

MEMORANDUM

Agenda Item No. 7(A)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

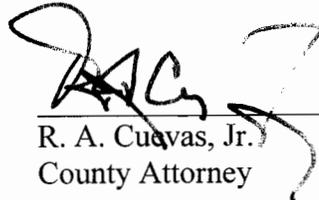
DATE: March 3, 2009

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

SUBJECT: Ordinance amending
Sec. 29-124 of the Code
providing that the CITT
shall submit recommendation
to the Board prior to Board
awarding any contract funded
by transit system surtax funds

At the December 10, 2008 Transit Committee meeting, the proposed ordinance was amended to require the Citizens' Independent Transportation Trust (CITT) to forward its recommendation to the Board of County Commissioners (BCC) within 45 days of receipt of the County Manager's contract award recommendation. In the event the CITT fails to forward its recommendation within the proscribed timeframe, the BCC may immediately take action on the County Manager's award recommendation. The item was further amended to require at least quarterly joint meetings of the BCC and the CITT.

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



R. A. Cuevas, Jr.
County Attorney

RAC/bw

Memorandum



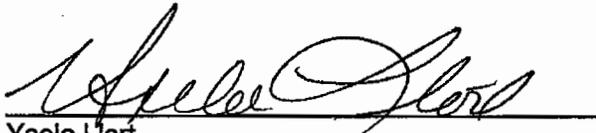
Date: March 3, 2009

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Ordinance amending Sec. 29-124 of the Code providing that the CITT shall submit recommendation to the Board prior to the Board awarding any contract funded by transit system surtax funds

The ordinance providing that the Citizens Independent Transportation Trust (CITT) shall submit a recommendation to the Board prior to the Board awarding any contract funded by transit system surtax funds will not have a fiscal impact to Miami-Dade County.


Ysela Llorca
Assistant County Manager

fis00309



MEMORANDUM
(Revised)

TO: Honorable Chairman Dennis C. Moss **DATE:** March 3, 2009
and Members, Board of County Commissioners

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

SUBJECT: Agenda Item No. 7(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 Mayor'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. 7(A)
3-3-09

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, by majority vote, may accept, reject or modify the recommendation of the Trust. The Trust shall forward its recommendation regarding said contract award within 45 days of receipt of the County Manager's award recommendation. In the event, the Trust fails to make a recommendation within 45 days of receipt of the County Manager's award recommendation, the County Commission may act on the County Manager's recommendation immediately. Furthermore, to facilitate increased communication, the County Commission and the Trust shall meet in joint session at least quarterly.
~~<<[[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).

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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.

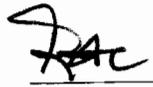
Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered 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.

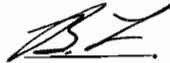
Section 5. This Ordinance may only be amended or repealed by a two-thirds vote of the Board. Any amendment or repeal of this Ordinance shall further require a minimum of six (6) weeks between first and second reading.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Bruce Libhaber

Prime Sponsor: Commissioner Barbara J. Jordan