

## MEMORANDUM

Agenda Item No. 11(A)(1)

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**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** April 16, 2013

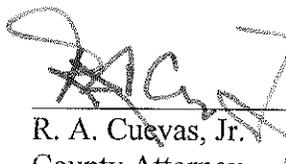
**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution establishing  
District 11 Public  
Improvement Trust Fund;  
providing terms and  
conditions for disbursements  
from the trust fund

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**This substitute differs from the original in that it provides that Administrative Order 1-3 related to acceptance or rejection of gifts shall apply, the Office of Management and Budget shall administer the fund, and disbursements from the fund shall be approved by resolution rather than motion approved by the Board, and all contracts funded by the trust fund shall be procured in accordance with all applicable laws.**

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan C. Zapata.

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

RAC/cp



# MEMORANDUM

(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** April 16, 2013

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

**SUBJECT:** Agenda Item No. 11(A)(1)

**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 Mayor'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)(1)  
4-16-13

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

RESOLUTION ESTABLISHING DISTRICT 11 PUBLIC  
IMPROVEMENT TRUST FUND; PROVIDING TERMS AND  
CONDITIONS FOR DISBURSEMENTS FROM THE TRUST FUND

**WHEREAS**, there are a number of unfunded public improvements needed throughout District 11, including, but not limited to, sidewalks, bike paths, parks, signs, painting of community walls, park improvements, speed advisory radars, landscaping, lighting, and the erection of noise barrier/privacy walls (the "Public Improvement Projects"), all of which may result in the betterment of the community by making the area more aesthetically pleasing, offering greater security and/or reducing or eliminating nuisances; and

**WHEREAS**, private individuals in Miami-Dade County may desire to contribute money to fund the Public Improvement Projects; and

**WHEREAS**, this Board wishes to establish a trust fund for the collection of funds to pay for Public Improvement Projects in District 11; and

**WHEREAS**, pursuant to Section 2-11.1(e) of the Code of Miami-Dade County, County employees and officials are prohibited from soliciting gifts unless such gifts are solicited by such individuals on behalf of the County in the performance of their official duties for use solely by the County in conducting its official business; and

**WHEREAS**, >>any gifts or donations to the County for deposit in the trust fund established for Public Improvement Projects in District 11 shall be accepted or rejected in accordance with<<<sup>1</sup> [[this Board wishes to waive]] Administrative Order 1-3 related to Gifts to

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<sup>1</sup> The differences between the substitute and the original item are indicated as follows: Words stricken through and/or [[double bracketed]] shall be deleted, words underscored and/or >>double arrowed<< are added.

the County, including, but not limited to, those provisions vesting in the County Mayor or certain department directors the authority to accept gifts on behalf of the County,

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

Section 1. The foregoing recitals are hereby incorporated in this resolution.

Section 2. The "District 11 Public Improvement Trust Fund" is hereby established for the sole purpose of receiving funds to pay for Public Improvement Projects located in District 11 (the "Trust Fund").

Section 3. The Trust Fund shall be administered by the ~~[[Finance]]~~ Department >>of Management and Budget, or its successor department, << in accordance with this resolution ~~[[and the County's investment policies]]~~. The Trust Fund shall be kept and maintained by the Finance Department >>in accordance with the County's investment policies<<, and any deposits to the Trust Fund, including any interest earned thereon, shall be used (a) in accordance with the terms and conditions of each grant or donation; or (b) if there are no specific terms or limitations attached to such grant or donation, at the direction of the commissioner for District 11 for the Public Improvement Projects provided such project serves a public purpose and is located in District 11.

Section 4. The provisions of Administrative Order 1-3 >>, including those << related to the acceptance or rejection of gifts on behalf of the County >>shall apply to << ~~[[are waived for]]~~ contributions to the Trust Fund.

Section 5. Disbursements from the Trust Fund shall be made as stated in a duly approved ~~[[motion stated on the record at a meeting of]]~~ >>resolution approved by << the Board.

>>Section 6. All contracts funded in whole or in part by monies on deposit in the Trust Fund, including contracts for the purchase of construction services, professional services, materials, supplies, and goods and services, shall be approved in accordance with the procedures set forth in federal, State or local law, as applicable.<<

The Prime Sponsor of the foregoing resolution is Commissioner Juan C. Zapata. 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:

Rebeca Sosa, Chairwoman  
Lynda Bell, Vice Chair

Bruno A. Barreiro  
Jose "Pepe" Diaz  
Sally A. Heyman  
Jean Monestime  
Sen. Javier D. Souto  
Juan C. Zapata

Esteban L. Bovo, Jr.  
Audrey M. Edmonson  
Barbara J. Jordan  
Dennis C. Moss  
Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 16<sup>th</sup> day of April, 2013. 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.

GBK

Geri Bonzon-Keenan