**MEMORANDUM** Agenda Item No. 11(A)(8)

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

**DATE:** May 4, 2010

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

**SUBJECT:** Resolution waiving Administrative Order 3-38 in order to appoint certain qualified law firms to Authority Bond Counsel Pool and rescinding Resolution No. R-1059-09 regarding extension of certain Bond Counsel Pools

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

R. A. Cuevas, Jr.
County Attorney

RAC/cp

# MEMORANDUM

(Revised)

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

**DATE:** May 4, 2010

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

**SUBJECT:** Agenda Item No. 11(A)(8)

**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. 11(A)(8)
5-4-10

RESOLUTION NO. _____

RESOLUTION WAIVING ADMINISTRATIVE ORDER 3-38 IN ORDER TO APPOINT CERTAIN QUALIFIED LAW FIRMS TO AUTHORITY BOND COUNSEL POOL AND RESCINDING RESOLUTION NO. R-1059-09 REGARDING EXTENSION OF CERTAIN BOND COUNSEL POOLS

**WHEREAS,** this Board previously extended the County Bond Counsel Pool, Authority Bond Counsel Pool and Disclosure Counsel Pool which expired in February 2009 to August 2, 2009 to allow the administration ample time to solicit responses to RFQ662 (County Bond Counsel Pool), RFQ663 (Authority Bond Counsel Pool) and RFQ664 (Disclosure Counsel Pool); and

**WHEREAS,** the County Manager presented his recommendations for the appointment of three sets of qualified joint ventures consisting of Senior and Associate law firms to the County Bond Counsel Pool, Authority Bond Counsel Pool and Disclosure Counsel Pool (collectively, the "Pools") to the Budget, Planning and Sustainability Committee ("Committee") on three separate occasions; and

**WHEREAS,** at its July 14, 2009 meeting, the Committee voted not to send the County Manager's recommendations to this Board for consideration and agreed to extend the County's current County Bond Counsel Pool, Authority Bond Counsel Pool and Disclosure Counsel Pool for twelve months; and

**WHEREAS,** this Board adopted Resolution No. R-1059-09 at its July 23, 2009 meeting (the "Extension Resolution") which incorporated the findings of the Committee, namely extending the Pools for twelve months which effectively rejects the County Manager's recommendations; and

**WHEREAS,** the County recently terminated the existing County Bond Counsel Pool and Disclosure Counsel Pool when it waived Administrative Order 3-38 requiring the use of a competitive selection process for professional services and appointed to a new County Bond Counsel Pool and Disclosure Counsel Pool, the joint ventures that had been recommended by the County Manager pursuant to the competitive process set forth in RFQ662 (County Bond Counsel Pool) and RFQ664 (Disclosure Counsel Pool), respectively; and

**WHEREAS,** it is in the best interest of the County to move forward with a new Authority Bond Counsel Pool at this time in order to avoid another lengthy RFQ process that will be costly to the respondents who less than a year ago responded to RFQ663 (Authority Bond Counsel Pool) and that may require another extension of the current Authority Counsel Pool; and

**WHEREAS,** this Board wishes to once again take advantage of the recent competitive process completed pursuant to RFQ663 (Authority Bond Counsel Pool) by waiving Administrative Order 3-38 requiring the use of a competitive selection process for professional services by appointing the four highest ranked eligible joint ventures to a new Authority Bond Counsel Pool County for a term that expires when the County Bond Counsel and Authority Counsel Pools expire which is in approximately seven years; and

**WHEREAS,** this Board wishes to rescind the Extension Resolution upon the effective date of this Resolution,

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

**Section 1.** Approves the appointment of Bryant Miller Olive P.A. along with Manuel Alonso-Poch, P.A.; Foley & Lardner LLP along with Richard Kuper, P.A.; Akerman Senterfitt along with Law Offices of Michael Diaz; and Adorno & Yoss, LLP along with Clyne &

Associates, P.A. to the Authority Bond Counsel Pool for a term that is equal to the County Bond Counsel and Disclosure Counsel Pools.

**Section 2.** Rescinds the Extension Resolution upon the effective date of this Resolution.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan. 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 4th day of May, 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.

Gerald T. Heffernan