

MEMORANDUM

Agenda Item No. 11(A)(1)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: May 21, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the Office of the Commission Auditor to coordinate with the County Mayor and assist the administration to comply with County policy as stated in Resolution No. R-835-07, Resolution No. R-90-11, and Resolution No. R-1086-19, regarding (i) "Red-Flag Reports" advising the Board whenever, among other things, any contract, project, program, initiative, department or other entity created and/or funded, in whole or in part, by the County appears to be at risk, and (ii) mandatory notifications by the County Mayor as soon as practicable whenever an unanticipated event has occurred which could have a significant financial or operational impact upon, among other things, any County contract, grant, project, program, initiative, department, or other entity created and/or funded, in whole or in part, by the County; directing the Office of the Commission Auditor and the County Mayor to provide quarterly "Red-Flag Reports"; directing the Office of the Commission Auditor, in coordination with the County Mayor, to place a "Red-Flag Report" on the next available agenda whenever an unanticipated event has occurred which could have a significant financial or operational impact upon, among other things, any County contract, grant, project, program, or initiative that has a County-wide impact and either exceeds \$100,000,000.00 in value or is otherwise deemed a critical concern in the judgment of either the Office of the Commission Auditor or the administration

Resolution No. R-452-24

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan Carlos Bermudez.


Geri Bonzon-Keenan
County Attorney

GBK/ks

MDC001



MEMORANDUM

(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: May 21, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(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. 11(A)(1)
5-21-24

RESOLUTION NO. R-452-24

RESOLUTION DIRECTING THE OFFICE OF THE COMMISSION AUDITOR TO COORDINATE WITH THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE AND ASSIST THE ADMINISTRATION TO COMPLY WITH COUNTY POLICY AS STATED IN RESOLUTION NO. R-835-07, RESOLUTION NO. R-90-11, AND RESOLUTION NO. R-1086-19, REGARDING (I) "RED-FLAG REPORTS" ADVISING THE BOARD WHENEVER, AMONG OTHER THINGS, ANY CONTRACT, PROJECT, PROGRAM, INITIATIVE, DEPARTMENT OR OTHER ENTITY CREATED AND/OR FUNDED, IN WHOLE OR IN PART, BY THE COUNTY APPEARS TO BE AT RISK, AND (II) MANDATORY NOTIFICATIONS BY THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE AS SOON AS PRACTICABLE WHENEVER AN UNANTICIPATED EVENT HAS OCCURRED WHICH COULD HAVE A SIGNIFICANT FINANCIAL OR OPERATIONAL IMPACT UPON, AMONG OTHER THINGS, ANY COUNTY CONTRACT, GRANT, PROJECT, PROGRAM, INITIATIVE, DEPARTMENT, OR OTHER ENTITY CREATED AND/OR FUNDED, IN WHOLE OR IN PART, BY THE COUNTY; DIRECTING THE OFFICE OF THE COMMISSION AUDITOR AND THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PROVIDE QUARTERLY "RED-FLAG REPORTS"; DIRECTING THE OFFICE OF THE COMMISSION AUDITOR, IN COORDINATION WITH THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE, TO PLACE A "RED-FLAG REPORT" ON THE NEXT AVAILABLE AGENDA WHENEVER AN UNANTICIPATED EVENT HAS OCCURRED WHICH COULD HAVE A SIGNIFICANT FINANCIAL OR OPERATIONAL IMPACT UPON, AMONG OTHER THINGS, ANY COUNTY CONTRACT, GRANT, PROJECT, PROGRAM, OR INITIATIVE THAT HAS A COUNTY-WIDE IMPACT AND EITHER EXCEEDS \$100,000,000.00 IN VALUE OR IS OTHERWISE DEEMED A CRITICAL CONCERN IN THE JUDGMENT OF EITHER THE OFFICE OF THE COMMISSION AUDITOR OR THE ADMINISTRATION

WHEREAS, section 1.01 (A) of Miami-Dade County's Home Rule Charter provides that the Board of County Commissioners is the legislative and governing board of the County; and

WHEREAS, section 2.02 of the County's Home Rule Charter provides that the County Mayor shall serve as the head of County government and shall be responsible for, among other things, the management of all administrative departments of the County and for carrying out policies adopted by the Commission; and

WHEREAS, the County Mayor is responsible for the day-to-day operation of County government including, but not limited to, administering contracts, grants, projects, programs and initiatives; and

WHEREAS, the Board adopted Resolution No. R-835-07 after finding that the administration should periodically prepare a report advising the Board whenever any contract, project, program, initiative, or County department or entity appears to be at risk due to, among other potential problems, the failure to reach major milestones, inadequate funding, personnel problems, or any other matter which may have a significant negative impact upon the success of a given contract, project, program, initiative, or County department or entity (hereinafter "Red-Flag Report"); and

WHEREAS, the Board subsequently amended Resolution No. R-835-07 when it adopted Resolution No. R-90-11 to, among other things, expand the scope of Red-Flag Reports, and require that the County Mayor or County Mayor's designee notify each member of the County Commission as soon as practicable whenever any unanticipated event has occurred which could have a significant financial or operational impact upon any contract, grant, project, program, initiative, County department or other entity created and/or funded, in whole or in part, by the County; and

WHEREAS, despite the Board's legislation, the administration did not provide Red-Flag Reports as required by Resolution No. R-835-07 and Resolution No. R-90-11; and

WHEREAS, to address the administration's noncompliance with the Red-Flag Report requirements, the Board adopted Resolution No. R-1086-19, which directed the administration to comply with Resolution No. R-835-07 and Resolution No. R-90-11; and

WHEREAS, nevertheless, Red-Flag Reports have generally not been provided to the Commission as required by Resolution No. R-835-07, Resolution No. R-90-11, and Resolution No. R-1086-19 despite such directives by the Board to the administration; and

WHEREAS, there have been instances when Commissioners have not been notified as soon as practicable when an unanticipated event has occurred which could have a significant financial or operational impact upon a contract, grant, project, program, initiative, County department or other entity created and/or funded, in whole or in part, by the County; and

WHEREAS, the Board believes that it is imperative that County policy as stated in the above-referenced resolutions be complied with in a timely manner; and

WHEREAS, the Office of the Commission Auditor possesses the skills and personnel necessary to assist the administration in composing and providing Red-Flag Reports in a timely fashion; and

WHEREAS, nothing in this resolution should be understood as relieving the administration of its existing obligations to provide Red-Flag Reports,

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

Section 1. Directs the Office of the Commission Auditor to coordinate with the County Mayor or County Mayor's designee and assist the administration to comply with County policy as stated in Resolution No. R-835-07, Resolution No. R-90-11, and Resolution No. R-1086-19 regarding (i) Red-Flag Reports advising the Board whenever, among other things, any contract,

project, program, initiative, department, or other entity created and/or funded, in whole or in part, by the County appears to be at risk, and (ii) mandatory notifications by the County Mayor or County Mayor's designee as soon as practicable whenever an unanticipated event has occurred which could have a significant financial or operational impact upon, among other things, any County contract, grant, project, program, initiative, department, or other entity created and/or funded, in whole or in part, by the County.

Section 2. Directs the Office of the Commission Auditor and the County Mayor or County Mayor's designee to provide quarterly Red-Flag Reports. Such reports shall be placed on an agenda of the full Board without committee review pursuant to Rule 5.06(j) of the Board's Rules of Procedure.

Section 3. Directs the Office of the Commission Auditor, in coordination with the County Mayor or County Mayor's designee, to place a Red-Flag Report on the next available agenda of the full Board without committee review pursuant to Rule 5.06(j) of the Board's Rules of Procedure whenever an unanticipated event has occurred which could have a significant financial or operational impact upon, among other things, any County contract, grant, project, program, or initiative that has a County-wide impact and either: (a) exceeds \$100,000,000.00 in value or (b) is otherwise deemed a critical concern in the judgment of either the Office of the Commission Auditor or the administration.

The Prime Sponsor of the foregoing resolution is Commissioner Juan Carlos Bermudez. It was offered by Commissioner **Juan Carlos Bermudez**, who moved its adoption. The motion was seconded by Commissioner **Raquel A. Regalado** and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman	absent		
Anthony Rodríguez, Vice Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	aye	Sen. René García	aye
Roberto J. Gonzalez	aye	Keon Hardemon	aye
Danielle Cohen Higgins	aye	Eileen Higgins	aye
Kionne L. McGhee	absent	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 21st day of May, 2024. 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

JUAN FERNANDEZ-BARQUIN, CLERK

By: Basia Pruna
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Christian J. Fernandez-Andes