

MEMORANDUM

Agenda Item No. 11(A)(14)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: January 22, 2025

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County Mayor, within 30 days, to negotiate a contract for Natural Gas Transmission Service for the Alexander Orr Water Treatment Plant and the Hialeah Lime Reclamation Facility with Pivotal Utility Holdings, Inc. d/b/a Florida City Gas at the best rate possible under Florida City Gas' Tariff for a 10 year term; and by a two-thirds vote of the Board members present delegating authority to the County Mayor to enter into and execute such contract, on behalf of the County, subject to the County Mayor filing with the Clerk of the Board a recommendation to enter into a non-competitive sole source designated purchase pursuant to section 2-8.1(b)(3) of the Code and to exercise all provisions contained therein

Resolution No. R-78-25

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



Geri Bonzon-Keenan
County Attorney

GBK/ks

MDC001



MEMORANDUM

(Revised)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: January 22, 2025

FROM: 
Glen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(14)

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 ☐, majority plus one ☐, 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) ☐, 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)(14)
1-22-25

RESOLUTION NO. _____ R-78-25

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE, WITHIN 30 DAYS, TO NEGOTIATE A CONTRACT FOR NATURAL GAS TRANSMISSION SERVICE FOR THE ALEXANDER ORR WATER TREATMENT PLANT AND THE HIALEAH LIME RECLAMATION FACILITY WITH PIVOTAL UTILITY HOLDINGS, INC. D/B/A FLORIDA CITY GAS AT THE BEST RATE POSSIBLE UNDER FLORIDA CITY GAS' TARIFF FOR A TEN YEAR TERM; AND BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT DELEGATING AUTHORITY TO THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO ENTER INTO AND EXECUTE SUCH CONTRACT, ON BEHALF OF THE COUNTY, SUBJECT TO THE COUNTY MAYOR FILING WITH THE CLERK OF THE BOARD A RECOMMENDATION TO ENTER INTO A NON-COMPETITIVE SOLE SOURCE DESIGNATED PURCHASE PURSUANT TO SECTION 2-8.1(B)(3) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND TO EXERCISE ALL PROVISIONS CONTAINED THEREIN

WHEREAS, the Miami-Dade Water and Sewer Department ("WASD") utilizes natural gas as part of its processes at the Alexander Orr Water Treatment Plant and the Hialeah Lime Reclamation Plant (collectively, the "Plants"); and

WHEREAS, WASD has been receiving natural gas service at the Plants through transmission pipes owned by Pivotal Utility Holdings, Inc. d/b/a Florida City Gas ("FCG"), under a 10 year Natural Gas Transportation Service Agreement since December 2013 (the "December 2013 Agreement"); and

WHEREAS, although the December 2013 Agreement has expired, FCG has continued to provide transmission service for natural gas to the Plants until a new agreement could be negotiated; and

WHEREAS, competition for the natural gas service contract is not practicable, as FCG is the only transmission utility that currently has a pipeline that can bring gas to the Plants and may be able to provide WASD with its necessary gas transmission service at a favorable rate under its Tariff; and

WHEREAS, in order to continue receiving gas service at the Plants, Miami-Dade County (the “County”) must enter into a new agreement with FCG for the transmission of the gas; and

WHEREAS, because the Board finds it is in the best interests of the County to continue receiving the gas transmission service needed by WASD from FCG at a favorable tariff rate, it directs the County Mayor or County Mayor’s designee to negotiate a new agreement for gas transmission service to the Plants with FCG for a 10 year term and delegates authority to the County Mayor or County Mayor’s designee to enter into and execute such agreement subject to the County Mayor filing with the Clerk of the Board a recommendation to enter into a non-competitive sole source designated purchase pursuant to section 2-8.1(b)(3) of the Code of Miami-Dade County, Florida,

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

Section 1. The Board approves the foregoing recitals, which are incorporated herein by reference.

Section 2. The Board directs the County Mayor or County Mayor’s designee, within 30 days, to negotiate a new agreement for the provision of gas transmission service to the Plants with FCG for a 10 year term for a minimum collective volume for the Plants of 4,500,000 therms per year at the best rate possible under FCG’s Tariff.

Section 3. The Board, by a two-thirds vote of the Board members present, finds that is in the best interests of the County to enter into a new agreement for the provision of gas transmission service to the Plants with FCG for a 10 year term and, delegates authority to the County Mayor or County Mayor's designee to: (1) execute and enter into such agreement, on behalf of the County, subject to the County Mayor filing with the Clerk of the Board a recommendation to enter into a non-competitive sole source designated purchase pursuant to section 2-8.1(b)(3) of the Code of Miami-Dade County, Florida; and (2) exercise all provisions contained in such agreement.

The Prime Sponsor of the foregoing resolution is Commissioner Raquel A. Regalado. It was offered by Commissioner **Danielle Cohen Higgins** , who moved its adoption. The motion was seconded by Commissioner **Kionne L. McGhee** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 22nd day of January, 2025. 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.

SED

Sarah E. Davis