Memorandum

MIAMI-DADE COUNTY

Date: March 3, 2015

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

From: Carlos A. Gimenez
Mayor

Subject: Proposal of Candidates for the Public Private Partnership Task Force

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This serves to remind the Board of County Commissioners that pursuant to Resolution R-150-15, the Mayor and each member of the Board is to provide a maximum of three (3) candidates to serve on the Public Private Partnership Task Force (Task Force). Additionally, all candidates to the Task Force should be submitted to the Clerk of the Board within 30 days of the effective date of Resolution R-150-15, which is March 15, 2015.

For your reference, a copy of Resolution R-150-15 is attached.

If you have any questions or concerns, please feel free to contact Deputy Mayor Edward Marquez at 305-375-1451, or me directly.

Attachment

c: Honorable Harvey Ruvin, Clerk of the Board
Robert A. Cuevas, Jr., County Attorney
Office of the Mayor Senior Staff
Charles Anderson, Commission Auditor
Christopher Agrippa, Director, Clerk of the Board Division

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 11(A)(30)

TO:	Honorable Chairman Jean Monestime and Members, Board of County Commissioners	**DATE:**	February 3, 2015
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution creating a Miami-Dade County Public Private Partnership (P3) Task Force; and setting forth P3 Task Force purpose, powers, duties, membership composition and qualifications, organization and procedures, regulations, reporting requirements, staff support, and sunset provision Resolution No. R-150-15

The item was amended at the 1-15-15 Economic Development & Port Committee:

The committee amended Section 2 of the item to clarify that it is the intent of the Board to enhance the operation of the functions of the users through improvements to infrastructure.

The committee amended Section 4 of the resolution setting forth the procedures to appoint P3 Task Force members. Per the amendment, each Commissioner and the Mayor may propose a maximum of three candidates to the Task Force each representing a different qualification. From the candidates submitted, the Mayor or designee shall, within 60 days of the effective date of the resolution, propose to the board the membership of the P3 Task Force which provides each Commissioner one appointment and, to the extent possible, diversify the expertise and qualifications represented in the Task Force and reflect the geographic, gender, racial ethnic and cultural makeup representative in the community.

The committee amended Section 5 to include executives of law firms, labor representatives and urban planners to the qualifications criteria of persons eligible to serve on the P3 Task Force.

The committee amended Section 7 to clarify that the P3 Task Force shall meet within 15 days from the approval of the composition of the task force by the Board of County Commissioners.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan C. Zapata and Co-Sponsor Commissioner Jose "Pepe" Diaz.

R. A. Cuevas, Jr.
County Attorney

RAC/lmp

MEMORANDUM
(Revised)

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

DATE: February 3, 2015

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

SUBJECT: Agenda Item No. 11(A)(30)

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. 11(A)(30)
2-3-15

RESOLUTION NO. R-150-15

RESOLUTION CREATING A MIAMI-DADE COUNTY PUBLIC PRIVATE PARTNERSHIP (P3) TASK FORCE; AND SETTING FORTH P3 TASK FORCE PURPOSE, POWERS, DUTIES, MEMBERSHIP COMPOSITION AND QUALIFICATIONS, ORGANIZATION AND PROCEDURES, REGULATIONS, REPORTING REQUIREMENTS, STAFF SUPPORT, AND SUNSET PROVISION

WHEREAS, infrastructure is a vital and foundational element for the future of Miami-Dade County; and

WHEREAS, Miami-Dade County's infrastructure, including its mass transit facilities, airports and seaport, fuel supply facilities, medical and nursing care facilities, recreational facilities, sporting facilities and water and wastewater facilities, require significant and on-going improvements and upgrades; and

WHEREAS, funding the County's infrastructure needs requires substantial resources which may not be readily available from traditional governmental sources; and

WHEREAS, it is in the best interests of Miami-Dade County to partner with private investors and organizations to enter into long term infrastructure investments; and

WHEREAS, through the passage and adoption of Resolution No. R-1022-13, this Board created the Public Private Partnership Program of Miami-Dade County and called for the Mayor to develop and deliver to the Board a Public Private Partnership Plan; and

WHEREAS, Resolution No. R-1022-13 required the Public Private Partnership Plan to contain, among other things, a list of projects considered suitable for public private partnerships arrangements, timelines for completion of projects, legislative recommendations to simplify County processes used to contract for private investment opportunities, amendments to the

provisions of the Code of Miami-Dade County, Florida governing unsolicited proposals and a description of similar projects in other communities in the United States which may be used as models; and

WHEREAS, the creation of a Public Private Partnership Task Force composed of knowledgeable Miami-Dade County business leaders and professionals experienced in the implementation of successful public private partnership arrangements will assist this Board and the Mayor to improve the Public Private Partnership Plan, so that the Plan's implementation will ultimately result in public private collaborations that successfully address Miami-Dade County's long-term infrastructure needs,

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

Section 1. *Creation.* The Miami-Dade County Public Private Partnership Task Force (the " P3 Task Force") is hereby created.

Section 2. *Purpose, Powers and Duties.* The P3 Task Force is established solely for the purpose of advising the Board of County Commissioners (the "Board") and the County Mayor ("Mayor") regarding the County's use of public private partnerships as set forth in Resolution No. R-1022-13.

Consistent with this purpose, the P3 Task Force shall:

(a) Make recommendations to this Board on changes in the County's ordinances, resolutions, regulations, implementing orders and administrative practices that will advance public private partnerships; and

(b) Evaluate and make recommendations to the Mayor and this Board with respect to the Public Private Partnership Plan required pursuant to Resolution No. R-1022-13 and any updates to said plan; and

(c) Identify potential projects that address critical infrastructure needs in Miami-Dade County that are suitable for public private partnership arrangements; and

(d) Review and assess projects, timelines, legislative recommendations or any other goals, tasks or deliverables set forth in the County's Public Private Partnership Plan; and

(e) Provide a written report to this Board describing the P3 Task Force's findings and recommendations regarding directives (a) – (d) above within 180 days of the effective date of this resolution.

In making its recommendations and providing a report to this Board, the P3 Task Force shall analyze and review successfully utilized public private partnership legislation, arrangements and projects in other communities throughout the country. >>It is the intent of this Board to enhance the operation of the functions of the users through improvements to infrastructure.<<[1]

Section 3. *Limitations on Authority.* The P3 Task Force is advisory only and shall not have the power or authority to commit Miami-Dade County or any of its agencies or instrumentalities to any policies, incur any financial obligations or to create any liability,

[1] Committee amendments are indicated as follows: Words stricken through and/or [[double bracketed]] are deleted, words underscored and/or >>double arrowed<< are added.

contractual or otherwise, on behalf of Miami-Dade County or any of its agencies or instrumentalities.

Section 4. *Membership Composition, Appointment and Vacancies.* The P3 Task Force shall be comprised of a maximum of 14 members and a minimum of seven members. [[~~Each County Commissioner shall have the authority to appoint one member and the Mayor shall have the authority to appoint one member. The Mayor and each County Commissioner is encouraged to make his or her appointment to the P3 Task Force within 30 days of the effective date of this resolution.~~]] When selecting and appointing P3 Task Force members, County Commissioners and the Mayor shall consider that the P3 Task Force as a whole should generally reflect the geographic, gender, racial, ethnic or cultural make-up of the community. >>To advance that objective, and to provide a balanced representation of the qualifications of the candidates set forth below, within 30 days from the effective date of this Resolution, each Commissioner and the Mayor may propose a maximum of three candidates, each representing a different qualification. From the candidates submitted, the Mayor or the Mayor's designee shall, within 60 days from the effective date of this Resolution, propose to the Board for approval the membership of a P3 Task Force which to the extent possible shall: (i) provide each Commissioner one appointment, (ii) diversify the expertise and qualifications represented in the Task Force; and (iii) reflect the geographic, gender, racial, ethnic and cultural makeup representative of the community.<< In the event of a vacancy, the County Commissioner or the Mayor who appointed the vacating P3 Task Force Member may fill his or her respective vacancy by designating a new representative qualified pursuant to Section 5 below after a P3 Task Force Member vacates, resigns or is otherwise removed.

Section 5. *Membership Qualifications.* Each P3 Task Force member shall be a United States citizen, a permanent resident and duly qualified elector of Miami-Dade County, and have an outstanding reputation for civic pride, integrity, responsibility and community service. Membership in the P3 Task Force shall be limited to business leaders >>,<< [~~or~~] professionals >>or other persons<< having substantial experience in establishing, overseeing or participating in successful public private partnership arrangements and shall consist of only: (i) executive officers of engineering or architectural firms; (ii) executive officers of construction firms; (iii) members, partners or officers of financial firms; (iv) partners>>,<< [[~~or~~]] counsel >>or executives<< of law firms; [~~or~~] (v) representatives from the Florida Department of Transportation or other federal, state or local governmental agencies that have worked on successful public private partnership arrangements >>(vi) labor representatives; or (vii) urban planners<<. No lobbyist registered with the Clerk of the Board of County Commissioners shall serve as a P3 Task Force member. The Board of County Commissioners, by resolution adopted by two-thirds vote of the members present, may waive the P3 Task Force membership qualification requirements contained herein.

Section 6. *Organization and procedures at meetings.* The P3 Task Force may establish, adopt, and amend bylaws, rules, and regulations for its own governance. The P3 Task Force shall elect one of its members as chairperson and one of its members as vice-chairperson. The chairperson shall preside at all meetings at which he or she is present. The vice chairperson shall act as chairperson in the absence of the chairperson. In order to transact any business or to exercise any power vested in the P3 Task Force, a quorum consisting of a majority of those persons duly appointed shall be present. The members of the P3 Task Force shall serve without compensation.

Section 7. *Regulations.* All proceedings of the P3 Task Force shall be conducted in accordance with the Government in the Sunshine Law, Section 286.011, Florida Statutes, and the Citizens Bill of Rights of the Miami-Dade County Home Rule Charter. The P3 Force shall be deemed an "agency" for purposes of the Public Records Law. The P3 Task Force shall be governed by all State and County conflict of interest laws, as applicable, including the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, Section 2-11.1 the Code of Miami-Dade County as determined by the Miami-Dade County Commission on Ethics and Public Trust. The P3 Task Force shall meet within 15 days from the >>approval of its composition by the Board<< [[~~appointment of at least seven P3 Task Force members~~]] and every 30 days from the date of the initial meeting or at the discretion of the chairperson. Additional meeting may be held at the discretion of the chairperson.

Section 8. *Report.* The P3 Task Force shall provide a written report setting forth its findings and recommendations to the Board within 180 days from the effective date of this resolution. The report shall consist of a comprehensive assessment of the County's Public Private Partnership Program, Public Private Partnership Plan, projects and ongoing efforts consistent with Board Resolution No. R-1022-13 and the P3 Task Force's powers and duties set forth in Section 2 above. The report shall be placed on an agenda of the Board pursuant to Ordinance No. 14-65 for consideration by the Board. The Board may then request such further work of the P3 Task force as may be in the public interest.

Section 9. *Staff.* The P3 Task Force shall be provided adequate staff and support services by the County Mayor or County Mayor's designee. The staff shall maintain and keep records of the P3 Task Force, prepared in cooperation with the chairperson, including the agenda for each meeting. The staff shall be responsible for the preparation of such reports, minutes,

documents, or correspondence as the P3 Task Force may direct, and generally administer the business and affairs of the P3 Task Force, subject to budgetary limitations. The P3 Task Force may request that the Board provide such other specialized consulting expertise as it may determine is necessary from time to time. The County Attorney's Office shall provide legal counsel, as needed, to the P3 Task Force.

Section 10. *Sunset.* The P3 Task Force shall sunset and stand dissolved on the 220th day from the effective date of this resolution unless the Board extends the term of service by majority vote.

The Prime Sponsor of the foregoing resolution is Commissioner Juan C. Zapata and the Co-Sponsor is Commissioner Jose "Pepe" Diaz. It was offered by Commissioner **Juan C. Zapata**, who moved its adoption. The motion was seconded by Commissioner **José "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of February, 2015. 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

By: **Christopher Agrippa**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Eduardo W. Gonzalez