

Date: September 1, 2021

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

Agenda Item No. 9(A)(1)

From: Daniella Levine Cava
Mayor

Resolution No. R-824-21

Subject: Resolution approving Fourth Amendment to the Second Amended Partner Program Agreement with the Miami Veterinary Foundation (MVF), Increasing Fiscal Years 2020-21 and 2021-22 allocation to \$350,000.00; providing an additional \$75,000.00 for Fiscal Year 2020-21 to ensure the continuation of Spay/Neuter Services; and Authorizing the County Mayor or the County Mayor's Designee to execute Fourth Amendment and exercise any and all provision therein including renewal provisions

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) approve the attached Resolution authorizing the execution of the Fourth Amendment to the Second Amended Program Agreement (Agreement) between Miami-Dade County (County) and the Miami Veterinary Foundation (MVF). More specifically, the Resolution authorizes the following actions:

- Approve the Fourth Amendment to the Second Amended Partner Program Agreement between the County and MVF to provide funding over the term of the Second Amended Partner Agreement, inclusive of options-to-renew periods, at \$350,000.00 for Fiscal Year (FY) 2020-21 and 2021-22 and allocate an additional \$75,000.00 for FY 2020-21 in order to ensure the continuation of Spay/Neuter Services.
- Authorizes the County Mayor or County Mayor's designee to execute the Fourth Amendment to the Second Amended Partner Program Agreement and exercise any and all provisions therein including the exercise of options-to-renew periods.

SCOPE

This impact of this item is countywide and the service will be offered to all County residents.

FISCAL IMPACT/FUNDING SOURCE

The amendment will increase the contract allocation by \$50,000 for FY 2020-21 and 2021-22 and provide an additional \$75,000.00 for FY 2020-21 to MVF. For FY 2020-21, the total allocation will be \$425,000.00 and \$350,000.00 for FY 2021-22. The total fiscal impact of the agreement will increase from \$1,575,000.00 to \$1,750,000.00. The increase in annual allocation has already been included in the FY 2020-21 approved Animal Services Budget. The additional \$75,000.00 allocation for FY 2020-21 will be funded through the General Fund from a reduction of allocation of unused funds from the Humane Society of Greater Miami's existing contract (Resolution No. R-788-16).

TRACK RECORD/MONITORING

Kathy Labrada, Assistant Director at the Animal Services Department, is managing the Agreement.

DELEGATION OF AUTHORITY

Authorizes the County Mayor or the County Mayor's designee to execute the Agreement and exercise any and all provisions therein including the exercise of options-to-renew periods.

BACKGROUND

The County previously entered into a Partner Program Agreement on July 1, 2014, Resolution No. R-623-14, with MVF formerly known as the Dade County Veterinary Foundation, Inc. and previously known as the South Florida Veterinary Foundation, establishing the first ever spay/neuter program with local veterinarians to increase community spay/neuter surgeries by providing income qualified individuals with low-cost pet sterilization. On May 5, 2015 an Amended Partner Program Agreement was approved by Resolution No. R-417-15 including but not limited to waive sterilization fees for community cats with Trap, Neuter, Vaccinate and Return (TNVR) services. A Second Amended Partner Program Agreement (Agreement) was entered on July 14, 2015 to increase funding to MVF from \$200,000.00 to up to \$300,000.00 for the duration of the Agreement, and approved by the Board through Resolution No. R-637-15.

On December 15, 2015, a first amendment to the Agreement was approved, as approved by Resolution No. R-1176-15, in order to extend the Agreement by one year and increase funding to MVF from \$300,000.00 to up to \$600,000.00 for the duration of the agreement with up to \$300,000.00 to be allocated for FY 2015-16. On July 19, 2016, a second amendment to the Agreement for a one-time increase from \$300,000.00 to \$325,000.00 was approved by Resolution No. R720-16 for FY 2015-16. On December 5, 2017, a third amendment to the Agreement was approved by Resolution No. R-1210-17, to extend the term of the agreement for one additional year and four one-year options-to-renew, providing funding up to an amount not to exceed \$1,575,000.00 to ensure the continuation of spay/neuter services and increasing the administrative fee reimbursement for surgeries from \$8.00 per surgery to \$10.00 per surgery. The Adopted budget for FY 2019-20 included an annual allocation of \$350,000.00 for the remainder of the contract's term.

Due to the impact of the COVID-19 closures the Humane Society of Greater Miami (Humane Society) has informed ASD that they will not be able to expend the total funding allotted to them this fiscal year. In order to continue providing much needed spay/neuter services to the community the Humane Society has agreed to allow ASD to redirect the unused funds to other spay/neuter programs.

Attachments



Morris Copeland
Chief Community Services Officer



MEMORANDUM

(Revised)

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

DATE: September 1, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 9(A)(1)

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. 9(A)(1)
9-1-21

RESOLUTION NO. R-824-21

RESOLUTION APPROVING FOURTH AMENDMENT TO THE SECOND AMENDED PARTNER PROGRAM AGREEMENT WITH THE MIAMI VETERINARY FOUNDATION (MVF), INCREASING ANNUAL CONTRACT AMOUNT FROM \$300,000.00 TO \$350,000.00 AND PROVIDING FOR ADDITIONAL FUNDING IN AN AMOUNT NOT TO EXCEED \$75,000.00 FOR FISCAL YEAR 2020-21 TO ENSURE THE CONTINUATION OF SPAY/NEUTER SERVICES, PROVIDING FUNDING UP TO AN AMOUNT NOT TO EXCEED \$1,750,000.00; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE FOURTH AMENDMENT AND EXERCISE ANY AND ALL PROVISION THEREIN INCLUDING RENEWAL PROVISIONS

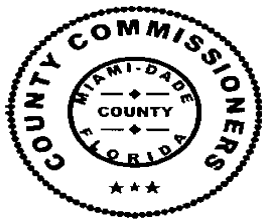
WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby approves the Fourth Amendment to the Second Amended Partner Program Agreement between the County and MVF increasing the annual contract amount from \$300,000.00 to \$350,000.00 and providing for additional funding in an amount not to exceed \$75,000.00 for Fiscal Year 2020 – 21, in substantially the form attached hereto and made a part hereof, and directs the County Mayor or County Mayor's designee to execute said amendment and exercise all rights contained therein.

The foregoing resolution was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 1st day of September, 2021. 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: **Melissa Adames**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Eduardo W. Gonzalez

FOURTH AMENDMENT TO SECOND AMENDED PARTNER PROGRAM AGREEMENT
BETWEEN MIAMI-DADE COUNTY AND THE MIAMI VETERINARY FOUNDATION

THIS FOURTH AMENDMENT TO THE SECOND AMENDED PARTNER PROGRAM AGREEMENT (the "Agreement") made and entered into as of this ____ day of _____, 2021, by and between the Miami Veterinary Foundation (the "MVF" or "Provider"), with an address of 751 NE 168 Street, North Miami Beach, FL 33162, and Miami-Dade County (the "COUNTY"), a political subdivision of the State of Florida, through its Animal Services Department ("ASD"), with an address at 3599 NW 79 Avenue, Doral, FL 33122.

RECITALS

WHEREAS, MVF and the COUNTY previously entered into a Partner Program Agreement, as approved by Resolution No. R-623-14 on July 1, 2014; and

WHEREAS, MVF and the County previously entered into an Amended Partner Program Agreement, as approved by Resolution No. R-417-15 on May 5, 2015; and

WHEREAS, MVF and the County previously entered into a Second Amended Partner Program Agreement (Agreement), as approved by Resolution No. R-637-15 on July 14, 2015; and

WHEREAS, MVF and the County previously executed an amendment to the Agreement as approved by Resolution No. R-1176-15 on December 15, 2015; and

WHEREAS, MVF and the County previously executed a second amendment to the Agreement as approved by Resolution No. R-720-16 on July 19, 2016; and

WHEREAS, MVF and the County previously executed a third amendment to the Agreement as approved by Resolution No. R-1210-17 on December 5, 2017; and

WHEREAS, the Parties are desirous of amending the Agreement as set forth herein, in order to provide for additional funding to MVF for services rendered under the Agreement in the amount of up to \$75,000.00 to be paid to MVF, in order to ensure the continuation of services performed under the Agreement; and

WHEREAS, this Agreement's funding is subject to available funds in FY20-21; 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 MVF agree that the foregoing recitals are correct, and further state as follows:

Section 1. Page 3 of 13 of the Agreement, as previously amended, under the heading "RESPONSIBILITIES OF COUNTY," paragraph (f) is hereby added with the following language:

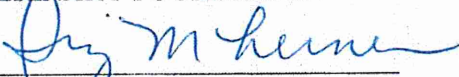
f. Beginning in Fiscal Year 2020-21, the County, through ASD, may provide MVF with funding of up to \$350,000.00 annually, as follows:

- ASD shall provide MVF with an initial draw of up to \$100,000.00 no later than forty-five (45) days after execution of this Third Amendment to the Second Amended Partner Program by all parties.
- Reimbursements under this section shall be funded in increments of \$100,000.00, for reimbursement of services performed by MVF, as outlined in this Agreement.

- Each increment shall be funded by ASD after approval following receipt from MVF of proof of previous increment and properly submitted vouchers. Funding of each such increment shall be made to MVF after receipt and approval of said vouchers, which shall in no event, be later than forty-five (45) days. After the last installment has been disbursed to MVF, MVF will provide ASD with proof the last installment is being spent on properly submitted vouchers on a monthly basis until expenditure of all funds. ASD shall have sole discretion in determining whether proof of vouchers has been properly submitted.
- Additionally, the County may, at its sole discretion, provide an additional allocation of up to \$75,000.00 to MVF for services performed by MVF during FY 2020-21 after receipt and approval of properly submitted vouchers from MVF.

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

MIAMI VETERINARY FOUNDATION,
INC. FORMERLY KNOWN AS DADE
COUNTY VETERINARY FOUNDATION,
INC. AND THE SOUTH FLORIDA
VETERINARY FOUNDATION

By: 
(an authorized signatory)

Print name: IRVING M. LERNER
Title: PRESIDENT

(AFFIX INCORPORATION SEAL)

ATTEST:

HARVEY RUVIN, CLERK

BY:

DEPUTY CLERK

(DATE)

MIAMI-DADE COUNTY
a political subdivision
of the State of Florida

Daniella Levine Cava
County Mayor
or County Mayor's Designee

(DATE)

Approved by County Attorney as
to form and legal sufficiency.

Eduardo W. Gonzalez

Federal Tax I.D. # 65-0121026

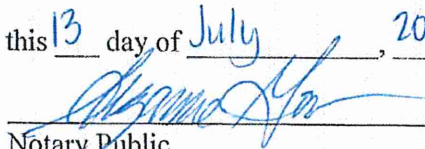
STATE OF FLORIDA

COUNTY OF MIAM-DADE

BEFORE ME, the undersigned authority, personally appeared Irving Lerner, to me well known and known to me to be the individual described in and who executed the foregoing instrument as the President of Miami Veterinary Foundation, and acknowledged to and before me that he executed such instrument as such _____ of said _____, and that said instrument is the free act and deed of said limited liability company.

WITNESS my hand and official seal this 13 day of July, 2021.

(SEAL)

Signature: 

Title:

Notary Public

Name: [Print or type] Suzanne Gorlow

Serial No., if any: _____

My commission expires _____

Suzanne Gorlow

NOTARY PUBLIC

STATE OF FLORIDA

Comm# GG255237

Expires 9/4/2022

