

# MEMORANDUM

Agenda Item No. 7(A)

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

**DATE:** February 7, 2012

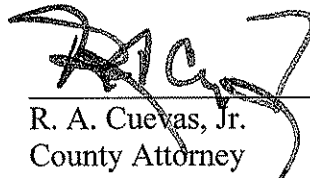
**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Ordinance amending Sections 2-10.4.01 and 10-33.02 of the Code; providing that leases and contracts for privately funded improvements on County owned land shall be subject to the requirements of the CBE and CSBE program

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At the January 11, 2012, Economic Development and Social Services Committee this item was amended to provide that the requirements of the Section shall not apply where the total value of the construction is two hundred thousand dollars (\$200,000) or less.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan and Co-Sponsors Vice Chairwoman Audrey M. Edmonson, Commissioner Jean Monestime and Commissioner Dennis C. Moss.

  
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R. A. Cuevas, Jr.  
County Attorney

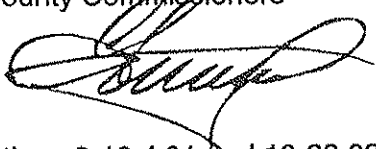
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# Memorandum



**Date:** February 7, 2012

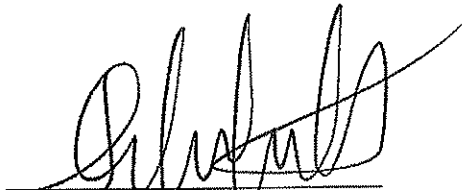
**To:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Ordinance amending Sections 2-10.4.01 and 10-33.02 of the Code

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The proposed ordinance amending Sections 2-10.4.01 and 10-33.02, providing that leases and contracts for privately funded improvements on County owned land be subject to requirements of the Community Business Enterprise (CBE) Program and the Community Small Business Enterprise (CSBE) Program will not have a fiscal impact to the County.

  
Office of the Mayor

Fis2312



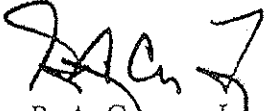
# MEMORANDUM

(Revised)

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

**DATE:** February 7, 2012

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

**SUBJECT:** Agenda Item No. 7(A)

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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. 7(A)  
2-7-12

ORDINANCE NO. \_\_\_\_\_

ORDINANCE PROVIDING THAT LEASES AND CONTRACTS FOR PRIVATELY FUNDED IMPROVEMENTS ON COUNTY OWNED LAND SHALL BE SUBJECT TO THE REQUIREMENTS OF THE COMMUNITY BUSINESS ENTERPRISE ("CBE") PROGRAM IN CONNECTION WITH THE DESIGN AND THE COMMUNITY SMALL BUSINESS ENTERPRISE ("CSBE") PROGRAM IN CONNECTION WITH THE CONSTRUCTION OF THOSE IMPROVEMENTS; AMENDING SECTIONS 2-10.4.01 AND 10-33.02 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:**

**Section 1.** Sections 2-10.4.01 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

Sec 2-10.4.01. Community Business Enterprise Program for Architectural, Landscape Architectural, Engineering, and Surveying and Mapping Professional Services.

(1) *Title.* This Section shall be referred to as the Miami-Dade County Community Business Enterprise ("CBE-A/E") Program for Architectural, Engineering, Landscape Architectural, and Surveying and Mapping Professional Services.

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<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

(3) *Program Components:*

- A. *Application.* Except where federal or state laws or regulations mandate to the contrary, the provisions of this section shall require review of all project specific, contracts, design-build contracts, and multiple contracts for architectural, landscape architecture, engineering, and surveying and mapping professional services funded in whole or in part with County funds >>and all leases and contracts for privately funded construction on County-owned land<< to determine the appropriateness of applying measures as set forth in this section. The CBE-A/E Program shall not apply to continuing contracts. The County Manager or his or her designee shall take steps to ensure that the Community Business Enterprise (CBE-A/E) objective of assuring that not less than 10 percent of the County's total annual expenditures for professional architectural, landscape architectural, engineering, and surveying and mapping services, are expended with CBE-A/Es certified under this section is met. The provisions of this section shall apply to all departments and agencies of the County and the Public Health Trust. The words County Manager in this section shall mean the County Manager or his or her designee. >>All leases and contracts for privately funded construction on County-owned land for which measures are determined to be appropriate under this Section shall contain specific provisions to implement the intent of the CBE program in a manner consistent with its application to County design contracts. Notwithstanding the foregoing, this Section shall not apply to privately funded construction on any<<[[~~Miami-Dade Aviation Department~~]] >>County-owned<<<sup>2</sup> >>facilities or property where the total value of the construction is two hundred thousand dollars (\$200,000) or less.<<

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<sup>2</sup> Committee amendments are indicated as follows: words double stricken through and/or [[double bracketed]] shall be deleted, words double underlined and/or »double arrowed« constitute the amendment proposed.

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**Section 2.** Sections 10-33.02 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec 10-33.02 Community Small Business Enterprise Program.

- (1) *Title.* This section shall be referred to as the Miami-Dade County Community Small Business Enterprise (“CSBE”) Program.

\* \* \*

- (3) *Program components:*

- A. *Application.* Except where federal or state laws or regulations mandate to the contrary, the provisions of this ordinance shall require review of all construction contracts funded in whole or in part with County funds >>and all leases and contracts for privately funded construction on County-owned land<< to determine the appropriateness of applying contract measures as set forth in this section. The County Manager shall prepare administrative orders, bid, and contract documents implementing the Bonding and Financial Assistance Program, the Management and Technical Assistance Programs, the Mentor-Protégé Program and other related programs addressed in this section. >>All leases and contracts for privately funded construction on County-owned land for which measures are determined to be appropriate under this Section shall contain specific provisions to implement the intent of the CSBE program in a manner consistent with its application to County construction contracts.<< >>This Section shall not apply to privately funded construction on any County-owned facilities or property where the total value of the construction is two hundred thousand dollars (\$200,000) or less.<< The words County Manager in this section shall mean the County Manager or his or her designee.

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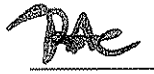
**Section 3.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 4.** It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

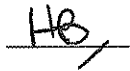
**Section 5.** This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:



Hugo Benitez

Prime Sponsor: Commissioner Barbara J. Jordan  
Co-Sponsors: Vice Chairwoman Audrey M. Edmonson  
Commissioner Jean Monestime  
Commissioner Dennis C. Moss