MEMORANDUM

Agenda Item No. 4(B)

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

DATE: September 16, 2008

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

SUBJECT: Ordinance amending Section 29-124 providing that the CITT Trust shall submit a recommendation prior to the BCC awarding any contract funded by the Charter County Transit System Surtax Funds

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Vice-Chairwoman Barbara J. Jordan.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

MEMORANDUM

(Revised)

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

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SUBJECT: Agenda Item No. 4(B)

Please note any items checked.

_____ **"4-Day Rule" ("3-Day Rule" for committees) applicable if raised**

✓ **6 weeks required between first reading and second reading (per Ordinance No. 02-116)**

_____ **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. 4(B)

9-16-08

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 29-124 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA PROVIDING THAT THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT) SHALL SUBMIT A RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS (BCC) PRIOR TO THE BCC AWARDING ANY CONTRACT FUNDED IN WHOLE OR IN PART BY CHARTER COUNTY TRANSIT SYSTEM SURTAX FUNDS; 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 29-124 of the Code of Miami-Dade County, Florida is hereby amended as follows:[1]

Section 29-124. Special fund created; uses of surtax proceeds; and role of Citizens' Independent Transportation Trust.

* * *

(E) No surtax proceeds may be used to pay the costs of a contract awarded by action of the County Commission [[~~until such action has become final (either by expiration of ten days after such action without veto by the Mayor, or by Commission override of a veto) and either: i) the Trust has approved same; or, ii) in response to the Trust's disapproval, the County Commission re-affirms its award by two-thirds (2/3) vote of the Commission's membership.~~]] >>unless prior to such action, the Trust has submitted a recommendation to the County Commission regarding

[1] Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

said contract award. The County Commission, if in agreement with the Trust's recommendation, may award a contract by majority vote. The County Commission may modify or reject the recommendation of the Trust by a two thirds (2/3) vote of the Commission's membership.<< [[~~The bid documents for all County contracts funded in whole or in part with surtax proceeds shall provide that no award shall be effective and no contractual relationship shall arise with the County unless and until approved by the Trust or re-affirmed by the County Commission as provided in this subsection.~~]] The foregoing notwithstanding, awards of contracts for services in support of the administration of the Trust or in support of the Trust's oversight function shall not require County Commission or Trust approval, so long as the individual contract amount does not exceed one thousand dollars ($1,000).

* * *

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.

Section 5. This Ordinance may only be amended or repealed by a two-thirds vote of the Board. Any amendment or repeal of this Ordinance shall further require a minimum of six (6) weeks between first and second reading.

PASSED AND ADOPTED:

Approved by County Attorney as to form and legal sufficiency:

Prepared by:

Bruce Libhaber

Prime Sponsor: Vice-Chairwoman Barbara J. Jordan