

MEMORANDUM

Agenda Item No. 4(A)

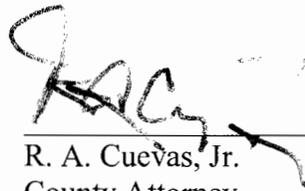
TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: October 21, 2008

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

SUBJECT: Ordinance providing for
disposition of county surplus
property, creating additional
exception for transfers of
property to other governmental
entities upon 2/3 vote of County
Commissioners present

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



R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM

(Revised)

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

DATE: October 21, 2008

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

SUBJECT: Agenda Item No. 4(A)

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(A)
10-21-08

ORDINANCE NO. _____

ORDINANCE PROVIDING FOR DISPOSITION OF COUNTY SURPLUS PROPERTY, CREATING ADDITIONAL EXCEPTION FOR TRANSFERS OF PROPERTY TO OTHER GOVERNMENTAL ENTITIES UPON 2/3 VOTE OF COUNTY COMMISSIONERS PRESENT; PROVIDING LIMITATIONS; AMENDING SECTION 2-11.2.1 OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, Section 2-11.2.1 of the Code of Miami-Dade County provides for the orderly disposition of County surplus consistent with the requirements of State law; and

WHEREAS, transfers to other governmental entities of surplus property of no commercial value in certain instances enhance the County's trade relationships throughout the world, and provide the County's international sister port, sister airport and sister city agreements; and

WHEREAS, an exception to the existing process for disposition of surplus property, upon supermajority vote of the Commission and all consistent with the requirements of State law, for the limited purposes set forth in this ordinance is in the best interest of the County,

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

Section 1. Section 2-11.2.1 of the Code of Miami-Dade County is hereby amended as follows:¹

Section 2-11.2.1. Disposition of County surplus property.

(a) *Definitions.* For the purposes of this section, the following definitions shall be effective:

- (1) *Surplus property* shall mean property classified as surplus pursuant to Section 274.05, Florida Statutes.
- (2) *Property* means all tangible personal property owned by Miami-Dade County of a nonconsumable nature.

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.

* * *

(b) *Sale, donation or other disposition of surplus property.* To the extent not inconsistent with state or federal law, surplus property may be sold, donated or otherwise disposed of only in the manner set forth in this section.

* * *

(c) *Exception*>>s<< ~~[[for Emergency Purposes]]~~. Notwithstanding the foregoing, the Board of County Commissioners may waive the procedure set forth in subsection (b) above by 2/3 vote of the members present>>:(1)<< ~~[[and]]~~ upon a finding of an emergency situation, as declared by the President of the United States, the Governor of the State of Florida, the Mayor of Miami-Dade County or the Board of County Commissioners[[:]] >>,or (2) to permit the transfer to another governmental entity of property of no commercial value and of use only to another governmental entity. Notwithstanding the exceptions provided in this subsection, any transfer of property shall occur in accordance with the provisions of law.<<

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 re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate work.

Section 4. This ordinance shall become effective 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

Prime Sponsor: Senator Javier D. Souto