

## MEMORANDUM

Amended  
Agenda Item No. 7(K)

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**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:**

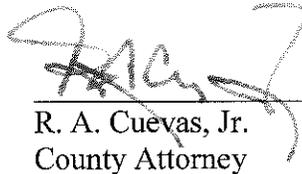
(Second Reading 7-2-13)  
May 7, 2013

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

**SUBJECT:** Ordinance creating the Miami-  
Dade County Public Private  
Partnership Program;  
establishing policy; requiring  
the preparation and periodic  
update of a plan; providing for  
a resolution establishing a Public  
Private Partnership Task Force  
Ordinance No. 13-72

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan C. Zapata and Co-Sponsor Vice Chair Lynda Bell.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

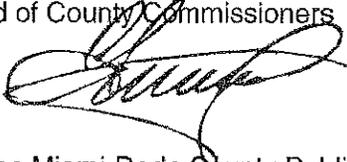
RAC/jls

# Memorandum



**Date:** July 2, 2013

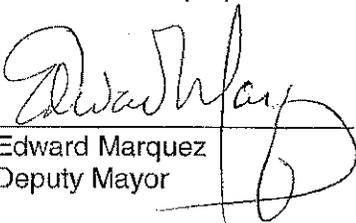
**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Ordinance Creating the Miami-Dade County Public Private Partnership Program;  
Establishing Policy; Requiring the Preparation and Periodic Update of a Plan;  
Providing for a Resolution Establishing a Public Private Partnership Task Force

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The proposed ordinance creates the Miami-Dade County Public Private Partnership Program, establishes policy, requires the preparation and periodic update of a plan, provides for a resolution establishing a public private partnership task force, and creates Section 2-8.1.7 of the Code. Implementation of this ordinance will not have a fiscal impact to the County and the responsibilities included in the proposed ordinance will be absorbed by existing staff.

  
Edward Marquez  
Deputy Mayor

Fis7013



# MEMORANDUM

(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** July 2, 2013

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

**SUBJECT:** Amended  
Agenda Item No. 7(K)

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 \_\_\_\_\_

Amended  
Agenda Item No. 7(K)  
7-2-13

ORDINANCE NO. 13-72

ORDINANCE CREATING THE MIAMI-DADE COUNTY PUBLIC PRIVATE PARTNERSHIP PROGRAM; ESTABLISHING POLICY; REQUIRING THE PREPARATION AND PERIODIC UPDATE OF A PLAN; PROVIDING FOR A RESOLUTION ESTABLISHING A PUBLIC PRIVATE PARTNERSHIP TASK FORCE; CREATING SECTION 2-8.1.7 OF THE CODE; 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.** This Board amends the proposed ordinance by deleting its contents and excluding it from the Code. The Board has on this date adopted a resolution governing the same subject.<sup>1</sup>

**[[Sec. 2-8.1.7. Public Private Partnership Program**

- (1) ~~Purpose and Policy. Infrastructure is a vital and foundational element in the future of Miami Dade County and the County's infrastructure including its mass transit facilities, airport and seaport, fuel supply facilities, medical or nursing care facilities, recreational facilities, sporting facilities and water and wastewater facilities require significant and on-going improvements and upgrades. Infrastructure funding from traditional sources, including State and Federal are often unavailing, inconsistent and unpredictable, with demand for funding clearly exceeding the resources available. A range of private investors and organizations have demonstrated a growing interest throughout the country in long-term infrastructure investments. It is in the best interest of the County to work~~

<sup>1</sup> 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.

~~collaboratively with such investors, to provide a structure and simplify its procurement policies and practices to allow for such alternative financing for appropriate projects in order to meet the County's infrastructure needs, all consistent with the protection of the transparency and integrity of public contracting. To give effect to this intent, the Public Private Partnership Program of Miami-Dade County is hereby created.~~

- ~~(2) Public Private Partnership Plan. The Mayor shall develop, and deliver to the Board of County Commissioners within ninety days following the effective date of this Section a written plan to maximize the use of public private partnerships in County projects (the "Plan"). The Plan shall contain, at a minimum, a list of projects considered suitable for public private partnerships arrangements, a timeline for their completion, and an identification of potential advantages and disadvantages of the delivery method in connection with each project. The Plan shall contain proposed legislative recommendations to simplify the County processes utilized to identify, solicit, evaluate, and contract for private investment opportunities consistent with applicable law. In particular, and without limitation to the foregoing, the Plan shall propose an amendment to the provisions of this Code governing unsolicited proposals, to simplify them, conform them to additional authorizations that may have resulted from amendments to the State law, and make them more effective. The Plan shall also contain a description of similar projects in other communities in the United States which may be used as a model. The Plan shall be updated and reported to the Board of County Commissioners, through its Infrastructure Committee, every six months. The Plan shall be subject to Board approval.~~
- ~~(3) Specifications and Contracting. To promote the use of public private partnerships, the Mayor shall, consistent with applicable law, develop simplified specifications to identify and solicit public private partnership contracting opportunities.~~
- ~~(4) Public Private Partnership Task Force. The Board may by separate resolution establish a public private partnership task force to enhance the County's use of public private~~

~~partnerships consistent with the policies set forth in this  
Section.]]~~

**Section 2.** 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 3.** It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall be excluded from 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.

**Section 4.** 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: July 2, 2013

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:



Hugo Benitez

Prime Sponsor: Commissioner Juan C. Zapata  
Co-Sponsor: Vice Chair Lynda Bell