

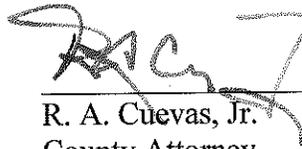
**MEMORANDUM**

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<b>TO:</b>	Honorable Chairwoman Rebeca Sosa and Members, Board of County Commissioners	<b>DATE:</b>	Agenda Item No. 5(B) (Public Hearing 1-23-13) November 20, 2012
<b>FROM:</b>	R. A. Cuevas, Jr. County Attorney	<b>SUBJECT:</b>	Ordinance conforming the Code to Charter amendment providing that where the Mayor informs the Chairperson of the Board that he or she has a conflict of interest in a procurement, the Chairperson and not the Mayor shall have the authority provided by Charter or the Board to solicit evaluate award or recommend award of contracts Ordinance No. 13-02

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson.

  
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R. A. Cuevas, Jr.  
County Attorney

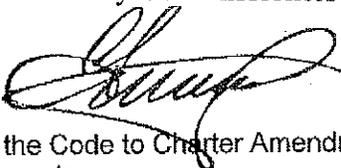
RAC/jls

# Memorandum



**Date:** January 23, 2013

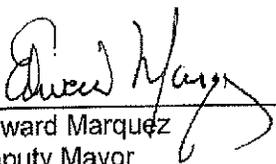
**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Ordinance Conforming the Code to Charter Amendment related to Mayoral Conflicts of Interest with Procurements

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The proposed ordinance provides that when the Mayor informs the Chairperson of the Board that he or she has a conflict of interest in a procurement, the Chairperson shall have the authority provided by Charter or the Board to solicit, evaluate award, or recommend award of contracts. The implementation of this ordinance will not have a fiscal impact to the County.

  
Edward Marquez  
Deputy Mayor

Fis2513



**MEMORANDUM**  
(Revised)

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

**DATE:** January 23, 2013

**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

Agenda Item No. 5(B)

Veto \_\_\_\_\_

1-23-13

Override \_\_\_\_\_

ORDINANCE NO. 13-02

ORDINANCE CONFORMING THE CODE TO CHARTER AMENDMENT PROVIDING THAT WHERE THE MAYOR INFORMS THE CHAIRPERSON OF THE BOARD THAT HE OR SHE HAS A CONFLICT OF INTEREST IN A PROCUREMENT, THE CHAIRPERSON AND NOT THE MAYOR SHALL HAVE THE AUTHORITY PROVIDED BY CHARTER OR THE BOARD TO SOLICIT, EVALUATE, AWARD OR RECOMMEND AWARD OF CONTRACTS; PROVIDING MECHANISM FOR IMPLEMENTATION OF THE AMENDMENT; AMENDING SECTION 2-8.1 OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS** on the November 6, 2012 the electorate adopted an amendment to the Miami-Dade County Home Rule Charter to provide that where the Mayor informs the Chairperson of the Board that he or she has a conflict of interest in a procurement, the Chairperson and not the Mayor shall have the authority provided by Charter or the Board to solicit, evaluate, award or recommend award of contracts; and

**WHEREAS**, it is in the best interest of the Code to conform the provisions of the Code, and the implementing orders related thereto, to the amended Charter, and to provide for implementation of the Charter amendment,

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

**Section 1.** Section 2-8.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

**Sec. 2-8.1. Contracts and purchases generally.**

- (a) *Scope.* Except as provided in subsections (b), (f)>>,<<[[and]] (h) >>and (l),<< this section shall apply to all contracts for public improvements and purchase of all supplies, materials and services other than professional services.

\* \* \*

- >>(l) Mayor's conflicts of interest. When the County Mayor declares a conflict of interest in the procurement of a County contract in accordance with Section 5.03(d) of the Miami-Dade County Home Rule Charter, the County Mayor shall give written notice of such conflict to the Chairperson of the Board and shall designate a member of the County's staff, familiar with County procurement processes, who shall serve as the Chairperson's primary contact to oversee the affected procurement. Upon the notification of such conflict, the Chairperson of the Board of County Commissioners shall exercise all authority provided by the Charter or the County Commission to the Mayor with regard to such procurement including the authority to recommend a bid waiver. For purposes of the affected procurement only, all powers and responsibilities given to the County Mayor in any and all provisions of this Code relating to the advertisement, solicitation, protest and award of contracts, and in any implementing order related to such Code provisions, shall be transferred to the Chairperson of the Board of County Commissioners for the duration of the conflict. The County Mayor shall include language in competitive solicitation documents to give effect to the provisions of this subsection. Nothing in this

<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.

subsection shall affect the rights and responsibilities of the Mayor and Chairperson following the award of any contract.<<

**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 become and be made a part of 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: January 23, 2013

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:



Hugo Benitez

Prime Sponsor: Commissioner Audrey M. Edmonson