

RESOLUTION NO. _____

RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, TO ADOPT A "STOP THE PAUSE" POLICY BY REQUIRING A 5/7TH VOTE TO PAUSE, DELAY, STOP, OR MATERIALLY MODIFY A CRITICAL INFRASTRUCTURE PROJECT (AS DEFINED IN THIS RESOLUTION) HAVING AN ESTIMATED CONSTRUCTION COST OF \$1,000,000 OR MORE THAT IS AT 60% DESIGN, AND A 6/7TH VOTE TO PAUSE, DELAY, STOP, OR MATERIALLY MODIFY A CRITICAL INFRASTRUCTURE PROJECT HAVING AN ESTIMATED CONSTRUCTION COST OF \$1,000,000 OR MORE THAT HAS OBTAINED ALL PERMITS AND IS SHOVEL-READY, SUBJECT TO EXCEPTIONS FOR UNFORESEEN SITE CONDITIONS THAT MATERIALLY IMPACT THE COST OF THE PROJECT, FUNDING LIMITATIONS, AND/OR FUNDING EMERGENCIES, PROVIDED THE FOREGOING POLICY SHALL NOT IN ANY WAY LIMIT THE COMMISSION'S ABILITY TO ACCEPT THE RECOMMENDATION OF THE CITY MANAGER TO REJECT ALL BIDS OR TO TAKE ANY ACTION THE COMMISSION DEEMS NECESSARY TO PROTECT THE CITY'S RIGHTS UNDER A CONTRACT WITH A DESIGN CONSULTANT OR CONTRACTOR.

WHEREAS, the City of Miami Beach recognizes the importance of critical infrastructure projects that are essential to the health, safety, and well-being of its residents, commuters, and visitors; and

WHEREAS, such critical infrastructure projects include, by way of example:

- Projects relating to fire flow, stormwater drainage, potable water, and sanitary sewer projects deemed critical due to the advanced age of pipes or risk of failure.
- Utility projects to replace and/or upgrade systems that are at or near capacity.
- Rehabilitation of City facilities deemed critical for providing services to residents.
- Neighborhood Improvement Projects (NIPs) that have been supported and endorsed by a majority of residents in the applicable neighborhoods, such as road raising and harmonization; and

WHEREAS, it is in the best interest of the City to ensure that such critical infrastructure projects proceed without unnecessary interruptions or modifications once they have reached advanced stages of design or are shovel-ready; and

WHEREAS, the City Commission believes it is prudent to establish a higher threshold of approval to pause, delay, stop, or materially modify critical infrastructure projects at advanced stages to ensure continuity and completion, while allowing for exceptions in the case of unforeseen site conditions that materially impact the cost of the project, funding limitations, and/or funding emergencies, and provided, this policy shall not in any way limit the Commission's ability to accept the recommendation of the City

Manager to reject all bids or to take any action the Commission deems necessary to protect the City's rights under a contract with a design consultant or contractor; and

WHEREAS, establishing such higher thresholds of approval to pause, delay, stop or materially modify projects will also result in substantial cost savings to taxpayers.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby adopt a "Stop the Pause" policy requiring a 5/7th vote to pause, delay, stop, or materially modify a critical infrastructure project (as defined in this Resolution) having an estimated construction cost of \$1,000,000 or more that is at 60% design, and a 6/7th vote to pause, delay, stop, or materially modify a critical infrastructure project having an estimated construction cost of \$1,000,000 or more that has obtained all permits and is shovel-ready, subject to exceptions for unforeseen site conditions that materially impact the cost of the Project, funding limitations, and/or funding emergencies, and provided, this policy shall not in any way limit the Commission's ability to accept the recommendation of the City Manager to reject all bids or to take any action the Commission deems necessary to protect the City's rights under a contract with a design consultant or contractor.

PASSED AND ADOPTED this ____ day of June, 2024.

ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

(Sponsored by Commissioner Alex J. Fernandez)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

6/18/2024

Date