MEMORANDUM

Agenda Item No. 11(A)(20)

TO:	Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners	**DATE:**	September 1, 2009
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution rescinding previous FY 08-09 Discretionary Reserve Funds of District 13 and allocating FY 08-09 District Discretionary Reserve Funds of District 13

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Natacha Seijas.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

MEMORANDUM

(Revised)

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

DATE: September 1, 2009

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

SUBJECT: Agenda Item No. 11(A)(20)

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. 11(A)(20)
9-1-09

RESOLUTION NO. _____

RESOLUTION RESCINDING PREVIOUS FY 2008-2009 ALLOCATION OF DISCRETIONARY RESERVE FUNDS OF DISTRICT 13 AND ALLOCATING FY 2008-2009 DISTRICT DISCRETIONARY RESERVE FUNDS OF DISTRICT 13

WHEREAS, on June 30, 2009, this Board adopted an allocation from District Discretionary Reserve Funds of County Commission District 13 to Latin American Business Association in the amount of $1,000.00; and

WHEREAS, this Board desires to rescind the previous allocation from District Discretionary Reserve Funds of County Commission District 13 to Latin American Business Association in the amount of $1,000.00; and

WHEREAS, this Board desires to make the following allocation from the District Discretionary Reserve Funds of County Commission District 13 in accordance with the criteria for allocating such funds, see attached,

Chopin Foundation (Cultural events and scholarships)	$25,000.00
St. Thomas University (Institutional scholarships)	$12,918.00
Amelia Earhart Elementary School (School's special purpose account)	$ 5,000.00
South Florida After School All Stars, Inc. (After school programming)	$ 1,000.00

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

Section 1. Hereby rescinds the previous allocation from District Discretionary Reserve Funds of District 13 to Latin American Business Association in the amount of $1,000.00 which was approved on June 30, 2009.

Section 2. Approves the allocation of FY 2008-2009 District Discretionary Reserve Funds of County Commission District 13 as follows:

Chopin Foundation (Cultural events and scholarships)	$25,000.00
St. Thomas University (Institutional scholarships)	$12,918.00
Amelia Earhart Elementary School (School's special purpose account)	$ 5,000.00
South Florida After School All Stars, Inc. (After school programming)	$ 1,000.00

The Prime Sponsor of the foregoing resolution is Commissioner Natacha Seijas. 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:

Dennis C. Moss, Chairman
Jose "Pepe" Diaz, Vice-Chairman

Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of September, 2009. 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. GKS

Gerald K. Sanchez

Memorandum

MIAMI-DADE COUNTY

Date: September 1, 2009

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

From: Vivian Gonzalez-Cao, Business Analyst
Office of Strategic Business Management

Subject: Discretionary Reserve – Commission District 13

In response to your request, based on the September 16, 2004 memorandum, these allocations are consistent with the policy set forth by the Board of County Commissioners.

Should you need any other information, please do not hesitate to contact me.

c: Jennifer Glazer-Moon, Director, Office of Strategic Business Management

ATTACHMENT G

Memorandum

MIAMI-DADE COUNTY

Date: September 16, 2004

To: George M. Burgess
County Manager

From: Jennifer Glazer-Moon, Director Designate
Office of Strategic Business Management

Subject: CBO Allocation Process

As part of the FY 2004-05 Resource Allocation process, the Office of Strategic Business Management (OSBM) has reviewed the overall Community-based Organization (CBO) allocation process for the District Discretionary Reserve, Commission Office Funds, and the In-kind Reserve. In an effort to simplify these processes while ensuring comprehensive information for adequate review of requests, OSBM staff has developed the following alternative processes.

District Discretionary Reserve and Commission Office Funds Allocation Process

The FY 2004-05 Proposed Budget includes funding in the amount of $300,000 per district to continue the Commission District Discretionary Reserve. During this past year Commissioners, their staffs, and CBOs that have received allocations from one of the sources listed above have expressed frustration when attempting to comply with the administrative aspect of the allocation process. In order to simplify the process not only for the CBOs but also for departmental staff, we have developed simplified application processes that will aid in gathering the relevant information needed for an informed decision regarding allocations and expedited payments once allocations are made.

A one-page application agreement has been developed (attached). An organization requesting funding from either the District Discretionary Reserve or a Commissioner's Office funds will be required to submit a signed application agreement along with a completed W-9 form to Commission staff at the time of the allocation request. At the discretion of the Commissioner, these applications may be accepted on an annual, quarterly, or ongoing basis. Commission staff or a separate review committee will review the application agreement requests and present the respective Commissioner with a recommendation. Once the recommendation has been approved by the Commissioner and by the full Board via motion or resolution, the signed application agreement will be forwarded to the Office of Strategic Business Management to ensure the application agreement and completed W-9 form are processed and checks are issued in a timely manner.

By signing the application agreement, the applicant agrees that any funding allocated will be used for the services or activities indicated in the application. Also, the applicant agrees that use of the funding will be subject to random annual audits. This process also incorporates the ability, notwithstanding any provision of the County Code, resolution or administrative order to the contrary, for staff to waive affidavits of compliance with various polices or requirements applicable to not-for-profit entities receiving County funding or contracting or transacting business with the County.

This new process will not only reduce the burden on departmental staff, but will also ensure prompt payment to the recipient organization(s).

In-Kind Reserve Process

The FY 2004-05 Proposed Budget continues funding for an in-kind services reserve in the amount of $500,000 to reimburse general fund departments for in-kind services provided on a two-thirds basis. The Board of County Commissioners (BCC) has expressed its desire to have staff provide a recommendation regarding approval of requests for in-kind services for events in Miami-Dade County in need of funding support. In an effort to provide the BCC with an adequate funding recommendation, I recommend the following changes to the Countywide and District-Specific In-kind Reserve process.

- **Application Review:** In addition to providing information regarding the services requested, each applicant will be required to submit a budget detailing all revenues and expenditures for the specific event for which in-kind support is requested. The Communications Department will be responsible for working with the appropriate County departments to ensure that adequate services are provided for the type of event planned. Once this process has been completed and accurate in-kind support projections are calculated, the review committee will carefully review each application and provide a recommendation, based on the information provided by the organization and taking into account other support that may have already been authorized by the County.

- **Recommendation:** OSBM staff will continue to provide historical funding information about the organization and/or event. Recommendations regarding the approval of the request will be communicated to the sponsoring Commissioner prior to the placement of a resolution on an agenda.

- **Reporting:** OSBM staff will continue to be responsible for providing a monthly report detailing all funding recommendations and in-kind services reserve fund balances.

These alternative processes have been designed to ensure that organizations participating in any of the above-mentioned allocation processes have the ability to engage County services at the most efficient and effective level possible.

cmo17004

Application for Allocation of
Community-based Organization (CBO) Discretionary Reserve and Office Funds

(Application must include completed W-9 Form attached)

Date _____ Commission District _____ Organization Federal Tax ID # _____

Legal Name of Recipient Organization or Name of County Department _____

Program to be funded/reason for funding support _____

Address **(as listed on corporate papers)** _____ City _____ Zip Code _____

Amount Requested $_____

Organization Information:

Contact Person(s): _____

Telephone Number(s): _____ Fax Number: _____

e-mail address (if available): _____

Event Date or Date work is scheduled for completion: _____

By the acceptance of these Discretionary Reserve/Office Funds, the recipient organization agrees to provide the services described on this allocation application form. The recipient organization states that it has read the conditions and terms on the back of this form and agrees to comply with these.

Attest: _____
Recipient Organization Secretary

By: _____ _____ _____
Signature of President or Vice President — Type or Print Name — Date

Attest: _____ (ORGANIZATION SEAL)
Recipient Organization

Amount Allocated $_____ at the _____ BCC Meeting

_____ _____
Commissioner's Signature and Approval — Date Approved

Attest: Harvey Ruvin, Clerk **Miami-Dade County, Florida**

By: _____
Deputy Clerk

Circle One: Hold Check for pick-up Mail Check to Organization

Special Instructions: _____

For Finance Department Use

Date Received by Finance: _____ Check No. Issued: _____ Date Issued: _____

All checks are to be picked up by an OSBM Budget Analyst (305) 375-5143

Revised 03/11/08

Terms and Conditions

Breach of Agreement: A breach by the Organization shall have occurred under this Agreement if: the Organization fails to fulfill in a timely or proper manner any and all of its obligations, covenants, agreements and stipulations in this Agreement. If the Organization breaches this Agreement, the County may pursue any or all of its legal remedies. The County Manager is authorized to terminate this Agreement on behalf of the County.

Civil Rights: The Organization agrees to abide by Chapter 11A of the Code of Miami-Dade County ("County Code"), as amended, which prohibits discrimination in employment, housing and public accommodations; Title VII of the Civil Rights Act of 1968, as amended, which prohibits discrimination in employment and public accommodation; the Age Discrimination Act of 1975, 42 U.S.C., as amended, which prohibits discrimination in employment because of age; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C § 794, as amended, which prohibits discrimination on the basis of disability; the Americans with Disabilities Act, 42 U.S.C. § 12103 et seq., which prohibits discrimination in employment and public accommodations because of disability; the Rehabilitation Act; the Federal Transit Act, 49 U.S.C. § 1612; the Fair Housing Act, 42 U.S.C. § 3601 et. seq.; and the Domestic Violence Leave Ordinance, codified as § 11A-60 et. seq. of the Miami-Dade County Code.

Payment Procedures: The County agrees to pay the Organization for the services described in this agreement. The Organization shall keep on file all invoices and payment documentation associated with this agreement for a period of no less than three (3) years from the date of acceptance of this agreement.

Prohibited Use of Funds: The Organization shall not utilize County funds to retain legal counsel for any action or proceeding against the County or any other of its agents, instrumentalities, employees, or officials. The Organization shall not utilize County funds to provide legal representation, advice or counsel to any client in any action or proceeding against the County or any of its agent, instrumentalities, employees, or officials.

Records, Reports, and Audits:

A. Supporting Documentation. The Organization shall submit proof of active corporate status by providing, as part of this agreement, a completed W-9 form.

B. Office of Miami-Dade Inspector General. Miami-Dade County has established the Office of Inspector General, which is empowered to perform random audits on all County contracts throughout the duration of each agreement. Grant recipients are exempt from paying the cost of the audit, which is normally ¼ of 1% of the total agreement amount.

C. Independent Private Sector Inspector General Review. Pursuant to Miami-Dade County Administrative Order 3-20, the Organization is aware that the County has the right to retain the services of an Independent Private Sector Inspector General (hereinafter "IPSIG"), whenever the County deems it appropriate to do so and at the County's expense. The Organization shall make available to the IPSIG retained by the County, all requested records and documentation pertaining to this Agreement for inspection and copying, including documents held by sub consultants or assignees. The County may conduct other audits or investigations, as it deems reasonable. The terms of this Section shall not impose any liability on the County by the Organization or any third party.

Pursuant to Miami-Dade County Budget Ordinance #04-166 through #04-171, notwithstanding any other provision of the County Code, resolution or administrative order to the contrary, non-profit entities allocated County monies shall not be required to complete affidavits of compliance with the various policies or requirements applicable to entities contracting or transacting business with the County.