

MEMORANDUM

Agenda Item No. 11(A)(22)

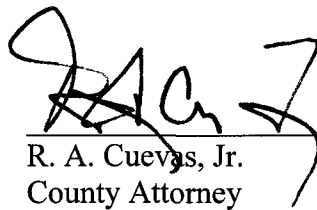
TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: January 10, 2008

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

SUBJECT: Resolution Directing the
County Manager to Create
Indemnity and Insurance
Requirements for Agreements
With Not-For-Profit Entities

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



R. A. Cuevas, Jr.
County Attorney

RAC/dcp

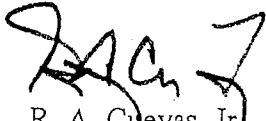


MEMORANDUM

(Revised)

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

DATE: January 10, 2008

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

SUBJECT: Agenda Item No. 11(A)(22)

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. 11(A) (22)
01-10-08

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MANAGER TO CREATE INDEMNITY AND INSURANCE REQUIREMENTS FOR AGREEMENTS WITH NOT-FOR-PROFIT ENTITIES; DEVELOP AND IMPLEMENT A STANDARDIZED PROCESS FOR CONDUCTING DUE DILIGENCE OF NOT-FOR-PROFIT ENTITIES AND THEIR PRINCIPALS; AND SUBMIT A PROPOSED IMPLEMENTING ORDER

WHEREAS, Miami-Dade County currently enters into agreements with Not-For-Profit Entities exempt from federal income taxes under Section 501(c)(3) of the Internal Revenue Code (“Not-For-Profit Entities”) to perform work consistent with their tax-exempt status; and

WHEREAS, the creation of standardized indemnity and insurance language for agreements with Not-For-Profit Entities will provide certainty to the County and the Not-For-Profit Entity regarding the risks associated with the agreement; and

WHEREAS, the creation of a standardized process for conducting pre-agreement, due diligence reviews of Not-For-Profit Entities and their principals will provide the Commission with the necessary information to evaluate any proposed agreement,

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

Section 1. This Board directs the County Manager, with the assistance of the County Attorney’s Office, to create standard indemnity and insurance requirements for all agreements between the County and Not-For-Profit Entities which involve the expenditure of more than two hundred and fifty thousand dollars (\$250,000) of County funds.

Section 2. This Board directs the County Manager to create a due diligence review process for evaluating the responsibility of Not-For-Profit Entities and their principals.

Section 3. This Board directs the County Manager, within ninety (90) days, to submit a proposed Implementing Order to the Board of County Commissioners incorporating the insurance and indemnity requirements identified in Section 1 and the due diligence review process identified in Section 2 of this resolution. Such Implementing Order shall also require the County Manager to clearly identify any departure from the created procedures in seeking Board approval of an agreement with a Not-For-Profit Entity.

The foregoing resolution was offered by Commissioner Sally A. Heyman 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
Carlos A. Gimenez
Joe A. Martinez
Dorrin D. Rolle
Katy Sorenson
Sen. Javier D. Souto
Audrey M. Edmonson
Sally A. Heyman
Dennis C. Moss
Natacha Seijas
Rebeca Sosa


The Chairperson thereupon declared the resolution duly passed and adopted this 10th day of January, 2008. 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.



Oren Rosenthal