



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

**Legislative Analysis**

**Board of County Commissioners**

July 8, 2010

9:30 AM

Commission Chamber

Charles Anderson, CPA  
Commission Auditor  
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305-375-4354

**Miami-Dade County Board of County Commissioners  
Office of the Commission Auditor**

**Board of County Commissioners  
Meeting Agenda**

**Legislative Analysis**

**July 8, 2010**

Written fiscal impact analyses for the below listed items are attached for your consideration:

Items

5E	8PIK
8E1A	9A1
8E1B	9A5
8K1A	10A1
8M1C	12A1

In addition to the attached fiscal impact statements, the Office of the Commission Auditor provided legislative analyses for the following items which were included in the official agenda package:

5D	8P1F
8E1A	8P1G
8E1B	8P1H
8K1A	8P1J
8M3A	11A1
8P1A	11A7
8P1B	11A9
8P1C	11A12
8P1D	12A3
8P1E	

If you require further analysis of these or any other agenda items, please contact Guillermo Cuadra, Esq., Chief Legislative Analyst, at (305) 375-5469.

Bia Marsellos, Legislative Supervisor  
Jason T. Smith, Senior Legislative Analyst  
Michael Amador-Gil, Senior Legislative Analyst  
Mia Marin, Legislative Analyst  
Elizabeth N. Owens, Legislative Analyst

MIAMI-DADE COUNTY  
 BOARD OF COUNTY COMMISSIONERS  
 OFFICE OF THE COMMISSION AUDITOR



FISCAL IMPACT ANALYSIS

Agenda Item: 5E

File Number: 101236

Type of Item: Resolution-Significant Modification reallocating interest proceeds from BBC GOB Project No. 322-Northside Police Station to fund budget shortfall for Project No. 44-Trail Glades Range and also modifying funds allocated to each of these projects.

Committee(s) of Reference: Recreation, Culture & Tourism

Date of Analysis: 7/2/10

Funding Request: \$3.6 million

Operating

Capital  CIP page number \_\_\_\_\_

Operating Funding Source(s):

Recurring Estimated Operating Cost \$ \_\_\_\_\_

General Fund

Capital Funding Source(s): Index code CPRD044PR1780

Federal

This item would reduce the allocation to Project 322-Northside Police Station by \$2.5 million for a new allocation of \$11.02 million and the \$2.5 million would be reallocated to Project No. 44-Trail Glades Range increasing by \$1.1 million for a new allocation of \$9.1 million and return \$1.4 million back to GOB Interest Fund.

State

Proprietary

Other

County Match required:

Yes  \$ \_\_\_\_\_ % \_\_\_\_\_

No

ISSUES/COMMENTS None

The original Northside Police Station budget, as noted in FY09-10 Adopted Budget, Vol 3, pg.38

<u>Revenue</u>	(dollars in thousands)	<u>Expenditures</u>	
Police Impact Fees	\$ 2,000	Land/Bldg .Acquisition	\$ 3,441
Criminal Justice Bond Interest	5,550	Planning & Design	489
BBC-GOB Program	10,000	Construction	16,063
BBC-GOB Interest	3,520	Furnishings/Other	842
		Construction Mgmt	<u>235</u>
<b>Total</b>	<b>\$21,070</b>	<b>Total</b>	<b>\$21,070</b>

**ISSUES/COMMENTS**      None

The project was awarded to Miami Skyline Construction Corp. on 2/25/10 for \$6.417 million. The construction budget in the Adopted Budget is \$16.063 million, a difference of \$9,646 million to date (change orders may occur in the future impacting the construction budget).

Please note, Miami Skyline Construction Corp. is the same vendor involved in agenda item 4C Park & Recreation Unilateral Retroactive Change Order. As stated in the background of agenda item 4C, handwritten page 6, "Since the contractor refuses to endorse the subject change order, it is recommended for unilateral approval in accordance with Construction Contract (Paragraph 1 of Article 36, CHANGES)."

**Prepared by:** Ines Beecher

MIAMI-DADE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
OFFICE OF THE COMMISSION AUDITOR



FISCAL IMPACT ANALYSIS

Agenda Item: 8E1A

File Number: 101425

Type of Item: Resolution authorizing sale of Transit System Sales Surtax Revenue Bonds

Committee(s) of Reference: Budget, Planning and Sustainability

Date of Analysis: 7/2/10

Funding Request: \$216,260,000

<p>Operating <input type="checkbox"/></p> <p>Operating Funding Source(s):</p> <p>General Fund <input type="checkbox"/></p> <p>Federal <input type="checkbox"/></p> <p>State <input type="checkbox"/></p> <p>Proprietary <input type="checkbox"/></p> <p>Other (explain) <input type="checkbox"/></p> <p>_____</p> <p>_____</p>	<p>Capital <input checked="" type="checkbox"/> CIP page number _____</p> <p>Recurring Estimated Operating Cost \$ _____</p> <p>Capital Funding Source(s):</p> <p>Transit System Sales Surtax Revenue Bonds (2010 Bonds)</p>
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County Match required:

Yes  \$ \_\_\_\_\_ % \_\_\_\_\_

No

ISSUES/COMMENTS None

The major project for this bond request is the MIC/Earlington Heights Transit project which is underway. If bonds are not approved the project will have a cash deficit which will impact County Financial Statements. Use of capitalized interest for the first 23 months of the projects will cost an additional \$450,000 per year over 28 years. OCA requested a financial pro forma for Miami-Dade Transit, however, we were informed that the document would be released at the same time the Proposed Budget for 2010-11 is issued.

The concern is that a financial pro forma of some type had to be submitted to the bond rating agency (ies) in order to obtain the bond rates and determine the scheduled principal and interest on the Series 2010 Bonds and Series 2010 Projects detailed in the resolution document.

Prepared by: Pamela Y. Williams

MIAMI-DADE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
OFFICE OF THE COMMISSION AUDITOR



FISCAL IMPACT ANALYSIS

Agenda Item: 8E1B

File Number: 101424

Type of Item: Resolution

Committee(s)

of Reference: Budget, Planning and Sustainability Committee

Date of Analysis: 7/2/10

Funding Request: \$110,000,000.

<p>Operating <input type="checkbox"/></p> <p>Operating Funding Source(s):</p> <p>General Fund <input type="checkbox"/></p> <p>Federal <input type="checkbox"/></p> <p>State <input type="checkbox"/></p> <p>Proprietary <input type="checkbox"/></p> <p>Other (explain) <input type="checkbox"/></p> <p>_____</p> <p>_____</p>	<p>Capital <input checked="" type="checkbox"/> CIP page number _____</p> <p>Recurring Estimated Operating Cost \$ _____</p> <p>Capital Funding Source(s):</p> <p>Special Obligation Bonds, Series 2010</p>
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County Match required:

Yes  \$ \_\_\_\_\_ % \_\_\_\_\_

No

ISSUES/COMMENTS None

On Monday, June 7, 2010, the Office of the Commission Auditor (OCA) attended a financial briefing and discussion on Agenda Item No. 3D – Resolution Authorizing Issuance of \$107 Million in Miami-Dade County Capital Asset Acquisition Special Obligation Bonds.

Various critical facts associated with this project were noted during the conversation:

- The County building located at 140 West Flagler will be vacated by all current residents upon fit up of Overtown II (est. 1.5 years after closing).
- The County department tenants currently in the 140 Building, which are expected to moved into Overtown II are: the State Attorney, Clerk of the Court, Administrative Office of the Courts, Building Code Compliance, Miami-Dade Police Department and Consumer Services.
- The renovations required to refurbish the 140 Building will cost approximately \$26 Million.

- The 140 Building will either be sold or “shuttered”
- Causeway fees for Rickenbacker and Venetian remain the same through 2014.

There are two concerns associated with this project:

- A portion of the rent at Overtown II will include debt service payments, therefore, the tenants chosen should be those who can afford to pay a rent that may have frequent or regular increases.
- The Rickenbacker and Venetian Causeways are bound by contract and will not be considering any fee increases prior to 2015.

**Prepared by: Pamela Y. Williams**

MIAMI-DADE COUNTY  
 BOARD OF COUNTY COMMISSIONERS  
 OFFICE OF THE COMMISSION AUDITOR



FISCAL IMPACT ANALYSIS

Agenda Item: 8K (1) (A)

File Number: 101468

Type of Item: Resolution approving the Selection of Developers for the BBC- GOB to negotiate the Northside Station and Caribbean Boulevard Sites (Affordable Housing)

Committee(s)

of Reference: Housing and Community Development

Date of Analysis: 7/2/10

Funding Request: \$0

<p>Operating <input type="checkbox"/></p> <p>Operating Funding Source(s):</p> <p>    General Fund <input type="checkbox"/></p> <p>    Federal <input type="checkbox"/></p> <p>    State <input type="checkbox"/></p> <p>    Proprietary <input type="checkbox"/></p> <p>    Other (explain) <input type="checkbox"/></p> <p>_____</p>	<p>Capital <input checked="" type="checkbox"/> CIP page number <u>301, 303</u></p> <p>Recurring Estimated Operating Cost \$0</p> <p>Capital Funding Source(s): GOB-BBC                  Site # 73268- GOB Series A- \$20,320, GOB Series C \$3,164, Series D, \$5,288, Series F \$14,109, Series J \$1,942.144 and Series K \$3,000,000.</p> <p>Site # 73267- GOB Series A- \$15,860, GOB Series C \$7,415, GOB Series F- \$15,860, GOB Series J \$500,000 and GOB Series K \$1,960,865.</p>
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County Match required:

Yes  \$ \_\_\_\_\_ % \_\_\_\_\_

No

ISSUES/COMMENTS None

**Site # 73268 Caribbean Boulevard (Affordable Housing)**

- FY 09-10 (and prior) Allocation \$3.743M
- FY 10-11 Allocation 3.957M
- TOTAL \$7.700M

**Site # 73267 Northside Metrorail Station (Affordable Housing)**

- FY 09-10 (and prior) Allocation \$4.038M
- FY 10-11 Allocation 2.500M
- FY 11-12 Allocation for Construction 7.054M
- TOTAL \$13.592M

MIAMI-DADE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
OFFICE OF THE COMMISSION AUDITOR



FISCAL IMPACT ANALYSIS

Agenda Item: 8M1C

File Number: 101552

Type of Item: Resolution: Approving the amended and restated Lease agreement with Westrec Equities, Inc. and Miami-Dade County. (Original Item under File # 101443)

Committee(s)

Of Reference: Recreation, Cultural & Tourism

Date of Analysis: 7/2/10

Funding Request: N/A

Operating

Capital  CIP page number \_\_\_\_\_

Operating Funding Source(s):

Recurring Estimated Operating Cost \$ \_\_\_\_\_

General Fund

Capital Funding Source(s):

Federal

State

Proprietary

Other

County Match required:

Yes  \$ \_\_\_\_\_ % \_\_\_\_\_

No

ISSUES/COMMENTS None

1. This item was amended at June 7, 2010 RCT Committee to add to the agreement: "completely removing the underground fuel storage tanks and associated piping/dispensers from the original Premises and providing a completed Tank Closure and Assessment Reports as required by DERM..." and to move Section 12.1(d) in its entirety to a new Section 13.4 of the Amended and Restated Lease Agreement.

**(Item 8M1C cont'd)**

- 2. The direct fiscal impact to the County will be positive revenue guaranteed through the agreement's Minimum Annual Guarantee (MAG) and projected Percentage of gross sales.**
  
- 3. The memorandum states that Westrec shall pay the County the greater of the minimum annual rent of 18% of gross revenues. However, on handwritten page 15, 2.2 (c) states "subsequent percentage rent shall be a percentage of gross revenues generated by certain of the Facilities in any particular month of the term, to wit: the combination of (1) eighteen (18%) percent of gross rack storage fee collected by Lessee, plus (2) four (4%) percent of gross retail sales by Lessee for all items other than fuel .**

**Prepared by: Ines Beecher**

MIAMI-DADE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
OFFICE OF THE COMMISSION AUDITOR



FISCAL IMPACT ANALYSIS

Agenda Item: 8P1K

File Number: 101441

Type of Item: Resolution designating right-of-way at NW 127 Ave and NW 8 St

Committee(s) of Reference: Transit, Infrastructure & Roads Committee

Date of Analysis: 7/2/10

Funding Request: "No fiscal impact"

<p>Operating <input type="checkbox"/></p> <p>Operating Funding Source(s):</p> <p>General Fund <input type="checkbox"/></p> <p>Federal <input type="checkbox"/></p> <p>State <input type="checkbox"/></p> <p>Proprietary <input type="checkbox"/></p> <p>Other (explain) <input type="checkbox"/></p> <p>_____</p> <p>_____</p>	<p>Capital <input checked="" type="checkbox"/> CIP page number _____</p> <p>Recurring Estimated Operating Cost \$15,000/yr</p> <p>Capital Funding Source(s):</p> <p>\$1.759 million from "future" Building Better Communities –GOB bond funds</p>
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County Match required:

Yes  \$ \_\_\_\_\_ % \_\_\_\_\_

No

ISSUES/COMMENTS None

County Manager stated ( 06-03-2010 BCC meeting) that the list of projects for a future BBC bond issue has three basic criteria: 1)Project is shovel ready 2) Project can be completed in 3 years 3) Project has No recurring operating impact. Although minimal, this project has an estimated annual operating cost of \$15,000.

Prepared by: Keith Connor

MIAMI-DADE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
OFFICE OF THE COMMISSION AUDITOR



FISCAL IMPACT ANALYSIS

Agenda Item: 9(A)(1)

File Number: 101314

Type of Item: Resolution

Committee(s)

of Reference: Housing and Community Development

Date of Analysis: 7/2/10

Funding Request: \$172,369

<p>Operating <input checked="" type="checkbox"/></p> <p>Operating Funding Source(s):</p> <p>General Fund <input type="checkbox"/></p> <p>Federal <input type="checkbox"/></p> <p>State <input type="checkbox"/></p> <p>Proprietary <input type="checkbox"/></p> <p>Other (explain) <input checked="" type="checkbox"/></p> <p><u>Contingent on the particular department</u></p>	<p>Capital <input type="checkbox"/> CIP page number _____</p> <p>Recurring Estimated Operating Cost \$ _____</p> <p>Capital Funding Source(s):</p>
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County Match required:

Yes  \$ \_\_\_\_\_ % \_\_\_\_\_

No

ISSUES/COMMENTS None

- This resolution ratifies Miami-Dade County's participation in the Florida Back to Work Program to participants who qualify for the Temporary Assistance to Needy Families (TANF).
- The program includes a maximum of 828 temporary positions for \$7.588M. The County has submitted 698 positions for recruitment to SFW thus far.
- The net cost to the County after ARRA reimbursements will be a maximum of \$172,369, which will be absorbed by the participating departments.
- If these positions needed to be filled temporarily (i.e. summer employment for Parks or poll workers for Elections) it provides a cost savings of over \$7M to the County.

Prepared by: Charles Queen

MIAMI-DADE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
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FISCAL IMPACT ANALYSIS

Agenda Item: 9A5

File Number: 101607

Type of Item: Resolution updating provisions of implementing order 7-33 rates for Fire Rescue Off-Duty services

Committee(s)

of Reference: Health, Public Safety & Intergovernmental

Date of Analysis: 7/2/10

Funding Request

Operating

Capital  CIP page number \_\_\_\_\_

Operating Funding Source(s):

Recurring Estimated Operating Cost \$ \_\_\_\_\_

General Fund

Capital Funding Source(s):

Federal

State

Proprietary

Other

County Match required:

Yes  \$ \_\_\_\_\_ % \_\_\_\_\_

No

ISSUES/COMMENTS None

Off-Duty pay rates are adjusted once every two fiscal years to keep pace with National Consumer Price Index (IO 7-33). Instead of the National Consumer Price Index, the Consumer Price Index for Miami – Fort Lauderdale is proposed for use as the escalator. According to Administration, 5.7% is the escalator from October 1, 2007 through Sep 30, 2009. However, based on the CPI for the Miami-Fort Lauderdale FL figures the inflation is 3.4%.

The Bureau of Labor Statistics strongly urges users to consider adopting the national CPI for use in their escalator clauses as noted in the CPI Detailed Report-October 2009 (page 40).

Prepared by: Jewel Johnson

**MIAMI-DADE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
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FISCAL IMPACT ANALYSIS

**Agenda Item: 10 (A) (1)**

**File Number: 101361**

**Type of Item: Resolution Approving the 2010 Update to the Domestic Violence Oversight Board Domestic Violence Plan for Miami-Dade County-Original HCD Committee Meeting Item # 3(A) Substitute - June 9, 2010.**

**Committee(s)  
of Reference: HCDC**

**Date of Analysis: July 8, 2010**

**Funding Request: \$0**

<p><b>Operating</b> <input checked="" type="checkbox"/></p> <p><b>Operating Funding Source(s):</b></p> <p>General Fund <input type="checkbox"/></p> <p>Federal <input type="checkbox"/></p> <p>State <input type="checkbox"/></p> <p>Proprietary <input type="checkbox"/></p> <p>Other (explain) <input checked="" type="checkbox"/></p> <p><u>Food and Beverage Tax</u></p>	<p><b>Capital</b> <input type="checkbox"/> CIP page number _____</p> <p><b>Recurring Estimated Operating Cost</b> \$_____</p> <p><b>Capital Funding Source(s):</b></p>
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**County Match required:**

Yes  \$ \_\_\_\_\_ % \_\_\_\_\_

No

**ISSUES/COMMENTS** None

The total projected revenues for the DVOB for FY 09-10 are \$2,361,255 which includes \$2,205,000 tax revenue and \$156,255 interest.

The total budgeted revenue for FY 2010-11 are \$2,268,567, which includes \$2,105,250 tax revenue and \$163,317 interest.

They currently have 2 staff, an Executive Director and a Victim Services Analyst, which is also budgeted in FY 2010-11.

Cost of the Lodge-	\$1.943M
Cost of Staff Support-	\$238K
Total	\$2.181M
Total Budget	\$2.361M

Difference \$180K What is this for?

DHS – DVOB Funding

Byrne Grant (Federal) \$166K

DV Intake Unit (GF) \$767K

Total Funding \$933K How much does DHS spend on DVOB activities?

MIAMI-DADE COUNTY  
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FISCAL IMPACT ANALYSIS

Agenda Item: 12A1

File Number: 101245

Type of Item: Resolution for Cooperative Agreement with USA to purchase farm land

Committee(s) of Reference: Budget, Planning and Sustainability Committee

Date of Analysis: 7/2/10

Funding Request: \$2.904 million

<p>Operating <input type="checkbox"/></p> <p>Operating Funding Source(s):</p> <p>General Fund <input type="checkbox"/></p> <p>Federal <input type="checkbox"/></p> <p>State <input type="checkbox"/></p> <p>Proprietary <input type="checkbox"/></p> <p>Other (explain) <input type="checkbox"/></p> <p>_____</p> <p>_____</p>	<p>Capital <input checked="" type="checkbox"/> CIP page number</p> <p>Recurring Estimated Operating Cost \$ Unknown</p> <p>Capital Funding Source(s):</p> <p>Building Better Communities GOB Program ( Project 10)</p>
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County Match required:

Yes  \$ 2.904 million % \_\_\_\_\_

No

ISSUES/COMMENTS None

According to CIIS database, after FY 2010-11 this project will not be allocated additional funding until FY 2016-17. The fiscal impact of a land acquisition will be evaluated upon initiating an easement acquisition. Impacts may include monitoring, enforcement, and other costs associated with the acquisition. Should the grant not be accepted there will be no acquisition; however upon acceptance of a grant an acquisition could be approved.