

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, RETROACTIVELY AUTHORIZING THE CITY MANAGER, ON BEHALF OF THE CITY, TO ENTER INTO CERTAIN INDEPENDENT CONTRACTOR AGREEMENTS FOR THE FOLLOWING SERVICES, AS REQUIRED, AND AS THE CITY MANAGER DEEMS IN THE BEST INTEREST OF THE CITY: ATHLETICS INSTRUCTION/ COACHING/REFEREEING INCLUDING, BUT NOT LIMITED TO THE FOLLOWING CATEGORIES: BASEBALL, SOFTBALL, SOCCER, GYMNASTICS, CHEERLEADING, VOLLEYBALL; ICE SKATING, HOCKEY, BASKETBALL, TENNIS, BOXING, FENCING, ARCHERY, AND SWIMMING; AEROBICS INSTRUCTION; FITNESS INSTRUCTION; ARTS/MUSIC/CULTURAL/DRAMA INSTRUCTION AND OR INSTRUMENT REPAIR; COMPUTER/MEDIA SERVICES INCLUDING, BUT NOT LIMITED TO, INSTRUCTION AND REPAIR; RECREATIONAL PROGRAMMING AND INSTRUCTION; INSTRUCTION AND THERAPY FOR PARTICIPANTS WITH SPECIAL NEEDS INCLUDING, BUT NOT LIMITED TO, EDUCATION, HEALTH AND WELLNESS; INSTRUCTION/TUTORING INCLUDING, BUT NOT LIMITED TO, EDUCATION; COTILLION; SPEECH, DEBATE, SOCIAL SKILLS, LITERACY, MATH AND SAT; FITNESS CLASSES INCLUDING, BUT NOT LIMITED TO, AEROBICS, ZUMBA, WEIGHT ROOM, WEIGHT LOSS, GENERAL FITNESS INSTRUCTION, ADULT, YOUTH, AND BABY BOOT CAMP; CARE COORDINATION SERVICES; MENTAL HEALTH SERVICES; INTAKE (ASSESSMENT) SERVICES; FAMILY GROUP CONFERENCING; MENTORING SERVICES; BEHAVIOR MODIFICATION SERVICES; EMPLOYMENT SESSIONS; FAMILY FUNCTIONAL THERAPY; FAMILY HOME VISITATION SERVICES; PARENTING GROUP SERVICES; ALTERNATIVE SUSPENSION SERVICES; RESTORATIVE JUSTICE TECHNIQUES; ONE-ON-ONE SHADOWS TO WORK WITH YOUTH WITH SPECIAL NEEDS; STEM (SCIENCE, TECHNOLOGY, ENGINEERING AND MATHEMATICS) ACTIVITIES; SCHOOL LIAISONS FOR REFERRAL OF CARE COORDINATION SERVICES; RESIDENT PROJECT REPRESENTATIVES (RPR); REPORTING REQUIREMENTS ASSOCIATED WITH THE PATIENT PROTECTION AND AFFORDABLE CARE ACT; ACTUARIAL SERVICES; COMMUNITY/PUBLIC INFORMATION SERVICES; CONSTRUCTION COST ESTIMATING/CONSULTING SERVICES; VIDEO PRODUCTION SERVICES; PHOTOGRAPHY/VIDEOGRAPHY SERVICES; GRAPHIC DESIGNER SERVICES; PROGRAM MONITOR SERVICES; COST ALLOCATION SERVICES; JOB AUDITS; STEP III DISCIPLINARY GRIEVANCE HEARING OFFICER; AUDITORS; HISTORICAL RESEARCHER; LATENT EXAMINER SERVICES; MEDICAL DIRECTOR AND ACCREDITATION SERVICES/SUPPORT; PSYCHOLOGICAL AND TESTING SERVICES; ORGANIZATIONAL DEVELOPMENT MEETING FACILITATION SERVICES; PROFESSIONAL TRAINING SERVICES INCLUDING, BUT NOT LIMITED TO, APPLICATION SYSTEMS INSTRUCTION, METHODOLOGIES FOR APPLICATION SYSTEMS DEVELOPMENT, SEXUAL HARASSMENT, DIVERSITY AND TEAM BUILDING; HOME VISITORS FOR THE PARENT-CHILD HOME PROGRAM; INSTRUCTORS FOR THE MORNINGS ALL-STAR PROGRAMS AND HUD COMPLIANCE; APPLICATION SYSTEMS CONSULTING SERVICES INCLUDING, BUT NOT LIMITED TO,

**APPLICATION SYSTEMS, ARCHITECTURE, APPLICATION DEVELOPMENT BEST PRACTICES, APPLICATION SECURITY, APPLICATIONS QUALITY ASSURANCE, APPLICATION MONITORING, MOBILE APPLICATION DEVELOPMENT; CONSULTING SERVICES FOR WEBSITE AND DIGITAL MEDIA STRATEGY; WEB DESIGN; GRAPHIC DESIGN; AFTER-ACTION SERVICES; PROVIDED, FURTHER, THAT THE CITY MANAGER SHALL BE AUTHORIZED TO NEGOTIATE, ENTER INTO, AND EXECUTE THE AFORESTATED AGREEMENTS SUBJECT TO THE FOLLOWING PARAMETERS: 1) THE AMOUNT OF THE FEE OR OTHER COMPENSATION UNDER SUCH AGREEMENT(S) SHALL NOT EXCEED THE AUTHORIZED AMOUNT FOR THE RESPECTIVE SERVICES, AS SET FORTH IN THE CITY'S APPROVED FISCAL YEAR (FY) 2017/2018 ANNUAL BUDGET; 2) THE TERM OF ANY SERVICE AGREEMENT AUTHORIZED HEREIN SHALL NOT EXTEND BEYOND THE END OF FY 2017/2018 (SEPTEMBER 30, 2018); 3) AT A MINIMUM, THE CITY MANAGER SHALL REQUIRE THAT ANY AGREEMENT ENTERED INTO PURSUANT TO THIS RESOLUTION SHALL UTILIZE THE CITY'S STANDARD FORM INDEPENDENT CONTRACTOR AGREEMENT (AS ATTACHED TO THE CITY COMMISSION MEMORANDUM ACCOMPANYING THIS RESOLUTION), PROVIDED THAT THE CITY MANAGER MAY INCORPORATE ADDITIONAL TERMS, WHICH MAY BE MORE STRINGENT BUT NOT MORE LENIENT; AND 4) PROVIDING THAT THE AUTHORITY GRANTED TO THE CITY MANAGER PURSUANT TO THIS RESOLUTION SHALL BE BROUGHT TO THE CITY COMMISSION FOR RENEWAL AS PART OF THE ANNUAL OPERATING BUDGET APPROVAL.**

**WHEREAS**, the City budgets for certain services are to be provided each year in its annual operating budget for those respective departments; and

**WHEREAS**, some of the budgeted services include, but are not limited to: dance instruction, ice skating instruction, athletics instruction/coaching, aerobics instruction, fitness instruction, computer (IT) services and literacy, math and SAT tutoring for the Parks and Recreation Department; latent examiner services, medical examiner and accreditation services/support for the Police Department; resident project representatives (RPR); community information services; construction cost estimating/consulting services for the Capital Improvement Projects (CIP) Office; video production services, photography/videography services, and graphic design services for the Office of Communications; Homeless Outreach; Housing Services; tutoring services and program monitoring services; cost allocation services for the Finance Department; auditing services for the Office of Budget and Performance Improvement; job audit/surveys and Step III grievance hearing officer for the Human Resources Department; and historical research services for the Planning Department; and

**WHEREAS**, the City Code requires contracts in excess of \$50,000 to be approved by the City Commission and agreements for these services have typically been limited to that maximum amount; and

**WHEREAS**, under very limited circumstances, independent contractor agreements for amounts over \$50,000 have been brought to the City Commission for approval; and

**WHEREAS**, in an effort to coordinate the execution of these agreements for those services or work referenced herein, the Administration is recommending that the City Commission authorize the City Manager to negotiate, enter into, and execute certain independent contractor agreements, including those having an amount that may exceed \$50,000, subject to the following parameters:

- The agreements will be limited to the services or work specifically listed in this Resolution;
- The value of the agreement will not exceed the authorized amount for the respective services or work, as set forth in the approved FY 2017/2018 annual budget;
- The term of the agreement shall not extend beyond FY 2017/2018 (September 30, 2018); and
- Any agreement entered into will contain, at minimum, the provisions outlined in the City's standard form agreement for independent contractors (a copy of which is attached to the Memorandum accompanying this Resolution); and
- The City Manager must issue a Letter to Commission ("LTC") each fiscal quarter, commencing on January 1, 2018, which delineates those Independent Contractor Agreements that exceed the \$50,000; and

**WHEREAS**, the City Commission granted similar authority to the City Manager on September 20, 2010, for FY 2010/2011, and renewed such authority on September 27, 2011, for FY 2011/2012; on September 27, 2012, for FY 2012/2013; on September 30, 2013 for FY 2013/2014; on September 30, 2014 for FY 2014/2015; on September 30, 2015 for FY 2015/2016; on September 30, 2016 for FY 2016/2017; and

**WHEREAS**, during the discussions for the initial authority, it was said that this request for authority would be brought back for renewal on an annual basis as part of the budget process.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby retroactively authorize the City Manager to enter into independent contractor agreements for the following services, as required and as the City Manager deems in the best interest of the City: athletics instruction/ coaching/refereeing including, but not limited to, the following categories: baseball, softball, soccer, gymnastics, cheerleading, volleyball; ice skating, hockey, basketball, tennis, boxing, fencing, archery, and swimming; aerobics instruction; fitness instruction; arts/music/cultural/drama instruction and or instrument repair; computer/media services including, but not limited to, instruction and repair; recreational programming and instruction; instruction and therapy for participants with special needs including, but not limited to, education, health and wellness; instruction/tutoring including, but not limited to, education, cotillion, speech, debate, social skills, literacy, math and SAT; fitness classes including, but not limited to, aerobics, Zumba, weight room, weight loss, general fitness instruction, adult, youth and baby boot camp; care coordination services; mental health



services; intake (assessment) services; family group conferencing; mentoring services; behavior modification services; employment sessions; family functional therapy; family home visitation services; parenting group services; alternative suspension services: restorative justice techniques; one-on-one shadows to work with youth with special needs; STEM (science, technology, engineering and mathematics) activities; school liaisons for referral or care coordination services; resident project representatives (RPR); reporting requirements associated with the Patient Protection and Affordable Care Act; actuarial services; community/public information services; construction cost estimating/consulting services; video production services: photography/videography services; graphic designer services; program monitor services; cost allocation services; job audits; step iii disciplinary grievance hearing officer; auditors; historical researcher; latent examiner services; medical director and accreditation services/support; psychological and testing services; organizational development meeting facilitation services; professional training services including, but not limited to, application systems instruction, methodologies for application systems development, sexual harassment, diversity and team building; home visitors for the parent-child home program; instructors for the mornings all-star programs and HUD compliance; application systems consulting services including, but not limited to, application systems, architecture, application development best practices, application security, applications quality assurance, application monitoring, mobile application development; consulting services for website and digital media strategy; web design; graphic design; after-action services; provided, further, that the City Manager shall be authorized to negotiate, enter into, and execute the aforesated agreements subject to the following parameters: 1) the amount of the fee or other compensation under such agreement(s) shall not exceed the authorized amount for the respective services, as set forth in the City's approved FY 2017/2018 annual budget; 2) the term of any service agreement authorized herein shall not extend beyond the end of FY 2017/2018 (September 30, 2018); 3) at a minimum, the City Manager shall require that any agreement entered into pursuant to this Resolution shall utilize the City's standard form independent contractor agreement (as attached to the City Commission Memorandum accompanying this Resolution), provided that the City Manager may incorporate additional terms, which maybe more stringent but not more lenient; and 4) providing that the authority granted to the City Manager pursuant to this Resolution shall be brought to the City Commission for renewal as part of the annual operating budget approval.

**PASSED** and **ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2017.

ATTEST:

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Rafael E. Granado, City Clerk

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Dan Gelber, Mayor

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

Rafael E. Granado  
City Attorney

12/14/17  
Date