



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Legislative Analysis

Board of County Commissioners

March 15, 2011
9:30 A.M.
Commission Chamber

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Commission Auditor
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Miami, Florida 33128
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**Miami-Dade County Board of County Commissioners
Office of the Commission Auditor**

**Miami-Dade County Board of County Commissioners
Meeting Agenda**

March 15, 2011

Written analyses and notes for the below listed items are attached for your consideration:

Item Number(s)

5(H)
5(I)
7(A)

Acknowledgements

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

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



Legislative Notes

Agenda Item: 5(H)
File Number: 110423
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: March 11, 2011
Type of Item: Miami-Dade Green Technology Corridor
Prime Sponsor: Commissioner Jean Monestime

Summary

This resolution designates certain unincorporated industrial areas bounded by Northwest 127th Street to the North, Northwest 27th Avenue to the East, Northwest 37th Avenue to the West, and the Miami River to the South as the Miami-Dade Green Technology Corridor.

Additional Information

The Office of the Commission Auditor (OCA) conducted research of other jurisdictions that have designated Green Technology Corridors. The following is a summary of OCA's findings:

East Bay Green Technology Corridor

The East Bay Green Corridor was founded in December 2007 by the mayors of Oakland, Berkeley, Richmond and Emeryville, the UC Berkeley Chancellor and then Berkeley Lab Director Steve Chu.

In June 2009, the group added seven new partners—the mayors of Alameda, San Leandro, Albany and El Cerrito, plus the Chancellors of Peralta Community College District and Contra Costa Community College District, and the President of California State University, East Bay¹.

According to the East Bay Green Technology Corridor website², the Green Corridor was established to build upon the region's assets and create a thriving epicenter of green technology innovation, commercialization and local economic development in a manner that creates high quality jobs and addresses environmental and social concerns. While the East Bay is home to an array of related technology development programs, from research to tech transfer and investment, there is no

¹ <http://newscenter.lbl.gov/feature-stories/2010/09/21/east-bay-green-corridor-attracts-funding/>

² <http://www.business.ca.gov/WhyCA/InnovationHubs/EastBayGreenCorridorHub.aspx>

organization that systematically integrates them to generate measurable regional outcomes. The Green Corridor proposes to fill that gap through a targeted, strategic approach through its innovation hub.

Virginia's Green Technology Corridor

In 1993, the New Century Council (Council) was formed to design a strategic plan for the future of the region in West Virginia located off Interstate-81 from Smyth County to the Allegheny Highlands. The Council developed more than 150 strategies to achieve its goals, formed 33 volunteer teams to help implement them, and produced a mountain of research published in a series of reports called Vital Signs. In 1997, the Virginia General Assembly recognized the New Century Region for their regional cooperation and designated the region as Virginia's Technology Corridor or as the NewVa Region. According to the Article, *Now Entering Virginia's Green Technology Corridor*³, the focus in 2007 was to attract companies that are developing green technologies.

I-4 Green Technology Corridor / Tampa Industrial Park

On July 22, 2010, the Hillsborough Board of County Commissioners held a hearing regarding their Comprehensive Plan and the proposed Interstate-4 Green Tech Corridor Future Land Use Policies⁴. After public comment and discussion, a motion was made to transmit the I-4 Plan Amendment with recommended changes from the Planning and Growth Management Department (PGM) presented the afternoon of the hearing. Those changes included decreasing the minimum acreage size in the Green Tech Expansion Area to 30 acres (with 20 acres of buildable upland), assigning the leadership of proposed transportation study to the Planning Commission instead of PGM, modification to the full cost recovery definition, and modification to the exception criteria in the Green Tech Expansion Area. The motion failed 3-3; therefore, the I-4 Green Tech Corridor plan amendment for Hillsborough County was not transmitted to Florida Department of Community Affairs (DCA).

According to the staff report prepared for the July 22, 2010 hearing, the I-4 green Technology Corridor seeks to leverage the corridor's resources, location and infrastructure investments to facilitate economic development that attracts, retains and cultivates high-quality jobs for the citizens of Hillsborough County. Comprehensive land use, infrastructure and economic development policies will provide incentives to target industries to locate along the corridor and promote sustainable economic development.

Prepared By: Elizabeth N. Owens

³ <http://beyondmarketing.mindshot.biz/archives/12>

⁴ <http://www.theplanningcommission.org/hillsborough/hillsboroughevents/i-4-corridor-study>

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



Legislative Notes

Agenda Item: 5(I)
File Number: 110488
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: March 9, 2011
Type of Item: Resolution

Summary

This resolution provides for the following:

- Amends the FY2007, FY2008 and FY2009 Action Plans to reallocate \$1,208,000 in HOME Investment Partnerships Program funds (HOME) to eligible projects.

The funds being reallocated come from activities that were cancelled by U.S. HUD on January 6, 2011 and credited to the County's line of credit. The funds from the cancelled activities can be obligated to other eligible activities, but these funds must be allocated by March 31, 2011.

The cancelled HOME funds are from the following activities:

- Brownsville Affordable Housing Development Corporation, Inc., Tornado Relief Project , HOME Award Amount \$125,000 (IDID Activity I.D. #4492); and
- St. John Community Development Corporation, St. John Village Apartments, HOME Award Amount \$1,083,000 (IDIS I.D. #4827).

The HOME funds from cancelled activities (Activity I.D. #4827 and #4492), are being recommended for reallocation to the following:

- St. John Community Development Corporation, St. John Village Apartments, HOME Award Amount \$1,083,000; and
- Miami-Dade Community Action Agency, Housing Assistance Grant Program, HOME Award Amount \$125,000.

Background and Relevant Legislation

On March 3, 2011, the Board of County Commissioners (Board) approved the FY2011 Action Plan through Resolution R-179-11. The FY2011 Action Plan lists the activities to be carried out to address the goals and objectives of the FY2011 Consolidated Plan which was approved by the Board on November 4, 2010 through Resolution R-1083-10.

The FY2011 Action Plan includes \$25,289,000 in funds for the following programs: Community Development Block Grant (CDBG), HOME, Emergency Shelter Grant (ESG) and State Housing Initiatives Partnership (SHIP). The funding source allocations for these programs are as follows:

- CDBG allocation - \$17,360,000
- HOME allocation - \$6,679,000
- ESG allocation - \$750,000
- SHIP allocation - \$500,000

Additional Information

According to the U.S. Department of Housing and Urban Development (U.S. HUD) website, HOME provides formula grants to states and localities that communities use in partnership with local non-profit groups to fund a wide range of activities that include:

- build, buy, and/or rehabilitate affordable housing for rent or homeownership; and
- provide direct rental assistance to low-income people.

Additionally, HOME is the largest federal block grant to state and local governments designed exclusively to create affordable housing for low-income households. Approximately \$2 billion in HOME funds is distributed annually among the states and hundreds of localities nationwide.

According to the U.S. HUD website, HOME funds are awarded annually as formula grants to participating jurisdictions. U.S. HUD establishes a HOME Investment Trust Fund for each grantee, providing a line of credit that the participating jurisdiction may draw upon as needed. The HOME program's flexibility allows States and local governments to use HOME funds for grants, direct loans, and loans to grantees or other forms of credit enhancement, or rental assistance or security deposits. Participating jurisdictions must have a current and approved Consolidated Plan, which will include an action plan that describes how the jurisdiction will use its HOME funds.

U.S. HUD Cancellation of HOME funds

On June 1, 2010, U.S. HUD adopted a HOME Cancellation Policy, which required that any HOME funded activity, which had not disbursed funds within a 12-month period, be cancelled in HUD's Integrated Disbursements and Information System (IDIS), beginning January 1, 2011, and on the first business day of each month thereafter, U.S. HUD will change the status of any "open" activities in IDIS to "cancelled" when the following occurs:

- the "Initial Funding Date" is over 12 months;
- the "Funded Amount" is greater than \$0; and
- the "Drawn Amount" is \$0

IDIS provides U.S. HUD with current information regarding the program activities underway across the Nation, including funding data. U.S. HUD uses this information to report to Congress and to monitor grantees. IDIS is the draw down and reporting system for CDBG, HOME, ESG and Housing Opportunities for Persons with AIDS (HOPWA).

Furthermore, once the activity is cancelled, any funds that were committed to that activity will no longer be considered committed HOME funds. However, the funds uncommitted from these activities are available to the participating jurisdiction to commit to other projects.

According to the U.S. HUD Initiated Activity Cancellation Report of January 2011, effective January 1, 2011, eight (8) Miami-Dade County HOME activities were cancelled. The cancelled activities and their funding amounts are as follows:

Activity I.D.	Funding Amounts
4075	\$20,000
4095	\$20,000
4096	\$20,000
4490	\$105,677
4492	\$125,000
4568	\$1,250,000
4526	\$69,970
4827	\$1,083,000

On February 8, 2011, Chairman Martinez issued a Memo to the Mayor concerning HUD automatically cancelling the above-mentioned eight (8) HOME activities. The memo requested a detailed report on the activities cancelled by HUD and whether corrective actions were taken.

On March 3, 2011, the County Manager provided a report on the eight (8) cancelled activities to include the following:

- Activity I.D. #4075, #4095 and #4096, funds for these activities were reprogrammed to new homeowners within the same activity;
- Activity I.D. #4490, #4568, and #4826, funds were recaptured and reallocated through Resolution R-67-11; and
- Activity I.D. #4827 and #4492, funding reallocation to be presented to Committee of jurisdiction in March 2011, to be approved by the Board before March 31, 2011.

Questions

The following question was posed to the County Executive Office (CEO) followed by their response:

- Does the cancellation of HOME activities affect the submittal of the FY2011 Action Plan?
According to CEO, the cancelled activities are from previous years and will not affect additional funds.

Prepared by: Mia B. Marin

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



Legislative Notes

Agenda Item: 7(A)
File Number: 110522
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: March 10, 2011
Co-Prime Sponsor: Chairman Joe A. Martinez
Co-Prime Sponsor: Commissioner Bruno A. Barreiro
Co-Sponsor: Commissioner Sally A. Heyman
Type of Item: Ordinance

Summary

This ordinance amends the sections of the County Code relating to the Citizens' Independent Transportation Trust (CITT) and the People's Transportation Plan (PTP) allowing Charter County and Regional Transportation System Surtax Funds be expended for *on-demand transportation service within municipalities for low-income seniors and individuals with disabilities*.

On February 7, 2011, during the Regional Transportation Committee meeting, the item was amended to those trips which are pre-arranged 24 hours in advance.

Under recently amended Florida Statute 212.055 (2010), surtax funds can now be spent on "on-demand" transit services. The term "on-demand transportation services" as defined in Florida Statutes that transportation provided between flexible points of origin and destination selected by individual users with such service being provided at a time that is agreed upon by the user and the provider of the service and that is not fixed-schedule or fixed route in nature.

Currently twenty percent of surtax proceeds are distributed to *most* municipalities within Miami-Dade County for use on transit and transportation projects, with twenty percent of that amount designated for transit projects. According to CITT staff, Islandia, Doral, Miami Gardens, and Cutler Bay do not receive Surtax proceeds.

Use of Surtax Proceeds by Municipalities

On December 15, 2010, the County Attorney provided an analysis as to whether the City of Miami may use its portion of the Charter County and Regional Transportation System Surtax proceeds to fund the operation and maintenance of an on-demand transportation service for low and moderate income senior citizens.

The analysis states that such use of Surtax Proceeds by the City would be a permissible transportation expenditure without the necessity of approval of a Countywide referendum provided that: (1) *the Board of County Commissioners (BCC) amends the enabling ordinance to allow for Surtax Proceeds to be used for on-demand services as now permitted by State statute and (2) such on-demand are available to the public.*

Furthermore, the County Attorney’s analysis states if the BCC does amend the Code to allow on-demand transportation projects, any municipality that chooses to use surtax funds for an on-demand transportation project must first amend its Interlocal Agreement with the County to add such use.

City of Sweetwater

A letter, dated January 6, 2011, from the CITT to the Mayor of Sweetwater, was issued to follow-up on the Audit Report dated January 28, 2010, completed by the Miami-Dade County Audit and Management Services Department (AMS).

The AMS- Charter County Transit System Surtax Review focuses on three issues. Pursuant to the letter, the AMS audit reported that the City of Sweetwater utilized surtax monies to purchase equipment and to fund personnel not in accordance with OCITT procedures and program guidance. In order to not negatively impact the service, the CITT will recapture the funds in a phased manner. *Commencing in January 2011 the Trust will adjust the surtax allocation provided to the City by \$15,000 per month. The balance of surtax proceeds available to the City will be approximately \$20,000 per month which, according to the information provided to the CITT, is sufficient to operate the Shuttle and provide the road maintenance. This procedure will continue until the full amount is recaptured.*

The City was in compliance with the other two issues reported by AMS.

Background and Relevant Information

In 2002, Miami-Dade voters approved the levy of a half-penny sales tax to fund the PTP. Along with levying the tax, voters also approved the creation of the CITT to oversee the PTP. The CITT is currently comprised of 15 members of which 13 are appointed by the Board of County Commissioners, one is appointed by the County Mayor, and one is appointed by the Miami-Dade League of Cities.

According to the CITT website, CITT staff “coordinates public outreach efforts to inform the community regarding the improvements that have been implemented using surtax funds.” The CITT is fully funded with proceeds from the PTP surtax.

Policy Change and Implication

The proposed ordinance does not require municipalities to provide this service, and does not provide an implementation process for municipalities to follow.

The Office of the Commission Auditor conducted a cursory review of the CITT and PTP recent legislation and provides notes in the table below.

Ordinance/ Resolution	Date	Description
Ord. 02-116	7/9/2002	Ordinance establishing the ½ percent Charter County Transit System Surtax.
Ord. 02-117	7/9/2002	Ordinance creating the Citizens’ Independent Transportation Trust.
R-966-03	9/9/2003	Deletes a street widening project described as N.W. 170 Street which would have widened this street from two lanes to four lanes.
R-965-03	9/9/2003	Incorporates bus service improvements into the People’s Transportation Plan (PTP).
R-1154-03	10/9/2003	Approves additional miscellaneous capital improvement projects.
R-64-04	1/20/2004	Approves the amendment to the PTP Bus Service Plan to reflect the Dec. 7, 2003 line-up.
R-87-04	1/20/2004	Approves a 2-year plan for the Public Works Department’s PTP plan for FY 2003-04 and 2004-05.
R-421-04	4/13/2004	Discontinues the Overnight Metrorail and Metromover service.
R-422-04	4/13/2004	Amends the PTP to revert to a five-year bus service improvement plan.
R-507-04	4/27/2004	Amends the Neighborhood Improvement section of the PTP to include roadway signage, lighting, pavement markings, and traffic calming devices.
R-729-04	6/8/2004	Modifies the transit fare schedule to allow county residents to use the transit system without paying a fare if they (a) are honorary discharged veterans, and (b) their household income

Ordinance/ Resolution	Date	Description
		does not exceed the standard threshold applied to determine eligibility for low-income, senior citizens.
R-730-04	6/8/2004	Amends the PTP to create the Patriot Passport demonstration program.
R-846-04	7/13/2004	Approves a loan in aggregate principal amount not to exceed \$100,000,000 from Sunshine State Governmental Financing Commission
R-1240-04	10/19/2004	Amends the PTP to allow for the procurement of 12 new Metromover vehicles and the retrofit and modification of the remaining 17 vehicles.
R-1391-04	11/30/2004	Adjusts the Public Works Department's 20year plan and removing School Flashing Signals from the District Commission's yearly allocation and reassigning it within the Countywide Neighborhood Improvements Section.
R-1365-04	11/30/2004	Amends the PTP to include Paratransit/Special Transportation Services (STS) as an eligible project for the Surtax in an amount not to exceed \$55.4 million.
Ord. 05-148	7/7/2005	Provides for a loan of Surtax funds (a line of credit) to the Transit Department at a 3% interest rate to fund services existing as of Nov. 5, 2002, contingent on certain conditions.
R-252-06	3/7/2006	Provides for the issuance of \$200,000,000 aggregate principal amount of Miami-Dade County, Florida Transit System Sales Surtax Revenue Bonds, Series 2006 (the "Series 2006 Bonds") for the purpose of paying costs of certain Transportation and Transit Projects (the "Series 2006 Project").
R-531-06	5/9/2006	Modifies the scope for the NW 74 Street Project to six new lanes from the Homestead Extension of the Florida Turnpike (HEFT) to the Palmetto Expressway (SR 826) and deletes the NW 97 Avenue Project from NW 25 Street to NW 41 Street.
R-246-07	3/6/2007	Modifies the scope for the PTP project along South Bayshore Drive, from McFarlane Road to Aviation Avenue, and change the limits of the project to Darwin Street to Mercy Way.
R-308-07	3/6/2007	Includes a public education campaign including Miami-Dade County Public Schools promoting short-term solutions to alleviate traffic congestion in an amount not to exceed \$350,000.
R-34-08	1/10/2008	Amends the Board-requested Major Roadway and Neighborhood Improvement Projects list in Exhibit 1 of the People's Transportation Plan to delete the SW 87 Avenue, from SW 216 Street to SW 168 Street Project and add the Old Cutler Road, from SW 97 Avenue to SW 87 Avenue and Caribbean Boulevard, from Coral Sea Road to SW 87 Avenue Projects.
R-320-08	4/8/2008	Amends the PTP to allow for the use of Surtax funds for projects other than those related to the Orange Line only if each fiscal year an annual allocation is made specifically to projects related to the Orange Line.
R-319-08	4/8/2008	Provides for the issuance of not to exceed \$300,000,000 aggregate principal amount of Miami-Dade County, Florida Transit System Sales Surtax Revenue Bonds, Series 2008 (the "Series 2008 Bonds"), as the second Series of Bonds under the provisions of the Master Ordinance, for the purpose of paying costs of certain Transportation and Transit Projects (the "Series 2008 Project") and refunding the R-846-04 Sunshine State Governmental Financing Commission Loan of which \$82,915,000 was outstanding.
R-486-08	5/6/2008	Amends the PTP Miscellaneous Capital Improvements Projects List to include the purchase of 17 new Metromover replacement vehicles.
R-488-08	5/6/2008	Amends the PTP regarding the purchase of new Metrorail vehicles to include the procurement of 136 new Metrorail Vehicles, in lieu of their Rehabilitation (funding for the mid-life rehabilitation of the Metrorail and Metromover vehicles was approved by R-831-02 on 7/23/2002), in an amount not to exceed \$401,451,000.
R-222-09	3/3/2009	Amends Exhibit 1 to the People's Transportation Plan. Surtax funds may be utilized for any costs related to capital and/or the operations and maintenance of the transit system. The transit projects listed in Exhibit 1 are illustrative examples but not exclusive uses for surtax funds. Said projects and prior amendments to Exhibit 1, with the exception of the Reinvestment Schedule identified in CITT Resolution No. 05-025, are subject to modification by the approval of the annual budget ordinance(s). Dedicates at least 10 percent of the County's annual share of surtax funds, excluding existing and future debt service, for capital expansion of the transit system.
R-424-09	4/21/09	Approved the expenditure of Charter County Transit System Sales Surtax funds, not to

Ordinance/ Resolution	Date	Description
		exceed \$3,000 and payable through the Office of the Citizens' Independent Transportation Trust departmental budget, to permit CITT member Marilyn Smith to attend the Bus Rapid Transit Conference, nationally recognized as the largest most comprehensive learning experience on the topic of bus transportation and related technologies.
Ord. 10-53	9/21/10	Requires the establishment of a five year implementation plan; establishing procedures for modifications to the five year implementation plan; providing that the trust submit a recommendation to the BCC prior to BCC awarding of certain contracts.

Attachment:

CITT-Transportation TAX Distribution to Municipalities FY 2010 (first five months) and 2011 (first five months) distribution comparison of figures as provided in FAMIS.

Prepared by: Michael Amador-Gil

CITT - SURTAX DISTRIBUTION TO MUNICIPALITIES

			Oct - Feb 2010	Oct - Feb 2011	Year over Year	
			YTD - Actual Total	YTD - Actual Total	\$ Variance	% Variance
TTMUNAVENTUR	CITY OF AVENTURA	61520	281,273	298,463	17,190	6.1%
TTMUNCORGABL	CITY OF CORAL GABLES	61520	413,918	438,363	24,445	5.9%
TTMUNFLORCIT	CITY OF FLORIDA CITY	61520	89,245	97,984	8,739	9.8%
TTMUNHIALEAH	CITY OF HIALEAH	61520	2,091,925	2,183,436	91,511	4.4%
TTMUNHIAGARD	CITY OF HIALEAH GARDENS	61520	189,707	201,334	11,627	6.1%
TTMUNHOMESTD	CITY OF HOMESTEAD	61520	535,754	562,117	26,363	4.9%
TTMUNICMIAMI	CITY OF MIAMI	61520	3,670,556	3,952,928	282,372	7.7%
TTMUNMIABEAC	CITY OF MIAMI BEACH	61520	860,004	897,336	37,332	4.3%
TTMUNMIASPRG	CITY OF MIAMI SPRINGS	61520	124,603	129,544	4,941	4.0%
TTMUNNORBAYV	CITY OF NORTH BAY VILLAGE	61520	57,330	65,529	8,199	14.3%
TTMUNNORMIAM	CITY OF NORTH MIAMI	61520	549,582	567,436	17,854	3.2%
TTMUNNORMIAB	CITY OF NORTH MIAMI BEACH	61520	374,794	389,080	14,286	3.8%
TTMUNOPALOCK	CITY OF OPALOCKA	61520	139,760	146,074	6,314	4.5%
TTMUNSOMIAMI	CITY OF SOUTH MIAMI	61520	99,509	108,286	8,777	8.8%
TTMUNSUNISLE	CITY OF SUNNY ISLES BEACH	61520	178,059	190,739	12,680	7.1%
TTMUNSWEETWR	CITY OF SWEETWATER	61520	130,909	114,318	-16,591	-12.7%
TTMUNWESTMIA	CITY OF WEST MIAMI	61520	52,287	54,835	2,548	4.9%
TTMUNBALHARV	TOWN OF BAL HARBOR VILLAGE	61520	29,084	31,774	2,690	9.2%
TTMUNBAYHARI	TOWN OF BAY HARBOR ISLANDS	61520	47,104	49,118	2,014	4.3%
TTMUNGOLDENB	TOWN OF GOLDEN BEACH	61520	8,694	9,083	389	4.5%
TTMUNIMEDLEY	TOWN OF MEDLEY	61520	10,344	10,798	454	4.4%
TTMUNMIALAKE	TOWN OF MIAMI LAKES	61520	218,686	217,978	-708	-0.3%
TTMUNSURFSID	TOWN OF SURFSIDE	61520	52,968	55,380	2,412	4.6%
TTMUNBISCPAR	VILLAGE OF BISCAYNE PARK	61520	30,240	31,073	833	2.8%
TTMUNELPORTA	VILLAGE OF EL PORTAL	61520	23,020	23,918	898	3.9%
TTMUNKEYBISC	VILLAGE OF KEY BISCAYNE	61520	105,280	110,278	4,998	4.7%
TTMUNMIASHOR	VILLAGE OF MIAMI SHORES	61520	96,039	103,225	7,186	7.5%
TTMUNPALMBAY	VILLAGE OF PALMETTO BAY	61520	230,519	241,507	10,988	4.8%
TTMUNPINCRST	VILLAGE OF PINECREST	61520	177,880	186,967	9,087	5.1%
TTMUNVIRGARD	VILLAGE OF VIRGINIA GARDENS	61520	21,316	21,911	595	2.8%