

MEMORANDUM

Agenda Item No. 11(A)(2)

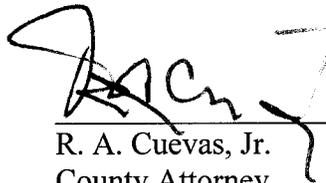
TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: December 4, 2007

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution requesting Mayor
to prepare written status
report regarding all public/
private partnerships

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Carlos A. Gimenez.



R. A. Cuevas, Jr.
County Attorney

RAC/bw



MEMORANDUM

(Revised)

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

DATE: December 4, 2007

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 11(A)(2)

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)(2)

Veto _____

12-04-07

Override _____

RESOLUTION NO. _____

RESOLUTION REQUESTING THAT THE MAYOR OR HIS DESIGNEE PREPARE A WRITTEN STATUS REPORT REGARDING ALL PUBLIC/PRIVATE PARTNERSHIPS OR OTHER BUSINESS ARRANGEMENTS BETWEEN THE COUNTY AND/OR COUNTY AGENCIES AND PRIVATE ENTITIES, INCLUDING NON-PROFIT CORPORATIONS, AND RECOMMEND A PROCEDURE FOR EVALUATION AND IMPLEMENTATION REGARDING CAPITAL PROJECTS IN ORDER TO MAXIMIZE COUNTY'S INVESTMENT AND DEVELOPMENT OF SUCH COUNTY PROJECTS

WHEREAS, the County and/or County agencies may contract with private entities, including non-profit corporations, for the development, construction, operation and/or maintenance of capital projects wherein the County would be obligated to contribute land, funding, guarantees, and/or cause the encumbrance of significant County resources ("Public/Private Partnerships"); and

WHEREAS, such Public/Private Partnerships afford the County access to additional funding from private sector resources, which provides an alternative method of financing such projects; and

WHEREAS, it is this Board's desire that the Mayor prepare a written report for submission to the Budget and Finance Committee and this Board, providing certain information with respect to all Public/Private Partnerships which are either under construction, in negotiation, at the competitive solicitation stage, or contemplated to be undertaken within the next twenty (24) four months; and

WHEREAS, due to the decrease of available revenue sources, including ad valorem revenues, to fund major capital projects, the County anticipates an increase in the use of Public/Private Partnerships; and

WHEREAS, many of the projects contemplated by these Public/Private Partnerships include development of a project with many components, each of which may be under the jurisdiction of multiple County departments and/or County agencies; and

WHEREAS, this Board requests that the Mayor recommend a process in order to take advantage of the expertise and talent of the County's staff and to maximize the County's use and development of capital projects developed through Public/Private Partnerships to meet, if possible, multiple long-term needs of the County,

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

Section 1. The foregoing recitals are incorporated in this resolution and are approved.

Section 2. This Board requests that the Mayor or his designee submit a written report to the Budget and Finance Committee within sixty (60) days from the effective date of this resolution, on the status of all Public/Private Partnerships which have been established for capital projects which are either under construction, in negotiation, at the competitive solicitation stage, or contemplated to be undertaken within the next twenty four (24) months. Such report shall include for each project: (a) a description of the project and the anticipated schedule of events; (b) the name of the private entity with whom the County department and/or County agency will contract in connection with the project; (c) the name of the principals of the private entity with whom the County and/or County agency is contracting; (d) the method of selection of the private entity; (e) the total project cost estimate with a line item breakdown depicting the value of the

County and/or the County agency's contribution and the private entity's contribution; (f) the type of contribution already made or expected to be made by the County and/or County agency; (g) the source of County and/or County agency funding and/or contribution for the project; (h) a risk analysis of the project; (i) any necessary state or federal approvals in connection with the project; (j) the Commission District(s) where the project is located, including a statement as to the district(s) and/or Countywide significance of the project; (k) a statement as to how the project is consistent with the County's business plan and strategic objectives; (l) whether the project is facing any difficulties and, if so, what corrective measures have been taken to date, or are to be taken in the future; (m) the name of the County department or County agency and the project manager from that department or agency responsible for the project; and (n) after the appropriate level of due diligence has been conducted, a recommendation on whether or not the County should continue to pursue the project. The report shall also include the aggregate of all project cost estimates for the Public/Private Partnership projects described in such report and the aggregate of the County and/or the County agency's contribution for same. Notwithstanding the foregoing, certain information required in this section concerning projects being negotiated or at the competitive solicitation stage shall not be disclosed if the disclosure of such information would adversely affect the County's negotiating position.

As a component of the report, the Mayor shall recommend to the Board a new efficient process for the communication and collaboration between County departments and agencies in connection with capital projects that are to be developed through Public/Private Partnerships. The process should utilize County staff's expertise and talent to maximize the County's use and development of capital projects developed through Public/Private Partnerships to meet, if possible, multiple long-term needs of the County. The Mayor's recommendation on the

coordination of staff resources may include, but is not limited to, the participation of representatives from the following departments and/or offices of the County: the County Manager's Office; the Office of Community and Economic Development; the Office of Strategic Business Management; the Finance Department; General Services Administration; the County Attorney's Office; and other impacted departments on a per project basis.

Section 3. After the initial submission of the report to the Budget and Finance Committee, the Mayor shall continue to present a written report containing the information referenced in Section 2(a) through (n) above to the Budget and Finance Committee on a quarterly basis. Such report shall be forwarded to the full Board for its consideration.

The foregoing resolution was sponsored by Commissioner Carlos A. Gimenez 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:

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

The Chairman thereupon declared the resolution duly passed and adopted this 4th day of December, 2007. 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.

M.S.

Martin W. Sybbilis