

MEMORANDUM

Agenda Item No. 4(A)

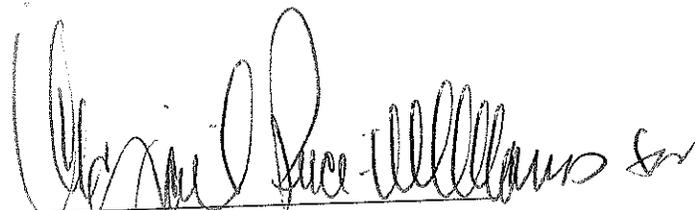
TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: February 3, 2015

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

SUBJECT: Ordinance waiving requirements of Section 2-1803(4) of the Code requiring prior advice of Building Better Communities Citizens' Advisory Committee on use of surplus bond project funds and unspent allocations from certain Building Better Communities General Obligation Program Projects in order to reallocate funding to Project No. 348 – "West Venetian Bascule Bridge Replacement" and new project entitled "New Family Units at Liberty Square and Lincoln Gardens"

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



R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

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County Attorney

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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 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. 4(A)

Veto _____

2-3-15

Override _____

ORDINANCE NO. _____

ORDINANCE WAIVING REQUIREMENTS OF SECTION 2-1803(4) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA REQUIRING THE PRIOR ADVICE OF THE BUILDING BETTER COMMUNITIES CITIZENS' ADVISORY COMMITTEE ON USE OF SURPLUS BOND PROJECT FUNDS AND UNSPENT ALLOCATIONS FROM CERTAIN BUILDING BETTER COMMUNITIES GENERAL OBLIGATION PROGRAM PROJECTS IN ORDER TO REALLOCATE FUNDING FROM A PROJECT IDENTIFIED IN APPENDIX A TO RESOLUTION NO. R-914-04 TO PROJECT NO. 348 – "WEST VENETIAN BASCULE BRIDGE REPLACEMENT" AND REALLOCATE FUNDING FROM CERTAIN PROJECTS IDENTIFIED IN APPENDIX A TO RESOLUTION NO. R-918-04 TO A NEW PROJECT ENTITLED "NEW FAMILY UNITS AT LIBERTY SQUARE AND LINCOLN GARDENS"; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

WHEREAS, on November 2, 2004, the voters of Miami-Dade County approved the issuance of \$2.9 billion for the Building Better Communities General Obligation Bond Program ("Bond Program") in order to allow the County to issue long-term bonds to fund more than 300 neighborhood and regional capital projects to be completed over the next 15 years; and

WHEREAS, shortly thereafter, in 2005, this Board established, pursuant to Ordinance No. 05-70, the Building Better Communities Citizens' Advisory Committee ("Bond Committee") for the purpose of advising the Mayor and the Board of County Commissioners regarding the Bond Program; and

WHEREAS, the Bond Committee is comprised of twenty-one (21) members appointed by the Mayor and each of the County Commissioners; and

WHEREAS, the Bond Committee is required to meet at least four times per year; and

WHEREAS, among the duties of the Bond Committee is to advise on the use of any surplus bond project funds and unspent allocations derived from those projects specifically identified in the Bond Program's eight authorizing resolutions; and

WHEREAS, as such and in accordance with Implementing Order No. 3-47, before the Board may consider and approve the allocation and use of surplus funds and unspent project allocations, the Bond Committee must consider and provide advice on such proposed allocation and use; and

WHEREAS, on January 20, 2015, the Bond Committee held a quarterly meeting but failed to obtain a quorum; and

WHEREAS, on the agenda for the Bond Committee's January 20, 2015 meeting were two resolutions seeking to reallocate Bond Program funds from one or more projects to other projects and, pursuant to Ordinance No. 05-70, the Bond Committee was to provide this Board advice on the reallocation of such surplus funds; and

WHEREAS, specifically, one resolution sought to reallocate \$3,864,130 from Bond Program Project No. 138 – "Tamiami Swing Bridge" ("Project No. 138") to Bond Program Project No. 348 – "West Venetian Bascule Bridge Replacement" ("Project No. 348"), both identified in Appendix A to Resolution No. R-914-04, as the funds allocated to Project No. 348 are insufficient to complete such project and the replacement of the

West Venetian Bascule Bridge is an emergency project that needs to be undertaken immediately to protect the health, safety and welfare of residents and visitors utilizing the bridge; and

WHEREAS, specifically, the other resolution sought to delete Bond Program Project Nos. 242.1 – “New Family Units at Victory Homes” (“Project No. 242.1”), 244.1 – “New Elderly Units at Elizabeth Virrick II” (Project No. 244.1”), and 247 – “New Family Units at Lincoln Gardens” (“Project No. 247”) and to utilize the \$32,243,000 of surplus funds from those three projects to create a new Bond Program Project No. 352 to be titled “New Family Units at Liberty Square and Lincoln Gardens” (“Project No. 352”), all as identified in Appendix A to Resolution No. R-918-04, as existing facilities at Liberty Square- the County’s largest public housing site and one of the first public housing developments built in the United States, are in need of immediate and substantial repair or replacement; and

WHEREAS, the Board has previously declared the replacement of the Venetian Bascule Bridge and emergency and the family units at Liberty Square and Lincoln Gardens projects are in great need of repair and replacement such that the projects need to move forward as expeditiously as possible,

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

Section 1. This Board hereby waives the provisions of Section 2-1803(4) of the Code of Miami-Dade County, Florida requiring the prior advice of the Bond Committee on the use and allocation of surplus funds or unspent Bond Program allocations in order to reallocate \$3,864,130 from Project No. 138 to Project No. 348.

Section 2. This Board hereby waives the provisions of Section 2-1803(4) of the Code of Miami-Dade County, Florida requiring the prior advice of the Bond Committee on the use and allocation of surplus funds or unspent Bond Program allocations in order to reallocate \$32,243,000 from deleted Project Nos. 242.1, 244.1 and 247 to a new Project No. 352.

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, be excluded from the Code of Miami-Dade County.

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.

ADW

Prepared by:

MRR

Monica Rizo

Prime Sponsor:

Commissioner Audrey M. Edmonson