MEMORANDUM

Agenda Item No. 7(J)

TO: Honorable Vice Chairwoman Audrey M. Edmonson and Members, Board of County Commissioners

DATE: December 4, 2012

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

SUBJECT: Ordinance amending Section 2-1799 of the Code related to Expenditures of of Contingency Reserve Funds

This substitute differs from the original in that funding from the Countywide and unincorporated municipal service area contingency reserves will be made available to reimburse each commission district office budget for eligible costs in an amount not exceed $10,000.00 per emergency upon the earlier of level II activation of the County's Emergency Operations Center or declaration of a County emergency.

The accompanying ordinance was placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss and Co-Sponsor Commissioner Lynda Bell.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum

MIAMI-DADE COUNTY

Date: December 4, 2012

To: Honorable Vice Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Ordinance Amending Section 2-1799 of the Code Related to Expenditures of Contingency Reserve Funds

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The proposed ordinance amends Section 2-1799 of the Code related to expenditures of contingency reserve funds to allow the use of the reserve, upon declaration of a Level II activation of the County's Emergency Operations Center or a County emergency, to reimburse each County Commission District office up to $10,000 per emergency for related expenditures. The estimated fiscal impact can be up to $130,000 each time an emergency is declared.

Because the contingency reserve is used in the calculation of general fund reserves, which is an important indicator of financial health in rating agency credit reviews, we recommend that the contingency reserve be replenished whenever it is drawn upon. Furthermore, the Board should consider setting policy parameters to determine the types of expenditures that can be reimbursed from the contingency reserve fund.

Edward Marquez
Deputy Mayor

Fis2013

MEMORANDUM
(Revised)

TO: Honorable Vice Chairwoman Audrey M. Edmonson and Members, Board of County Commissioners

DATE: December 4, 2012

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

SUBJECT: Agenda Item No. 7(J)

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(J)
12-4-12

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 2-1799 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA RELATED TO EXPENDITURES OF CONTINGENCY RESERVE FUNDS; 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. Section 2-1799 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

Sec. 2-1799. Reserve Funds

* * *

(b) *Expenditures of the Contingency Reserve Funds*

1. The monies allocated by the County Commission to the countywide and unincorporated municipal service area contingency reserve funds in the County's annual budget shall only be utilized to address unusual circumstances, including but not limited to natural disasters or other emergencies or unexpected revenue reductions or extraordinary demands on County operations that cannot be absorbed through historical methods.

2. Additionally, authorization for use of funds from this reserve shall require favorable recommendation from the Mayor and from the Commission Committee having oversight of the budget and the affirmative vote of two-thirds (2/3) of the Commission members present.

[1] 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. Notwithstanding the provisions of subsection (b)(2) herein, upon<<>>the earlier of: (i) level II activation of the County's Emergency Operations Center, or (ii)<<[2] >>declaration of a county emergency, funding shall be made available from the countywide and unincorporated municipal service area contingency reserves to reimburse each County Commission district office budget in an amount not to exceed $10,000 per emergency for costs expended related to the emergency, such as for preparation and recovery activities in the event of a hurricane or storm within the commission district, including, but not limited to, costs for the purchase of sand bags, water and other emergency provisions for distribution to County residents.<<

Section 2. 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 3. 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.

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2 The differences between the substitute and the original item are indicated as follows: Words double stricken through and/or [[double bracketed]] are deleted, words double underlined and/or >>double arrowed<< are added.

Section 4. 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: GBK

Geri Bonzon-Keenan

Prime Sponsor: Commissioner Dennis C. Moss
Co-Sponsor: Commissioner Lynda Bell