

# Memorandum



**Date:** June 30, 2015

Agenda Item No. 14(A)(6)

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

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over the printed name of the Mayor.

**Subject:** Resolution Authorizing the Designated Purchase of Services for Transport, Impoundment and Care of Large Animals in Accordance with Section 2-8.1(B)(3) of the Code of Miami-Dade County by a Two-Thirds Vote of the Board Members Present; to Approve Terms and Execution of a Retroactive Amendment to the Agreement with South Florida Society for the Prevention of Cruelty to Animals (SFSPCA) in Order to Pay SFSPCA an Additional \$75,000.00 for FY 14-15 For a Total Amount of \$175,000.00 in FY 14-15; Waiving Resolution No. R-130-06; and Authorizing the County Mayor or Mayor's Designee to Exercise All Rights Conferred Within Such Amendment

## RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) adopt the attached resolution authorizing the Designated Purchase of services for the transport, impoundment and care of large animals in accordance with Section 208.1(B)(3) of the Code of Miami-Dade County by a two-thirds vote of the Board Members present; to approve terms and execution of a retroactive Amendment to the Agreement with South Florida Society for the Prevention of Cruelty to Animals (SFSPCA) in order to pay SFSPCA an additional \$75,000.00 for FY 14-15 for a total amount of \$175,000.00 in FY 14-15; waiving resolution No. R. 130-06; and authorizing the County Mayor or Mayor's Designee to exercise all rights conferred within such Amendment.

This resolution allows Miami-Dade County (County), through the Animal Services Department (ASD) to procure services for the transport, impoundment and care of large animals in cases of cruelty and neglect from the SFSPCA without formal solicitation of competitive bids. It is not practicable to purchase these services through competitive bidding, as SFSPCA is the sole source of services for the transport, impoundment and care of large animals. Therefore, it is in the best interests of the County to purchase these services in consideration of this criteria, along with the price.

Further, this item authorizes the execution of a retroactive Amendment to the current Agreement between the County and SFSPCA for the transport, impoundment and care of large animals, increasing the total amount of reimbursement for services from \$100,000.00 to \$175,000.00 only for Fiscal Year 14-15, in order to allow ASD to reimburse SFSPCA for services rendered during that timeframe.

It is further recommended that the Board waive the requirements of Resolution No. R-130-06 as doing so is in the best interests of the County, in order to most efficiently reimburse SFSPCA for the vital services that it has provided to the County under the Agreement.

## SCOPE

The impact of this item is countywide in nature as services rendered are open throughout Miami-Dade County.

Honorable Chairwoman Jean Monestime  
and Members, Board of County Commissioners  
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**FISCAL IMPACT/FUNDING SOURCE**

The amount of \$175,000.00 per year was budgeted and approved by the Board through the budget ordinance for FY 14/15. After receiving such invoices and verifying the expenditures, the County will reimburse SFSPCA for services provided under this Agreement in an amount not to exceed \$175,000.00 for FY 14/15.

**TRACK RECORD/MONITOR**

The Budget and Finance section of the ASD is responsible for monitoring this Agreement.

**BACKGROUND**

The County currently has an Agreement with SFSPCA to transport, impound and care for large animals that are stray or victims of cruelty and neglect, in order to comply with Florida Statute 828.27 and 588.17-24, which require such functions from the County. The current Agreement between the County and SFSPCA for these services, which was approved by Resolution No. R-81-11 on February 1, 2011, was in the amount of \$100,000.00 per fiscal year. As such, this fiscal year, ASD was able to pay invoices totaling \$100,000.00 for services rendered by SFSPCA under that Agreement. However, ASD now requires execution of a retroactive Amendment to the Agreement with SFSPCA, which would increase the total reimbursement for services allowed for FY 14-15 to \$175,000.00. This additional \$75,000.00 in funding was approved by the Board through the budget ordinance last fiscal year, in order to pay the pending invoices totaling that amount.



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Alina G. Hudak  
Deputy Mayor



# MEMORANDUM

(Revised)

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

**DATE:** June 30, 2015

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

**SUBJECT:** Agenda Item No. 14(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  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 14(A)(6)  
6-30-15

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

RESOLUTION AUTHORIZING THE DESIGNATED PURCHASE OF SERVICES FOR TRANSPORT, IMPOUNDMENT AND CARE OF LARGE ANIMALS IN ACCORDANCE WITH SECTION 2-8.1(B)(3) OF THE CODE OF MIAMI-DADE COUNTY BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; TO APPROVE TERMS AND EXECUTION OF A RETROACTIVE AMENDMENT TO THE AGREEMENT WITH SOUTH FLORIDA SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS (SFSPCA) IN ORDER TO PAY SFSPCA AN ADDITIONAL \$75,000.00 FOR FY 14-15 FOR A TOTAL AMOUNT OF \$175,000 IN FY 14-15; WAIVING RESOLUTION NO. R-130-06; AND AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXERCISE ALL RIGHTS CONFERRED WITHIN SUCH AMENDMENT

**WHEREAS**, This Board desires to accomplish the purpose outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA** that this Board authorizes, in accordance with Section 2-8.1(B)(3) of the Code of Miami-Dade County and by a vote of two-thirds (2/3) of the Board members present, a designated purchase of services for the transport, impoundment and care of large animals, and approves the terms and execution of a retroactive Amendment to the Agreement between Miami-Dade County and the South Florida Society for the Prevention of Cruelty to Animals ("SFSPCA") in order to pay SFSPCA the additional amount of \$75,000.00 in FY 2014-15 for a total amount of \$175,000.00 in FY 2014-15; waiving the provisions of Resolution No. R-130-06 requiring Amendment to be executed prior to

presentation to the Board; and authorizing the County Mayor or Mayor's designee to exercise all rights conferred within such Amendment.

The foregoing resolution 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:

Jean Monestime, Chairman	
Esteban L. Bovo, Jr., Vice Chairman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

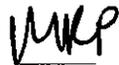
The Chairperson thereupon declared the resolution duly passed and adopted this 30<sup>th</sup> day of June, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Sabrina Levin  
Monica Rizo Perez

**FIRST AMENDMENT TO AGREEMENT BETWEEN  
MIAMI-DADE COUNTY AND SOUTH FLORIDA SOCIETY  
FOR THE PREVENTION OF CRUELTY TO ANIMALS**

**THIS FIRST AMENDMENT TO THE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND SOUTH FLORIDA SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS** (the "**Amendment**") is made and entered into as of \_\_\_\_\_, 2015 (the "**Amendment Effective Date**") by and between MIAMI-DADE COUNTY, a political subdivision of the State of Florida (the "**County**"), through its Animal Services Department, and the SOUTH FLORIDA SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS ("SFSPCA"), each of which may also be referred to as a "**Party**," and which may be referred to jointly as the "**Parties**."

**RECITALS**

WHEREAS, the Parties previously entered into an Agreement for the transport, impoundment and care of large animals in cases of cruelty or neglect, as approved by Resolution No. R-81-11 on February 1, 2011 ("Agreement"); and

WHEREAS, the Agreement limited the County's reimbursement to SFSPCA for those services to \$100,000.00 per year; and

WHEREAS, an amount of \$175,000 per year was budgeted and approved by the Board of County Commissioners for such services through the budget ordinance for fiscal year 2014/2015; and

WHEREAS, SFSPCA rendered such services up to the amount of \$175,000.00 during fiscal year 2014/2015; and

WHEREAS, the Parties are desirous of amending the Agreement as set forth herein in order to provide funding for the services rendered during fiscal year 2014/2015,

NOW, THEREFORE, for and in consideration of the mutual promises set forth herein, the adequacy of which is hereby accepted and acknowledged by the Parties, the County and SFSPCA agree that the foregoing recitals are correct, and further state as follows:

Section 1. Page 3 of 5 of the Agreement, under the heading "TERMS OF CONTRACT," the subsection titled "Funding" is hereby amended to add the following sentence to the end of the paragraph:

Only for Fiscal Year 2014/2015, the County has allocated \$175,000 to Animal Services for the transport, impoundment and care of large animals in cases of cruelty or neglect. Accordingly, the County will reimburse the SFSPCA for services rendered under this Agreement during that timeframe, in an amount up to \$175,000.00.

Section 2. All other provisions of the Agreement not expressly modified as set forth herein, remain in full force and effect.

**IN WITNESS WHEREOF**, each of the parties to the Agreement has caused this Amendment to be executed by its duly authorized officers and its corporate seal to be heretounder affixed and attested as of the date first above written.

ATTEST: Harvey Ruvin  
Clerk of the Board

MIAMI-DADE COUNTY,  
FLORIDA BY ITS BOARD OF  
COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Carlos A. Gimenez  
County Mayor

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by County Attorney as to form and legal sufficiency. \_\_\_\_\_

**WITNESSES:**

SFSPCA

\_\_\_\_\_  
Witness Signature / Printed Name

By: \_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Witness Signature / Printed Name

(seal)

Date: \_\_\_\_\_