MEMORANDUM

Agenda Item No. 11(A)(33)

TO:	Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners	**DATE:**	April 8, 2008
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution urging Florida Legislature not to pass legislation that preempts local governments' authority to carry out public construction projects

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

R. A. Cuevas, Jr.
County Attorney

RAC/bw

MEMORANDUM

(Revised)

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

DATE: April 8, 2008

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

SUBJECT: Agenda Item No. 11(A)(33)

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)(33)
4-8-08

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE NOT TO PASS HB 683, SB 2148 OR SIMILAR LEGISLATION THAT PREEMPTS LOCAL GOVERNMENTS' AUTHORITY TO CARRY OUT PUBLIC CONSTRUCTION PROJECTS IN THE MOST EFFICIENT AND COST-EFFECTIVE MANNER

WHEREAS, bills have been filed for consideration during the 2008 State Legislative Session, HB 683 by Representative Will Weatherford and SB 2148 by Senator Mike Haridopolos, that place significant restrictions on local governments' ability to carry out public construction projects; and

WHEREAS, HB 683 and SB 2148 would limit the use of local government employees to perform repair and maintenance work on local government facilities and infrastructure, and would instead require local governments to bid out public construction work in certain circumstances even when performing such work in-house would be a more efficient and cost effective use of taxpayer dollars; and

WHEREAS, HB 683 and SB 2148 also would limit local governments' contracting authority for public construction projects by preventing local governments from limiting monetary delay claims, resulting in more public money going to pay legal claims instead of going to construction of public capital projects; and

WHEREAS, these bills would have an adverse impact on the County's capital construction programs in a number of County departments, including Aviation, Capital Improvement, General Services Administration, Parks, Seaport, Transit and Water & Sewer Departments; and

WHEREAS, at a time when local governments look to operate more efficiently and business-like, these bills appear to look the other way,

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

Section 1. Urges the Florida Legislature not to pass HB 683, SB 2148 or similar legislation that limit local governments' ability to carry out public construction projects in the most efficient and cost-effective manner.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, Chair and Members of the Miami-Dade County State Legislative Delegation, Senator Mike Haridopolos, and Representative Will Weatherford.

Section 3. Directs the County's state lobbyists to advocate against the legislation set forth in Section 1 above, and directs the Office of Intergovernmental Affairs to include this item in the 2008 State Legislative Package.

The foregoing resolution was sponsored by Commissioner Joe A. Martinez 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 April, 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. JMM

Jess M. McCarty