

# MEMORANDUM

Agenda Item No. 11(A)(16)

**TO:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

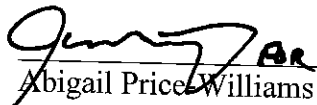
**DATE:** October 3, 2019

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

**SUBJECT:** Resolution directing the County Mayor to comply with County policy as stated in Resolution No. R-835-07 and Resolution No. R-90-11 regarding (I) "Red-Flag Reports" advising the County Commission whenever, among other things, any contract, project, program, department or initiative appears to be at risk, and (II) mandatory notifications by the County Mayor as soon as practicable whenever an unanticipated event has occurred which could have a significant financial or operational impact upon, among other things, any County contract, grant, project, program, initiative, or department

Resolution No. R-1086-19

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Vice Chairwoman Rebeca Sosa and Co-Sponsors Chairwoman Audrey M. Edmonson and Commissioner Sally A. Heyman.

  
Abigail Price-Williams  
County Attorney

APW/lmp



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

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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 present \_\_\_\_, 2/3 membership \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) \_\_\_\_ ) 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)(16)  
10-3-19

RESOLUTION NO. R-1086-19

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO COMPLY WITH COUNTY POLICY AS STATED IN RESOLUTION NO. R-835-07 AND RESOLUTION NO. R-90-11 REGARDING (I) "RED-FLAG REPORTS" ADVISING THE COUNTY COMMISSION WHENEVER, AMONG OTHER THINGS, ANY CONTRACT, PROJECT, PROGRAM, DEPARTMENT OR INITIATIVE APPEARS TO BE AT RISK, AND (II) MANDATORY NOTIFICATIONS BY THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE AS SOON AS PRACTICABLE WHENEVER AN UNANTICIPATED EVENT HAS OCCURRED WHICH COULD HAVE A SIGNIFICANT FINANCIAL OR OPERATIONAL IMPACT UPON, AMONG OTHER THINGS, ANY COUNTY CONTRACT, GRANT, PROJECT, PROGRAM, INITIATIVE, OR DEPARTMENT

**WHEREAS**, Section 1.01 (A) of the Home Rule Charter provides that the Board of County Commissioners is the legislative and governing board of the County; and

**WHEREAS**, Section 2.02 of the Home Rule Charter provides that the Mayor shall serve as the head of County government and shall be responsible for, among other things, the management of all administrative departments of the County and for carrying out policies adopted by the Commission; and

**WHEREAS**, the Mayor is responsible for the day-to-day operation of County government including, but not limited to, administering contracts, grants, projects, programs and initiatives; and

**WHEREAS**, the Commission adopted Resolution No. R-835-07 after finding that the administration should periodically prepare a report advising the County Commission whenever any contract, project, program, initiative, or County department or entity appears to be at risk due to, among other potential problems, the failure to reach major milestones, inadequate funding,

personnel problems or any other matter which may have a significant negative impact upon the success of a given contract, project, program, initiative, or County department or entity (hereinafter "Red-Flag Report"); and

**WHEREAS**, the Commission subsequently amended Resolution No. R-835-07 when it adopted Resolution No. R-90-11 to, among other things, expand the scope of "Red-Flag Reports," and require that the County Mayor or the County Mayor's designee notify each member of the County Commission as soon as practicable whenever any unanticipated event has occurred which could have a significant financial or operational impact upon any contract, grant, project, program, initiative, County department or other entity created and/or funded, in whole or in part, by the County; and

**WHEREAS**, "Red-Flag Reports" have not been provided to the Commission as required by Resolution No. R-835-07 and Resolution No. R-90-11; and

**WHEREAS**, there have been instances when Commissioners have not been notified as soon as practicable when an unanticipated event has occurred which could have a significant financial or operational impact upon a contract, grant, project, program, initiative, County department or other entity created and/or funded, in whole or in part, by the County; and

**WHEREAS**, the Board believes that it is imperative that County policy as stated in the above-referenced resolutions be complied with in a timely manner,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:**

**Section 1.** Resolution No. R-835-07 shall be complied with by the County Mayor or the County Mayor's designee in its entirety. The County Mayor or the County Mayor's designee is again directed to provide the County Commission with a "Red-Flag Report" every 60 days.

Each “Red-Flag Report” shall include a timely and detailed discussion of every contract, grant, project, program, initiative, County department or other entity created and/or funded, in whole or in part by the County, which appears to be at risk. As used herein, an “at risk” contract, grant, project, program, initiative, department or entity includes, but is not limited to, those situations where: (1) major milestones have not been reached or are in jeopardy of not being reached; (2) the contract, grant, project, program or initiative is not sufficiently funded or is in jeopardy of losing funding or has lost a significant funding source; (3) the contract, grant, project, program or initiative does not have adequate personnel; and (4) the Mayor, County staff or employees of entities that are funded, in whole or in part, by the County learn of negative information which may have a significant financial or operational impact upon any contract, grant, project, program, initiative, County department or other entity created and/or funded, in whole or in part, by the County. Each “Red-Flag Report” shall state in detail why a given contract, grant, project, program or initiative is at risk, the date of occurrence of events which placed a contract, grant, project, program, initiative, department or entity at risk, the date when County staff learned that a County contract, grant, project, program, initiative or County department or entity appears to be at risk, and propose a course of action to address the identified problem(s).

**Section 2.** Resolution No. R-90-11 shall be complied with by the County Mayor or County Mayor’s designee in its entirety. The County Mayor or County Mayor’s designee is again directed to notify each member of the County Commission as soon as practicable whenever any unanticipated event including, but not limited to, a manmade or natural disaster or catastrophe has occurred which could have a significant financial or operational impact upon any contract, grant, project, program, initiative, County department or other entity created and/or funded, in whole or in part, by the County. The notification required by this section may be delivered orally or in

writing. Written notification may be delivered by hand, e-mail or facsimile. The County Mayor or County Mayor's designee shall utilize that method of notification which is calculated to provide the most expeditious notification.

The Prime Sponsor of the foregoing resolution is Vice Chairwoman Rebeca Sosa and the Co-Sponsors are Chairwoman Audrey M. Edmonson and Commissioner Sally A. Heyman. It was offered by Commissioner **Esteban L. Bovo, Jr.**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Chairwoman			<b>aye</b>
Rebeca Sosa, Vice Chairwoman			<b>aye</b>
Esteban L. Bovo, Jr.	<b>aye</b>	Daniella Levine Cava	<b>aye</b>
Jose "Pepe" Diaz	<b>aye</b>	Sally A. Heyman	<b>aye</b>
Eileen Higgins	<b>aye</b>	Barbara J. Jordan	<b>aye</b>
Joe A. Martinez	<b>aye</b>	Jean Monestime	<b>aye</b>
Dennis C. Moss	<b>aye</b>	Sen. Javier D. Souto	<b>aye</b>
Xavier L. Suarez	<b>aye</b>		

The Chairperson thereupon declared this resolution duly passed and adopted this 3<sup>rd</sup> day of October, 2019. 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

**Linda L. Cave**

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

Approved by County Attorney as  
to form and legal sufficiency.

Gks

Gerald K. Sanchez