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

# MEMORANDUM

Agenda Item No. 11(A)(14)

**TO:** Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

**DATE:** March 3, 2009

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

**SUBJECT:** Resolution directing the Mayor to expedite payments to vendors and community based organizations in light of current economic conditions

**Resolution No. R-235-09**

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Dennis C. Moss, and Co-Sponsor Commissioner Audrey M. Edmonson.

R. A. Cuevas, Jr.
County Attorney

RAC/up

# MEMORANDUM

**(Revised)**

**TO:** Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

**DATE:** March 3, 2009

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

**SUBJECT:** Agenda Item No. 11(A)(14)

**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 Mayor'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)(14)
3-3-09

RESOLUTION NO. **R-235-09**

RESOLUTION DIRECTING THE MAYOR OR DESIGNEE TO EXPEDITE PAYMENTS TO VENDORS AND COMMUNITY BASED ORGANIZATIONS IN LIGHT OF CURRENT ECONOMIC CONDITIONS

**WHEREAS**, Miami-Dade County's Prompt Payment Ordinance, Ordinance No. 94-40 as amended, directs the County to pay its vendors in a prompt and timely manner, and provides for expedited payments to small businesses; and

**WHEREAS**, the Prompt Payment Ordinance provides that payments are due to vendors meeting contractual obligations within 30 days of receipt of a completed invoice substantiated with proper documentation from small businesses, and within 45 days for all other businesses; and

**WHEREAS**, under the Ordinance, vendors may under certain circumstances recover interest from the County for late payments at the rate of one percent (1%) per month which shall accrue for a maximum of twelve (12) months; and

**WHEREAS**, our community is facing one of its most serious economic challenges in the last several decades; and

**WHEREAS**, in such a time, the role of Community Based Organizations becomes all the more vital as jobs are lost, private-sector donations are harder to come by, and demands on social services increases; and

**WHEREAS**, on July 1, 2008, this Board passed Resolution No. 774-08, which directed the Mayor or Designee to study the nature of and cause for any problems affecting the County's

timely and efficient compensation of community based organizations for goods and/or services provided to the County by such organizations; and

**WHEREAS**, current economic conditions call for an infusion of funds into the community to help stabilize the economy; and

**WHEREAS**, the County can do its part by accelerating payments to vendors and contractors who in turn can accelerate payments to subcontractors and employees alike; and

**WHEREAS**, the County also can assist the local economy accelerating payments to community based organizations,

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

Section 1. Directs the Mayor or Designee to develop and implement a plan to expedite payments to vendors and contractors so that they can expedite payments to their subcontractors and employees, and to expedite payments to Community Based Organizations.

Section 2. Directs the Mayor or Designee to provide an implementation strategy and progress report to the Board within thirty (30) days of the date of this resolution.

The Prime Sponsor of the foregoing resolution is Chairman Dennis C. Moss, and the Co-Sponsor is Commissioner Audrey M. Edmonson. It was offered by Commissioner **Jose "Pepe" Diaz** who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman **aye**
Jose "Pepe" Diaz, Vice-Chairman **aye**

| | | | |
|---|---|---|---|
| Bruno A. Barreiro | **aye** | Audrey M. Edmonson | **aye** |
| Carlos A. Gimenez | **aye** | Sally A. Heyman | **aye** |
| Barbara J. Jordan | **aye** | Joe A. Martinez | **absent** |
| Dorrin D. Rolle | **aye** | Natacha Seijas | **absent** |
| Katy Sorenson | **aye** | Rebeca Sosa | **aye** |
| Sen. Javier D. Souto | **absent** | | |

The Chairman thereupon declared the resolution duly passed and adopted this 3rd day of March, 2009. 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. JMM

Jess M. McCarty