



MEMORANDUM

Amended
Special Item No. 1

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

DATE: January 14, 2010

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

SUBJECT: Resolution authorizing and directing
the County Mayor to take immediate
action to assist Haiti in recovering
from the January 12, 2010
Earthquake

R#01-10

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson and Co-Sponsors Commissioner Bruno A. Barreiro, Vice-Chairman Jose "Pepe" Diaz, Commissioner Carlos A. Gimenez, Commissioner Sally A. Heyman, Commissioner Barbara J. Jordan, Commissioner Joe A. Martinez, Chairman Dennis C. Moss, Commissioner Dorrin D. Rolle, Commissioner Natacha Seijas, Commissioner Katy Sorenson, Commissioner Rebeca Sosa and Senator Javier D. Souto.

R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM

(Revised)

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and Members, Board of County Commissioners

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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

Approved _____ Mayor
Veto _____
Override _____

Amended
Special Item No. 1
1-14-10

RESOLUTION NO. 01-10

RESOLUTION AUTHORIZING AND DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO TAKE IMMEDIATE ACTION TO ASSIST HAITI IN RECOVERING FROM THE JANUARY 12, 2010 EARTHQUAKE; DECLARING THAT AN EMERGENCY SITUATION EXISTS IN HAITI; WAIVING THE PROCEDURES FOR DISPOSAL OF SURPLUS PROPERTY AUTHORIZED BY SECTION 2-11.21 OF THE CODE OF MIAMI-DADE COUNTY; AUTHORIZING AND DIRECTING COUNTY MAYOR OR MAYOR'S DESIGNEE TO IMMEDIATELY ALLOW COUNTY EMPLOYEES AND THE PUBLIC TO CONTRIBUTE TO THE COUNTY'S EMERGENCY DISASTER RELIEF FUND ESTABLISHED BY RESOLUTION R-1071-05; AUTHORIZING AND DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO IMMEDIATELY DEPLOY COUNTY EMPLOYEES TO ASSIST IN THE HAITI EARTHQUAKE RECOVERY EFFORTS; AUTHORIZING THE COUNTY MANAGER TO USE EMERGENCY PROCUREMENT PROCEDURES AUTHORIZED BY ADMINISTRATIVE ORDER 3-38 FOR HAITI EARTHQUAKE RELIEF EFFORTS; DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO IMMEDIATELY DEVELOP AND IMPLEMENT A HAITI EARTHQUAKE RECOVERY ACTION PLAN AND TO REPORT TO THE BOARD

WHEREAS, on January 12, 2010, an earthquake registering 7.0 on the Richter scale ("the Earthquake") hit near Port-au-Prince, Haiti causing what is believed to be thousands of deaths and affecting an estimated 3 million people with massive destruction to buildings, including homes, hospitals, schools, the airport, government buildings and prisons; and

WHEREAS, many residents of Miami-Dade County have family members, friends and business relationships in Haiti such that the social, cultural and economic life of Miami-Dade County is inextricably intertwined with events in Haiti; and

WHEREAS, as a result of the devastation wrought by the Earthquake, this Board hereby finds that an emergency situation currently exists in certain parts of Haiti that demands immediate action in the manner authorized and directed herein; and

WHEREAS, Miami-Dade County has previously adopted resolutions to assist other communities devastated by natural disasters including communities in Texas, Louisiana, and the Caribbean [Resolution numbers R-1031-07, R-972-08, & R-1103-08]; and

WHEREAS, to provide a mechanism for providing assistance to other communities, the Board of County Commissioners adopted Resolution Number R-1071-05 for the purpose of establishing an Emergency Disaster Relief Fund so that County employees could contribute earned annual and holiday leave time and anyone could contribute money to benefit victims of natural disasters and in rebuilding communities affected by natural disasters; and

WHEREAS, generous County employees took advantage of the fund established by Resolution Number R-1071-05 and contributed their earned holiday and annual leave to the American Red Cross Hurricane Katrina relief fund and are likely to be generous to victims of the Earthquake in Haiti; and

WHEREAS, the Board of County Commissioners wishes to permit such contributions; and

WHEREAS, in 2005, the Board of County Commissioners adopted Ordinance No. 05-114 to amend Section 2-11.2.1 of the Code of Miami-Dade County for the express purpose of permitting the waiver of procedures relating to the disposition of surplus property “in the event of an emergency situation outside of Miami-Dade County,” if approved by a two-thirds vote; and

WHEREAS, the Board of County Commissioners finds and declares that an emergency situation currently exists in portions of Haiti affected by the Earthquake that demands action and assistance from governments and non-governmental agencies and that warrants the waiver of the procedures for disposition of surplus County property pursuant to Section 2-11.2.1 of the Code of Miami-Dade County; and

WHEREAS, in addition to the specific immediate action this Board is directing herein, the Board of County Commissioners also finds that the County Mayor must immediately develop and implement a Haiti Earthquake Recovery Action Plan to provide and coordinate recovery assistance to Haiti; and

WHEREAS, immediately taking the specific actions described herein as well as developing and promptly implementing a Haiti Earthquake Recovery Action Plan is in the best interest of the health, safety and welfare of Miami-Dade County,

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

Section 1. This Board hereby authorizes and directs the County Mayor or Mayor’s designee to immediately: (a) allow the donation by County employees of earned annual and holiday leave time to the County’s Emergency Disaster Relief Fund authorized by Resolution Number R-1071-05 for the purpose of assisting in the

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Earthquake recovery efforts in Haiti; (b) allow the donation of money by County employees and members of the public to the County's Emergency Disaster Relief Fund authorized by Resolution Number R-1071-05 for the purpose of assisting in the Earthquake recovery efforts in Haiti; (c) deploy the Miami-Dade County Urban Search and Rescue (USAR) team, emergency responder and emergency management personnel, and such other County personnel as is deemed appropriate to Haiti for Earthquake recovery efforts; (d) to use County employees and property to engage in Earthquake recovery and assistance efforts including, but not limited to, community collection drives for Haiti Earthquake recovery assistance; (e) use County employees to provide any other technical, logistical or humanitarian assistance that would assist Haiti in recovering from the Earthquake; and (f) immediately develop and implement a Haiti Earthquake Recovery Action Plan that shall include, but not be limited to: (1) a plan for the use of the 75-acre County-owned property at the Homestead Air Reserve Base to provide shelter, food, medical care and humanitarian assistance to victims of the Earthquake that arrive in Miami-Dade County; and (2) a provision for allowing prioritization of leave requests of County employees for the purpose of engaging in Earthquake relief efforts and, in the Mayor or the Mayor's designee's discretion, the use of administrative leave to facilitate such leave requests. County facilities and property shall be made available promptly for Earthquake relief efforts upon the direction of the Mayor or the Mayor's designee or upon written request to the Mayor by the Chairman of the Board of County Commissioners or a majority of the members of the Board of County Commissioners.

Section 2. The County Mayor or Mayor's designee shall publicize and make available forms for employees to complete in order to authorize such earned annual and

holiday leave contributions. The authorization forms to be distributed by the County Mayor or Mayor's designee should include: (a) an explanation of the American Red Cross, Catholic Charities and Food for the Poor; and (b) a statement that the Board of County Commissioners has approved contributions of leave time and money to the American Red Cross, Catholic Charities and Food for the Poor for the purpose of assisting Haiti in recovering from the Earthquake.

Section 3. This Board directs the County Mayor or Mayor's designee to arrange for the allocation of funds from the various departments whose employees contributed leave time and money to the County's Emergency Disaster Relief Fund, and authorizes the County Mayor or Mayor's designee to make the donation of such funds to the American Red Cross, Catholic Charities and Food for the Poor in the name of the employees of Miami-Dade County and to designate such donations to be used exclusively to assist Haiti in recovery from the Earthquake and its aftermath. This Board directs the County Mayor or Mayor's designee to make the donation of any funds received from the public to the County's Emergency Disaster Relief fund to the American Red Cross, Catholic Charities and Food for the Poor in the name of the residents of Miami-Dade County. The County Mayor or Mayor's designee shall give as much notice as possible but in any event at least twenty-four (24) hours notice to this Board of Mayor's intention to present the funds to the American Red Cross, Catholic Charities or Food for the Poor, so that all interested members of this Board may attend the presentation.

Section 4. This Board declares that an emergency situation exists in parts of Haiti affected by the Earthquake that warrants the waiver of the procedure required for the disposition of surplus County property and in accordance with the provisions of Section

2-11.2.1 of the Code of Miami-Dade County, Florida this Board, by a two-thirds vote of the members present, hereby waives the procedures for the donation of existing surplus property set forth in Section 2-11.2.1 of the Code of Miami-Dade County, Florida and authorizes and directs the County Mayor or Mayor's designee to donate such surplus property to eligible entities as set forth in Sections 274.05 and 274.06, Florida Statutes, for the sole purpose of Earthquake relief efforts.

Section 5. This Board authorizes the County Mayor or Mayor's designee to use the emergency purchase procedures in County Administrative Order (AO) 3-38 to purchase any goods or services necessary for the Earthquake recovery effort within the limits set forth in AO 3-38.

Section 6. This Board authorizes and directs the County Mayor or Mayor's designee to submit the following at the January 21, 2010 Board of County Commissioners meeting: (a) a status report of the actions that have been taken pursuant to this resolution and (b) the County's Haiti Earthquake Recovery Action Plan. Thereafter, the County Mayor or Mayor's designee shall provide weekly status reports to the Board of County Commissioners on the actions taken pursuant to this resolution and the Haiti Earthquake Recovery Action Plan and any adjustments to the plan for a period of sixty (60) days.

Section 7. This Board hereby authorizes and directs the County Mayor or the Port Director as the County Manager's designee to waive or discount vessel and/or cargo charges imposed under Port of Miami Terminal Tariff 010 [Implementing Order 4-4] or otherwise, solely to the limited extent those charges pertain to cargo constituting humanitarian relief and supplies bound for delivery to Haiti for the purpose of assisting in

the Earthquake recovery efforts in Haiti. This authorization provided to the Seaport Director shall exist for a period of six (6) months unless extended or otherwise modified by further action of this Board.

Section 8. Urges the Obama administration, including the United States Secretary of Homeland Security, to grant Temporary Protected Status to Haitian nationals living in the United States.

Section 9. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Florida Congressional Delegation and the Secretary of the United States Department of Homeland Security.

Section 10. Directs the County's federal lobbyists to advocate for the action set forth in Section 8 and directs the Office of Intergovernmental Affairs to include the item in the 2010 Federal Legislative Packages.

The Prime Sponsor of the foregoing resolution is Commissioner Audrey M. Edmonson and the Co-Sponsors are Commissioner Bruno A. Barreiro, Vice-Chairman Jose "Pepe" Diaz, Commissioner Carlos A. Gimenez, Commissioner Sally A. Heyman, Commissioner Barbara J. Jordan, Commissioner Joe A. Martinez, Chairman Dennis C. Moss, Commissioner Dorrin D. Rolle, Commissioner Natacha Seijas, Commissioner Katy Sorenson, Commissioner Rebeca Sosa and 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
Carlos A. Gimenez
Barbara J. Jordan
Dorrin D. Rolle
Katy Sorenson
Sen. Javier D. Souto

Audrey M. Edmonson
Sally A. Heyman
Joe A. Martinez
Natacha Seijas
Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 14th day of January, 2010. 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.



Eric A. Rodriguez