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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 11(A)(1)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: December 4, 2007

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

SUBJECT: Resolution authorizing use of Miami-Dade Water and Sewer Dept. forces to install water pipelines and fire hydrants for homes affected by arsenic concentrations

R-1336-07

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Carlos A. Gimenez.

R. A. Cuevas, Jr.
County Attorney

RAC/bw

MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: December 4, 2007

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

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

Please note any items checked.

_____ **"4-Day Rule" ("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**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(1)
12-4-07

RESOLUTION NO. **R-1336-07**

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO USE MIAMI-DADE WATER AND SEWER DEPARTMENT FORCES TO DESIGN AND INSTALL APPROXIMATELY THREE MILLION DOLLARS OF WATER PIPELINES AND FIRE HYDRANTS IN THE AREA BOUNDED BY SW 72ND STREET TO THE NORTH, SW 80TH STREET TO THE SOUTH, SW 84TH COURT TO THE WEST AND SW 77TH COURT TO THE EAST; FINDING INSTALLATION OF WATER PIPELINES AND FIRE HYDRANTS BY MIAMI-DADE WATER AND SEWER DEPARTMENT FORCES TO BE NECESSARY TO THE PUBLIC'S HEALTH, SAFETY AND WELFARE; AND WAIVING RESOLUTION NO. R-120-83

WHEREAS, in 2007, the Florida Department of Health (DOH) confirmed the Department of Environment Resources Management's (DERM) discovery of arsenic concentrations above the federal drinking water maximum contaminant limit near certain homes that use well water; and

WHEREAS, the homes that may be affected by the arsenic concentration levels are located in the area bounded by SW 72nd Street to the North, SW 80th Street to the South, SW 84th Court to the West and SW 77th Court to the East; and

WHEREAS, this Board finds that providing potable water from the County's water system to the residents of this area protects the public's health, safety and welfare; and

WHEREAS, the Miami-Dade Water and Sewer Department forces have the ability to quickly design and install the necessary water pipelines in the subject area; and

WHEREAS, Section 255.20(1)(c)9 , Florida Statutes, authorizes a county to use its own services, employees and equipment to perform public improvements with an estimated cost in excess of $250,000 upon a majority vote of the Board members, after at least fourteen days public notice and a public meeting, finding that it is in the public's best interest to perform the improvements using its own services, employees, and equipment; and

WHEREAS, this Board desires to waive Resolution No. R-120-83 which established a county policy requiring that construction of public improvements be provided by private industry through competitive bid,

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

Section 1. Pursuant to Section 255.20(1)(c)9, Florida Statutes, this Board finds by a majority vote of the Board members that it is necessary to design and install water pipelines and fire hydrants in the area bounded by SW 72nd Street to the North , SW 80th Street to the South, SW 84th Court to the West and SW 77th Court to the East, as shown in Exhibit "A" attached hereto and made a part hereof; and that it is in the public's best interest for the Miami-Dade Water and Sewer Department to utilize its own employees and equipment to design and construct all improvements necessary to provide county water to the subject area.

Section 2. This Board waives Resolution No. R-120-83 and authorizes the County Mayor or his designee to use Miami-Dade Water and Sewer Department forces to design and install approximately $3 million of water pipelines and fire hydrants in the area bounded by SW 72nd Street to the North, SW 80th Street to the South, SW 84th Court

to the West and SW 77th Court to the East, as shown in Exhibit "A"attached hereto and made a part hereof.

The foregoing resolution was sponsored by Commissioner Carlos A. Gimenez and offered by Commissioner Jose "Pepe" Diaz, who moved its adoption. The motion was seconded by Commissioner Joe A. Martinez and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman aye
Barbara J. Jordan, Vice-Chairwoman aye

Jose "Pepe" Diaz	aye	Audrey M. Edmonson	aye
Carlos A. Gimenez	aye	Sally A. Heyman	absent
Joe A. Martinez	aye	Dennis C. Moss	aye
Dorrin D. Rolle	aye	Natacha Seijas	aye
Katy Sorenson	absent	Rebeca Sosa	aye
Sen. Javier D. Souto	absent		

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of December, 2007. 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: Kay Sullivan
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Henry N. Gillman

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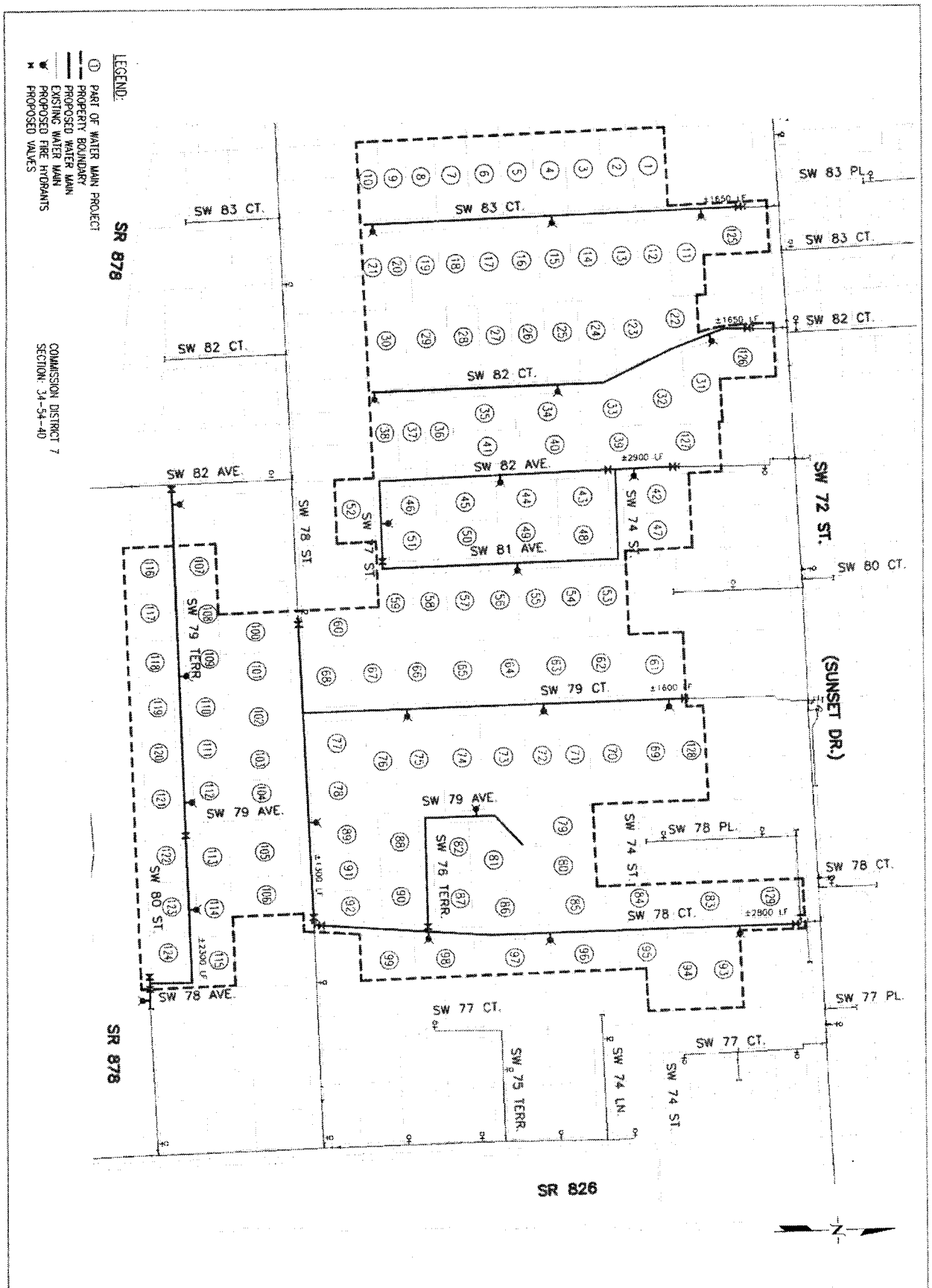

WATER MAIN INSTALLATION
SOUTH OF SUNSET DRIVE (SW 72 ST.) AND
WEST OF S.R. 826 (PALMETTO EXPRESSWAY)

MIAMI-DADE COUNTY
WATER AND SEWER DEPARTMENT

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EXHIBIT A