

# MEMORANDUM

Agenda Item No. 11(A)(6)

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

**DATE:** June 4, 2013

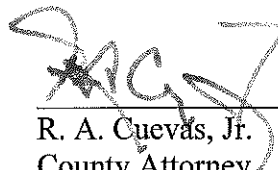
**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution directing the County Mayor to bring emergency contract ratifications to the Board within 120 days of such emergency and bring retroactive contract modifications to the Board within 120 days of modification

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**This item was amended at the Finance committee on 5-14-13 to increase the time the administration has to bring the items to the Board from 90 to 120 days.**

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson and Co-Sponsors Commissioner Esteban L. Bovo, Jr., Commissioner Sally A. Heyman, and Commissioner Dennis C. Moss.

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

RAC/cp



**MEMORANDUM**  
(Revised)

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and Members, Board of County Commissioners

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County Attorney

**SUBJECT:** Agenda Item No. 11(A)(6)

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

Agenda Item No. 11(A)(6)

Veto \_\_\_\_\_

6-4-13

Override \_\_\_\_\_

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

RESOLUTION DIRECTING THE COUNTY MAYOR TO BRING EMERGENCY CONTRACT RATIFICATIONS TO THE BOARD WITHIN 120 DAYS OF SUCH EMERGENCY AND BRING RETROACTIVE CONTRACT MODIFICATIONS TO THE BOARD WITHIN 120 DAYS OF MODIFICATION

**WHEREAS**, County and State law gives the Mayor the authority to enter into contracts for the purchase of goods and services to address emergency situations in the County subject to later ratification of such contracts by the Board of County Commissioners; and

**WHEREAS**, the Board's review of emergency contracts will be hampered by delays in bringing such contracts to the Board for ratification; and

**WHEREAS**, the Board desires that when the Mayor brings emergency contracts to the Board for ratification the Mayor should identify the date the emergency occurred or, if unknown, the date the administration became aware of the emergency; and

**WHEREAS**, the Board believes that all emergency contracts entered into by the Mayor subject to his emergency powers should be brought to the Board within ~~[[ninety (90) days]]~~<sup>1</sup> >>one hundred twenty (120) days<< of the date of such an emergency or the date the administration became aware of such emergency; and

**WHEREAS**, the Board desires that, in the event any emergency contract is not brought to the Board for ratification within ~~[[ninety (90) days]]~~ >>one hundred twenty (120) days<<, the Mayor explain in writing any reason for delay in bringing such contract to the Board for ratification; and

<sup>1</sup> Committee amendments are indicated as follows: Words stricken through and/or ~~[[double bracketed]]~~ are deleted, words underscored and/or >>double arrowed<< are added.

**WHEREAS**, the Mayor or Mayor's designee may also recommend the retroactive modification of an existing contract which, upon approval, will be deemed to have taken effect at a date prior to the act approving the contract amendment; and

**WHEREAS**, the Board desires that retroactive contract modifications be brought before the Board for approval within ~~[[90]]~~ >>120<< days of the effective date of the amendment; and

**WHEREAS**, the Board desires that, in the event any retroactive contract modification is not brought to the Board for approval within ~~[[ninety (90) days]]~~ >>one hundred twenty (120) days<<, the Mayor explain in writing any reason for delay in bringing such contract to the Board,

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

Section 1. This Board directs the County Mayor to bring any emergency contract to the Board for ratification within ~~[[ninety (90) days]]~~ >>one hundred twenty (120) days<< of the date of the emergency or the date at which the administration became aware of the emergency and identify such date in any ratification item. In the event the Mayor is unable to bring emergency contract ratifications to the Board within ~~[[ninety (90) days]]~~ >>one hundred twenty (120) days<<, the Mayor shall explain in writing the reason for the delay in bringing the ratification item to the Board.

Section 2. This Board directs the County Mayor to bring any retroactive contract modification to the Board for approval within ~~[[ninety (90) days]]~~ >>one hundred twenty (120) days<< of effective date of the amendment and identify such date in any approval item. In the event the Mayor is unable to bring such retroactive contract modification to the Board within

[[~~ninety (90) days~~]] >>one hundred twenty (120) days<<, the Mayor shall explain in writing the reason for the delay in bringing the item to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Audrey M. Edmonson and the Co-Sponsors are Commissioner Esteban L. Bovo, Jr., Commissioner Sally A. Heyman, and Commissioner Dennis C. Moss. 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 4<sup>th</sup> day of June, 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.



Oren Rosenthal