE: April 24, 2007

FROM: Murray A. Greenberg County Attorney

SUBJECT: Amended Agenda Item No. 7(A)

Please note any items checked.

_____ **"4-Day Rule" ("3-Day Rule" for committees) applicable if raised**

✓ **6 weeks required between first reading and second reading (per Ordinance No. 02-117)**

_____ **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. 7(A)
4-24-07

ORDINANCE NO. **07-56**

ORDINANCE AMENDING SECTION 29-124 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO ALLOW FOR THE USE OF SURTAX FUNDS FOR CONTRACTS IN SUPPORT OF THE ADMINISTRATION OF THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST WITHOUT APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS FOR CONTRACTS WHICH DO NOT EXCEED ONE THOUSAND DOLLARS ($1,000); PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, on November 5, 2002, the voters of Miami-Dade County approved the imposition of a ½ percent sales surtax to improve transit and transportation; and

WHEREAS, the ballot language indicated that surtax proceeds would be overseen by the Citizens' Independent Transportation Trust ("Trust"); and

WHEREAS, requiring Commission approval of contracts for relatively small purchases for goods and services used in aiding the administration of the Trust creates unneeded delay and bureaucratic expense,

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

Section 1. Section 29-124 of the Code of Miami-Dade County, Florida, is hereby amended as follows:[1]

Sec. 29-124. Special fund created; uses of surtax proceeds; and role of Citizens' Independent Transportation Trust.

* * *

[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

(e) No surtax proceeds may be used to pay the costs of a contract awarded by action of the County Commission until such action has become final (either by expiration of ten days after such action without veto by the Mayor, or by Commission override of a veto) and either: i) the Trust has approved same; or ii) in response to the Trust's disapproval, the County Commission re-affirms its award by two-thirds (2/3) vote of the Commission's membership. The bid documents for all County contracts funded in whole or in part with surtax proceeds shall provide that no award shall be effective and no contractual relationship shall arise with the County unless and until approved by the Trust or re-affirmed by the County Commission as provided in this subsection. >>The foregoing notwithstanding, awards of contracts for services in support of the administration of the Trust or in support of the Trust's oversight function shall not require County Commission or Trust approval, so long as the individual contract amount does not exceed one thousand dollars ($1,000).

(f) On a quarterly basis, the Executive Director of the CITT shall submit a written report to the Commission, the Mayor and the Manager of all expenditures made pursuant to Section 29-124 herein.<<

* * *

Section 2. 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 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance 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 4. The provisions of this amendment 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.

Section 5. This Ordinance may only be amended or repealed by a two-thirds vote of the Board. Any amendment or repeal of this Ordinance shall further require a minimum of six (6) weeks between first and second reading.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Bruce Libhaber

Sponsored by Commissioner Sally A. Heyman