



MEMORANDUM

BPS

Agenda Item No. 2C

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

**DATE:** March 9, 2010

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

**SUBJECT:** Resolution authorizing County Mayor or designee to establish tax-exempt District Trust Funds for public purpose projects, providing terms and conditions for disbursements, waiving Administrative Order 3-38 with respect to small purchase orders, and waiving Administrative Order 1-3 with respect to authority to accept gifts on behalf of Miami-Dade County

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Vice-Chairman Jose "Pepe" Diaz.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/cp



# MEMORANDUM

(Revised)

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

**DATE:** March 2, 2010

**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

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No.

3-2-10

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AUTHORIZING COUNTY MAYOR OR  
DESIGNEE TO ESTABLISH TAX-EXEMPT DISTRICT TRUST  
FUNDS FOR PUBLIC PURPOSE PROJECTS, PROVIDING  
TERMS AND CONDITIONS FOR DISBURSEMENTS,  
WAIVING ADMINISTRATIVE ORDER 3-38 WITH RESPECT  
TO SMALL PURCHASE ORDERS, AND WAIVING  
ADMINISTRATIVE ORDER 1-3 WITH RESPECT TO  
AUTHORITY TO ACCEPT GIFTS ON BEHALF OF MIAMI-  
DADE COUNTY

**WHEREAS**, discretionary accounts for expenditures in each commission district were eliminated because of budgetary constraints; and

**WHEREAS**, the district discretionary accounts had provided a means for commissioners to sponsor important public purpose projects in each of their districts, either directly or through community-based organizations ("CBOs"); and

**WHEREAS**, this Board wishes to provide a mechanism for commissioners to raise money to fund such public purpose projects; and

**WHEREAS**, private individuals in Miami-Dade County desire to contribute money to fund worthy public purpose projects in each commission district, either undertaken directly by the County or through CBOs; and

**WHEREAS**, this Board wishes to provide each commissioner the ability to establish a trust fund for the collection of tax-deductible private sector contributions for such public purpose projects in the commissioner's district; and

**WHEREAS**, the monies deposited in such trust funds shall be used (i) in accordance with the terms and conditions of each grant or donation; or (ii) if there are no specific terms or limitations attached to such grant or donation, for any public purpose to benefit the residents of

the commission district for which the trust fund was established; and

**WHEREAS**, the Board wishes to waive the County's formal bid and purchasing procedures in Administrative Order 3-38 with respect to small purchase orders in order to allow the commissioner administering the trust fund to purchase goods and services in a timely manner in order to fulfill the goals of the trust fund, provided that each individual purchase does not exceed \$10,000 and that three quotes on the proposed purchase are obtained, if practicable or economically feasible; and

**WHEREAS**, the Board wishes to waive the procedures set forth in Administrative Order 1-3, which vests authority in the County Manager or applicable Department Director to accept or reject gifts on behalf of the County, to allow commissioners to accept donations to district trust funds,

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

**Section 1.** Each commissioner is hereby authorized, in his or her discretion, to request the County Mayor, through the Finance Department, to establish a District Trust Fund for his or her district, for the sole purpose of receiving private sector monetary and in-kind tax-deductible contributions as well as public sector contributions in support of public purpose projects in the respective commission district. Each District Trust Fund shall be administered by the Finance Department at the direction of the district commissioner in accordance with this resolution and the County's investment policies.

**Section 2.** Each District Trust Fund shall be kept and maintained in trust for the respective district by the Finance Department, and any deposits, including interest earned on such deposits, to the Trust Fund shall be used (i) in accordance with the terms and conditions of

each grant or donation; or (ii) if there are no specific terms or limitations attached to such grant or donation, at the direction of the district commissioner for any public purpose to benefit the applicable commission district.

**Section 3.** The County's formal bid and purchasing procedures in Administrative Order 3-38 with respect to small purchase orders are waived for purchases in accordance with this resolution, provided that each individual purchase does not exceed \$10,000, and that three quotes on the proposed purchase are obtained if practicable or economically feasible.

**Section 4.** The County's formal procedures in Administrative Order 1-3 for acceptance or rejection of gifts, donations, artwork, commemorative and/or memorial structures, and devises or bequests offered to the County are waived for receipt of contributions by a commissioner for the District Trust Fund applicable to that commissioner's district.

**Section 5.** Disbursements from a District Trust Fund shall be made by announcement on the record at a meeting of this Board and approval by this Board.

The Prime Sponsor of the foregoing resolution is Vice-Chairman Jose "Pepe" Diaz. 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
Dorrian D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 2<sup>nd</sup> day of March, 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.



Dennis A. Kerbel