



**MEMORANDUM**

IMFR  
Agenda Item No. 2(K)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** January 11, 2011

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

**SUBJECT:** Resolution amending resolution  
R-835-07 to direct County Mayor to  
provide the County Commission with  
a "Red-Flag Report" every sixty days  
regarding county contracts, projects,  
grants, initiatives, programs and other  
matters which are at risk

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

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

RAC/cp



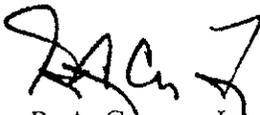
# MEMORANDUM

(Revised)

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**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** February 1, 2011

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

**SUBJECT:** Agenda Item No.

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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 \_\_\_\_\_

Agenda Item No.  
2-1-11

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

RESOLUTION AMENDING RESOLUTION R-835-07 TO DIRECT COUNTY MAYOR OR DESIGNEE TO PROVIDE THE COUNTY COMMISSION WITH A "RED-FLAG REPORT" EVERY SIXTY DAYS REGARDING COUNTY CONTRACTS, PROJECTS, GRANTS, INITIATIVES, PROGRAMS AND OTHER MATTERS WHICH ARE AT RISK; DIRECTING MAYOR OR DESIGNEE TO NOTIFY EACH COUNTY COMMISSIONER AS SOON AS PRACTICABLE WHENEVER ANY UNANTICIPATED EVENT HAS OCCURRED WHICH COULD HAVE A SIGNIFICANT FINANCIAL OR OPERATIONAL IMPACT UPON ANY CONTRACT, GRANT, PROJECT, PROGRAM, INITIATIVE, COUNTY DEPARTMENT OR OTHER ENTITY CREATED AND/OR FUNDED IN WHOLE OR IN PART BY THE COUNTY

**WHEREAS**, Section 1.01 (A) of the Home Rule Charter provides that the Board of County Commissioners is the legislative and governing board of the County; and

**WHEREAS**, Section 2.02 of the Home Rule Charter provides that the Mayor shall serve as the head of County government and shall be responsible for, among other things, the management of all administrative departments of the County and for carrying out policies adopted by the Commission; and

**WHEREAS**, the Mayor is responsible for the day-to-day operation of County government including, but not limited to, administering contracts, grants, projects, programs and initiatives; and

**WHEREAS**, the Commission adopted Resolution R-835-07 after finding that the administration should periodically prepare a report advising the County Commission whenever any contract, project, program or initiative appears to be at risk due to, among other potential problems, the failure to reach major milestones, inadequate funding, personnel problems or any

other matter which may have a significant negative impact upon the success of a given contract, project, program or initiative (hereinafter "Red-Flag Report"); and

**WHEREAS**, "Red Flag Reports" have not been provided to the Commission as required by Resolution R-835-07; and

**WHEREAS**, the Commission believes that Resolution R-835-07 should be amended to, among other things, expand the scope of "Red Flag Reports" and require that the County Mayor or his or her designee notify each member of the County Commission as soon as practicable whenever any unanticipated event has occurred which could have a significant financial or operational impact upon any contract, grant, project, program, initiative, County department or other entity created and/or funded, in whole or in part, by the County,

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

**Section 1.** Resolution R-835-07 is hereby amended as follows. The County Mayor or his or her designee is directed to provide the County Commission with a "Red-Flag Report" every sixty (60) days. Each "Red Flag Report" shall include a timely and detailed discussion of every contract, grant, project, program, initiative, County department or other entity created and/or funded, in whole or in part by the County, which appears to be at risk. As used herein, an "at risk" contract, grant, project, program, initiative, department or entity includes, but is not limited to, those situations where: (1) major milestones have not been reached or are in jeopardy of not being reached; (2) the contract, grant, project, program or initiative is not sufficiently funded or is in jeopardy of losing funding or has lost a significant funding source; (3) the contract, grant, project, program or initiative does not have adequate personnel; and (4) the Mayor, the County Manager, County staff or employees of entities that are funded, in whole or

in part, by the County learn of negative information which may have a significant financial or operational impact upon any contract, grant, project, program, initiative, County department or other entity created and/or funded, in whole or in part, by the County. Each "Red-Flag Report" shall state in detail why a given contract, grant, project, program or initiative is at risk, and propose a course of action to address the identified problem(s).

**Section 2.** Resolution R-835-07 is further amended to provide that the County Mayor or his or her designee is directed to notify each member of the County Commission as soon as practicable whenever any unanticipated event has occurred which could have a significant financial or operational impact upon any contract, grant, project, program, initiative, County department or other entity created and/or funded, in whole or in part, by the County. The notification required by this section may be delivered orally or in writing. Written notification may be delivered by hand, e-mail or facsimile. The County Mayor or his or her designee shall utilize that method of notification which is calculated to provide the most expeditious notification.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. 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:

Joe A. Martinez, Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Lynda Bell
Jose "Pepe" Diaz	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 1<sup>st</sup> day of February, 2011. 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

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