

MEMORANDUM

Agenda Item No. 11(A)(3)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: November 15, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution approving First Amendment to the Partner Program Agreement with the South Florida Society for the Prevention of Cruelty to Animals ("SFSPCA"); providing that SFSPCA may reserve or rent stall space at Tropical Park in furtherance of the services provided for and on behalf of the County for lost, stray, neglected, and abused horses at no charge to SFSPCA; and authorizing the County Mayor to execute same and exercise any and all provisions therein

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.



Geri Bonzon-Keenan
County Attorney

GBK/ks

MDC001



MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: November 15, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(3)

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)(3)
11-15-22

RESOLUTION NO. _____

RESOLUTION APPROVING FIRST AMENDMENT TO THE PARTNER PROGRAM AGREEMENT WITH THE SOUTH FLORIDA SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS (“SFSPCA”); PROVIDING THAT SFSPCA MAY RESERVE OR RENT STALL SPACE AT TROPICAL PARK IN FURTHERANCE OF THE SERVICES PROVIDED FOR AND ON BEHALF OF THE COUNTY FOR LOST, STRAY, NEGLECTED, AND ABUSED HORSES AT NO CHARGE TO SFSPCA; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO EXECUTE SAME AND EXERCISE ANY AND ALL PROVISIONS THEREIN

WHEREAS, for nearly 30 years, the South Florida Society for the Prevention of Cruelty to Animals (“SFSPCA”), a non-profit and accredited 501(c)(3) organization, has been the dependable last line of defense for abused and abandoned horses and other livestock in Miami-Dade County; and

WHEREAS, for many years, the County and SFSPCA have partnered and worked together under contract whereby the SFSPCA has been rescuing, transporting, housing, and caring for lost, stray, neglected, and abused horses and livestock; and

WHEREAS, in particular, and in close coordination with the Agricultural Patrol Section of the Miami-Dade Police Department and the Animal Services Department, SFSPCA rescues horses and livestock from abusive situations, including instances involving animal cruelty and abandonment, and provides those animals with safe shelter, proper nutrition, and immediate medical care; and

WHEREAS, in addition, SFSPCA actively assists in cruelty cases, both criminal and civil, and also works to reunify lost horses and livestock with their owners; and

WHEREAS, SFSPCA has been providing these services for and on behalf of the County in compliance with the County's duties and powers under sections 588.16 – 588.25 and 828.073, Florida Statutes; and

WHEREAS, most recently, as approved by Resolution No. R-742-18 on July 10, 2018, SFSPCA and the County entered into a Partner Program Agreement to ensure the continued rescue and care of lost, stray, neglected, and abused horses and livestock, and also provide for a stipulated annual amount of funding to SFSPCA from the County for such services, subject to budgetary appropriations; and

WHEREAS, on occasion, the property utilized by SFSPCA for the care and shelter of animals pursuant to the Partner Program Agreement may not have the capacity to adequately meet the specific needs involved, particularly during emergency situations; and

WHEREAS, to that end, pursuant to the terms of the Partner Program Agreement, the County provides SFSPCA with stalls at Tropical Park, which is operated by the County's Parks, Recreation and Open Spaces Department, for use in emergency situations such as hurricanes or other situations requiring the relocation of horses and other animals under SFSPCA's care; and

WHEREAS, pursuant to Implementing Order 4-119, the County currently charges a non-refundable fee to reserve stall space at Tropical Park, on an annual and per stall basis, and also fees for daily stall rental at Tropical Park; and

WHEREAS, SFSPCA's services are of immense value and benefit to the County and the community at large; and

WHEREAS, the County desires to further facilitate the valuable community services SFSPCA provides on behalf of the County to lost, stray, neglected, and abused horses and livestock by allowing SFSPCA to reserve or rent stalls at Tropical Park in furtherance of such services at no charge; and

WHEREAS, the fiscal impact associated with allowing SFSPCA to reserve and rent stalls at Tropical Park in furtherance of its services on behalf of the County pursuant to the Partner Program Agreement at no charge is estimated to be approximately \$1,500.00 in foregone revenues per hurricane or emergency event, which the Parks, Recreation and Open Spaces Department represents can be accounted for in its budget with no additional expenditure of funds,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby approves the First Amendment to the Partner Program Agreement between the County and SFSPCA providing that SFSPCA may reserve or rent stall space at Tropical Park in furtherance of the services provided for and on behalf of the County under the Partner Program Agreement for lost, stray, neglected, and abused horses and livestock at no charge to SFSPCA, in substantially the form attached hereto and made a part hereof, and authorizes the County Mayor or County Mayor’s designee to execute same and exercise any and all provisions contained therein.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote

was as follows:

- | | |
|------------------|---------------------------------------|
| | Jose “Pepe” Diaz, Chairman |
| | Oliver G. Gilbert, III, Vice-Chairman |
| Sen. René García | Keon Hardemon |
| Sally A. Heyman | Danielle Cohen Higgins |
| Eileen Higgins | Kionne L. McGhee |
| Jean Monestime | Raquel A. Regalado |
| Rebeca Sosa | Sen. Javier D. Souto |

The Chairperson thereupon declared this resolution duly passed and adopted this 15th day of November, 2022. 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: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Keoki M. Baron

FIRST AMENDMENT TO PARTNER PROGRAM AGREEMENT
BETWEEN MIAMI-DADE COUNTY AND SOUTH FLORIDA S.P.C.A.,
(SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS)

THIS FIRST AMENDMENT TO THE PARTNER PROGRAM AGREEMENT (the "Agreement") made and entered into as of this ___ day of _____, 2022, by and between the South Florida Society for the Prevention of Cruelty to Animals, Inc., a non-profit organization, located at P.O. Box 924088, Homestead, Florida, 33092 ("SFSPCA" or "Provider"), and Miami-Dade County (the "County"), a political subdivision of the State of Florida, through its Animal Services Department, with an address at 3599 NW 79 Avenue, Doral, FL 33122.

RECITALS

WHEREAS, SFSPCA and the COUNTY previously entered into a Partner Program Agreement, as approved by Resolution No. 742-18 on July 10, 2018; and

WHEREAS, the Parties are desirous of amending the Partner Program Agreement as set forth herein, in order to provide that SFSPCA may reserve or rent stall space at Tropical Park in furtherance of its services under the Partner Program Agreement at no charge to SFSPCA; and

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:

Page 22 of 22 of the Scope of Services (Appendix A) of the Agreement, under the heading "5. Operating Procedures, Availability of Stalls in Event of a Hurricane and Discretionary Force Majeure Fund for Structural Damage[.]" paragraph b., is hereby amended to read as follows:

- b. In the event of a Hurricane Warning or Government ordered evacuation or relocation of horses and other animals under the Provider's care pursuant to this Agreement, the County agrees to provide 20 stalls to Provider at Tropical Park >>at no charge to Provider<<. >>In addition, Provider may also elect to reserve stall space at Tropical Park on a per stall, per year basis for use in emergency or other situations requiring the relocation of horses and other animals under the Provider's care pursuant to this Agreement at no charge to Provider.<<

[Signature page to follow]

IN WITNESS WHEREOF, the parties have caused this First Amendment to the Partner Program Agreement to be executed on the date and year first above written.

South Florida Society for the Prevention of Cruelty to Animals, Inc.

Miami-Dade County

By: Laurie Waggoner
Name: Laurie Waggoner
Title: Director of Ranch Ops
Date: 9/13/22
Attest: [Signature]
Corporate Secretary/Notary Public

By: _____
Name: _____
Title: _____
Date: _____
Attest: _____
Clerk of the Board

Corporate Seal/Notary Seal

Approved as to form and legal sufficiency



LORRAINE LEAL
Commission # HH 238037
Expires March 20, 2026

Assistant County Attorney