

MEMORANDUM

Agenda Item No. 7(E)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

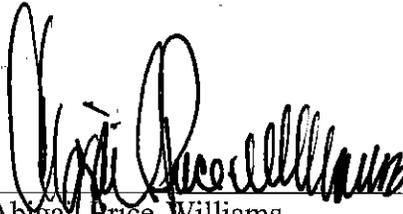
DATE: (Second Reading 10-3-17)
June 6, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to
accelerating certain Water and
Sewer Department Projects;
amending section 2-8.2.12 of
the Code; authorizing electronic
publication of reports in lieu of
submitting paper reports for
committee and Board agendas

Ordinance No. 17-73

The accompanying ordinance was prepared by the Water and Sewer Department and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.



Abigail Price-Williams
County Attorney

APW/cp

Memorandum



Date: October 3, 2017

To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Subject: Ordinance Amending Section 2-8.2.12 of the Miami-Dade County Code Related to Miami-Dade Water and Sewer Department's Consent Decree and Capital Improvement Programs Acceleration Ordinance

Recommendation

It is recommended that the Board of County Commissioners (Board) adopt the attached Ordinance amending Section 2-8.2.12 of the Miami-Dade County Code related to Miami-Dade Water and Sewer Department's Consent Decree and Capital Improvement Programs Acceleration Ordinance (the Ordinance).

The amendment authorizes the electronic publication of a report (to be named the "Transparency Report") required by the Ordinance through the County's web portal on Miami-Dade Water and Sewer Department's (WASD) home page in lieu of submitting paper reports to Board agendas.

Scope

The revisions proposed in this amendment will have a countywide impact.

Fiscal Impact/Funding Source

There is a positive fiscal impact to the County related to the electronic publication of WASD's monthly paper reports as the County will save on printing and production costs associated with the agenda coordination process.

The five-year forecast of anticipated expenditures/revenues required by Ordinance No. 15-59 is not included in this fiscal impact statement because there are no expenditures/revenues associated with the electronic publication of WASD's monthly reports.

Social Equity Statement

This amendment benefits the Department's customers regardless of geographic location, demographics or income levels as residents will have the ability to view the monthly reports on WASD's home page through the County's web portal. There is no monetary burden associated with the revision being proposed.

Track Record/Monitor

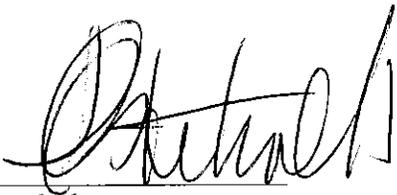
WASD's Deputy Director Hardeep Anand will oversee the implementation of the amendment.

Background

On September 13, 2014, the Board adopted the Ordinance delegating to the County Mayor or Mayor's designee the authority to award, amend, and negotiate contracts for construction and professional services and related goods and services, if certain conditions are met. It requires the Department to submit for placement on a committee agenda, followed by a Board agenda, a monthly paper report which details all

Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners
Page 2

procurement activities advertised or placed for public notice under the authority of the Ordinance, as well as a status update of all Consent Decree work and other required capital improvement projects. Accordingly, every 30 days, the Department submits for placement on a committee agenda a paper report entitled: "Monthly Status Report on Miami-Dade Water and Sewer Department's Infrastructure Projects," after a committee approves the report, it is placed on the next available Board agenda. Due to the dynamic nature of the Department's Capital Improvement Program, by the time the monthly report is placed on a committee agenda, the information on the report is out-of-date by at least three (3) weeks, if not more. In an effort to provide more current information to Board members, in lieu of submitting a paper report for placement on a committee and Board agenda, the Department will publish an electronic report to be known as the Transparency Report on the Department's homepage in the County's web portal at the following address: <http://www.miamidade.gov/water/>. This Transparency Report will be available to all stakeholders in the Department's Capital Improvement Program each calendar month by the second Monday of each calendar month and will be sent to each County commission district office.



Jack Osterholt
Deputy Mayor



MEMORANDUM

(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: October 3, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(E)

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. 7(E)
10-3-17

ORDINANCE NO. 17-73

ORDINANCE RELATING TO ACCELERATING CERTAIN WATER AND SEWER DEPARTMENT PROJECTS; AMENDING SECTION 2-8.2.12 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING ELECTRONIC PUBLICATION OF REPORTS IN LIEU OF SUBMITTING PAPER REPORTS FOR COMMITTEE AND BOARD AGENDAS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

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

Section 1. Section 2-8.2.12 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 2-8.2.12. Miami-Dade Water and Sewer Department Consent Decree and Capital Improvement Programs Acceleration Ordinance.

* * *

- (4) With respect to any Consent Decree Work or other required Capital Improvements Contract, the County Mayor or Mayor's designee is authorized to:

* * *

¹ 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.

- ~~[[j) All procurement activities advertised or placed for public notice under the authority of this Ordinance shall be reported to the Infrastructure and Capital Improvements Committee (or applicable committee to which the Miami Dade Water and Sewer Department matters are assigned) at the next available meeting for Committee review and approval. The Committee shall have the authority to require that specific projects be removed from the authority granted under this Ordinance and that the award of such projects be subject to future Committee and Board approval. After being reported to the applicable Committee, all procurement activities advertised or placed for public notice under the authority of this Ordinance shall be reported to the Board at the next Board meeting following the report to the Committee.]]~~
- ~~[[k) In addition to the reporting requirement set forth in Section (4)(j) above, the Miami Dade Water and Sewer Department shall also request that, at the Chair of the Board's discretion, a discussion item pertaining the overall procurement activities of the Miami Dade Water and Sewer Department be placed on the agenda of the full Board on a quarterly basis.]]~~
- (5) >>With respect to any Consent Decree Work or other required Capital Improvements Contract, the County Mayor or Mayor's designee shall publish a monthly report to be known as the "Transparency Report" which includes a listing of all procurement activities advertised or placed for public notice under the authority of this Ordinance and the status of Consent Decree Work projects on the County's web portal in an electronic format by the second Monday of each calendar month, and send the "Transparency Report" to each Commission District Office. The "Transparency Report" shall at minimum identify upcoming advertisement for contracts, their estimated contract value, qualifications for award beyond requisite licensing, and the proposed methodology for award. With respect to each contract award, the report shall also provide proposed contract measures, including Small Business Enterprise (SBE) goals and Community Business Enterprise (CBE) goals. Upon review of the "Transparency Report", the Committee to which Miami-Dade Water and Sewer matters are assigned shall

have the authority to require that specific projects be removed from the authority granted under this Ordinance and that the award of such projects be subject to future Committee and Board approval, and the Board may by resolution duly adopted limit or condition the advertisement, award or other rights conferred upon the County Mayor or Mayor's designee under this Section for specific projects.<<
[[~~The Mayor or Mayor's designee shall provide a report to the Board of County Commissioners on the status of the Consent Decree Work and other required Capital Improvement projects at least every thirty (30) days. The report shall at minimum identify upcoming advertisement for contracts, their estimated contract value, qualifications for award beyond requisite licensing, and the proposed methodology for award. With respect to each contract award, the report shall also provide proposed contract measures, including Small Business Enterprise (SBE) goals and Community Business Enterprise (CBE) goals. Upon review of the report, the Board may by resolution duly adopted limit or condition the advertisement, award, or other rights conferred upon the Mayor or Mayor's designee under this Section for specific projects.~~]]

>>(6) In addition to the reporting requirement set forth in Section (5) above, the County Mayor or Mayor's designee shall also request that a discussion item pertaining to the overall procurement activities of the Miami-Dade Water and Sewer Department be placed on the agenda of the full Board, on a quarterly basis, which may be placed on the Board agenda at the discretion of the Chair.<<

[[6]]>>(7)<< Any act undertaken pursuant to the authority set forth in this Ordinance is subject to ratification by the Board of County Commissioners and shall be brought directly to the Board at the next available meeting and will not be subject to the 4-Day Rule. Any resolution ratifying an act undertaken pursuant to the authority set forth in this Ordinance shall include an effective date provision that provides that it will become effective upon approval by the County Mayor of the resolution and the filing of the Mayor's approval with the Clerk of the Board, which approval may be provided before the expiration of the ten (10) day mayoral veto period. Any contract, change order, settlement, modification, adjustment, or extension granted pursuant to any authority herein shall contain a termination for convenience clause or such other

provision as necessary to specify that the action is revocable if not ratified by the Board of County Commissioners. The specification shall also include a sufficient release such that, in the event that the Board of County Commissioners does not ratify such item, the contractor is not entitled to lost profits or other consequential or indirect damages; however, the contractor is eligible for payment for any work done prior to failure of the ratification.

[[7]]>>(8)<< The powers conferred in this Ordinance shall be supplemental to, and not in derogation of, any other powers or authority granted elsewhere in any ordinance, statute or resolution.

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: October 3, 2017

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Henry N. Gillman

APW
