

MEMORANDUM

Agenda Item No. 4(D)

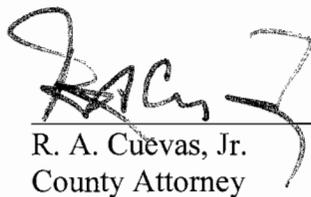
TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: March 18, 2008

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

SUBJECT: Ordinance requiring the affirmative vote of the electors of Miami-Dade County as condition precedent to the County entering into a contract for construction of public improvements with estimated costs in excess of \$25 million

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



R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM

(Revised)

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and Members, Board of County Commissioners

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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.4(D)

03-18-08

ORDINANCE NO. _____

ORDINANCE REQUIRING THE AFFIRMATIVE VOTE OF THE ELECTORS OF MIAMI-DADE COUNTY AS CONDITION PRECEDENT TO THE COUNTY ENTERING INTO A CONTRACT FOR CONSTRUCTION OF PUBLIC IMPROVEMENTS WITH ESTIMATED CONSTRUCTION COSTS IN EXCESS OF 25 MILLION DOLLARS; PROVIDING METHOD FOR ELECTION; PROVIDING EXCEPTIONS; CREATING SECTION 2-8.1.7; 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 2-8.1.7 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

Sec. 2-8.1.7. Referendum Requirement for Contracts for Public Improvements.

* * *

(1) Referendum. The County shall not enter into any contract for the construction of a public improvement with construction costs to the County estimated to be in excess of twenty five million dollars (\$25,000,000) unless such construction is approved by a majority vote of the voters in a County-wide referendum. Any election required by this Section shall be held either in conjunction with state primary or general elections or as part of bond issue elections.

(2) Exceptions. There shall be no referendum required in connection with any construction undertaken to address an immediate danger to the public health or safety. This Section shall not be applied to impair any valid written contractual commitment or bid or bonded indebtedness in existence on the effective date of this Section.

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, 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 4. 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

Sponsored by Sen. Javier D. Souto