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

# MEMORANDUM

Agenda Item No. 11(A)(4)

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

**DATE:** October 5, 2010

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

**SUBJECT:** Resolution approving Amendment No. 1 to Interlocal Agreement between the School Board of Miami-Dade County, Florida, and Miami-Dade County, Florida, for the provision of Inspector General Services through the Office of the Miami-Dade County Inspector General

Resolution No. R-1016-10

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Dennis C. Moss.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

# MEMORANDUM
(Revised)

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

**DATE:** October 5, 2010

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

**SUBJECT:** Agenda Item No. 11(A)(4)

**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. 11(A)(4)
10-5-10

RESOLUTION NO. R-1016-10

RESOLUTION APPROVING AMENDMENT NO. 1 TO INTERLOCAL AGREEMENT BETWEEN THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, AND MIAMI-DADE COUNTY, FLORIDA, FOR THE PROVISION OF INSPECTOR GENERAL SERVICES THROUGH THE OFFICE OF THE MIAMI-DADE COUNTY INSPECTOR GENERAL

**WHEREAS**, the School Board of Miami-Dade County previously requested the services of the Miami-Dade County Office of the Inspector General (OIG) to function as the School Board's Office of the Inspector General through an interlocal agreement between the School Board and the Board of County Commissioners of Miami-Dade County; and

**WHEREAS**, an interlocal agreement was approved by this Board on December 18, 2007 (R1387-07) for an initial three-year term, which may be renewed for an additional term upon agreement by both parties; and

**WHEREAS**, the current interlocal agreement expires on December 18, 2010; and

**WHEREAS**, the OIG has been providing inspector general services to the School Board since January 2008 for which the School Board has fully funded those services at no cost to Miami-Dade County; and

**WHEREAS**, the School Board desires to extend the term of the interlocal agreement so that the OIG may continue to serve as the Inspector General for the School Board for an additional three years; and

**WHEREAS**, this Board recognizes that both bodies share a mutual interest in serving the residents of Miami-Dade County by preventing fraud, waste, financial mismanagement and other abuses that impact the level of service provided to the community; and

**WHEREAS**, the Miami-Dade County Office of the Inspector General is a nationally recognized inspector general's office, accredited by the Commission on Florida Law Enforcement Accreditation, and is able to fulfill the function of independent oversight for both Boards,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA,** that this Board approves Amendment No. 1 to the Interlocal Agreement between the School Board of Miami-Dade County, Florida, and Miami-Dade County, in substantially the form attached hereto and made a part hereof, and authorizes the County Mayor or his designee to execute Amendment No. 1 to the Interlocal Agreement.

The Prime Sponsor of the foregoing resolution is Chairman Dennis C. Moss. It was offered by Commissioner Sally A. Heyman, 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 | aye |
| Dorrin D. Rolle | aye | Natacha Seijas | aye |
| Katy Sorenson | aye | Rebeca Sosa | aye |
| Sen. Javier D. Souto | aye | | |

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of October, 2010. 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: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. GKS

Gerald K. Sanchez

**AMENDMENT NO. 1**

**to**

**INTERLOCAL AGREEMENT BETWEEN THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA AND MIAMI-DADE COUNTY, FLORIDA, FOR THE PROVISION OF INSPECTOR GENERAL SERVICES THROUGH THE OFFICE OF THE MIAMI-DADE COUNTY INSPECTOR GENERAL**

**WHEREAS**, the current Interlocal Agreement (ILA) between The School Board of Miami-Dade County, Florida ("School Board") and Miami-Dade County, Florida, ("County") for the provision of Inspector General Services through the Office of the Miami-Dade County Inspector General (OIG) expires on December 18, 2010 (The School Board and the County are collectively referred to herein as "the Parties"); and

**WHEREAS**, the ILA provides for a renewal of the term; and

**WHEREAS**, the intent of this Amendment No. 1 is to renew the term of the ILA for a three-year period and to provide a mechanism to allow for subsequent renewals, as may be mutually agreed to by the Parties.

**NOW, THEREFORE**, in consideration of the terms and conditions, promises and covenants hereinafter set forth, the Parties agree that the terms, conditions and provisions of the ILA are amended, as follows:

1. The above recitals are true and correct and are incorporated herein.

2. Section 9, (Term and Effective Date of ILA) is amended to read as follows:

> This ILA shall take effect upon final execution of the ILA by both the School Board and the County, ~~for a term of three years from the date it takes effect~~ and, unless renewed, shall terminate on December 18, 2013. ~~This three-year~~ The term may be renewed for an additional term, the length of which must be determined and agreed upon by both Parties to the ILA.

3. As to other terms and conditions, the ILA remains unchanged.

**IN WITNESS THEREOF**, the Parties agree to incorporate the above modifications into the Interlocal Agreement and have caused this Amendment No. 1 to be executed in their names by their duly authorized officers and the corporate seals to be affixed, all as of the _____day of _____, 2010.

**THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA**

**By:**_____
Name: Alberto M. Carvalho
Title: Superintendent

**ATTEST:**

_____

**THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA**

**By:**_____
Name: Dr. Solomon Stinson
Title: Chair

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY:**

**By:**_____
Name: Walter J. Harvey
Title: Board Attorney

**MIAMI-DADE COUNTY, FLORIDA**

**By:**_____
Name:_____
Title: County Mayor/County Manager

**ATTEST:**

_____

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY:**

**By:**_____
Name:_____
Title: County Attorney