

MEMORANDUM

Agenda Item No. 5(B)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

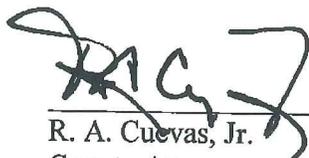
DATE: September 1, 2015

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

SUBJECT: Ordinance relating to
acceleration of Miami-Dade
Water and Sewer Department
projects for the Consent Decree
and Capital Improvement
Program; amending Ordinance
No. 14-77 to eliminate sunset
provision and provide for
automatic renewal on a yearly
basis

Ordinance No. 15-71

The accompanying ordinance was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Barbara J. Jordan and Vice Chairman Esteban L. Bovo, Jr.



R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum



Date:

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez".

Subject: Ordinance relating to acceleration of Miami-Dade Water and Sewer Department projects for the Consent Decree and Capital Improvement Program

The proposed amendment deletes the sunset provision and provides for the automatic renewal of the Ordinance on a yearly basis unless it is repealed by the Board. This amendment will have no fiscal impact to the County.

A handwritten signature in black ink, appearing to read "Jack Osterholt".

Jack Osterholt
Deputy Mayor

fis06915



MEMORANDUM
(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: September 1, 2015

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

SUBJECT: Agenda Item No. 5(B)

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 _____

Agenda Item No. 5(B)
9-1-15

ORDINANCE NO. 15-71

ORDINANCE RELATING TO ACCELERATION OF MIAMI-DADE WATER AND SEWER DEPARTMENT PROJECTS FOR THE CONSENT DECREE AND CAPITAL IMPROVEMENT PROGRAM; AMENDING ORDINANCE NO. 14-77 TO ELIMINATE SUNSET PROVISION AND PROVIDE FOR AUTOMATIC RENEWAL ON A YEARLY BASIS; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE

WHEREAS, on September 3, 2014, this Board approved Ordinance No. 14-77 that created Section 2-8.2.12 of the Miami-Dade County Code, which ordinance authorizes the Miami-Dade Water and Sewer Department to, among other things, advertise, award, amend and negotiate contracts and exercise certain contractual powers without the need for prior Board approval for projects related to the Miami-Dade Water and Sewer Department's Capital Improvement Program and the Consent Decree approved by the U.S. District Court for the Southern District of Florida on April 9, 2014; and

WHEREAS, the Miami-Dade Water and Sewer Department has utilized effectively the processes set forth in Section 2-8.2.12 of the Code of Miami-Dade County for several Capital Improvement Program and Consent Decree projects and, as a result, has been able to move these projects along on an expedited basis in order to meet Consent Decree and other deadlines; and

WHEREAS, under the Consent Decree and Capital Improvements Program, the Miami-Dade Water and Sewer Department has a large number of additional projects that would benefit from the expedited processes set forth in Section 2-8.2.12 of the Code of Miami-Dade County; and

WHEREAS, Ordinance No. 14-77 is scheduled to sunset on September 13, 2015; and

WHEREAS, this Board would like to eliminate the sunset provision and provide for automatic renewal on a yearly basis,

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

Section 1. Section 6 of Ordinance No. 14-77 is hereby amended to read as follows:¹

Section 6. ~~[[This ordinance shall, sunset in one (1)-year from the effective date, unless extended by this Board by resolution.]]~~ >>This ordinance shall continue from year to year unless repealed by the Board of County Commissioners.<< Any contract advertised pursuant to this Ordinance before ~~[[sunset]]~~ >>repeal<< shall continue in accordance with the procedures and processes set forth in this Ordinance until such contract has been completed.

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, and it is hereby ordained that the provisions of this ordinance shall be excluded from the Code of Miami-Dade County, Florida.

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.

5

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: September 1, 2015

Approved by County Attorney as
to form and legal sufficiency:

RAE

Prepared by:

Hm/SEP

Sarah E. Davis

Co-Prime Sponsors: Commissioner Barbara J. Jordan
Vice Chairman Esteban L. Bovo, Jr.