MEMORANDUM

BPS --- November 9, 2009
Agenda Item No. 3R

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

DATE:

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

SUBJECT: Resolution establishing County policy to fund helicopter mosquito control spraying in an amount equal to $243,000 for FY 2009-10

The accompanying resolution 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 Dennis C. Moss and Members, Board of County Commissioners

DATE: November 3, 2009

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

SUBJECT: Agenda Item No.

Please note any items checked.

_____ **"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**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **No committee review**

✓ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

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Approved _____ Mayor

Veto _____

Override _____

Agenda Item No.
11-3-09

RESOLUTION NO. _____

RESOLUTION ESTABLISHING COUNTY POLICY TO FUND HELICOPTER MOSQUITO CONTROL SPRAYING IN AN AMOUNT EQUAL TO $243,000 FOR FISCAL YEAR 2009-10; DIRECTING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO IDENTIFY LEGALLY AVAILABLE FUNDS IN AN AMOUNT EQUAL TO $243,000 TO FUND MOSQUITO CONTROL FOR FISCAL YEAR 2009-10 FROM WITHIN APPROPRIATIONS TO THE PUBLIC WORKS DEPARTMENT AND TO MAKE NECESSARY ADJUSTMENTS WITHIN SUCH APPROPRIATIONS; IF NECESSARY, AMENDING FISCAL YEAR 2009-10 BUDGET TO APPROPRIATE FUNDING, REVENUES AND POSITIONS FROM WAGE ADJUSTMENT, FRS, SEPARATION, AND ENERGY RESERVE TO MOSQUITO CONTROL DIVISION OF PUBLIC WORKS DEPARTMENT TO EFFECTUATE THE FOREGOING; AND DIRECTING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SUBMIT WRITTEN REPORT

WHEREAS, as part of the County's adopted budget for Fiscal Year 2009-10, funding for the Mosquito Control Division of the Public Works Department was reduced by $243,000 through the reduction of mosquito helicopter spraying; and

WHEREAS, this reduction resulted in the elimination of a potential six flyovers by helicopter and the elimination of one pilot and one inspector; and

WHEREAS, in 2002, because the County's helicopter used for aerial spraying was 37 years old and costly to maintain and repair, the Public Works Department sold the County's helicopter; and

WHEREAS, recognizing the need for a new helicopter the Mosquito Control Division then pursued federal and state grant funding for the purchase of a new helicopter for aerial mosquito control spraying; and

WHEREAS, late 2003, with key support from Florida congressional leaders, the County secured approximately $1 million in federal grant monies for Miami-Dade County to purchase the current County-owned mosquito control helicopter, which is the only in house aerial spraying aircraft currently available to Miami-Dade County; and

WHEREAS, we are currently experiencing a worldwide pandemic flu virus, thereby increasing the need to control any potential vectors for the spread of diseases and viruses; and

WHEREAS, in addition to the worldwide pandemic flu virus, there are currently a number of potential mosquito-borne diseases in South Florida, such as West Nile Virus, encephalitis, Dengue and Yellow Fever, thereby making it an issue of great importance to the public safety and general welfare of Miami-Dade County residents; and

WHEREAS, recognizing the importance of mosquito control spraying to this community as a public health issue, this Board wishes to fund helicopter mosquito spraying in an amount equal to $243,000, including the funding of the two associated budgeted positions, for Fiscal Year 2009-10; and

WHEREAS, eligible funding sources to fund helicopter mosquito spraying may include funds appropriated in Fiscal Year 2009-10 to the Public Works Department or to the Wage Adjustment, FRS, Separation, and Energy Reserve; and

WHEREAS, this Board desires to direct the County Mayor or the County Mayor's designee to identify legally available funds to fund helicopter mosquito spraying within funds appropriated in the Fiscal Year 2009-10 to the Public Works Department; and

WHEREAS, pursuant to Ordinance No. 09-87, the Director of the Office of Strategic Business Management is authorized to approve adjustments to expenditure code allocations within the limit of the departmental appropriations made in the Fiscal Year 2009-10 budget; and

WHEREAS, if funds appropriated in the Fiscal Year 2009-10 to the Public Works Department are identified by the County Mayor as a legally available funding source to fund helicopter mosquito spraying as set forth above, then this Board desires to direct that the necessary adjustments to expenditure code allocations within the limit of the appropriations made to the Public Works Department in the Fiscal Year 2009-10 budget be made accordingly to fund such services; and

WHEREAS, Section 129.06(2), Florida Statutes, and Section 1.02A of the Miami-Dade County Home Rule Charter authorize the Board of County Commissioners to amend the general fund budgets and establish procedures for doing so; and

WHEREAS, pursuant to Ordinance No. 09-87, adjustments within the same fund to departmental appropriations made in the Fiscal Year 2009-10 budget may be approved by motion or resolution adopted by the Board in accordance with Section 129.06(2), Florida Statutes; and

WHEREAS, if funds appropriated in the Fiscal Year 2009-10 budget to the Public Works Department are not identified by the County Mayor or the County Mayor's designee by the deadlines set forth herein to fund helicopter mosquito spraying, then this Board desires to amend the Fiscal Year 2009-10 budget by appropriating $243,000 from the Wage Adjustment, FRS, Separation, and Energy Reserve in the Countywide general fund to the Mosquito Control Division of the Public Works Department to fund helicopter mosquito spraying,

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

Section 1. The foregoing recitals are incorporated in this resolution and are approved.

Section 2. It shall be the policy of this Board to fund helicopter mosquito spraying in an amount equal to $243,000, including the funding of the two associated budgeted positions, for Fiscal Year 2009-10. No later than fifteen days from the effective date of this resolution, the County Mayor or the County Mayor's designee shall identify legally available funds in such amount from funds appropriated in the Fiscal Year 2009-10 budget to the Public Works Department.

Section 3. If funds appropriated in the Fiscal Year 2009-10 to the Public Works Department are identified by the County Mayor as a legally available funding source to fund helicopter mosquito spraying as set forth above, then this Board directs that the necessary adjustments to expenditure code allocations within the limit of the appropriations made to the Public Works Department in the Fiscal Year 2009-10 budget be made accordingly to the Mosquito Control Division to fund helicopter mosquito spraying in an amount equal to $243,000, including the funding of the two associated budgeted positions for Fiscal Year 2009-10.

Section 4. If the County Mayor or the County Mayor's designee has not identified funds appropriated in the Fiscal Year 2009-10 to the Public Works Department by the fifteenth day from the effective date of this resolution to fund helicopter mosquito spraying as set forth above, then the Fiscal Year 2009-10 budget is hereby amended to appropriate $243,000 from the Wage Adjustment, FRS, Separation, and Energy Reserve to the Mosquito Control Division of the Public Works Department to fund helicopter mosquito spraying, including the two associated budgeted positions, and such appropriation is hereby approved and adopted and the budgeted, revenues, positions and expenditures are hereby appropriated.

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Section 5. The County Mayor or the County Mayor's designee shall submit a written report to the Board on or before thirty days from the effective date of this Resolution to inform the Board of the funding source from where the funds were located.

The Prime Sponsor of the foregoing resolution is Senator Javier D. Souto. 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 3rd of November, 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. GBK

Geri Bonzon-Keenan