

MEMORANDUM

Agenda Item No. 7(B)

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

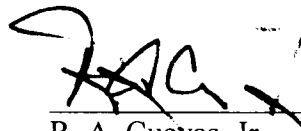
DATE: (Second Reading 5-4-10)
March 2, 2010

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

SUBJECT: Ordinance amending Section
25A-4(H) of the Code;
removing provision concerning
the expiration of the authority
of PHT to accept gifts of
construction projects

Ordinance No. 10-28

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Bruno A. Barreiro and Co-Sponsor Commissioner Sally A. Heyman.



R. A. Cuevas, Jr.
County Attorney

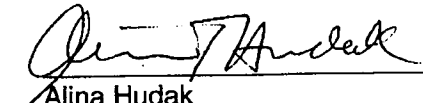
RAC/up

Memorandum



Date: May 4, 2010
To: Honorable Chairman Dennis C. Moss
and Members Board of County Commissioners
From: George M. Burgess
County Manager
Subject: Ordinance amending section 25A-4(h) of the Code, removing the provision concerning the expiration of the authority of public health trust to accept gifts of construction projects

The Ordinance amending Section 25A-4(h) of the Code pertaining to the Public Health Trust, removing the provision concerning the two-year expiration period to accept gifts for construction projects will have no fiscal impact to Miami-Dade County.


Alina Hudak
Assistant County Manager

fis03710



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss **DATE:** May 4, 2010
and Members, Board of County Commissioners

FROM: R. A. Cuevas, Jr. **SUBJECT:** Agenda Item No. 7(B)
County Attorney

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 Manager'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. 7(B)
5-4-10

ORDINANCE NO. 10-28

ORDINANCE AMENDING SECTION 25A-4(h) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REMOVING PROVISION CONCERNING THE EXPIRATION OF THE AUTHORITY OF PUBLIC HEALTH TRUST TO ACCEPT GIFTS OF CONSTRUCTION PROJECTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Section 25A-4(h) of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

* * *

(h) *Acceptance of gifts.* The Trust shall have the authority to accept gifts of money, services, or personal property. All such gifts may be subject to such rules, conditions and terms as the Trust may determine. Subject to the prior approval of the Commission, the Trust may accept gifts of real property, the title of which shall be in Miami-Dade County. All gifts shall be held in trust pursuant to the provisions of this chapter.

* * *

In addition, in order to attract private funding for construction projects that are not in kind and that the Trust would either not otherwise undertake or would have to postpone, the Trust may

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

accept from a not-for-profit organization whose primary purpose is to support the activities of the Trust gifts of construction projects, including the building, renovating, retrofitting, restoration, painting, altering or repairing of any Trust facility, and all services and personal property related to such construction projects, provided that each donation of such a construction project shall not exceed five million dollars (\$5,000,000) and is fully funded by such not-for-profit organization. All gifts of such construction projects shall be exempt from all competitive bidding requirements and other programs otherwise mandated by the Code of Miami-Dade County for Public Health Trust contracts, provided that the not-for-profit and the contractors on the construction project agree to be bound by public records law to the same extent as a Trust contractor providing such personal property or services. ~~[[The Trust's authority to accept gifts for such construction projects shall expire two years from the date of this amendment.]]~~ The not-for-profit organization shall file a report with the Public Health Trust and Board of County Commissioners every six (6) months documenting its activities pursuant to this paragraph.

* * *

Section 2. This ordinance shall supersede those provisions of any existing ordinance, resolution or policy in conflict herewith.

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 shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

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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: **May 4, 2010**

Approved by County Attorney as
to form and legal sufficiency.

MAC

Prepared by:

ES

Eugene Shy, Jr.

Prime Sponsor: Commissioner Bruno A. Barreiro
Co-Sponsor: Commissioner Sally A. Heyman