

# MEMORANDUM

Agenda Item No. 11(A)(4)

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

**DATE:** October 7, 2014

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

**SUBJECT:** Resolution waiving requirement  
that small business bond counsel  
and disclosure counsel law firms  
maintain separate malpractice  
insurance coverage

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson.

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

RAC/smm



# MEMORANDUM

(Revised)

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

**DATE:** October 7, 2014

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

**SUBJECT:** Agenda Item No. 11(A)(4)

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)(4)

Veto \_\_\_\_\_

10-7-14

Override \_\_\_\_\_

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

RESOLUTION WAIVING REQUIREMENT THAT SMALL BUSINESS BOND COUNSEL AND DISCLOSURE COUNSEL LAW FIRMS MAINTAIN SEPARATE MALPRACTICE INSURANCE COVERAGE; AND DIRECTING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE IN ALL FUTURE SOLICITATIONS FOR BOND COUNSEL AND DISCLOSURE COUNSEL SERVICES TO ALLOW PARTICIPATION BY SMALL BUSINESS LAW FIRMS WITHOUT SUCH REQUIREMENT

**WHEREAS**, the County currently has a County bond counsel pool, an Authority bond counsel pool and a County disclosure counsel pool (collectively, the "Pools") that expire in February of 2017; and

**WHEREAS**, the Request for Qualifications utilized by the County when the Pools were established required that law firms respond as a team consisting of a senior law firm (experienced and nationally recognized) and a junior firm (small business law firm); and

**WHEREAS**, the individual law firms in each team were required to have malpractice insurance for municipal finance and securities matters which is additional coverage with an added cost; and

**WHEREAS**, the added cost of the malpractice insurance is an economic burden on the small business law firms; and

**WHEREAS**, since the requirement that small business law firms participate as bond counsel or disclosure counsel was designed to assist small business law firms economically so they could grow in size, the additional expense of malpractice insurance hinders that growth; and

**WHEREAS**, this Board wishes to continue to assist small business law firms by waiving the current requirement that small business law firms in the Pools maintain separate malpractice

insurance and directing the County Mayor or County Mayor's designee to allow participation by small business law firms without such a requirement in all future solicitations for bond counsel and disclosure counsel services; and

**WHEREAS**, the elimination of small business law firm malpractice insurance requirement will not have a significant impact on the County since the senior law firm of each bond counsel and disclosure counsel team has malpractice insurance for its representation of the County,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that the current requirement that the small business law firms in each bond counsel and disclosure counsel team in the County's Pools maintain separate malpractice insurance for municipal finance and securities representation of the County is waived and in each future solicitation for bond counsel and disclosure counsel services, the County Mayor or County Mayor's designee is directed to allow small business law firms to participate without having to maintain such malpractice insurance.

The Primary Sponsor of the foregoing resolution is Commissioner Audrey M. Edmonson.

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 7<sup>th</sup> day of October, 2014. 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.

JRA for GTH

Gerald T. Heffernan