

## MEMORANDUM

Agenda Item No. 14(A)(7)

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

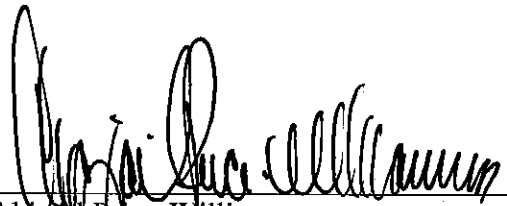
**DATE:** November 15, 2016

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution authorizing the designated purchase of services for transport, impoundment and care of large animals in accordance with section 2-8.1(b)(3) of the Code of Miami-Dade County by a two-thirds vote of the Board members present to approve terms and execution of a Third Retroactive Amendment to the agreement with South Florida Society for the Prevention of Cruelty to Animals (SFSPCA) in order to pay SFSPCA additional \$75,000.00 retroactively for FY 2015-16 and annual payments of \$175,000.00 for subsequent fiscal years; waiving Resolution No. R-130-06; and authorizing the County Mayor to exercise all rights conferred within such amendment

Resolution No. R-1111-16

The accompanying resolution was prepared by the Animal Services Department and placed on the agenda at the request of Prime Sponsor Commissioner Daniella Levine Cava and Co-Sponsor Commissioner Sally A. Heyman.

  
\_\_\_\_\_  
Abigail Price-Williams  
County Attorney

APW/cp

# Memorandum



**Date:** November 15, 2016

**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", written over the printed name of the Mayor.

**Subject:** Resolution Authorizing the Designated Purchase of Services for Transport, Impoundment, and Care of Large Animals in Accordance with Section 2-8.1(B)(3) of the Code of Miami-Dade County by a Two-Thirds Vote of the Board Members Present, and Approving Terms and Execution of a Third Retroactive Amendment to the Agreement with South Florida Society for the Prevention of Cruelty to Animals in Order to Pay the SFSPCA an Additional \$75,000.00 for FY 2015-16, as well as for Subsequent Fiscal Years

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## RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) adopt the attached resolution authorizing the designated purchase of services for the transport, impoundment, and care of large animals in accordance with Section 208.1(b)(3) of the Code of Miami-Dade County by a two-thirds vote of the Board Members present; to approve terms and execution of a Third Retroactive Amendment to the Agreement with the South Florida Society for the Prevention of Cruelty to Animals (SFSPCA) in order to pay the SFSPCA an additional \$75,000.00 for Fiscal Year (FY) 2015-16 for a total amount of \$175,000.00 and annual payments of \$175,000.00 for subsequent fiscal years; waiving Resolution No. R-130-06 requiring that contracts be executed and in final form before coming before the Board; and authorizing the County Mayor or Mayor's Designee to exercise all rights conferred within such amendment.

This item also authorizes the execution of a Third Retroactive Amendment to the current Agreement between the County and the SFSPCA for the transport, impoundment, and care of large animals, increasing the total amount of reimbursement for services from \$100,000.00 to \$175,000.00 for FY 2015-16 and subsequent fiscal years to allow ASD to reimburse the SFSPCA for services rendered.

It is further recommended that the Board waive the requirements of Resolution No. R-130-06 in order to reimburse the SFSPCA for the vital services that it has provided to the County under the Agreement.

## SCOPE

The impact of this item is countywide in nature as services rendered are open throughout Miami-Dade County.

## FISCAL IMPACT/FUNDING SOURCE

The amount of \$175,000.00 per year was budgeted and approved by the Board through the budget ordinance for FY 2014-15 through FY 2016-17. After receiving such invoices and verifying the expenditures, the County will reimburse the SFSPCA for services provided under this Agreement in an amount not to exceed \$175,000.00 retroactively for FY 2015-16 and subsequent fiscal years, as long as the agreement is active and funding is allocated through the budgetary process.

Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners  
Page 2

**TRACK RECORD/MONITOR**

Virginia Diaz, ASD Chief of Administrative Services, will be responsible for monitoring this Agreement.

**BACKGROUND**

The County currently has an Agreement with the SFSPCA to transport, impound, and care for large animals that are stray in order to comply with Florida Statute Section 588.17-24, which require the aforementioned functions from the County, and to transport, impound, and care for large animals seized by the County as victims of cruelty and neglect as provided in Florida Statute Section 828.073. The Agreement between the County and the SFSPCA for these services was approved by Resolution No. R-81-11 on February 1, 2011 in the amount of \$100,000.00 per fiscal year. Previously, this Board authorized the execution of two (2) retroactive amendments to the agreement under Resolutions No. R-130-06 and No. R-619-15, which related to FY 2013-14 and FY 2014-15.

This item now includes FY 2015-16, and raises the reimbursement amount for services rendered during FY 2015-16 and subsequent fiscal years to \$175,000.00. This additional \$75,000.00 in funding was approved by the Board in the FY 2015-16 and FY 2016-17 budget ordinance.



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Alina T. Hudak  
Deputy Mayor



**MEMORANDUM**  
(Revised)

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

**DATE:** November 15, 2016

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Agenda Item No. 14(A)(7)

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
- Statement of social equity 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. 14(A)(7)  
11-15-16

RESOLUTION NO. R-1111-16

RESOLUTION AUTHORIZING THE DESIGNATED PURCHASE OF SERVICES FOR TRANSPORT, IMPOUNDMENT AND CARE OF LARGE ANIMALS IN ACCORDANCE WITH SECTION 2-8.1(B)(3) OF THE CODE OF MIAMI-DADE COUNTY BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT TO APPROVE TERMS AND EXECUTION OF A THIRD RETROACTIVE AMENDMENT TO THE AGREEMENT WITH SOUTH FLORIDA SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS (SFSPCA) IN ORDER TO PAY SFSPCA ADDITIONAL \$75,000.00 RETROACTIVELY FOR FY 2015-16 AND ANNUAL PAYMENTS OF \$175,000.00 FOR SUBSEQUENT FISCAL YEARS; WAIVING RESOLUTION NO. R-130-06; AND AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXERCISE ALL RIGHTS CONFERRED WITHIN SUCH AMENDMENT

**WHEREAS**, This Board desires to accomplish the purpose outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

**WHEREAS**, it has been established that the purchase under normal bid procedures would not be practical,

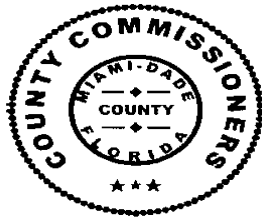
**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA** that this Board finds it is in the best interests of Miami-Dade County (the "County") to authorize, in accordance with Section 2-8.1(b)(3) of the Code of Miami-Dade County and by a vote of two-thirds (2/3) of the Board members present, a designated purchase of services for the transport, impoundment and care of large animals; approves the terms and execution of a Third Retroactive Amendment (the "Third Amendment") to the Agreement with the South Florida Society for the Prevention of Cruelty to Animals ("SFSPCA"), in substantially the form attached hereto and incorporated herein, in order

to pay SFSPCA the additional amount of \$75,000.00 retroactively for FY 2015-16 and an annual payments up to \$175,000.00 for subsequent fiscal years; waives the provisions of Resolution No. R-130-06 requiring the Third Amendment to be executed prior to presentation to the Board; and authorizes the County Mayor or Mayor's designee to exercise all rights conferred within such Third Amendment.

The foregoing resolution was offered by Commissioner **Esteban L. Bovo, Jr.**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman	<b>aye</b>		
Esteban L. Bovo, Jr., Vice Chairman	<b>aye</b>		
Bruno A. Barreiro	<b>aye</b>	Daniella Levine Cava	<b>aye</b>
Jose "Pepe" Diaz	<b>aye</b>	Audrey M. Edmonson	<b>aye</b>
Sally A. Heyman	<b>aye</b>	Barbara J. Jordan	<b>aye</b>
Dennis C. Moss	<b>absent</b>	Rebeca Sosa	<b>aye</b>
Sen. Javier D. Souto	<b>aye</b>	Xavier L. Suarez	<b>absent</b>
Juan C. Zapata	<b>aye</b>		

The Chairperson thereupon declared the resolution duly passed and adopted this 15<sup>th</sup> day of November, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.



MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

**Christopher Agrippa**

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

A handwritten signature in black ink, appearing to read "E W Gonzalez", written over a horizontal line.

Eduardo W. Gonzalez

**THIRD RETROACTIVE AMENDMENT TO AGREEMENT BETWEEN  
MIAMI-DADE COUNTY AND SOUTH FLORIDA SOCIETY  
FOR THE PREVENTION OF CRUELTY TO ANIMALS**

**THIS THIRD RETROACTIVE AMENDMENT TO THE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND SOUTH FLORIDA SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS** (the "**Amendment**") is made and entered into as of \_\_\_\_\_, 2016 (the "**Amendment Effective Date**") by and between MIAMI-DADE COUNTY, a political subdivision of the State of Florida (the "**County**"), through its Animal Services Department, and the SOUTH FLORIDA SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS ("SFSPCA"), each of which may also be referred to as a "**Party**," and which may be referred to jointly as the "**Parties**."

**RECITALS**

WHEREAS, the Parties previously entered into an Agreement for the transport, impoundment and care of large animals in cases of cruelty or neglect, as approved by Resolution No. R-81-11 on February 1, 2011 ("Agreement"); and

WHEREAS, the Agreement limited the County's reimbursement to SFSPCA for those services to \$100,000.00 per year; and

WHEREAS, an amount of \$175,000 per year was budgeted and approved by the Board of County Commissioners for such services through the budget ordinance for fiscal year 2015/2016 and 2016/2017; and

WHEREAS, the Parties are desirous of amending the Agreement as set forth herein in order to provide funding for the services rendered retroactively for fiscal year 2015/2016; and

WHEREAS, the Parties previously executed a retroactive amendment of the Agreement which was approved on June 30, 2015 by the Board of County Commissioners pursuant to Resolution No. R-619-15, which increased the County's maximum reimbursement amount to SFSPCA for year 2014/2015 to \$175,000.00,

NOW, THEREFORE, for and in consideration of the mutual promises set forth herein, the adequacy of which is hereby accepted and acknowledged by the Parties, the County and SFSPCA agree that the foregoing recitals are correct, and further state as follows:

Section 1. Page 3 of 5 of the Agreement, under the heading "TERMS OF CONTRACT," the subsection titled "Funding" is hereby amended to delete the last two sentences of the paragraph, which were added pursuant to Resolution No. R-619-15, and replace them with the following language:

For Fiscal Years 2013/2014, 2014/2015, 2015/2016, and 2016/2017, the County has allocated \$175,000 to Animal Services for the transport, impoundment and care of large animals in cases of cruelty or neglect. Accordingly, the County will reimburse the SFSPCA for services rendered under this Agreement during that



timeframe, in an amount up to \$175,000.00. Additionally, the County agrees to reimburse the SFSPCA for services rendered up to \$175,000.00 per year in subsequent fiscal years through the duration of this Agreement subject to the Board of County Commissioners' approved budgetary allocations.

Section 2. All other provisions of the Agreement not expressly modified as set forth herein, remain in full force and effect.

**IN WITNESS WHEREOF**, each of the parties to the Agreement has caused this Amendment to be executed by its duly authorized officers and its corporate seal to be heretounder affixed and attested as of the date first above written.

ATTEST: Harvey Ruvin  
Clerk of the Board

MIAMI-DADE COUNTY,  
FLORIDA BY ITS BOARD OF  
COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Deputy Clerk  
Date: \_\_\_\_\_

By: \_\_\_\_\_  
Carlos A. Gimenez, County Mayor  
Date: \_\_\_\_\_

Approved by County Attorney as to form and legal sufficiency. \_\_\_\_\_

**WITNESSES:**

SFSPCA

\_\_\_\_\_  
Witness Signature / Printed Name

By: \_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Witness Signature / Printed Name

(seal)

Date: \_\_\_\_\_