MEMORANDUM

Agenda Item No. 11(A)(10)

TO:	Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners	**DATE:**	September 2, 2008
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution pursuant to Ordinance No. 07-125 authorizing the disbursement of continued funding to the South Dade Soil & Water Conservation District

This resolution was amended by the Governmental Operations and Environment Committee to add the words double underlined, as indicated in the item.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

MEMORANDUM

(Revised)

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

DATE: September 2, 2008

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

SUBJECT: Agenda Item No. 11(A)(10)

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**

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Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(10)
9-2-08

RESOLUTION NO. _____

RESOLUTION PURSUANT TO ORDINANCE NO. 07-125 AUTHORIZING THE DISBURSEMENT OF CONTINUED FUNDING TO THE SOUTH DADE SOIL AND WATER CONSERVATION DISTRICT IN THE AMOUNT OF $40,000.00 AS SPECIFIED ON PAGE 12 OF 14 OF ATTACHMENT D TO THE MEMORANDUM OF THE COUNTY MANAGER DATED SEPTEMBER 20, 2007 ENTITLED INFORMATION FOR SECOND BUDGET HEARING – FY 2007-08 PROPOSED BUDGET, WHICH IS INCORPORATED BY REFERENCE IN ORDINANCE NO. 07-125

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that[1], provided and conditioned upon the prior receipt by the County Manager of a stipulation duly authorized and executed by the South Dade Soil and Water Conservation District in the form attached hereto, this Board authorizes the disbursement of continued funding to the South Dade Soil and Water Conservation District pursuant to Section Two of Ordinance No. 07-125 in the amount of $40,000.00 as specified on page 12 of 14 of Attachment D to the Memorandum of the County Manager dated September 20, 2007 entitled Information for Second Budget Hearing – FY 2007-08 Proposed Budget, which is incorporated by reference in Ordinance No. 07-125.

The Prime Sponsor of the foregoing resolution is Commissioner Dennis C. Moss. It was 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:

[1] Committee amendments are indicated as follows: words double-stricken through are deleted, words double-underlined are added.

Bruno A. Barreiro, Chairman
Barbara J. Jordan, Vice-Chairman

Joe A. Martinez
Audrey M. Edmonson
Sally A. Heyman
Dorrin D. Rolle
Katy Sorenson
Sen. Javier D. Souto
Jose "Pepe" Diaz
Carlos A. Gimenez
Dennis C. Moss
Natacha Seijas
Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of September, 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.

Richard C. Seavey

STIPULATION FOR RECEIPT OF COMMUNITY-BASED FUNDING

As a condition of receiving Community-based Organization funding of $40,000.00 (the "Funding") from Miami-Dade County, Florida (the "County") pursuant to Section Two of Miami-Dade County Ordinance No. 07-125 as specified on page 12 of 14 of Attachment D to the Memorandum of the County Manager dated September 20, 2007 entitled Information for Second Budget Hearing – FY 2007-08 Proposed Budget, the South Dade Soil and Water Conservation District hereby remises, releases, acquits, satisfies and forever discharges the County, of and from any and all, and all manner of, claims, actions, causes of action, suits, debts, sums of money, accounts, reckonings, contracts, controversies, agreements, promises, damages, and demands whatsoever, in law or in equity, which the Council, or any successor or assign of the Council, (1) had, or now has, by reason of any matter, cause or thing whatsoever, from the beginning of the world to the present, whether known or unknown, direct or indirect, vested or contingent, and (2) **had, now has, or in the future may have, by reason of any matter, cause or thing whatsoever, from the beginning of the world to the end of time, whether accrued or not yet accrued, whether known or unknown, whether direct or indirect, whether based on negligent acts or omissions or otherwise, whether vested or contingent, which arises out of or relates, directly or indirectly, to the Funding.**

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The District further covenants and agrees that it, and/or any successor or assign of the Council, has not brought, and shall not bring, against the County any manner of claims, actions, causes of action, suits, controversies, or demands whatsoever, in law or in equity, either arising out of (1) any matter which has accrued on or before the date of this stipulation, or (2) **arising out of or relating, directly or indirectly, to the Funding, regardless of whether such claim, action, cause of action, suit, controversy or demand accrued before, on or at some point in the future after the date of execution of this stipulation.**

South Dade Soil and Water Conservation District, Inc.

BY: _____
Name:
Title: