



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

**Board of County Commissioners Meeting**

December 2, 2014  
9:30 A.M.  
Commission Chamber

**Research Division**

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**Board of County Commissioners  
December 2, 2014 Meeting  
Research Notes**

Item No.	Research Notes		
<b>4A 142298</b>	ORDINANCE RELATING TO MOTOR VEHICLE REPAIR; AMENDING SECTIONS 8A-161.1, 8A-161.26, AND 8A-161.27 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING RECOGNITION OF MECHANICS CERTIFICATION EXAMINATION BY AMERICAN ADVANCED TECHNICIANS INSTITUTE (AATI); MODIFYING EXEMPTION FROM DIRECTOR'S CERTIFICATION; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE		
<b>Notes</b>	The proposed ordinance relating to motor vehicle repair, amends Sections 8A-161.1, 8A-161.26, and 8A-161.27 of the Code of Miami-Dade County (Code), providing recognition of mechanics certification examination by American Advanced Technicians Institute (AATI), and modifying exemption from Director's certification.		
<b>Comparison of Current Code and the Proposed Amendments</b> <i>Sections 8A-161.1, 8A-161.26, and 8A-161.27 of the Code</i> <i>Motor Vehicle Repair Ordinance</i>			
<b>Section of Code</b>	<b>Current Code</b>	<b>Proposed Amendments</b> <i>Bold refers to proposed amendments.</i>	<b>Notes</b>
Sec. 8A-161.1(c)  <b>Motor Vehicle Repair Ordinance - Definitions</b>	N/A	<b>AATI shall mean the certification examinations designed and administered by the American Advanced Technicians Institute.</b>	<i>Adds AATI, and renumbers remaining subsection of the Code.</i>
Sec. 8A-161.26(c)  <b>Motor Vehicle Repair Ordinance – Certification Required; Contents of Application.</b>	Documentation demonstrating that the applicant has successfully passed the ASE examination, or other examination approved by the Director, in the specific repair work categories for which the applicant is applying.	Documentation demonstrating that the applicant has successfully passed <b>the AATI examination</b> , the ASE examination, or other examination approved by the Director, in the specific repair work categories for which the applicant is applying.	<i>Provides recognition of mechanics certification examination by AATI.</i>
Sec. 8A-161.27(1)  <b>Motor Vehicle Repair Ordinance – Examination of Mechanics and Technicians Required; Contents of Examination; Testing by Other Agencies.</b>	Effective January 1, 1999, all applicants for certificates shall, every five (5) years, be required to have passed an ASE examination or other examination approved by the Director, designed to test the applicant's competency to correctly diagnose and perform repair work in the specific repair work certification category for which the applicant is applying. The examination shall be offered in English, Spanish and Creole; provided, however, in the event an examination in three (3) languages is not developed and ready for implementation by October 1, 1998, the requirement that the examination be offered in three (3) languages shall be eliminated. In addition to ASE, the Director may approve additional agencies for the purpose of administering such examinations.	Effective January 1, 1999, all applicants for certificates shall, every five (5) years, be required to have passed <b>an AATI examination</b> , an ASE examination, or other examination approved by the Director, designed to test the applicant's competency to correctly diagnose and perform repair work in the specific repair work certification category for which the applicant is applying. The examination shall be offered in English, Spanish and Creole; provided, however, in the event an examination in three (3) languages is not developed and ready for implementation by October 1, 1998, the requirement that the examination be offered in three (3) languages shall be eliminated. In addition to <b>AATI and ASE</b> , the Director may approve additional agencies for the purpose of administering such examinations.	<i>Providing recognition of mechanics certification of AATI examination.</i>
Sec. 8A-161.27(2)  <b>Motor Vehicle Repair Ordinance – Examination of Mechanics and Technicians Required; Contents of Examination; Testing by Other Agencies.</b>	Any person who demonstrates, in a sworn statement approved by the Director, that <b>as of December 31, 1998</b> , he or she <b>had</b> performed motor vehicle repair or paint and body work for <b>at least twenty (20) years</b> and he or she <b>was</b> at least sixty (60) years of age <b>on December 31, 1998</b> , may obtain a certificate, provided the person meets all other requirements of this article.	Any person <b>who previously obtained certification pursuant to Section 8A-161.26 and</b> who demonstrates, in a sworn statement approved by the Director, that he or she <b>has</b> performed motor vehicle repair or paint and body work for <b>the past ten (10) years</b> , and that he or she <b>is</b> at least sixty (60) years of age, may obtain a certificate <b>without having to, every five (5) years, pass an examination administered by AATI, ASE, or other agency approved by the Director</b> , provided the person meets all other requirements of this article.	<i>Modifies exemption from Director's certification.</i>

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4B 142300	ORDINANCE RELATING TO MOTOR VEHICLE REPAIR; AMENDING SECTIONS 8A-161.1, 8A-161.3, 8A-161.34 AND 8A-161.34.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; MODIFYING EXEMPTIONS PERTAINING TO MOTOR VEHICLE REPAIR; MODIFYING PAINT AND BODY REPAIR FACILITY SUBCONTRACTING PROVISIONS; MODIFYING PROVISIONS PERTAINING TO ITEMS REQUIRED FOR MOTOR VEHICLE REPAIR AND PAINT FACILITIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE
Notes	<p>The proposed ordinance relating to Motor Vehicle Repair, amends Sections 8A-161.1, 8A-161.3, 8A-161.34 and 8A-161.34.1 of the Code of Miami-Dade County (Code), modifying exemptions pertaining to motor vehicle repair, modifying paint and body repair facility subcontracting provisions, and modifying provisions pertaining to items required for motor vehicle repair and paint facilities.</p> <p>Highlights of the amendments are:</p> <ul style="list-style-type: none"> <li>• <b>When engaged primarily in the activity of servicing owned fleets, performs or offers to perform repair work on non-owned fleets, provided that all of the following conditions are satisfied:</b> <ul style="list-style-type: none"> <li>○ The person performs repair work for non-owned commercial fleets comprised solely of heavy-duty trucks;</li> <li>○ The repair work is performed on the basis of a written contract or other service agreement for a duration of no less than one (1) year, executed by the owner of the commercial fleet and the person performing the repair work;</li> <li>○ The repairs are performed by an employee of the person;</li> <li>○ Revenue generated from repair work on non-owned fleets does not exceed 10 percent of total revenues;</li> <li>○ The person submits to the Department an application for exemption on a form prescribed by the Director, which shall contain all the information required by that form, including but not limited to: <ul style="list-style-type: none"> <li>i. Sufficient information to identify the applicant, including the applicant’s full legal name, date of birth or date of formation of legal entity, telephone numbers, all business addresses, and any trade name under which the applicant operates, intends to operate, or has previously operated. Post office box addresses shall not be accepted;</li> <li>ii. Documentation demonstrating that all corporate or partnership applicants are qualified to do business under the laws of Florida;</li> <li>iii. Documentation demonstrating applicant has satisfied the conditions set forth in subsections (a), (b), (c) and (d) above; and</li> <li>iv. A photocopy of the local business tax receipt of the applicant</li> </ul> </li> <li>○ A sign measuring not less than two (2) feet in width and three (3) feet in length is posted in a conspicuous place inside the business premises announcing, in legible written form, the following:  “<i>This facility is not a motor vehicle repair shop and is only authorized to perform repair work on commercial fleets comprised solely of heavy-duty trucks based upon a pre-existing contract or service agreement. This facility and its employees are not permitted to charge anyone for performing heavy-duty truck repairs outside of the terms of the aforementioned contract or service agreement.</i>”</li> </ul> </li> <li>• Upon the expiration of any garage liability insurance or garage-keepers legal liability insurance policy, each motor vehicle body repair facility and each motor vehicle paint facility shall provide the Director proof of garage liability insurance and garage-keepers legal liability insurance in the form of current certificates of insurance.</li> <li>• Guarantees for workmanship of repair work, including paint and material, if any, which shall be prominently displayed to the public on the premises, and shall state the mileage or time periods for which the guarantees are effective.</li> <li>• Each motor vehicle body repair facility and each motor vehicle paint facility shall possess the specialized equipment identified in the list of motor vehicle repair specialized equipment established by implementing order, and all such equipment shall be operable.</li> <li>• Notwithstanding the foregoing, each motor vehicle body repair facility or motor vehicle paint facility which employs at least one certified painting and refinishing technician, or one non-structural analysis and damage repair technician, or one structural analysis and damage repair technician, and holds itself out as providing specified repair services, but does not have in its employ at least one certified technician in all three of the abovementioned categories, may be deemed to comply, provided: <ul style="list-style-type: none"> <li>○ The motor vehicle body repair facility or motor vehicle paint facility has disclosed on its application that it subcontracts with another facility and the subcontracted facility employs at least one certified painting and refinishing technician, or one non-structural analysis and damage repair technician, or one structural analysis and damage repair technician, and has received a motor vehicle repair registration from the Director; and</li> <li>○ The motor vehicle body repair facility or motor vehicle paint facility obtains from the customer, regardless of whether the customer leaves the motor vehicle at the facility during hours when the shop is not open or if the customer permits the shop or another person to deliver the motor vehicle to the facility, prior to the commencement of the repair work, a signed acknowledgment related specifically to the category of repairs to be subcontracted and which discloses the following language in no less than ten-point bold face type:  “<i>This shop does not have a certified painting and refinishing technician in its employ for (describe the type of repair work). Repairs of this type will be subcontracted to another motor vehicle repair shop identified as (state the registration number)</i>”; or  “<i>This shop does not have a certified structural analysis and damage repair technician in its employ for (describe the type of repair work). Repairs of this type will be subcontracted to another motor vehicle repair shop identified as (state the registration number).</i>” Or  “<i>This shop does not have a certified non-structural analysis and damage repair technician in its employ for (describe the type of repair work). Repairs of this type will be subcontracted to another motor vehicle repair shop identified as (state the registration number).</i>”</li> </ul> </li> </ul>
4C 142311	ORDINANCE AMENDING CONFLICT OF INTEREST AND CODE OF ETHICS ORDINANCE; AMENDING SECTION 2-11.1 (T) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA RELATED TO CONE OF SILENCE; AMENDING EXCEPTION TO CONE OF SILENCE FOR VENDOR PRESENTATIONS AT

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	SELECTION COMMITTEE MEETINGS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE
<b>Notes</b>	<p>The proposed ordinance amends the Conflict Of Interest And Code Of Ethics Ordinance, amending Section 2-11.1 (t) of the Code of Miami-Dade County, related to Cone Of Silence, amending exception to Cone Of Silence for vendor presentations at selection committee meetings.</p> <p>In 2011 the Florida Legislature adopted CS/HB 7223 which amended Florida's Sunshine Laws to exempt competitive contract negotiation meetings and vendor presentations during selection committee meetings from the public meeting requirement. Subsequently, on October 7, 2014, the BCC adopted Ordinance No. 14-96, with similarly exempted negotiation meetings from the County's Cone of Silence but did not exempt vendor presentations during selection committee meetings from the Cone of Silence.</p> <p>The proposed ordinance, consistent with the 2011 change in State Law and policy, removes this prohibition from the Cone of Silence subject to recording the vendor presentations at selection committee meetings to better comply with the public policy of the state and improve the level of solicitations in the County.</p>
<b>4D 142528</b>	ORDINANCE RELATING TO HISTORIC PRESERVATION; AMENDING SECTION 16A-10 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, PERTAINING TO OWNER-INITIATED PETITIONS FOR DESIGNATION; REQUIRING, FOR A CONDOMINIUM OR COOPERATIVE PROPERTY, AT LEAST 75 PERCENT OF UNIT OWNERS OF THE CONDOMINIUM PROPERTY, OR AT LEAST 75 PERCENT OF OWNERSHIP INTERESTS IN THE COOPERATIVE PROPERTY, TO JOIN IN A PETITION TO INITIATE AN HISTORICAL DESIGNATION PROCEEDING; CLARIFYING SCOPE OF PROVISION GOVERNING OWNER-INITIATED PETITIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE
<b>Notes</b>	<p>The proposed ordinance, relating to Historic Preservation, amends Section 16A-10 of the Miami-Dade County Code pertaining to owner-initiated petitions for designation; requiring, for a condominium or cooperative property, at least 75 percent of unit owners to join in a petition to initiate a historical designation proceeding; clarifying scope of provision governing owner-initiated petitions.</p> <p>In addition, the proposed amendments provide that, the petition must provide the Historic Preservation Board with evidence that the petitioning owners are in good standing with the board or association, if any, of the condominium or cooperative property, and must also provide a statement indicating the position of said board or association, if any, as to whether designation of the property should be initiated.</p> <p>Currently, the County's Historic Preservation Ordinance, Chapter 16A of the Code, provides that historic designation proceedings may be initiated by petition of the owners of any property. However, the Ordinance does not provide any requirements relating to the number of owners that must join the owner initiated petition process, where the subject of the petition is a condominium or cooperative property.</p> <p><b><u>Additional Information</u></b></p> <p>On October 7, 2014, the BCC passed an ordinance on first reading, File No. 142033, elating to historic preservation, amending Section 16A-3.1 of the Code, to allow municipalities the opportunity to enact their own historic preservation ordinances. Providing municipalities with greater opportunity to control matters of historic preservation within their respective jurisdictions.</p> <p>On June 30, 2014, the National Trust for Historic Preservation listed Bay Harbor's East Island on its 2014 America's 11 Most Endangered Historic Places. This annual list spotlights important examples of the nation's architectural, cultural, and natural heritage that are at risk of destruction or irreparable damage. More than 250 sites have been on the list over its 27-year history. As a result of this listing, only a handful of these sites have been lost.</p> <p>Bay Harbor's East Island is one of the largest concentrations of mid-century Miami Modern (MiMo) style architecture in the country. MiMo is Miami's unique interpretation of the mid-century Modern movement, adapted to suit the local climate. MiMo embodied the mid-century ideals of progress, looking forward towards the future.</p>
<b>4E 142481</b>	ORDINANCE AMENDING BY A TWO-THIRDS VOTE OF THE COMMISSION MEMBERSHIP SECTION 29-124 OF THE CODE OF MIAMI-DADE COUNTY TO EXPAND CITIZENS' INDEPENDENT TRANSPORTATION TRUST REVIEW TO ALL CONTRACTS PROCURED BY OR ON BEHALF OF MIAMI-DADE TRANSIT REGARDLESS OF FUNDING SOURCE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE
<b>Notes</b>	<p>The proposed ordinance amends, by a two-thirds vote of the Commission membership, Section 29-124 of the Miami-Dade County Code to expand the Citizens' Independent Transportation Trust (CITT) review to all contracts procured by or on behalf of Miami-Dade Transit regardless of funding source. <i>Currently, the CITT reviews the expenditure of surtax proceeds for transportation and transit projects.</i></p>
<b>4F 142594</b>	ORDINANCE RELATING TO THE FONTAINEBLEAU MUNICIPAL ADVISORY COMMITTEE CREATED TO STUDY THE POSSIBLE INCORPORATION OF A MUNICIPALITY IN THE FONTAINEBLEAU AREA; PROVIDING THAT NOTWITHSTANDING ANY OTHER MIAMI-DADE COUNTY ORDINANCE OR CODE SECTION TO THE CONTRARY, THE FONTAINEBLEAU MUNICIPAL ADVISORY COMMITTEE SHALL CONTINUE IN EXISTENCE FOR A PRESCRIBED PERIOD OF TIME TO COMPLETE ITS RESPONSIBILITIES; PROVIDING SEVERABILITY, EXCLUSION IN THE CODE, AND AN EFFECTIVE DATE
<b>Notes</b>	<p>The proposed ordinance provides that the Fontainebleau Municipal Advisory Committee, created to study the possible incorporation of a municipality in the Fontainebleau area, will continue in existence until the latter of:</p> <ul style="list-style-type: none"> <li>• The date the BCC votes to defer, approve or deny a resolution submitting the incorporation question to the resident electors of the Fontainebleau area; or</li> <li>• Six (6) months from the effective date of this ordinance.</li> </ul> <p>On June 4, 2002, the BCC adopted Resolution No. R-598-02, which created the Fontainebleau Municipal Advisory Committee and directed the committee to study the possible incorporation of a municipality in the Fontainebleau area and the BCC adopted Ordinance No. 03-109</p>

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	<p>on May 6, 2003, establishing the Fontainebleau Municipal Advisory Committee.</p> <p>On September 4, 2007, the BCC adopted Ordinance No. 07-120, which resulted in the suspension of the processing of incorporation proposals. On January 24, 2012, the BCC adopted Ordinance No. 12-24, which repealed Ordinance No. 07-120 and in December 2012, the Fontainebleau Municipal Advisory Committee was reorganized and began to meet again.</p>
<b>4G 142598</b>	<p>ORDINANCE PERTAINING TO THE MIAMI-DADE COUNTY EXPRESSWAY AUTHORITY; AMENDING SECTION 2-129 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO CODIFY PROVISIONS OF CHAPTER NO. 2014-183, LAWS OF FLORIDA (SB 846), TO PROVIDE THAT A LOBBYIST MAY NOT BE APPOINTED TO SERVE ON THE AUTHORITY, AND REQUIRE THE CLERK OF THE BOARD TO INCLUDE SUCH LANGUAGE IN BALLOTS UTILIZED BY THE BOARD OF COUNTY COMMISSIONERS TO APPOINT MEMBERS TO THE AUTHORITY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE</p>
<b>Notes</b>	<p>The proposed ordinance, pertaining to the Miami-Dade County Expressway Authority (MDX), amends Section 2-129 of the Miami-Dade County Code, to codify provisions of Chapter No. 2014-183, Laws of Florida (SB 846), to provide that a lobbyist may not be appointed to serve on the Authority, and to require the Clerk of the Board to include such language in ballots utilized by the BCC to appoint members to the Authority.</p> <p>Section 112.3215, Florida Statutes, currently contains the following definitions:</p> <ul style="list-style-type: none"> <li>• Lobbying firm: means a business entity, including an individual contract lobbyist, that receives or becomes entitled to receive any compensation for the purpose of lobbying, where any partner, owner, officer, or employee of the business entity is a lobbyist.</li> <li>• Lobbyist: means a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity.</li> <li>• Lobbyist <u>does not</u> include a person who is: <ul style="list-style-type: none"> <li>○ An attorney, or any person, who represents a client in a judicial proceeding or in a formal administrative proceeding conducted pursuant to chapter 120 or any other formal hearing before an agency, board, commission, or authority of this state.</li> <li>○ An employee of an agency or of a legislative or judicial branch entity acting in the normal course of his or her duties.</li> <li>○ A confidential informant who is providing, or wishes to provide, confidential information to be used for law enforcement purposes.</li> <li>○ A person who lobbies to procure a contract pursuant to chapter 287 which contract is less than the threshold for CATEGORY ONE as provided in s. 287.017.</li> </ul> </li> </ul> <p><b>Additional Information</b> MDX's 13-member board of directors is made up of 12 non-paid local business and civic leaders. The 13th member is the Florida Department of Transportation District Six Secretary, who serves as an ex-officio MDX board member. Of the 12 volunteers, Florida's Governor appoints five and the Miami-Dade Board of County Commissioners appoints the remaining seven members. Additionally, MDX operates in Miami-Dade County with a staff of approximately 46 professionals.</p>
<b>4H 142595</b>	<p>ORDINANCE RELATING TO COUNTY STEVEDORE LICENSES AND SEAPORT STEVEDORE PERMITS; AMENDING SECTION 28A-6 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; DELETING STEVEDORING NEEDS ASSESSMENT REQUIREMENT; INCREASING LICENSE AND PERMIT DURATIONS; AUTHORIZING PORT DIRECTOR TO ISSUE COUNTY STEVEDORING LICENSES AND SEAPORT STEVEDORING PERMITS; EXPANDING EXISTING STEVEDORING LICENSE AND PERMIT ISSUANCE CRITERIA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE</p>
<b>Notes</b>	<p>The proposed ordinance amends Section 28A-6 (6.1-6.7) of the Code of Miami-Dade County providing for modifications to the stevedore permit renewal process enabling stevedoring firms to renew their business permits every three years instead of annually; deleting the stevedoring needs assessment requirement, thereby allowing the PortMiami Director to expand the number of stevedoring providers on port; expanding stevedoring license and permit criteria; and authorizing the PortMiami Director to issue County stevedoring licenses and PortMiami stevedoring permits. <i>Currently, the Code provides that the County Manager will present the application with his recommendation to the BCC for issuance of a license.</i></p> <p><b>Fiscal Impact</b> Permittees will now be required to pay for three years of stevedoring permit fees at the current PortMiami Terminal Tariff No. 010 annual stevedoring permit rate. Each stevedoring provider will pay the three year permit fee upfront valued at \$17,400 or, if deemed credit worthy by the Port Director will pay the fee in annual installments (\$5,800 per year). PortMiami currently has a total of ten stevedoring companies licensed and permitted to do business at the port. Stevedoring licenses will continue to be processed at no charge.</p> <p><b>Background</b> In an effort to streamline the permit renewal process for stevedoring firms, PortMiami proposes to change the duration of port stevedoring permits and County stevedoring licenses from one (1) year to three (3) years. Under this proposed ordinance, any Port stevedoring permit or County stevedoring license issued by the PortMiami Director after January 1, 2015 will expire three years after date of permit issuance unless earlier revoked or suspended by the PortMiami Director. Most port permitted stevedoring firms have been permitted and licensed for many years and the information currently required to be submitted annually seldom changes.</p> <p>Additionally, the proposed ordinance deletes the current stevedoring needs assessment requirement. Under the current ordinance, the</p>

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	<p>PortMiami Director may limit the number of permitted stevedores based on a needs assessment. The recommended ordinance would delete the needs assessment requirement, thereby allowing for the PortMiami Director to permit any qualifying applicant. The issuance of additional permits may increase the number of available and competing stevedoring providers which could reduce stevedoring costs for the PortMiami's cruise and cargo line customers.</p> <p>The proposed ordinance also expands current stevedoring permit issuance criteria in order to address the importance of stevedoring firms having sufficient and suitable equipment to efficiently and safely meet the stevedoring needs of the PortMiami's cruise and cargo line customers. With the adoption of this ordinance, and the related proposed resolution amending Implementing Order 4-4 and Port Terminal Tariff No. 010, Item 714, stevedoring firms will be required to pay the three (3) year permit fee at the applicable Port Terminal Tariff No. 010 PortMiami stevedoring permit rate. However, stevedoring firms may request that their three-year permit fee be paid in three annual payments, provided that applicants remain obligated for the full three-year fee even if they withdraw or cease using the permit prior to the expiration of the three (3) year term.</p> <p><b>Additional Information</b>  <a href="http://www.law360.com/articles/446162/fla-county-takes-port-permit-case-to-supreme-court">http://www.law360.com/articles/446162/fla-county-takes-port-permit-case-to-supreme-court</a>            May 30, 2013 -- <i>Miami-Dade County has asked the U.S. Supreme Court to overturn an Eleventh Circuit ruling that upheld a \$4 million judgment over its refusal to issue a port permit to a Florida company that loads and unloads ships, saying it didn't block interstate commerce.</i></p> <p><i>The Eleventh Circuit said the county's repeated refusals to issue the Port of Miami permit violated the dormant commerce clause, which prohibits states and local governments from enacting legislation or practices that impact interstate commerce by discriminating against out-of-state companies. But the county, in a petition filed May 23, says the appeals court's reasoning doesn't wash since the company in question, Florida Transportation Service Inc., is an in-state company.</i></p> <p><i>Between 1999 and 2005, FTS had a Miami-Dade stevedoring license allowing it to stevedore anywhere in the county except for the Port of Miami, which is owned by the county, according to the petition for writ of certiorari. Stevedores who wanted to provide services at the Port of Miami had to apply for and receive an annually issued permit. Miami-Dade limited the permits it issued because the port has limited land and facilities, and it wanted to prevent competition that might arise if there were too many stevedores at the port and too few customers. Once companies received the Port of Miami permit, the county automatically renewed the permit as long as the permit holder continued to meet requirements and pay annual fees.</i></p> <p><i>Miami-Dade says that between 1999 and 2005, the Port of Miami's eight to nine stevedores — which included out-of-state companies — fulfilled its needs, so it refused to hire additional stevedores. Within those years, FTS filed annual applications for a Port of Miami permit, but it was denied each time, as the county believed the port was saturated. In 2005, FTS sued Miami-Dade, claiming its denials violated the dormant commerce clause, and a district court in 2010 ruled in FTS' favor. U.S. District Judge Adalberto Jordan also called Miami-Dade's permit rule a "protectionist scheme" that insulated its approved stevedores from new competition.</i></p> <p><i>The Eleventh Circuit upheld the lower court ruling and a nearly \$4 million judgment against the county. The case is Miami-Dade County v. Florida Transportation Services Inc., case number 12-1387, in the Supreme Court of the United States.</i></p> <ul style="list-style-type: none"> <li>• What was the outcome of the Supreme Court case?</li> </ul>
<b>5E 142376</b>	<p>RESOLUTION AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE AN ENERGY PERFORMANCE CONTRACT WITH FPL SERVICES LLC, PURSUANT TO SECTION 489.145 (4)(D) OF THE FLORIDA STATUTES, FOR PROVIDING FOR FPL SERVICES LLC TO CONSTRUCT NOT MORE THAN \$34,000,000.00 INCLUSIVE OF FINANCING COSTS IN ENERGY CONSERVATION MEASURES AT MIAMI INTERNATIONAL AIRPORT TERMINAL; AUTHORIZING THE MAYOR OR THE MAYOR'S DESIGNEE TO EXECUTE A THIRD-PARTY LEASE FINANCING AGREEMENT (THE "FINANCING") TO FUND THE PROJECT COST AND ANY RELATED FINANCING COSTS IF THE TERMS AND CONDITIONS ARE FAVORABLE AND ACCEPTED BY THE COUNTY, AND ANY OTHER AGREEMENTS NECESSARY TO EFFECTUATE THE TERMS OF THIS CONTRACT; AUTHORIZING THE MAYOR OR THE MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS OF THE CONTRACT, INCLUDING THE TERMINATION AND THE EXTENSION PROVISIONS; APPROVING THIRD PARTY FINANCING FOR THE PROJECT AFTER PUBLIC HEARING AS REQUIRED BY SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, IN AN AMOUNT NOT TO EXCEED \$34,000,000.00; AND WAIVING RESOLUTION NO. R-130-06</p>
<b>Notes</b>	<p>The proposed resolution authorizes the Mayor or designee to execute an Energy Performance Contract and Service Agreement between FPL Services, LLC and the Aviation Department to implement energy conservation measures in the Miami International Airport Terminal and related financing costs in an amount not to exceed \$34,000,000.00 and approve the third-party financing after a public hearing pursuant to Section 147(f) of the Internal Revenue Code of 1986 (Code).</p> <p><b>Delegation of Authority</b>            In addition to the authority to execute and implement this contract, the Mayor or designee is authorized to (i) enter into a financial lease arrangement with a third-party institution at terms favorable to the County, (ii) approve project financing terms, (iii) exercise termination provisions, (iv) determine substantial completion of projects, and (v) <b>approve modifications to the Energy Conservation Measures project scope of work</b> as long as those changes uphold the contract's compliance with § 489.145, Florida Statutes, which govern and regulate the County's Energy Performance Contracting Program, or do not violate the terms of the third-party financing agreement that finances the implementation of energy conservation measures in the form of a municipal lease, energy saving warranty, or any other applicable clause or schedule of this contract. <b>This latter authority is required in order to provide staff with the flexibility to address material issues which may become evident only during the construction period, so long as the project cost is not exceeded.</b></p>

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	<p><b>Fiscal Impact/Funding Source</b> This Energy Performance Contract in an amount not to exceed \$32,004,867.00 (net of rebates received) is “budget neutral,” meaning that all costs associated with the project will be covered by energy cost savings guaranteed by FPL Services. This project will be completed within 24 months after the County has obtained the appropriate third-party financing and will guarantee the Miami-Dade Aviation Department (MDAD) savings of \$40,767,165.00 over the 14 years following the implementation period. Third party financing will fund the Contract Cost, capitalized interest during construction of the project and financing costs, in an amount not to exceed \$34,000,000.</p> <p><b>Background</b> Pursuant to Resolution R-228-09, the County is required to reduce electricity consumption by 20% from 2007 levels by 2014; Resolution R-795-12 requires the County to reduce energy by density by 20% from 2009 levels by 2020.</p> <p>Pursuant to Resolution R-740-08, the Board approved the establishment of an Energy Performance Contracting Program, allowing the County to use private energy services companies to recommend ways to reduce energy consumption by County facilities and equipment. These projects are performed in a turn-key fashion by the companies, who must guarantee that the projected savings in County utility expenses will meet or exceed all project costs. The program utilizes the pool of ten (10) energy services companies established by the State of Florida Contract 973-320-08-01. Subsection (4)(d) of Chapter 489.145 Florida Statutes regulates guaranteed energy performance savings contracting and requires performance savings contractors be selected competitively, in compliance with Chapter 287.055 F.S., unless it can be shown that fewer than three firms are qualified to perform the required services.</p> <p>On January 28, 2013, the ISD notified FPL Services that it was selected to provide an Investment Grade Audit for MDAD facilities. This project will be completed over a 24-month period after the County has obtained the appropriate third-party financing and issued a Notice to Proceed.</p> <p>To obtain the third-party financing, FPL Services solicits quotes from banks to provide the County with the most favorable financing terms and conditions to fund the cost of the energy conservation measures project. Since the County is expected to obtain better interest rates than the energy services companies, FPL Services itself will not finance the project. The County will arrange for the financing directly with a bank. This third-party financing arrangement will be made through a vehicle called a Municipal Lease and all financing costs will be funded from the operating and energy cost savings that are guaranteed by FPL Services. The third-party financing costs will be included in the payments made by the County pursuant to the Municipal Lease. To allow the County to quickly take advantage of quoted rates, this item also waives Resolution R-130-06, which requires that counterparties to a contract before the Board have signed all proffered contracts.</p>
<b>5F 142424</b>	RESOLUTION ADOPTING THE MIAMI-DADE TRANSIT MAJOR UPDATE OF THE 2014 TRANSIT DEVELOPMENT PLAN COVERING THE TEN-YEAR PERIOD FROM 2015-2024
<b>Notes</b>	<p>The proposed resolution adopts the Miami-Dade Transit (MDT) Major Update of the 2014 Transit Development Plan (TDP) covering the ten-year period from 2015-2024. This Major Update has been branded as MDT10Ahead and serves as the blueprint for MDT’s future. The TDP is updated annually, with a Major Update required every five (5) years.</p> <p>The County Mayor is authorized to effectuate this Resolution by approving and filing this Resolution with the Clerk of the Board. This will allow the Transit Department to provide the TDP to the State expeditiously for its 30 day review prior to the submission deadline of December 2, 2014.</p> <p>Once the TDP is adopted by the Board, it will be forwarded to the Florida Department of Transportation (FDOT) for their consideration and approval. The TDP is a pre-requisite for the authorization of Public Transit State Block Grant (Block Grant) funds totaling approximately \$20 million annually to MDT.</p> <p><b>Background</b> Pursuant to Florida Statute (F.S.) 341.052, State Block Grant program recipients such as MDT are required to submit a TDP to FDOT for review and approval. Block Grant funds will be considered by the State on the basis of public transit needs as identified in the TDP. FDOT is authorized by Chapter 341 to fund up to such percentages as are designated for each type of public transportation project for the respective state and federal projects.</p> <p>The TDP serves as MDT’s strategic development and operational guidance document for a ten (10) year planning horizon. The TDP is coordinated with other County plans such as the Transportation Improvement Program (TIP) and Long Range Transportation Plan (LRTP). In addition, stakeholder input is an integral component of the TDP development process.</p> <p>The financial analysis presented in the MDT10Ahead affords MDT the opportunity to match needed transit improvements with available financial resources. <b>This MDT10Ahead has been prepared on the basis of expenditure and revenue assumptions included within the Miami-Dade County FY 2013-2014 Pro-Forma and the capital budget as approved by the Board in September 2013.</b> It is through the development of this financial plan that MDT has determined which service improvements can be realistically achieved and when those service improvements should be implemented. The Ten-Year Implementation Plan identified several needs; however, the majority of these needs are currently unfunded.</p> <p><b>Additional Information</b> The TDP states the following: <u>9.1.4 Projected Operating Revenues- Additional local funding (p.9-6):</u></p>

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	<ul style="list-style-type: none"> <li><b>In 2015, MDT anticipates receipt of two additional local funding sources to support operations -- the local option gas tax (LOGT) and County General Funds.</b> Miami-Dade County currently imposes three (3) of the five (5) cents allowed under the fuel tax, and Pro Forma assumes that the other two (2) cents will be approved, levied, and collected for MDT's use in 2015. The value of those additional two cents from the LOGT is approximately \$13 million annually.</li> </ul> <p><u>9.2.3 Summary of Capital Plan (p.9-11)</u></p> <ul style="list-style-type: none"> <li>This capital budget is achieved by aggressive borrowing against the PTP surtax (<b>ultimately requiring the inclusion of additional LOGT and general funds in MDT's budget, to guarantee debt coverage</b>).</li> </ul> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center;">Research Notes</th> </tr> </thead> <tbody> <tr> <td style="width: 20%;">November 5, 2013  R-911-13</td> <td> <p>This Resolution authorized the execution of the Professional Services Agreement (PSA) between Miami-Dade County and Parsons Brinckerhoff, Inc. dba PB Americas for MDT Fiscal Year (FY) 2015 – 2024 Transit Development Plan (TDP) in the amount of \$749,980.00. The PSA was for a five (5) year term and the funding source is the People's Transportation Plan Bond Program. The consultant will provide professional planning services required to prepare the MDT Fiscal Year (FY) 2015 – 2024 Transit Development Plan major update, and minor updates, as required by the Florida Administrative Code Section 341.052: Rule 14-73.001 of the Florida Department of Transportation (FDOT), to remain eligible for State Block Grant Funds. The Consultant will coordinate major update initiatives that include public involvement and outreach, working cooperatively with local transportation boards and organizations to evaluate the quality of existing services, and development of a ten-year program designed to implement transportation strategies that are based on the results of multiple analyses and tests performed by the Consultant.</p> <p>The contract measure established for this project was a 25% CBE sub-consultant goal. Parsons Brinckerhoff, Inc. submitted verification listing CBE sub-consultants: CTS Engineering, Inc. to preform Transportation Planning – Urban Area &amp; Regional Planning and Transportation Planning – Mass &amp; Rapid Transit at 8%; and Florida Transportation Engineering, Inc. (FTE) to preform Transportation Planning –Urban Area &amp; Regional Planning and Transportation Planning – Mass &amp; Rapid Transit at 17%.</p> </td> </tr> <tr> <td>July 7, 2011  R-529-11</td> <td> <p>RESOLUTION ADOPTING THE MIAMI-DADE TRANSIT (MDT) SUBMISSION OF THE ANNUAL UPDATE OF THE 2011 TRANSIT DEVELOPMENT PLAN (TDP) COVERING THE TEN-YEAR PERIOD FROM 2012-2021</p> <p><i>This item represents a Minor Administrative Update of the Transit Development Plan and was prepared to fulfill State of Florida statutory requirements, which required that all transit properties receiving Public Transit Block Grants prepare or update annually a ten-year TDP. This mandate is spelled out under Sections 341.052 and 341.071 of the Florida Statutes. With the new ruling published in February 2007, a major update is required every five years, with minor Administrative Updates required every year. <b>The last Major MDT Update submittal was presented and approved on July 2010 through Resolution No. R-826-10.</b></i></p> </td> </tr> <tr> <td>July 20, 2010  R-826-10</td> <td> <p>RESOLUTION ADOPTING THE MIAMI-DADE TRANSIT (MDT) SUBMISSION OF THE ANNUAL UPDATE OF THE 2010 TRANSIT DEVELOPMENT PLAN (TDP) COVERING THE TEN-YEAR PERIOD FROM 2011-2020</p> <p><i>This item stated the following (p.8-3 of TDP) In 2014, MDT anticipates to receive two additional local funding sources to support operations- the local option gas tax (LOGT) and County General Funds. 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<b>7A 142425</b>	ORDINANCE RELATING TO ZONING; AMENDING SECTION 33-279.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AMENDING AGRICULTURAL USES ALLOWED IN CERTAIN AREAS; ALLOWING SALE OF ANIMAL FEED; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE								
<b>Notes</b>	<p>The proposed ordinance relating to zoning, amends Section 33-279.1 of the Code of Miami-Dade County (Code) amending agricultural uses allowed in certain areas, allowing for the sale of animal feed in Subareas 1 and 4 of the Comprehensive Development Master Plan, and replaces the term "fruit and vegetable stands" with "farm stands," consistent with changes that were previously made to other sections of Chapter 33.</p> <p>The agricultural uses provided in Section 33-279.1 are permissible in areas zoned AU (agricultural) or GU (general use) with an AU trend in</p>								

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	<p>the Open Land Subareas 1 and 4, as designated in the Comprehensive Development Master Plan (CDMP), to the extent such uses are permissible under Section 33-279 of the Code. No additional agricultural uses will be permitted in these areas.</p> <p><b><u>Additional Information</u></b>            On December 3, 2013, the BCC adopted Ordinance 13-120, relating to Zoning; amending Sections 33-280, 28-4, and 8CC-10 of the Code, authorizing agricultural uses on lots less than five acres under certain circumstances in the AU (agricultural) zoning. The Ordinance is consistent with the Comprehensive Development Master Plan (CDMP) as it does not limit the size of a lot in the Agriculture land use category when the lot is to be used for non-residential agricultural uses. The Ordinance allows non-residential agricultural uses on lots less than five (5) acres, provided that the lot is:</p> <ul style="list-style-type: none"> <li>• Located outside the Urban Development Boundary (UDB);</li> <li>• Has been created by recorded warranty deed ; and</li> <li>• Has a restrictive covenant recorded by the property owner that discloses that the deed and the property is solely for non-residential agricultural uses.</li> </ul> <p>Additionally, on December 3, 2013, the BCC adopted Ordinance 13-121, relating to Zoning; creating Section 33-279.2 of the Code, providing for agricultural uses in properties outside the Urban Development Boundary (UDB) that are designated agriculture by the Comprehensive Development Master Plan, but are not zoned AU, agricultural district. Approximately 2,231 acres located outside the UDB and designated Agriculture on the LUP map are zoned Estate (EU), Residential (RU), Business (BU) or Industrial (IU). These properties cannot establish agricultural uses based on their underlying zoning district even though their LUP map designation is Agriculture. This ordinance permits agricultural uses on such properties. Properties establishing any agricultural use must meet the minimum lot size and setback requirements of the underlying zoning district; however, they will be exempt from the underlying zoning districts landscaping and lot coverage requirements.</p>
<b>7B 142029</b>	ORDINANCE EXPANDING USE OF ELECTRONIC SIGNATURES IN COUNTY PROCUREMENT AND PROVIDING FOR ELECTRONIC SIGNATURES FOR VENDOR REGISTRATION; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE
<b>Notes</b>	The proposed ordinance, amends Section 2-8.1 of the Miami-Dade County Code, expanding the use of electronic signatures in County procurement and providing for electronic signatures for vendor registration. The proposed amendments provide that electronic signatures may be used to sign any contract, writing, bid, proposal, vendor registration document, affidavit, or similar submission for the purposes of procurement and contracting within the County and will have the same force and effect as a written signature.
<b>7C 141932</b>	ORDINANCE AMENDING CHAPTER 11A OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO PROHIBIT DISCRIMINATION IN HOUSING, PUBLIC ACCOMMODATIONS, AND EMPLOYMENT BASED ON GENDER IDENTITY OR GENDER EXPRESSION; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE
<b>Notes</b>	<p>The proposed ordinance amends Chapter 11A of the Miami-Dade County Code to prohibit discrimination in housing, public accommodations, and employment based on gender identity or gender expression.</p> <p><b><u>Additional Information</u></b>            As of May 21, 2014, the following states have banned discrimination based on sexual orientation and gender identity/expression:</p> <ul style="list-style-type: none"> <li>• Minnesota, Rhode Island, New Mexico, California, District of Columbia, Illinois, Maine, Hawaii, New Jersey, Washington, Iowa, Oregon, Vermont, Colorado, Connecticut, Massachusetts, Nevada, Delaware and Maryland.</li> <li>• Hawaii enacted a law prohibiting sexual orientation discrimination in employment in 1991; in 2005 it enacted a law prohibiting sexual orientation and gender identity/ expression discrimination in housing. In 2006, public accommodations protections were added for sexual orientation and gender identity/expression; and in 2011 gender identity was added to the employment discrimination law.</li> </ul> <p>The following states have banned discrimination based on sexual orientation:</p> <ul style="list-style-type: none"> <li>• Wisconsin, New Hampshire, and New York.</li> </ul> <p>The following are Florida jurisdictions with explicitly transgender-inclusive nondiscrimination laws:</p> <ul style="list-style-type: none"> <li>• Broward County, Leon County, Monroe County, Orange County, Palm Beach County, Volusia County, Dunedin, Gainesville, Gulfport, Key West, West Palm Beach, Lake Worth, Wellington, Miami Beach, Tampa, and Venice.</li> </ul> <p>According to the National Center for Transgender Equality and the National Gay and Lesbian Task Force, National Transgender Discrimination Survey in 2009: Transgender people are targets of discrimination in many areas of their lives; this marginalization exposes them to tremendous social and economic insecurity. Until now, data on the prevalence and character of this discrimination has been limited to small studies and anecdotal reports. In the first comprehensive national effort to document this problem, the National Center for Transgender Equality and the National Gay and Lesbian Task Force launched a six-month data collection process, interviewing 6,450 transgender people via an extensive questionnaire that covered critical topics such as employment, education, health care, housing, public accommodation, criminal justice, family life and access to government documents. The final sample included residents of all 50 states, Puerto Rico, Guam and the U.S. Virgin Islands. Data gathered from respondents was compared to US Census Bureau and Department of Labor data.</p> <ul style="list-style-type: none"> <li>• Double the rate of unemployment: Survey respondents experience unemployment at twice the rate of the population as a whole.</li> <li>• Near universal harassment on the job: Ninety-seven percent (97%) of those surveyed reported experiencing harassment or mistreatment on the job.</li> </ul>

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	<ul style="list-style-type: none"> <li>• Significant losses of jobs and careers: Forty-seven percent (47%) had experienced an adverse job outcome, such as being fired, not hired or denied a promotion.</li> <li>• High rates of poverty: Fifteen percent (15%) of transgender people in our sample lived on \$10,000 per year or less—double the rate of the general population.</li> <li>• Significant housing instability: Nineteen percent (19%) of our sample have been or are homeless, 11% have faced eviction and 26% were forced to seek temporary space.</li> </ul> <p><b>Public Safety &amp; Animal Services Committee - November 12, 2014 Meeting</b></p> <p><i>During discussion of this item prior to the public hearing, the CAO stated that there was a lawsuit filed by private citizens seeking to enjoin the County from holding the hearing and from this item being heard by this committee; the Judge held a hearing that morning (11/12/14) and determined that Plaintiffs did not have standing, denied the temporary injunction petition and dismissed the lawsuit.</i></p> <p><i>During discussion of this item, the Committee requested data/information from the Commission on Human Rights pertaining to the amount of complaints filed claiming discrimination and the outcomes of those complaints. Staff stated that complaints had been filed based on sexual orientation or gender discrimination which is what the Code currently provides for and that makes enforcement difficult. The specific data will be provided to the BCC.</i></p> <p><i>During the public hearing, many speakers were concerned with the use of public bathrooms by transgender people and the safety and privacy of others.</i></p>																				
<b>7D 142234</b>	ORDINANCE RELATING TO THE RULES OF PROCEDURE OF THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO REQUIRE THE MAYOR TO PROVIDE A MEMORANDUM TO THE BOARD IF (I) THE MAYOR INITIALLY DETERMINES THAT AN ORDINANCE HAS NO FISCAL IMPACT, BUT LATER DETERMINES THAT THE ORDINANCE DOES HAVE A FISCAL IMPACT; AND (II) IF, DUE TO THE FISCAL IMPACT, THE MAYOR HAS NOT FULLY IMPLEMENTED THE PROGRAM OR POLICY PROVIDED FOR IN AN ORDINANCE WITHIN ONE YEAR OF THE EFFECTIVE DATE, OR SUCH OTHER DATE AS SET FORTH IN THE ORDINANCE																				
<b>Notes</b>	<p>The proposed ordinance relating to the Rules of Procedure of the Board of County Commissioners, amends Section 2-1 of the Code of Miami-Dade County (Code), to require the Mayor to provide a memorandum to the Board if:</p> <ol style="list-style-type: none"> <li>I. The Mayor initially determines that an ordinance has no fiscal impact, but later determines that the ordinance does have a fiscal impact; and</li> <li>II. If, due to the fiscal impact, the Mayor has not fully implemented the program or policy provided for in an ordinance within one year of the effective date, or such other date as set forth in the ordinance.</li> </ol> <table border="1" style="width: 100%; margin-top: 10px;"> <thead> <tr style="background-color: #d9ead3;"> <th colspan="4" style="text-align: center;">Comparison of Current Code and the Proposed Amendments</th> </tr> <tr style="background-color: #d9ead3;"> <th colspan="4" style="text-align: center;">Section 2-1 of the Code - Rules of Procedure of County Commission</th> </tr> <tr style="background-color: #d9ead3;"> <th colspan="4" style="text-align: center;">Rule 4.01 Committees</th> </tr> <tr style="background-color: #d9ead3;"> <th style="text-align: center;">Section of Code</th> <th style="text-align: center;">Current Code</th> <th style="text-align: center;">Proposed Amendments <i>Bold refers to proposed amendments.</i></th> <th style="text-align: center;">Notes</th> </tr> </thead> <tbody> <tr> <td style="vertical-align: top;"> <i>Rule 4.01(s)</i>   <b>Committees – Statement of Fiscal Impact Required for Ordinances; Exceptions</b> </td> <td style="vertical-align: top;">           Prior to the public hearing of any ordinance, the county manager shall prepare a written statement setting forth the fiscal impact, if any, of the proposed ordinance. No public hearing on any ordinance shall be held, if the statement of fiscal impact is not submitted with the ordinance as part of the agenda. The provision of this rule shall not apply to any emergency ordinance or any budget ordinance.         </td> <td style="vertical-align: top;"> <p><b>(1)</b> Prior to the public hearing of any ordinance, the Mayor shall prepare a written statement setting forth the fiscal impact, if any, of the proposed ordinance. No public hearing on any ordinance shall be held, if the statement of fiscal impact is not submitted with the ordinance as part of the agenda. The provision of this rule shall not apply to any emergency ordinance or any budget ordinance.</p> <p><b>(2)</b> If the Mayor initially determines that an ordinance has no fiscal impact, but later determines that the ordinance does have a fiscal impact (such as during the process of implementation), then the Mayor shall so advise the Board in a memorandum. 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Notwithstanding the foregoing, nothing in this rule shall be construed to authorize the Mayor not to comply with the policy direction contained in an ordinance without Board approval.</p> </td> <td style="vertical-align: top;"> <i>Amends the Code to provide for a new process for Statements of Fiscal Impact.</i> </td> </tr> </tbody> </table>	Comparison of Current Code and the Proposed Amendments				Section 2-1 of the Code - Rules of Procedure of County Commission				Rule 4.01 Committees				Section of Code	Current Code	Proposed Amendments <i>Bold refers to proposed amendments.</i>	Notes	<i>Rule 4.01(s)</i>  <b>Committees – Statement of Fiscal Impact Required for Ordinances; Exceptions</b>	Prior to the public hearing of any ordinance, the county manager shall prepare a written statement setting forth the fiscal impact, if any, of the proposed ordinance. 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Rule 4.01 Committees																					
Section of Code	Current Code	Proposed Amendments <i>Bold refers to proposed amendments.</i>	Notes																		
<i>Rule 4.01(s)</i>  <b>Committees – Statement of Fiscal Impact Required for Ordinances; Exceptions</b>	Prior to the public hearing of any ordinance, the county manager shall prepare a written statement setting forth the fiscal impact, if any, of the proposed ordinance. No public hearing on any ordinance shall be held, if the statement of fiscal impact is not submitted with the ordinance as part of the agenda. The provision of this rule shall not apply to any emergency ordinance or any budget ordinance.	<p><b>(1)</b> Prior to the public hearing of any ordinance, the Mayor shall prepare a written statement setting forth the fiscal impact, if any, of the proposed ordinance. No public hearing on any ordinance shall be held, if the statement of fiscal impact is not submitted with the ordinance as part of the agenda. The provision of this rule shall not apply to any emergency ordinance or any budget ordinance.</p> <p><b>(2)</b> If the Mayor initially determines that an ordinance has no fiscal impact, but later determines that the ordinance does have a fiscal impact (such as during the process of implementation), then the Mayor shall so advise the Board in a memorandum. Additionally, if, due to the fiscal impact, the Mayor has not fully implemented all or any part of the program or policy provided for in an ordinance within one year of the effective date, or such other date as set forth in the ordinance, then the Mayor shall so advise the Board in a memorandum. Notwithstanding the foregoing, nothing in this rule shall be construed to authorize the Mayor not to comply with the policy direction contained in an ordinance without Board approval.</p>	<i>Amends the Code to provide for a new process for Statements of Fiscal Impact.</i>																		
<b>7E 142225</b>	ORDINANCE RELATING TO THE RULES OF PROCEDURE OF THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO INCLUDE THE OFFICE OF COMMUNITY ADVOCACY IN THE ORDER OF BUSINESS; PROVIDING																				

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	SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE
<b>Notes</b>	The proposed ordinance amends Section 2-1 of the Miami Dade County Code, relating to the Rules of Procedure of the Board of County Commissioners, to include the Office Of Community Advocacy in the order of business.
<b>7F 142099</b>	ORDINANCE PERTAINING TO ZONING; AMENDING DOWNTOWN KENDALL URBAN CENTER ZONING DISTRICT REGULATIONS; MODIFYING HABITABLE SPACE REQUIREMENTS FOR CERTAIN PARCELS CONTAINING PARKING GARAGES; AMENDING SECTION 33-284.62 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE
<b>Notes</b>	The proposed ordinance amends Section 33-284.62 of the Miami-Dade County Code relating to development parameters amending the Downtown Kendall Urban Center zoning district regulations, specifically modifying habitable space requirements for certain parcels containing parking garages.
<b>7G 142112</b>	ORDINANCE RELATING TO ROAD IMPACT FEES; AMENDING SECTIONS 33E-8, 33E-9 AND 33E-12; ADDING LAND USE CATEGORIES TO THE ROAD IMPACT FEE SCHEDULE; AMENDING THE TABLE OF PRESENT DAY COST MULTIPLIERS TO FISCAL YEAR INCREMENTS; AUTHORIZING THE PUBLIC WORKS AND WASTE MANAGEMENT DIRECTOR TO UTILIZE THE INSTITUTE OF TRANSPORTATION ENGINEERS TRIP GENERATION MANUAL UNDER CERTAIN CONDITIONS; AUTHORIZING APPROVAL OF INDEPENDENT FEE COMPUTATION STUDY METHODOLOGY BY THE DIRECTOR; ELIMINATING REQUIREMENT OF A JOINT COUNTY/ MUNICIPAL COMMITTEE AND PROVIDING THAT THE DIRECTOR SHALL SOLICIT AND CONSIDER RECOMMENDATIONS FROM MUNICIPALITIES; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE(Public Works & Waste Management)
<b>Notes</b>	<p>The proposed ordinance pertaining to Road Impact Fees, amends Sections 33E-8, 33E-9 and 33E-12 of the Miami-Dade County Code (Code) to provide the following:</p> <ul style="list-style-type: none"> <li>• Amends Section 33E-8 to add land use categories to the Road Impact Fee Schedule, modifies the Table of Present Day Cost Multipliers to Fiscal Year increments, and authorizes the Public Works and Waste Management Director (Director) to utilize the Institute of Transportation Engineers Trip Generation Manual as appropriate;</li> <li>• Amends Section 33E-9 to authorize approval of the independent fee computation study methodology by the Director; and</li> <li>• Amends Section 33E-12 to replace the requirement of a Joint County/Municipal Committee with a provision that the Director will solicit and consider recommendations from Municipalities.</li> </ul> <p><b><u>Fiscal Impact</u></b></p> <p>It is estimated that moving the adjustment date of the Present Day Cost from January 1, 2015 to October 1, 2015 will decrease the projected Road Impact Fee revenue by an estimated \$1,580,000.00 during Fiscal Year 2014-15. This one-time reduction in cash flow is expected to have a minimal impact on existing countywide continuing programs such as roadway resurfacing, intersection improvements or traffic control devices. However, according to the item, this will not affect major roadway projects.</p> <p><b><u>Background</u></b></p> <p>On December 6, 1988, under Ordinance No. 88-112, the Board of County Commissioners (BCC) adopted the Dade County Road Impact Fee Ordinance, now Chapter 33E of the Miami-Dade County Code.</p> <p><b><i>Road Impact Fees are collected to ensure that adequate levels of roadway services are maintained within benefit districts. The assessed amount of the fee is determined in proportion to the amount of new demand that a specific type of development will introduce onto County roads.</i></b></p> <p>The proposed amendments will more accurately represent the demand generated by certain developments and improve the assessment of fees. The amendments also provide a more efficient process that reflects current practice and reduces delays to fee payers.</p> <p><b><u>Proposed Amendments</u></b></p> <p>The following are the proposed amendments:</p> <ul style="list-style-type: none"> <li>• Adds 23 new land use categories to the Road Impact Fee Schedule (Schedule) and eliminate one (1) sub-category to reflect current development types in Miami-Dade County. <ul style="list-style-type: none"> <li>○ <i>This will allow for a more accurate method to assess how differing land uses will impact vehicular traffic and ensure that fee payers are charged in accordance with these impacts.</i></li> </ul> </li> <li>• Amends the calendar day for the Present Day Cost Table to the beginning of the Miami-Dade County fiscal year for consistency with the inflation adjustments to other County Impact Fees. <ul style="list-style-type: none"> <li>○ <i>The Present Day Cost multiplier for 2014 will not be adjusted on January 1, 2015. It will remain in effect until October 1, 2015, and thereafter will adjust in accordance with the County's fiscal year.</i></li> </ul> <p>This amendment also provides for Present Day Cost multipliers through Fiscal Years 2020-21, as the current Table of Present Day Cost multipliers ends in calendar year 2016.</p> <ul style="list-style-type: none"> <li>○ <i>The Present Day Cost multiplier is developed by the Florida Department of Transportation and is based on cost factors that affect road construction within the State of Florida. Although the delay in the adjustment of the Present Day Cost multiplier will cause a loss of an estimated \$1,580,000.00 in Road Impact Fee revenues during Fiscal Year 2014-15, this change will result in a simplified process consistent with other County Impact Fees.</i></li> </ul> </li> <li>• Authorizes the Director to utilize a land use category from the current edition of the Trip Generation Manual published by the Institute of Transportation Engineers in instances where a proposed development does not fall within a land use category in the Schedule. Additionally, Section 33E-9 allows fee payers to contract with a qualified transportation engineer to demonstrate through an independent study that a lower fee is appropriate for a specific development. The methodology proposed by the fee payer's</li> </ul>

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	<p>transportation engineer must be approved in advance by the Director.</p> <ul style="list-style-type: none"> <li>○ <i>Currently, the methodology is set by the ordinance, not allowing for flexibility to this process. These amendments will ensure that the most appropriate fee is assessed.</i></li> <li>● Section 33E-12 is being amended to replace the inactive Joint County/Municipality Committee with a process where input is solicited from municipalities. <ul style="list-style-type: none"> <li>○ <b><i>This codifies current practice.</i></b></li> </ul> </li> </ul>
<b>8A1 142370</b>	<p>RESOLUTION RELATING TO MIAMI INTERNATIONAL AIRPORT; APPROVING A RETROACTIVE LICENSE AGREEMENT WITH SPRINT SPECTRUM, L.P. ("SPRINT") FOR AN INITIAL FIVE-YEAR TERM WITH TWO FIVE-YEAR AUTOMATIC RENEWAL OPTIONS UNLESS DECLINED FOR SPRINT'S CONTINUED INSTALLATION AND OPERATION OF A DISTRIBUTED ANTENNA SYSTEM ("DAS") THAT ENABLES CELLULAR TELEPHONE CALLS WITHIN THE TERMINAL BUILDING TO BE FORWARDED AND THEN DISTRIBUTED WORLDWIDE THROUGH THE DAS; APPROVING ATTACHMENT OF THE COUNTY'S PUBLIC SAFETY COMMUNICATIONS SYSTEM TO THE DAS; APPROVING COUNTY INDEMNITY OF SPRINT IN THE EVENT OF DAMAGES TO THE DAS RESULTING FROM SUCH ATTACHMENT AND OPERATION OF THE PUBLIC SAFETY COMMUNICATIONS SYSTEM; APPROVING THE COUNTY'S RELEASE OF ANY LICENSE FEE CLAIM ARISING OUT OF SPRINT'S PRIOR LICENSE AGREEMENT FOR THE DAS IN THE AMOUNT OF \$139,839.49; APPROVING SPRINT'S PAYMENT TO THE COUNTY OF AN ANNUAL LICENSE FEE OF \$250,000.00; AUTHORIZING MAYOR OR DESIGNEE TO EXECUTE ADDITIONAL LICENSE AGREEMENTS WITH OTHER CELLULAR TELEPHONE COMPANIES DESIRING ACCESS TO THE DAS; AUTHORIZING THE MAYOR OR DESIGNEE TO EXECUTE THE AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY TO PLACE THE FOREGOING INTO EFFECT AND TO EXECUTE THE RENEWAL AND TERMINATION PROVISIONS OF THE AGREEMENT; WAIVING RESOLUTION NO. R-130-06</p>
<b>Notes</b>	<p>The proposed resolution provides for the following:</p> <ul style="list-style-type: none"> <li>● Approves the retroactive award of a potential fifteen (15) year retroactive non-exclusive License Agreement with Sprint Spectrum L.P. (Agreement) for Sprint's continued installation and operation of a Distributed Antenna System (DAS) at various locations around the Miami International Airport (MIA) Terminal Building; and</li> <li>● Waives the provisions of Resolution No. R-130-06, which requires a contract to be completely negotiated, in final form and executed by all non-County parties.</li> </ul> <p>The initial term of the Agreement is five (5) years, effective as of April 14, 2014.</p> <p>The Mayor or designee has the authority to (i) decline either of the two five-year extension periods on 18 months advance notice, (ii) terminate the Agreement for a breach, (iii) approve any assignment of the Agreement by Sprint Spectrum, and (iv) execute additional MDAD licenses with telecommunication companies who enter into sub-licenses with Sprint for their use of the DAS.</p> <p><b>Fiscal Impact</b> The Agreement will generate \$250,000.00 in license fee revenues to the MDAD for each year of the Agreement.</p> <p><b>Background</b> In 2009, MDAD and Nextel, a cellular phone service provider, entered into a five (5) year license agreement for the installation of a DAS at MIA. Shortly thereafter, Sprint purchased the license agreement from Nextel. As a result of delays in the build out and expansion of the DAS due to the North and South Terminal construction projects, a dispute arose as to the required end date of installation and the start date of payments under the license. As a result of that and other problems arising under the license agreement, MDAD asserted that Sprint owes the County \$139,839.49. Sprint has disputed this obligation.</p> <p>At the same time, the County wanted to install its own Public Safety Communications System at MIA to provide better communication and enhance the safety and security of the traveling public, local and federal staff, and first responders. If the County installed the system itself, it would cost an estimated \$2,000,000.00.</p> <p>Because of the sensitivity of the DAS equipment, Sprint is generally not interested in having a third-party system attached to its Distributed Antenna System. However, Sprint has agreed to allow the County to attach the Public Safety Communications System to its DAS, at the County's cost, on two conditions: (i) MDAD's claim of \$139,839.49 be released, and (ii) in the unlikely event that the County's system attached to the DAS causes a problem or interrupts Sprint's service to its customers, MDAD would need to indemnify Sprint for any monetary claims resulting from such problem or interruption.</p> <p>MDAD has carefully reviewed the technological problems that could result and concluded that any problems or interruption in Sprint's service is highly unlikely. Even if a problem or interruption did occur, MDAD is satisfied that any monetary claim would be well below the \$2,000,000.00 MDAD would have to spend to install its own facilities. This Agreement is retroactive to prevent interruption in service.</p> <p>The Agreement anticipates that Sprint may issue sub-licenses to other cellular telephone companies seeking access to the DAS under conditions approved by MDAD. One of the conditions will require any sub-licensee to obtain a separate license from MDAD and pay MDAD a fee similar to the fee approved for the Sprint license. MDAD currently has the authority to execute such a sub-license that extends up to five (5) years. Because MDAD's separate license with another cellular telephone company needs to coincide with the term of the separate sub-license between that company and Sprint, and because that term may exceed five (5) years under the fifteen (15) year DAS Agreement, the attached resolution authorizes execution of a license that is longer than five years and also waives R-130-06, which requires a contract to be completely negotiated in final form and executed by all non-County parties, as being in the best interest of the County. While MDAD can enter into license agreements with additional cellular telephone companies seeking access to the DAS for a term that is longer than five (5) years, it cannot contract with companies for longer than the maximum remaining term of the Sprint Agreement.</p>

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8A2 142189	RESOLUTION APPROVING AWARD OF A NON-EXCLUSIVE LEASE AND OPERATING AGREEMENT WITH IMCMV HOLDINGS, INC., FOR PRIVATELY FINANCED RESTAURANT INITIATIVE FOR HOTEL MIA FOOD AND BEVERAGE OPERATIONS AT MIAMI INTERNATIONAL AIRPORT, RFQ NO. MDAD-13-04, IN THE GREATER AMOUNT OF A MINIMUM ANNUAL GUARANTEE OF \$360,000.00, OR PERCENTAGE OF GROSS REVENUES AND FOR A TERM OF EIGHT YEARS, WITH SEVEN ONE- YEAR OPTIONS; AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE RENEWAL AND TERMINATION PROVISIONS CONTAINED THEREIN
Notes	<p>The proposed resolution awards a Non-Exclusive Lease and Operating Agreement for Hotel MIA Food and Beverage Operations at Miami International Airport, RFQ No. MDAD-13-04, for a term of eight (8) years. The initial term of the Agreement will automatically extend for a maximum of seven (7) one-year terms unless otherwise terminated by either party. The Miami-Dade Aviation Department (MDAD) Director or designee has the authority to exercise the renewal options and to terminate the agreement.</p> <p><b>Fiscal Impact</b> IMCMV is expected to generate \$2.5 million in sales in its first year of operation. The vendor will pay a Minimum Annual Guarantee (MAG) of \$360,000.00 prorated and payable monthly, or a percentage of gross revenues from sales, whichever is greater. The percentage fees are 13% of gross revenues from the sale of food and merchandise and 18% for alcohol.</p> <p><b>Background</b> The Top of the Port Restaurant at MIA requires a complete renovation. The new operator will be required to spend \$5 million to demolish the entire facility down to the shell and rebuild it into a renowned dining destination, as well as retrofit the Lobby Bar and Sushi Bar spaces to suit operational needs. The Conference Center catering kitchen will utilize the existing restaurant equipment as an interim solution and IMCMV will relocate and maintain the equipment to keep the catering kitchen operational.</p> <p>A Request for Qualifications was advertised April 3, 2014, for qualified firms who operate restaurants that appeal to South Florida and Brazilian travelers to propose on the opportunity to operate and maintain the MIA Hotel Restaurant on a 24-hour basis. The Selection Committee met on July 30, 2014, to review the sole Qualification Statement submitted by IMCMV. IMCMV proposed the following concepts: the concept for the 7th floor restaurant space is a Viena Restaurant which includes European and Brazilian cuisines; the other concept is a Margaritaville brand bar and grill to be built in the hotel lobby. The Committee met on August 7, 2014, to hear IMCMV's presentation. The Committee subsequently requested authorization from the Mayor to proceed with an award and received approval.</p> <p><b>Contract Measures</b> ACDBE participation was voluntary. The proposer did not select an ACDBE partner for this agreement.</p> <p><b>Additional Information</b> According to the Financial Compliance Review for IMCMV Holdings, Inc., the Respondent's estimated cost of improvements totals \$5,539,463; consisting of: Design Costs- \$417,500; Overhead Costs-\$275,000; Site Costs- \$92,000; Building Costs-\$3,233,750; Furniture, Fixtures and Equipment- \$1,478,213; and Signage \$43,000. (p. 114)</p> <p>According to the Minimum Qualifications Review for IMCMV Holdings, Inc., the Respondent did not demonstrate to have the minimum five (5) years of experience operating nationally and internationally recognized restaurant chain operations. However, through its parent company, (IMC), and the proffered joint experience of the officers and other employees retained from the acquisition of Margaritaville Restaurants, this qualification requirement may be considered to have been met. <i>The Respondent is a corporation subsidiary of IMC Holdings S.A., IMC created IMCMV Holdings Inc. to acquire Margaritaville Restaurants in 2013.</i> (p. 117)</p> <p>IMCMV Holdings, Inc. filed for incorporation in the State of Florida on October 22, 2013.</p> <p>On June 3, 2014, the MDAD Minority Affairs Division completed its compliance review of the Voluntary ACDBE Participation for this project. IMCMV Holdings, Inc. is not an ACDBE certified firm in Florida and did not submit ACDBE Utilization Form, SOP and Letter of Intent. They did provide a brief note on good faith efforts to contact ACDBE firms by e-mail and telephone calls. Please note that Minority Affairs staff only reviewed and addressed compliance with the ACDBE Program. (p. 101)</p> <p>On June 23, 2014, pursuant to the request of the MDAD Contracts Administration, the County Attorney's Office provided a Responsive Opinion for this project. The proposal is responsive, even though IMCMV did not provide evidence of a labor peace agreement with any applicable union. <b>Note however that IMCMV remains obligated to provide a labor peace agreement as a condition of award, and its failure to provide such an agreement within seven days will render it ineligible for award.</b> (p. 103)</p> <p>According to the Summary Minutes of Public Hearing dated August 7, 2014, selection committee members asked IMCMV to explain why the labor peace agreement was not provided with their Qualification Statement. IMCMV stated that they were confused with the response they received to one of their follow-up questions regarding labor peace. It was then confirmed that labor peace is now a condition of award, and that IMCMV is working to get the labor peace agreement finalized. (p. 140)</p> <p><b>Pursuant to MDAD, the Labor Peace Agreement was signed on September 16, 2014 with Unite Here Local 355.</b></p>
8A4 142399	RESOLUTION APPROVING CHANGE ORDER NUMBER 13, IN SUBSTANTIALLY THE FORM ATTACHED HERETO, TO THE FIRST AMENDED AND RESTATED CONTRACT WITH PARSONS ODEBRECHT JOINT VENTURE FOR WORK AT MIAMI INTERNATIONAL AIRPORT, IN THE AMOUNT OF \$65,000,000.00; MODIFYING TERMS AND CONDITIONS; AUTHORIZING RENOVATIONS AND REPAIRS OF CONCOURSE E AND E-SATELLITE; WAIVING COMPETITIVE BIDDING PURSUANT TO SECTION 5.03(D) OF THE CHARTER, SECTION 2-8.1 OF THE COUNTY CODE, ADMINISTRATIVE

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	ORDER 3-39, AND SECTION 255.20, FLORIDA STATUTES, BY A TWO-THIRDS VOTE OF THE MEMBERS OF THE BOARD; FINDING SUCH WAIVER TO BE IN THE BEST INTERESTS OF MIAMI-DADE COUNTY; AUTHORIZING THE COUNTY MAYOR OR DESIGNEE TO EXTEND CONTRACT TIME; AND AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS CONTAINED THEREIN				
<b>Notes</b>	<p>The proposed resolution provides for the following:</p> <ul style="list-style-type: none"> <li>• Waives the requirements of Section 5.03(d) of the Home Rule Charter, Section 2-8.1 of the Miami-Dade County Code, Administrative Order 3-39, and Chapter 255.20, Florida Statutes;</li> <li>• Approves Change Order No. 13 for the North Terminal Development Consolidation Program, Project B780B, Contract No. B780B with Parsons/Odebrecht Joint Venture (POJV), increasing the Owner's Allowance Account by \$65,000,000.00; extending the contract time by three (3) years to December 31, 2017; and modifying contract terms and conditions; and</li> <li>• Authorizes the Mayor to execute change orders for additional time extensions, subject to ratification by the Board, that do not increase the contract amount.</li> <li>• The MDAD Director or designee has the authority to expend contingency accounts, extend the contract to complete any unfinished work, terminate or cancel the contract, and delete project work.</li> </ul> <p><b>Background</b></p> <p>The North Terminal Development Program has been completed. Final Certificates of Occupancy have been obtained on nearly all the areas with no open or pending claims. However, additional work is necessary for AA to meet its current and future schedule demands, which continue to grow. AA's recently implemented "peaking schedule" requires two to three additional gates during the highest volume days.</p> <p>Also, per 14 CFR Part 259 Enhanced Protection for Airline Passengers, it is required to have a disruption gating plan in place for periods of irregular operations. Without these critical improvements required on an expedited schedule, it will be difficult for AA to meet its continued growth plans at MIA.</p> <p>This Change Order increases the Owner's Allowance Account by \$65,000,000.00 to execute the most critical and time-sensitive work needed on Concourse E. <b>The work includes modifications to Low E Terminal and E Satellite Terminal, as well as correction of miscellaneous Notices of Violations and open Code issues.</b> This Change Order requires modification of some Terms and Conditions related to the procurement of the work, insurance coverage, bond values, liquidated indirect costs, liquidated damages, release of retainage, general conditions, and site general requirements.</p> <p>Delays in the completion of this work, including those caused by the competitive procurement of this project, will (i) severely impact MIA's strategic growth plans; (ii) deprive MIA of gate, airline, and concession revenue associated with increased flights; (iii) adversely affect the ability of MIA to secure financing on favorable terms; and (iv) negatively impact MIA's position as a dominant AA hub, all of which materially affect the cost of the work.</p> <p>Pursuant to Resolution No. R-738-05, POJV was awarded the contract as Managing General Contractor for the North Terminal Development Consolidation program on June 21, 2005.</p> <p>ORIGINAL AGREEMENT AMOUNT:                   \$542,041,500.00</p> <p>AMOUNT OF PREVIOUS CHANGE ORDERS:   \$590,152,216.00</p> <p>AMOUNT OF RECOMMENDED MODIFICATION: \$65,000,000.00</p> <p>ADJUSTED AGREEMENT AMOUNT:               \$1,197,193,716.00</p> <p>PERCENT CHANGE THIS MODIFICATION:       11.99%</p> <p>TOTAL PERCENT INCREASE ALL MODIFICATIONS: 120.86%</p> <p>CONTRACT MEASURES: The DBE contract measure for the contract is 17.3%. DBE contractors have been paid \$193,522,760.00 (18.21%) to date.</p> <p><b>Additional Information</b></p> <p>The item states that, the DBE contract measure for the contract is 17.3%. DBE contractors have been paid \$193,522,760.00 (18.21%) to date.</p> <p>The Minority Affairs Division Memo dated October 14, 2014, attached to the item states that this change order increases the required DBE participation to \$207,114,512.80. Based on the latest Monthly Utilization Report \$193,522,760 has been paid to DBE firms and a DBE participation of 18.22%.</p> <ul style="list-style-type: none"> <li>• <i>Did the DBE percentage increase with the proposed change order?</i></li> </ul> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%;">Change Order 1</td> <td>Allowed the Aviation Director to authorize POJV to negotiate contracts with six (6) key contractors that had been terminated by the Turner-Austin Aviation Team</td> </tr> <tr> <td>Change Order 2</td> <td>Approved the First Amended and Restated Contract (FARC), increased the contract amount by \$503,459,716.00 and</td> </tr> </table>	Change Order 1	Allowed the Aviation Director to authorize POJV to negotiate contracts with six (6) key contractors that had been terminated by the Turner-Austin Aviation Team	Change Order 2	Approved the First Amended and Restated Contract (FARC), increased the contract amount by \$503,459,716.00 and
Change Order 1	Allowed the Aviation Director to authorize POJV to negotiate contracts with six (6) key contractors that had been terminated by the Turner-Austin Aviation Team				
Change Order 2	Approved the First Amended and Restated Contract (FARC), increased the contract amount by \$503,459,716.00 and				

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	<b>R-624-07</b>	the contract time by 393 calendar days, and settled with POJV a staff-related delay claim of \$8,800,000.00.
	Change Order 3 <b>BCC Ratified</b> <b>R-469-10</b>	Replenished the allowance account by \$10,000,000.00 depleted due to issues related to phasing, bonding, and completion of C-D.
	Change Order 4 <b>BCC Ratified</b> <b>R-864-10</b>	Increased the Owner's Allowance Account by \$10,000,000.00 for work related to the baggage handling mitigation plan, including a 153-calendar day extension of the NTDCP contract completion.
	Change Order 5 <b>BCC Ratified</b> <b>R-11-11</b>	Increased the Owner's Allowance Account by \$10,000,000.00 for work required to reopen Concourse A.
	Change Order 6 <b>BCC Ratified</b> <b>R-11-11</b>	Increased the Owner's Allowance Account by \$8,000,000.00 for impacts due to further delays in the baggage system completion and global settlement for all time impacts, disputes and scope gap items for A-B Infill project.
	Change Order 7 <b>BCC Ratified</b> <b>R-11-11</b>	Increased the Owner's Allowance Account by \$7,000,000.00 for scope changes relating to security enhancements required by Customs & Border Protection and the Transportation Security Administration.
	Change Order 8  <b>R-876-11</b>	Increased the Owner's Allowance Account by \$23,000,000.00 to perform additional work and mitigate delays and rephasing to minimize the impact of the baggage handling system delays.
	Change Order 9 <b>BCC Ratified</b> <b>R-606-13</b>	Increased the Owner's Allowance Account by \$1,400,000.00 to settle time and unresolved issues, including a 41-calendar day extension of the NTDCP contract and an increase in the allowance account to cover unknown issues prior to completion.
	Change Order 10 <b>BCC Ratified</b> <b>R-606-13</b>	Increased the Owner's Allowance Account by \$792,500.00 to complete Authority Having Jurisdiction requirements for project close-out.
	Change Order 11 <b>BCC Ratified</b> <b>R-725-14</b>	Increased the Owner's Allowance Account by \$6,500,000.00 for completion of critical NTD scope gaps and unforeseen conditions.
	Change Order 12 <b>BCC Ratified</b> <b>R-725-14</b>	Increased the Owner's Allowance Account by \$10,000,000.00 for critical work associated with Notice of Violations and deferred maintenance issues within the existing North Terminal footprint.
	<p><i>The BCC adopted Ordinance 08-87 on July 1, 2008, creating Section 2-285.1 of the Miami-Dade County Code, authorizing the County Mayor and the Aviation Director to execute change orders, extend contract time, waive liquidated damages and modify contract terms for contracts within the BCC approved budget for the NTD at MIA without the need for prior BCC approval but subject to ratification by the BCC.</i></p> <p><i>Although Ordinance 08-87 delegates authority to the Mayor and the Aviation Director to perform certain actions without prior BCC approval, any amendment in excess of ten million dollars (\$10,000,000) does require prior BCC approval. Additionally, if a contract expires and such contract was competitively procured and contains no minority goals or measures, the Mayor, and the Airport Director may recommend to the BCC that a contract be re-awarded to the same firm, this type of request is heard by the full BCC without need for prior committee approval.</i></p>	
<b>8A5 142422</b>	<p>RESOLUTION WAIVING COMPETITIVE BIDDING BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT PURSUANT TO SECTION 5.03(D) OF THE HOME RULE CHARTER AND SECTION 2-8.1 OF THE COUNTY CODE; APPROVING THE FIFTH COUNTY AMENDMENT TO THE CONSULTANT AGREEMENT FOR PROJECT SUPPORT SERVICES FOR THE NORTH TERMINAL DEVELOPMENT PROGRAM FOR MIAMI-DADE AVIATION DEPARTMENT BETWEEN SEQUEIRA &amp; GAVARRETE, INC. AND MIAMI-DADE COUNTY, EXTENDING THE CONTRACT DURATION THROUGH JANUARY 31, 2018 AND AUTHORIZING WORK THROUGHOUT MIAMI INTERNATIONAL AIRPORT; AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXECUTE SAME AND TO EXERCISE ALL RIGHTS PROVIDED FOR IN THE AGREEMENT, INCLUDING TERMINATION PROVISIONS AND TO EXECUTE CHANGE ORDERS TO EXTEND CONTRACT DURATION BUT WHICH DO NOT INCREASE THE CONTRACT AMOUNT, IF NEEDED TO COMPLETE THE WORK</p>	
<b>Notes</b>	<p>The proposed resolution waives Section 5.03(d) of the Miami-Dade County Home Rule Charter and Section 2-8.1 of the Code of Miami-Dade County, and approves the Fifth County Amendment to the Consultant Agreement for Project Support Services for the North Terminal Development Program with Sequeira &amp; Gavarrete, Inc. This amendment extends the term to January 31, 2018 and expands the scope to authorize work at areas of the Miami International Airport complex other than North Terminal but does not allocate additional funds.</p> <p>The County Mayor or designee is delegated the authority to exercise the provisions of the Change Order; this item also delegates to the County Mayor or designee the authority to extend the duration of the Consultant Agreement.</p> <p><b>Background</b> The North Terminal Development Program is nearly complete. All major portions of the program including all terminal areas, concourses, gates, ticket counters, automated people mover, federal inspection services facility, regional commuter facility, fueling system, civil and apron work, baggage handling system and concessions are now open and functioning. The entire program is in the close-out phase and is anticipated to be finished by late 2014. However, there are a significant number of projects which were not covered by the program that are critical to the continued success of MIA and its airline partners, including:</p>	

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	<ul style="list-style-type: none"> <li>• Concourse E which supported NTDP is being refurbished to last until the Central Terminal Program replaces it in the last phase of that program. This project is of particular importance because American Airlines is expanding its operations to Concourse E as it continues to add new flights to its MIA schedule. The Department needs Sequeira &amp; Gaverette for construction and finish work inspection on the refurbishment of Concourse E and E Satellite.</li> <li>• Sequeira &amp; Gaverette's services are necessary to plan a secure connector between Concourse F and Concourse G to maximize efficiencies for MIA's current and new airline partners.</li> <li>• On Concourse H, Air France will soon put its A380 aircraft into service at MIA, joining Lufthansa, which is already flying its A380 at MIA. Another three airlines have indicated interest in flying the A380 to MIA. Sequeira &amp; Gaverette's services are necessary to plan a conversion of a gate at Concourse H for such aircraft.</li> </ul> <p>Upon completion of Sequeira &amp; Gaverette's planning services on the above projects, competitive consultant selection will begin. The Department needs the support of this consultant to design the work with the least amount of disruption to operations. The selection of a new consultant would require time, cost and a learning curve as it familiarized itself with the projects. In addition each project needing Architectural/Engineering services for construction documents will be procured through the Equitable Distribution Program or consultant selection process depending on the requirements of the project.</p> <p>This amendment extends the agreement term to continue the administration of contracts for the design, construction and installation of goods and materials relating to the completion and close out of the NTDP and to assist the Department with other consulting services in other areas of the MIA Terminal Complex, as may be necessary within the terms of the existing agreement.</p> <p>ORIGINAL AGREEMENT AMOUNT: \$60,784,902.00</p> <p>PREVIOUSLY ADJUSTED AGREEMENT AMOUNT: \$108,434,902.00</p> <p>CONTRACT MEASURES: 8% (\$7,489,377.41) SBE Goal</p> <p>CONTRACT MEASURES ACHIEVED: 14.22% (\$13,049,183.93) SBE Goal based on payments through June 2014</p> <p><b><u>Additional Information</u></b> On July 6, 2006, the BCC through R-807-06, waived formal bid procedures and approved a Consulting Agreement with Sequeira &amp; Gavarrete, P.A. for project support services to include management, cost, and schedule control services for the North Terminal Development Program (NTDP).</p> <p><b><u>Background</u></b> One of the agreements assigned to the County pursuant to the Fourth Amendment to the Lease, Construction and Financing Agreement with American Airlines, Inc., approved by the Board on June 21, 2005, was with Corgan Associates, Inc. (Corgan). When the County took over the management of the NTDP, the Aviation Department set up a management team consisting of key Aviation Department staff supplemented by staff from Corgan and other consultants, as needed. Recognizing the continuing evolution of Corgan's agreement, an amendment was executed under the provisions contained in Expedite Ordinance No. 95-64 extending the term of Corgan's present agreement for an additional five months to permit the Department to clarify the future role of the consultant.</p> <p>During this time period, the Aviation Department met with Corgan several times to develop an agreement that met the present and future needs and operating requirements of the County. Unfortunately, the Department was unable to successfully negotiate a replacement agreement with Corgan regarding contractual language relating to responsibility and risk assumption of its subconsultants and an agreement that adequately protected the County's interests. For this reason, the Department initiated negotiations with Sequeira &amp; Gavarrete, P.A. (S&amp;G), one of the major subconsultants of Corgan, to take on the prime consultant role and assume responsibility of the subconsultants. The Department successfully negotiated the attached consulting agreement which has accomplished this goal. However, recognizing that some continued involvement of Corgan's principal and personnel would be beneficial to the County relating to the transition, project and claims management of NTDP, an amendment was approved under Expedite Ordinance No. 95-64 extending the term of Corgan's present agreement for up to an additional two years.</p> <p>Amount of the Recommended Agreement: \$60,784,902 for the initial term of this Agreement</p> <p>Term of Agreement: Four (4) years and three (3) months</p> <p>Option(s) to Renew: The County reserves the right to extend this agreement for up to three (3) years in separate terms of one-year.</p> <p>Recommended Contract Measures: SBE Subconsultant Goal of 8%</p> <p><b><u>Additional Information Pertaining to Change Orders</u></b> The First Amendment for \$2,500,000.00 (November 17, 2009, under the NTD Expedite Ordinance 08-87) for cost estimating, code research for Life Safety Master Plan, and additional support staff for baggage system; and exercised two (2) of the three (3) available one-year renewal options for \$30,100,000.00.</p> <ul style="list-style-type: none"> <li>• <b>R-469-10 adopted on May 4, 2010 in the amount of \$2.5 million. However, there is no mention of the options to renew in the amount of \$30,100,000. Although Ordinance 08-87 delegates authority to the Mayor and the Aviation Director to perform</b></li> </ul>

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	<p><b>certain actions without prior BCC approval, any amendment in excess of ten million dollars (\$10,000,000) does require prior BCC approval.</b></p> <ul style="list-style-type: none"> <li>○ <i>According to MDAD, THIS WAS A BRIEF SUMMARY CONTAINED IN A RATIFICATION REPORT. SINCE WE HAD THE AUTHORITY TO RENEW, IT WAS NOT REQUIRED IN THE REPORT. FURTHER, THE ORIGINAL AGREEMENT AUTHORIZED THE \$30.1M FOR ALL THREE OTRs. Also, note that the contract as awarded had a four year base term with 3 one year options. We did NOT need to ratify the options, as those were pre-approved by BCC on award.</i></li> </ul> <p>The Second Amendment modified the terms to allow utilization of the available balance in Basic Services to fund work authorized as Dedicated Services or Reimbursable Expenses, as long as the funds are used in a manner consistent with the described intent of the service category scope to which the funds are being transferred. Exercised the third and final one (1) year renewal option for \$15,050,000.00, to extend the term of through September 30, 2013.</p> <ul style="list-style-type: none"> <li>● <b>On September 1, 2011, the BCC adopted R-649-11- approving the 2nd Amendment. However, the item does not state that it is exercising the third and final one year renewal for \$15,050,000 through September 30, 2013.</b> <ul style="list-style-type: none"> <li>○ <i>According to MDAD, SAME AS ABOVE. WE ONLY REQUIRED AMENDMENT TO ALLOW US TO USE MONEY ALLOCATED IN BASIC SERVICES TO FUND DEDICATED SERVICES/REIMBURSABLE EXPENSES.</i></li> </ul> </li> </ul> <p>The Third Amendment extended the term to September 30, 2014.</p> <ul style="list-style-type: none"> <li>● <b>On July 16, 2013 the BCC adopted R-606-13, through the NTD Expedite Ordinance. This amendment extended the term, however, the 2nd amendment (stated above) exercised the third and final OTR though 9/30/13, so how was the third amendment able to extend the term to 2014 if there were no more OTRs available?</b> <ul style="list-style-type: none"> <li>○ <i>According to MDAD, THIS AMENDMENT EXTENDED THE TERM. NO OTR WAS EXERCISED</i></li> </ul> </li> </ul> <p>The Fourth Amendment extended the term through January 31, 2015.</p> <ul style="list-style-type: none"> <li>● <b>Please provide this documentation. I can't find anything referring to a Fourth Amendment for this contract.</b> <ul style="list-style-type: none"> <li>○ <i>According to MDAD, WE HAVE NOT YET SUBMITTED THIS ITEM FOR RATIFICATION.</i></li> </ul> </li> </ul>
<b>8D1 142558</b>	RESOLUTION APPROVING SETTLEMENT OFFER WITH INTERNAL REVENUE SERVICE IN THE AMOUNT OF \$283,155.10 WITH RESPECT TO COUNTY'S VOLUNTARY PROCEEDING REGARDING SEAPORT REVENUE BONDS, SERIES 1996; AND AUTHORIZING COUNTY MAYOR OR DESIGNEE TO APPROVE ADJUSTED SETTLEMENT OFFER IN AMOUNT UP TO \$350,000.00, TO EXECUTE SETTLEMENT AGREEMENT AND EXERCISE PROVISIONS CONTAINED THEREIN TO EFFECTUATE SETTLEMENT
<b>Notes</b>	<p>The proposed resolution approves an Internal Revenue Service (IRS) settlement offer of \$283,155.10, and authorizes the County Mayor or designee to approve any increase in such offer up to \$350,000.00 and to accept and enter into a settlement agreement in connection with the IRS's review (Review) of the federal income tax treatment of interest on the Seaport Revenue Bonds, Series 1996 (Series 1996 Bonds), which was initiated by the County.</p> <p><b>Fiscal Impact/Funding Source</b></p> <p>The acceptance and payment of the settlement offer by the IRS in the amount of \$283,155.10, and any adjustment to the offer that will increase the settlement up to \$350,000.00, will have a fiscal impact on PortMiami. Any settlement will be paid with Seaport Revenues from the interest savings resulting from the refunding of the Seaport Revenue Refunding Bonds, Series 1995 and Series 1996 (Refunded Bonds).</p> <p><b>Background</b></p> <p>In August 2012, during the County's refunding of the Refunded Bonds, Squire Sanders, LLP (Squire), acting as bond counsel, discovered in its tax review and diligence that a 1998 contract between the County and Carnival (Terminal Agreement) may have affected the tax status of the Series 1996 Bonds. When circumstances change regarding outstanding bonds, such as in this case, the IRS has a voluntary procedure (VCAP) that governmental entities could use to obtain a final determination from the IRS. The County elected to pursue this procedure with respect to the Series 1996 Bonds. On December 4, 2012, the Board approved Resolution R-1005-12, which appointed Squire to be the County's special tax counsel to negotiate and deal with the IRS on the County's VCAP application. At the time, the County's liability was estimated to range between \$200,000.00 and \$1,000,000.00.</p> <p>Squire received an initial settlement offer from the IRS of over \$850,000.00. After prolonged negotiations, Squire recommends that the County accept the IRS's latest settlement offer of \$283,155.10, which is approximately a third of the initial offer. Since it is within the IRS's discretion to adjust its offer prior to the execution of a final settlement agreement based on the timing of the settlement, this resolution authorizes the County Mayor or designee to accept an offer in excess of \$283,155.10, but not greater than \$350,000.00.</p> <p>In order to prevent similar types of tax events from occurring, the Administration and County Attorney's Office are working on establishing a process for reviewing all leases and any amendment to a lease or operating agreement with a private concern before they are presented to the Board for approval. The process will determine whether tax-exempt bond proceeds were used to finance the facility(s) leased or operated by the private concern. If tax-exempt bond proceeds were used to finance the facility(s), the lease or operating agreement will be modified to avoid adverse federal tax consequences.</p> <p><b>Additional Information</b></p> <p>On December 4, 2012, the BCC approved R-1005-12, appointing Squire as special tax counsel to the County in an IRS review initiated by the County with respect to the federal income tax treatment of interest on the Seaport Revenue Bonds, Series 1996 (Series 1996 Bonds). If the IRS determined that the Series 1996 Bonds federal income tax treatment of the interest did change, the County may be liable to the IRS for a</p>

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	<p>settlement amount ranging from less than \$200,000 to \$1 million or more. In addition, the County will be responsible for Squire's fees and expenses which are estimated to be \$15,000 to \$20,000 for the initial contact and submission and depending on the response by the IRS, up to \$50,000 or more to complete the process. Such fees and expenses will not exceed \$50,000 without further BCC approval.</p> <p>The amount due to the IRS and the fees and expenses of Squire will be paid from Seaport revenues and if the Seaport Refunding is approved by the BCC as a future item, from the interest savings which are estimated to be over \$3 million based on the current market.</p> <p><b>Background to R-1005-12</b>  <i>In November 1996, the County issued the Series 1996 Bonds in the amount of \$29,270,000 to finance primarily cruise terminals 8 and 9. They were issued as governmental bonds so the interest paid to the bondholder was not subject to any federal income taxation. As a result, the County benefitted from the lowest tax exempt interest rates in the market at the time.</i></p> <p><i>Not all County bonds are governmental bonds. Alternatively, a County bond may be tax exempt but may also be subject to an alternative minimum tax, known as a Private Activity Bond, which increases the amount of interest the County must pay. To qualify as a Private Activity Bond, two tests must be met. The first is private use by a non-governmental entity and the second is private payment to or private security for the County from the same non-governmental entity. Although Carnival Cruise Lines was using terminals 8 and 9 when the Series 1996 Bonds were issued, it had no obligation to pay the County for such use other than the dockage and wharfage fees paid by all cruise lines using the Seaport. Without any additional payment obligations from or guarantees by Carnival at that time for the use of the terminals, the second private activity test was not met so the Series 1996 Bonds were issued as governmental bonds.</i></p> <p><i>The County was contemplating refunding the outstanding Series 1996 Bonds and the Seaport Revenue Refunding Bonds, Series 1995 (collectively, Seaport Bonds). Squire was appointed bond counsel for the refunding, and in its tax review and diligence discovered that a 1998 contract between the County and Carnival (Terminal Agreement) may affect the classification of the Series 1996 Bonds as governmental bonds. The new contract obligates Carnival to make a payment to the County if the number of Carnival passengers falls below a certain level in exchange for a reduced wharfage and dockage fee. In effect, it is possible that one could interpret the Terminal Agreement such that Carnival may be deemed to be guaranteeing a minimum amount of wharfage and dockage fees. Although Carnival has never made a payment to the County, its guarantee along with Carnival's use of the cruise terminals may result in a reclassification of the Series 1996 Bonds from governmental bonds to Private Activity Bonds.</i></p>
<b>8K1 142239</b>	<p>RESOLUTION APPROVING TRANSFER OF OWNERSHIP FOR THE LONDON HOUSE APARTMENTS PROJECT FROM MBCDC: THE LONDON LLC TO CITY OF MIAMI BEACH; AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO FILE WITH THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT A SUBSTANTIAL AMENDMENT TO THE FY 2009 ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS; APPROVING ASSIGNMENT, ASSUMPTION AND AMENDMENT OF AN EXISTING FY 2009 COMMUNITY DEVELOPMENT BLOCK GRANT AGREEMENT FROM MBCDC: THE LONDON LLC TO CITY OF MIAMI BEACH IN AN AMOUNT NOT TO EXCEED \$456,425.13 FOR THE LONDON HOUSE APARTMENTS PROJECT; AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE ANY AND ALL CONTRACTS AND AMENDMENTS TO ENSURE CITY'S COMPLIANCE WITH EXISTING AGREEMENT; APPROVING THE ASSIGNMENT AND ASSUMPTION OF TWO AWARDS OF FY 2013 DOCUMENTARY STAMP SURTAX FUNDS FOR LONDON HOUSE APARTMENTS FROM MIAMI BEACH COMMUNITY DEVELOPMENT CORPORATION OR RELATED ENTITY TO CITY OF MIAMI BEACH, USE OF SURTAX FUNDS FOR ELIGIBLE EXPENDITURES INCURRED FOR 1965 AND 1975 WASHINGTON AVENUE, AND CHANGE IN TOTAL NUMBER OF UNITS TO 24 UNITS; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE CONDITIONAL LOAN COMMITMENTS, AMENDMENTS, AND SHELL CONTRACTS AND LOAN DOCUMENTS WITH THE CITY AND EXTENSIONS THEREOF TO SECURE AND/OR SUBORDINATE THE COUNTY'S INTEREST IN THE PROJECT AND ENSURE COMPLIANCE WITH FEDERAL, STATE AND LOCAL REQUIREMENTS AND TO EXERCISE TERMINATION, WAIVER, ACCELERATION AND OTHER PROVISIONS SET FORTH THEREIN</p>
<b>Notes</b>	<p>The proposed resolution approves the following:</p> <ul style="list-style-type: none"> <li>• Transfer of ownership for the London House Apartments from MBCDC: The London LLC to the City of Miami Beach (City);</li> <li>• The assignment and assumption of an existing contract in the amount of \$408,482.00 in FY 2009 Community Development Block Grant (CDBG) funds, which will be amended to include \$47,943.13 for project delivery costs incurred by PHCD staff;</li> <li>• The assignment and assumption of two awards of FY 2013 Documentary Stamp Surtax (Surtax) funds totaling no more than \$800,000.00;</li> <li>• The change in the number of units from what was previously approved as 18 units (Surtax) or 33 units (CDBG) to 24 units and permitting Surtax allocations to be used at both 1965 and 1975 Washington Avenue. The reduction in the number of units was the result of the architectural plans required for the new project to include accessible features.</li> </ul> <p>The proposed resolution recommends that the BCC authorize the County Mayor or his designee to do the following:</p> <ul style="list-style-type: none"> <li>• Execute contract(s) and amendments to ensure the City will be obligated to comply with the existing CDBG Contract.</li> <li>• Renew the existing conditional loan commitments for \$350,000 of Surtax funds, execute a conditional loan commitment for \$450,000 of Surtax funds, and execute shell loan documents upon a determination by the County Mayor or his designee that the conditions set forth in the conditional loan commitments have been met.</li> <li>• Extend conditional loan commitments for Surtax awards and contracts for CDBG funds for the London House Apartments project for up to two (2) years from the effective date of this resolution upon a determination by the County Mayor or his designee that said extensions are in the best interest of the County;</li> <li>• File with the United States Department of Housing and Urban Development a substantial amendment to the FY 2009 Annual Action Plan for CDBG.</li> </ul>

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	<p>As a part of the transfer of this project, the City of Miami Beach as the new owner will agree to all the existing terms of the conditional loan commitments, contracts and loan documents, including a 30-year affordability period for the entire project. Once construction is completed, annual monitoring for compliance with the executed agreements, including rental regulatory agreements, will be performed by the compliance staff to ensure compliance with the federal, state and local requirements.</p> <p><b>Fiscal Impact / Funding Source</b> No additional CDBG or Surtax funding is being awarded to this project in this resolution; therefore, it has no direct fiscal impact to Miami-Dade County.</p> <p>Approval of this item authorizes the transfer of existing agreements with a Miami Beach CDC entity to the City of Miami Beach, which will assume the current obligations of the CDC entity to the County. The amount of County funds which to date have been spent on the development of the London House Apartments project is approximately \$340,779.50 in FY 2009 CDBG funds. Of the \$408,482 FY 2009 CDBG award, \$67,702.50 remains unexpended. In addition to the \$408,482 in CDBG funds, \$47,943.13 of a \$591,000.00 allocation in Resolution No. R-1127-08 of FY 2009 CDBG funds were set aside for the London House Apartments project for project delivery expenses attributable for County staff associated with the London House project. Of these set-aside funds, \$45,703.00 has been expended on project delivery expenses, with a remaining balance of \$2,240.13 set aside for County staff costs associated with the project.</p> <p>The conditional loan commitment for \$350,000 Surtax funds was executed on March 1, 2013 and expired on September 1, 2013. To date, it has not been renewed or extended. A conditional loan commitment for \$450,000 Surtax funds was never executed, though the funds were awarded in Resolution No. R-1063-12. The total \$800,000.00 in FY 2013 Surtax funds to the MBCDC entity was and will remain contingent upon a favorable credit underwriting report. As part of the City's due diligence, the City has hired an independent firm to complete a subsidy layering review report, which has not yet been completed.</p> <p><b>Background</b> On October 21, 2008, the Board approved Resolution No. R-1127-08 allocating \$408,482.00 in FY 2009 CDBG funds to MBCDC: The London, LLC for the London House Apartments. Of that \$408,482.00 award, \$340,779.50 has already been expended on the project. In Resolution No. R-1127-08, the Board also awarded \$591,000.00 in FY 2009 CDBG funds to Public Housing and Community Development Department for professional services and technical assistance for housing projects. Of that \$591,000.00, \$47,943.13 of FY 2009 CDBG funds were set aside to pay County staff for project delivery expenses attributable to the London House Apartments project. Of that \$47,943.13, \$45,703.00 has already been expended and \$2,240.13 remains to be spent on such project delivery expenses. As part of the assumption of the CDBG obligations by the City, the amendments and contracts for CDBG funds will include this \$47,943.13 amount as a budgeted expense on the project. In total, \$386,482.50 of FY 2009 CDBG funds have been expended on the project.</p> <p>On December 19, 2012, the Board approved Resolution No. R-1063-12 awarding \$350,000.00 in FY 2013 Surtax and on May 7, 2013, the Board approved Resolution No. R-355-13 awarding an additional \$450,000.00 in FY 2013 Surtax funds. To date the total County funding allocated to this project is \$1,256, 425.13 (a combination of \$456,425.13 in CDBG funds and \$800,000 in Surtax funds).</p> <p>On April 25, 2014, the City of Miami Beach contacted PHCD and expressed their documented concerns with Miami Beach CDC's capacity to complete the project based on administrative irregularities and timeliness of expenditures of Neighborhood Stabilization Program 3 (NSP3) funds. It is important to note there were no known irregularities in Miami Beach CDC's use of the County's CDBG funds. On May 13, 2014, the City of Miami Beach assumed the title on the property and informed the County of their intentions to complete the project. On July 23, 2014, the City awarded the Request For Proposal (RFP) No. 2014-206-SR Design/Build Services for the London House Rehabilitation and Restoration project to Team Contracting, Inc. in the amount of \$3,725,533.35.</p> <p>In an effort to demonstrate their capacity to successfully complete the project, the City of Miami Beach anticipates using various existing and future funding of \$3,896,712.00 and has hired an independent firm to perform a subsidy layering review of the funds identified in addition to completing the underwriting required for the County's Surtax funds.</p> <p>The City will utilize the total combined County CDBG and Surtax funding of \$1,256,425.13 to develop the London House Apartments, a 24-unit affordable housing rental development serving a low-income housing community whose household income is less than 80% of Area Median Income (AMI). The original CDBG award was for construction or rehab of 33 units for both buildings located at 1965 and 1975 Washington Avenue. The original Surtax allocation was for 18 units for the building located at 1975 Washington Avenue. The project has since evolved and all of the funding now will be used on the project which includes both buildings at addresses 1965 and 1975 Washington Avenue and for a total of 24 units. Pursuant to Section 504 of the Rehabilitation Act, at least five percent (5%) or one (1) unit, whichever is greater will be set aside to meet Uniform Federal Accessibility Standards (UFAS) or a standard that is equivalent or stricter, for persons with mobility disabilities; and at least 2% of the units, or at least one (1) unit, whichever is greater, shall be accessible for persons with hearing or visual disabilities. The approved building plans are required to meet Section 504 of the Rehabilitation Act; however, the actual units are pending designation. In addition, at least three (3) units will be set aside for extremely low income (ELI) persons.</p> <p><b>Additional Information</b> <i>The longtime president/CEO of the Miami Beach Community Development Corporation, resigned on December 2013, amid a city review that found "fiscal and operational discrepancies" including \$300,000 in double billing related to an affordable housing development. Law enforcement and the U.S. Department of Housing and Urban Development have been involved in an investigation for months, according to a Dec. 16, 2013 memo written by Miami Beach City Manager.</i></p>

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	<p><i>The CDC does housing and community redevelopment programs in Miami Beach. It is not a city agency, but through the city, it receives federal funds, including community development block grant (CDBG) dollars. The city launched a review of CDC financial matters earlier this year. Two city officials quit and a third was fired. The Memo states that the CDC had been "unable to provide satisfactory explanations to issues raised" that related to the London House Apartments, an affordable housing development.</i></p> <p><i>According to the Memo, the City's Director of Real Estate, Housing and Community Development, approached an employee and asked him to sign timesheets for the Neighborhood Stabilization Program - though he didn't work for the program. The Director was fired.</i></p> <p><i>The city review focused on discrepancies in invoices submitted by the CDC in 2011 and 2012 for a grant related to the London House Apartments. The apartments, located at 1965-1975 Washington Ave., were acquired using city redevelopment agency funds. Among the receipts submitted by the CDC were architectural and insurance costs that dated back four years before the execution of the city's contract for funding. After finding that HUD rules were not followed, city staff members met with representatives from HUD's Miami office and told HUD that the city was working together with law enforcement. The Miami-Dade state attorney's office and HUD are investigating.</i></p>
<b>8K2 142478</b>	<p>RESOLUTION AUTHORIZING A LOAN IN AN AMOUNT NOT TO EXCEED \$1,825,000.00 FROM LOW INCOME HOUSING DEVELOPMENT PROCEEDS TO RELATED URBAN DEVELOPMENT GROUP, LLC OR ITS DESIGNEE OR SUBSIDIARY FOR COLLINS PARK APARTMENTS, SUBJECT TO CERTAIN CONDITIONS; RETROACTIVELY AUTHORIZING AND APPROVING THE PUBLIC HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT DIRECTOR'S EXECUTION OF A LOAN COMMITMENT LETTER; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE STANDARD LOAN DOCUMENTS, CONTRACTS, AGREEMENTS AND AMENDMENTS, TO SUBORDINATE AND/OR MODIFY THE TERMS OF CONTRACTS, AGREEMENTS, AMENDMENTS AND LOAN DOCUMENTS; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE TERMINATION, WAIVER, ACCELERATION, CANCELLATION AND OTHER PROVISIONS CONTAINED IN ANY OF THE FOREGOING AGREEMENTS; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE OTHER DOCUMENTS AS MAY BE NECESSARY; WAIVING RESOLUTION NO. R-130-06</p>
<b>Notes</b>	<p>The proposed resolution authorizes the following:</p> <ul style="list-style-type: none"> <li>• A loan in an amount not to exceed \$1,825,000.00 from Low Income Public Housing Development Proceeds (Development Proceeds) to RUDG, LLC or its designee or subsidiary for Collins Park Apartments, subject to certain conditions;</li> <li>• Retroactively authorize and approve the Miami-Dade Public Housing and Community Development Department Director's loan commitment letter;</li> <li>• The County Mayor or designee to execute standard loan documents, contracts, agreements and amendments, approve by the County Attorney's Office, and to subordinate and/or modify the terms of contracts, agreements, amendments and loan documents;</li> <li>• The County Mayor or designee to exercise termination, waivers, acceleration, cancellations and other provisions contained in any of the agreements;</li> <li>• The County Mayor or designee to execute other documents necessary to accomplish the purposes and exercise the cancellation and other provisions contained therein; and</li> <li>• Waiver of Resolution No. R-130-06 because the loan documents will be prepared and negotiated with RUDG after approval of the resolution.</li> </ul> <p>The County Mayor is authorized to effectuate this Resolution by approving and filing this Resolution with the Clerk of the Board. This will allow the Public Housing and Community Development Department <b>to expedite the loan closing process and assist RUDG with relocating 124 public housing residents from Three Round Towers to Collins Park Apartments prior to the required tax credit occupancy deadline of November 30, 2014.</b></p> <ul style="list-style-type: none"> <li>• <i>Was this deadline met?</i></li> </ul> <p><b>Background</b></p> <p>On July 15, 2014, the Board, pursuant to Resolution No. R-668-14, authorized the County Mayor or designee to execute a Master Development Agreement and all necessary mixed-finance agreements with RUDG or its subsidiaries or designees for the redevelopment of the Three Round Towers Public Housing Development. Resolution No. R-668-14 further approved the conversion of Collins Park Apartments to public housing and the use of public housing operating subsidy. The Board also approved that residents of Three Round Towers who voluntarily elected to relocate to Collins Park Apartments, could do so. Any costs associated with the relocation of the residents will be borne by RUDG.</p> <p>The United States Department of Housing and Urban Development (HUD) determined that in order to effectuate the conversion of Collins Park Apartments to public housing the County would have to acquire the property. On October 21, 2014, the Board adopted, Resolution No. R-947-14, which amended Resolution No. R-668-14, to authorize the County Mayor or designee, in part, to accept a Special Warranty Deed from Collins Park Apartments, LLC, at no cost to the County, donating a fee estate interest, subject to a reverter, in the land.</p> <p>There is presently a mortgage in approximately \$21,500,000.00 in favor of Citibank encumbering the Collins Park Apartments' property. The majority of the Citibank Loan is being repaid from low-income housing tax credit equity, but a portion was expected to remain outstanding as permanent debt. As a condition of HUD's approval of the conversion of Collins Park Apartments to public housing, HUD requires the Citibank Loan to be subordinated to a declaration of restrictive covenants to be recorded in favor of HUD. Since there will be insufficient income generated from the public housing units to service the Citibank Loan, it is recommended that the County allocate up to \$1,825,000.00 to be used as a loan to pay down a portion of the Citibank Loan. As consideration, Citibank has agreed to subordinate the Citibank Loan to HUD's declaration of restrictive covenants and has further agreed to permit Collins Park Apartments to be converted to</p>

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	<p>public housing. Citibank further requested that the County confirm its commitment to allocate \$1,825,000.00 to Collins Park Apartments. Accordingly, the Public Housing and Community Development Department (PHCD) Director signed a loan commitment letter, to ensure that the County's acquisition of Collins Park Apartments was not jeopardized.</p> <p>Initially, it was anticipated that Surtax funds would be used. However, the PHCD has determined that instead of using Surtax funds, it will use funds from Development Proceeds, which are derived from the ground lease payments received by the PHCD from RUDG from the other public housing developments that RUDG has developed or redeveloped.</p>
<b>8K3 142432</b>	<p>RESOLUTION APPROVING THE SETTLEMENT AGREEMENT BETWEEN MIAMI-DADE COUNTY, ZURQUI CONSTRUCTION SERVICES, INC., AND GREAT AMERICAN INSURANCE COMPANY IN THE AMOUNT OF \$96,250.00 AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO ENFORCE ALL TERMS CONTAINED THEREIN</p>
<b>Notes</b>	<p>The proposed resolution approves the attached settlement agreement of the lawsuit between Zurqui Construction Services, Inc. (Zurqui), Great American Insurance Company (Great American), and Miami-Dade County (County) pending in the Circuit Court of the Eleventh Judicial Circuit, in and for Miami-Dade County, Case No. 12-20823 CA 02, (Lawsuit) in the amount of \$96,250.00 as full compensation for all claims related to the construction projects that are the subject of this lawsuit.</p> <p>This proposed settlement stems from litigation based on claims arising out of the construction projects between Zurqui, Great American and the County for Newberg Phase I (HUD-FLA-5-031) and Newberg Phase II (HUD-FLA-5-031) (Projects).</p> <p><b>Fiscal Impact</b> The fiscal impact to the County is \$96,250.00 and will be paid from the retainage withheld by the County on the Projects. Currently the retainage withheld by the County is \$185,283.06. From this amount the County will release the \$96,250.00 settlement amount. These funds are part of the Public Housing and Community Development Department's (PHCD) Capital Fund Program.</p> <p><b>Background</b> In 2010, the County awarded to Zurqui contracts for the comprehensive modernization of the Newberg Apartments, Phases I and II located at 7217 NE Miami Court, Miami, Florida. The value of the contract for Phase I was approximately \$1,123,400.00 including contingency and allowance accounts. The value of the contract for Phase II was approximately \$1,350,000.00 including contingency and allowance accounts. Great American, as the surety, issued payment and performance bonds on both projects and has assumed all of Zurqui's rights and obligations in connection with this lawsuit.</p> <p>During the course of the work, the County issued Zurqui a number of change orders adding work and time to the contracts. However, the County and Zurqui were unable to agree on the validity and/or value of several change orders. Nevertheless, pursuant to the contract documents, the County ordered the work to be performed and Zurqui performed the work but claimed that it was owed additional sums. Additionally, there were disagreements regarding contract non-performance on the part of Zurqui. The County issued two Notices to Cure to Zurqui which included its abandonment of the project sites when the Projects were almost completed. Zurqui did not return to the project sites to complete the Project. The County and Zurqui were unable to resolve their disagreements and, as a result, Zurqui was terminated for default by the County on December 8, 2011. The County then hired a completion contractor to complete the remaining work and the Projects were completed within the original budgeted amount.</p> <p>Zurqui filed a lawsuit against the County on June 22, 2012, seeking moneys owed for the value of work completed for the County. Zurqui claimed that the County wrongfully terminated the company and was in material breach of the contract by failing to pay the disputed amounts related to the change order and contract work. Specifically, Zurqui was seeking \$526,580.83 in damages related to Phase I and \$387,429.06 in damages related to Phase II. Including interest, Zurqui claimed a total of \$1,051,036.14 in damages.</p> <p>The County and Zurqui agreed to refer this matter to formal mediation and, after mediation, the parties have agreed to the proposed mutual settlement of this matter. As part of this settlement agreement, the County will pay to Great American \$96,250.00 from the retainage which was withheld from Zurqui by the County and represents the value of the change order work performed by Zurqui for which it has not been compensated. This amount is approximately half of the retainage amount withheld by the County for work completed by Zurqui, and will constitute full and final payment by the County of all claims that Zurqui and Great American have against the County related to this matter. Upon approval of this proposed agreement by the Board, the parties will file a Stipulation of Dismissal of this lawsuit with Prejudice.</p>
<b>8K4 142557</b>	<p>RESOLUTION AUTHORIZING, PURSUANT TO THE PROVISIONS OF SECTION 17-02 OF THE CODE OF MIAMI-DADE COUNTY, A LOAN TO THE CORNERSTONE GROUP AND ITS AFFILIATES IN AN AMOUNT NOT TO EXCEED \$6,500,000.00 OF REPAYED LOAN FUNDS FOR THE VILLA CAPRI II AFFORDABLE HOUSING PROJECT; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE ALL CONDITIONAL LOAN COMMITMENTS, STANDARD SHELL CONTRACTS, STANDARD SHELL LOAN DOCUMENTS, AMENDMENTS AND OTHER AGREEMENTS AND DOCUMENTS NECESSARY TO ACCOMPLISH THE PURPOSES OF THIS RESOLUTION, TO AUTHORIZE SUBORDINATION OF COUNTY'S INTEREST, AND TO EXERCISE THE TERMINATION, WAIVER, ACCELERATION, CANCELLATION AND OTHER PROVISIONS CONTAINED THEREIN [SEE ORIGINAL ITEM UNDER FILE NO. 142244]</p>
<b>Notes</b>	<p>The proposed resolution authorizes pursuant to Section 17-02 (a) and (b) of the Code of Miami-Dade County, a loan of up to \$6,500,000 to The Cornerstone Group and its affiliates for the Villa Capri II affordable housing development.</p> <p>The proposed resolution also authorizes the County Mayor or designee to:</p> <ul style="list-style-type: none"> <li>• Execute all conditional loan commitments, standard shell contracts, standard shell loan documents, amendments and other agreements necessary.</li> </ul>

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	<ul style="list-style-type: none"> <li>• Upon a determination that such actions are in the best interest of the County, to subordinate and/or modify the terms of contracts, agreements, amendments and loan documents so long as such modifications are approved by the County Attorney's Office and are not substantially inconsistent with this resolution and to exercise the termination, waiver, acceleration, or other provisions set forth therein and execute other documents necessary to accomplish the purposes set forth in this resolution; and</li> <li>• Exercise the cancellation and other provisions.</li> </ul> <p>Additionally, the item is recommending that the County Mayor waive his veto authority to allow the County to close on the County loan on or before the scheduled closing date. The financial closing for the Villa Capri II project is scheduled for December 11, 2014.</p> <p><b>Fiscal Impact</b> This item pertains only to Surtax and SHIP funds and will not have a negative fiscal impact on the County's General Fund. The funding in this item consists of proceeds from previously issued County loans for awarded projects. The funding paid back will be loaned to Villa Capri II Associates, Ltd. for development of the Villa Capri II apartments project and will be a fourth mortgage on the property. Those projects were previously funded with Home Investment Partnerships (HOME) Program funds, State Housing Initiatives Partnership (SHIP) funds and with Documentary Stamp Surtax (Surtax) Funds. All funds associated with this recommendation were paid from the developer.</p> <p><b>Background</b> Villa Capri II Apartments is a new construction affordable rental housing project. The project will consist of 117 units ranging in size from 2 bedrooms/2.5 bathrooms, 1,225 square feet to 4 bedrooms/ 2 bathrooms, 1,461 square feet and will serve families earning up to 60% of the area median income.</p> <p>Villa Capri II is the last phase of a three phase project and is expected to be completed by December 2015. Villa Capri I is a new construction affordable rental housing project consisting of 220 units, serving families up to 60% of the area median income. Villa Capri I was completed and received its certificate of occupancy on May 10, 2013. Villa Capri III is a new construction affordable housing project consisting of 140 units, serving families up to 60% of the area median income. Villa Capri III was completed and received its certificate of occupancy on March 23, 2012.</p> <p>The Cornerstone Group was previously awarded \$6,500,000 of Surtax and SHIP funds by the County for other affordable housing projects. The Cornerstone Group, and its related entities, has repaid those loans in full, before the maturity dates on those loans. Pursuant to the terms of Section 17-02 of the Code of Miami-Dade County, any entity that has received loans for affordable housing, and repays those loans in full before the maturity date, may, upon the approval of the BCC, have those funds re-loaned to it for its other eligible affordable housing projects, without the need to compete again for those funds.</p> <p>The \$6,500,000 will be utilized for the construction of Villa Capri II (rental new construction) and will come from the paid off Surtax and SHIP loans listed. Villa Capri II is currently in underwriting and the loan closing has not taken place. Upon loan closing, the loan will be subject to those loan terms prescribed in the 2014 RFA.</p>																
<b>8L1 142273</b>	RESOLUTION APPROVING A CONTRACT AWARD RECOMMENDATION IN THE AMOUNT OF \$416,609.42 TO R & D ELECTRIC, INC. FOR THE PEOPLE'S TRANSPORTATION PLAN PROJECT ENTITLED "SOLAR POWERED ELECTRONIC SPEED FEEDBACK SIGNS - SOUTH L, COUNTYWIDE"; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR SUCH PURPOSE																
<b>Notes</b>	<p>The proposed resolution approves a contract award recommendation to R&amp;D Electric Inc. in the amount of \$416,609.42 for the PTP project titled "Solar Powered Electronic Speed Feedback Signs - South L, Countywide".</p> <p>This project includes installation of solar powered electronic speed feedback signs at various elementary and middle schools within Miami Dade County.</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <tbody> <tr> <td>Avocado Elementary</td> <td>Coral Reef Elementary</td> </tr> <tr> <td>Banyan Elementary</td> <td>Cutler Ridge Middle</td> </tr> <tr> <td>Bel Aire Elementary</td> <td>Cypress Elementary</td> </tr> <tr> <td>Bent Tree Elementary</td> <td>Dr. Barreiro Manuel C. El.</td> </tr> <tr> <td>Coconut Palm K-8</td> <td>Ethel K. Beckham Elementary</td> </tr> <tr> <td>Coral Way K-8 Center</td> <td>Everglades K-8 Center</td> </tr> <tr> <td>Colonial Drive Elementary</td> <td>Fairlawn Elementary</td> </tr> <tr> <td>Colonial Drive Elementary</td> <td>Goulds Elementary</td> </tr> </tbody> </table> <p>The scope of work for this project qualified for a 100% CSBE participation. A Community Workforce Program Goal was deemed not applicable to this RPQ.</p> <p><b>Fiscal Impact/Funding Source</b> The contract is for \$416,609.42 (includes a contingency amount of \$36,809.50 and dedicated allowance of \$11,704.92). It will be funded from the Charter County Transportation sales Surtax Bond Sale Proceeds, as it qualifies under the allowable work categories included in the PTP Neighborhood Improvements Section. This project was approved as part of the FY 2013-14 Adopted Capital Budget under project No. 608740.</p>	Avocado Elementary	Coral Reef Elementary	Banyan Elementary	Cutler Ridge Middle	Bel Aire Elementary	Cypress Elementary	Bent Tree Elementary	Dr. Barreiro Manuel C. El.	Coconut Palm K-8	Ethel K. Beckham Elementary	Coral Way K-8 Center	Everglades K-8 Center	Colonial Drive Elementary	Fairlawn Elementary	Colonial Drive Elementary	Goulds Elementary
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<b>8L2 142299</b>	RESOLUTION APPROVING A CONTRACT AWARD RECOMMENDATION IN THE AMOUNT OF \$6,649,073.20 TO CONSTRUCT GROUP CORP. FOR THE PEOPLE'S TRANSPORTATION PLAN PROJECT ENTITLED "ROADWAY IMPROVEMENTS ALONG NW 74 STREET, FROM NW 114 AVENUE TO NW 107 AVENUE" AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR SUCH PURPOSES
<b>Notes</b>	<p>The proposed resolution approves a contract award recommendation to Construct Group Corp. in the amount of \$6,649,073.20 for the PTP project titled Roadway Improvements along NW 74 Street, from NW 114 Ave to NW 107 Ave.</p> <p>This project included roadway improvements along NW 74 Street, from NW 114 Ave. to NW 107 Ave. and include widening the existing road from a five-lane undivided roadway to a six-lane divided roadway, reducing the width of the existing median to accommodate a bicycle facility, sidewalks, curb and gutters, a continuous storm drainage system, pavement markings and signage, traffic signalization, roadway lighting, sound barrier walls on both sides of the roadway, landscaping and irrigation.</p> <p>The Disadvantage Business Enterprise (DBE) Program measure to this project is an 8.60% DBE goal. Construct Group Corp. is committing to utilizing Florida Sol Systems Inc. (Florida Sol), Certified DBE firm to perform 8.50% of the work and since Construct Group Corp. is also a certified DBE firm the will perform the remaining balance.</p> <p><b>Fiscal Impact/Funding Source</b> The contract is for \$6,649,073.20 (includes a contingency amount of \$598,415.75 and dedicated allowance of \$66,500.00). It will be funded from the Charter County Transportation sales Surtax Bond Sale Proceeds and fully reimbursed by the Florida Department of Transportation (FDOT). As per Resolution No. R-792-23 a Local Agency Program (LAP) Agreement between Miami-Dade and FDOT was approved; which provides the County with up to \$6,720,517.000 in funds. Once this project is completed the road will be transferred to FDOT and will become State Road/SR934; therefore, it will be maintained by FDOT.</p>
<b>8L4 142332</b>	RESOLUTION APPROVING A JOINT PARTICIPATION AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE VILLAGE OF VIRGINIA GARDENS TO PROVIDE THE VILLAGE WITH FUNDING IN AN AMOUNT UP TO \$70,628.00 FOR THE CONSTRUCTION OF INTERSECTION IMPROVEMENTS AT NW 40 STREET AND NW 57 AVENUE; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND EXERCISE THE PROVISIONS CONTAINED THEREIN
<b>Notes</b>	<p>The proposed resolution authorizes the execution of a Joint Participation Agreement (JPA) between Miami-Dade County and the Village of Virginia Gardens for construction of an intersection improvement project at NW 40 Street and NW 57 Ave.</p> <p>The Village of Virginia Gardens agrees to comply with applicable County regulations including but not limited to, the Community Small Business Enterprise (CSBE) Program, Community Business Enterprise (CBE) Program, the Community Workforce Program (CWP) and the Responsible Wages and Benefits Ordinance (No. 90-143). A Contract Measure Recommendation of 10.6% was established for a CSBE Subcontractor Goal.</p> <p><b>Fiscal Impact/Funding Source</b> The County will reimburse the Village of Virginia Gardens to contract and construct the project using Road Impact Fee District 1 funds in the amount of \$70,628 (includes a 10% contingency).</p>
<b>8L5 142333</b>	RESOLUTION APPROVING A CONTRACT AWARD RECOMMENDATION IN THE AMOUNT OF \$1,055,072.37 TO H & R PAVING, INC. FOR THE PEOPLE'S TRANSPORTATION PLAN PROJECT ENTITLED "ROADWAY RESURFACING CONTRACT (PROJECT MCC 7360 PLAN – CICC 7360-0/08, REQUEST FOR PRICE QUOTATION NO. 20140055)" AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR SUCH PURPOSES
<b>Notes</b>	<p>The proposed resolution approves a contract award recommendation to H &amp; R Paving, Inc. in the amount of \$1,055,072.37 for the PTP project titled Roadway Resurfacing Contract.</p> <p>This project includes roadway resurfacing along SW 136 Street from SW 82 Ave. to Old Cutler Road; and along SW 122 Ave. from SW 104 Street to SW 120 Street.</p> <p>This RPQ had a contract measure recommendation for Community Small Business Enterprise (CSBE). The lowest bid submitted by Metro Express, Inc. did not submit a Schedule of Intent Affidavit committing to utilize a certified Firm to perform the concrete work. H &amp; R Paving, Inc. proffered the lowest responsive and responsible bid.</p> <p><b>Fiscal Impact/Funding Source</b> The contract is for \$1,055,072.37 (includes a contingency amount of \$90,651.28 and dedicated allowance of \$57,908.29). It will be funded from the Charter County Transportation sales Surtax Bond Sale Proceeds, as it qualifies under the allowable work categories included in the PTP Neighborhood Improvements Section. Funding will be allocated from Commission District 8 yearly PTP allocation and may be supplements by other funding sources when available. This project was approved as part of the FY 2013-14 Adopted Capital Budget under project No. 6037700.</p>
<b>8M1 142545</b>	RESOLUTION AUTHORIZING THE ACCEPTANCE OF NINE (9) ENVIRONMENTALLY ENDANGERED LANDS COVENANTS IN MIAMI-DADE COUNTY, FLORIDA [SEE ORIGINAL ITEM UNDER FILE NO. 142356]
<b>Notes</b>	The proposed resolution authorizes the acceptance of nine (9) covenants running with the land for the preservation and maintenance of environmentally endangered lands.

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	<p><b>Fiscal Impact</b> In accordance with Sec. 193.501(3)(a) of the Florida Statutes and Chapter 25B of the Miami-Dade County Code, originally adopted in 1979, these properties will receive preferential tax treatment through reductions in their assessed values from the Miami-Dade County Property Appraiser upon execution of the covenants and approval by the Board.</p> <p>In the event that a property owner breaches any portion of the covenant, the property owner is then liable for all back taxes (i.e. taxes that would have been required had the endangered land designation not been granted) plus state-mandated interest penalties on the back taxes.</p> <p><b>Background</b> Chapter 25B (Article II) of the Miami-Dade County Code was approved by the Board under Ordinance No. 79-105 on December 4, 1979. This ordinance allows qualifying owners in Miami-Dade County to voluntarily enter into a 10-year covenant with the Board, stipulating that their property will be preserved and maintained in its natural state subject to one or more conservation restrictions. The purpose of the ordinance is to provide an economic incentive for owners who voluntarily choose to manage their environmentally endangered lands in a natural state and thereby maintain the land's natural resources. Renewals of existing covenants for additional 10-year periods are also available to willing property owners.</p> <p>Under Chapter 25B of the Code, the Department of Regulatory and Economic Resources will review proposed covenants and make recommendations to the Board as to whether the land qualifies as environmentally endangered. To qualify, lands must have unique ecological characteristics, have features of a rare or limited nature constituting wildlife habitat, have coastal protection elements or have scientific, geologic or archaeological significance. Examples of lands qualifying under Chapter 25B are mangrove forests, hammock and tree islands, pinelands, wetlands and native cypress forests.</p> <p>There are currently 87 properties with environmentally endangered lands covenants in Miami-Dade County, comprising a total of 421.2 acres. Many of the existing covenanted properties include pine rocklands. Once a site has been determined to qualify as environmentally endangered, the application and covenant are submitted to the Board for approval. The sites listed below meet the criteria for environmentally endangered lands.</p> <p><b>New Covenants</b> a) Raul &amp; Adele M. Moas (0.52 acres of pine rockland) Folio 20-5012-004-0580 at 6200 SW 106 St, Miami-Dade County b) Blue Capital Partners LLC (3.04 acres of pine rockland) Folio 30-7802-000-0321 in the vicinity of SW 293 St &amp; SW 194 Court, Miami-Dade County c) Blue Capital Partners LLC (1.00 acre of rockland hammock) Folio 30-7802-000-0323 in the vicinity of SW 293 St &amp; SW 194 Court, Miami-Dade County</p> <p><b>Renewal Covenants</b> d) Bruce A. Schaffer &amp; Pamela A. Moon (3.20 acres of pine rockland) Folio 30-6835-000-0185 at 19040 SW 264 St, Miami-Dade County e) John C. Bolash IV (0.40 acres of pine rockland) Folio 30-6913-000-1181 in the vicinity of SW 230 St and SW 119 Ave, Miami-Dade County f) The Church of Jesus Christ, Inc. (3.59 acres of pine rockland) Folios 30-6924-000-0920 &amp; 30-6924-000-1050 in the vicinity of SW 240 St &amp; SW 127 Ave, Miami-Dade County g) Paul &amp; Judith Radice (1.78 acres of pine rockland) Folio 30-6929-000-0170 at 16375 SW 256 St, Miami-Dade County h) Jeffrey K. &amp; Cynthia S. Stone (1.51 acres of transitional pine rockland/ hardwood hammock) Folio 30-6931-000-0110 at 17200 SW 264 St, Miami-Dade County i) Jason C. &amp; Kristina D. Putnam (3.35 acres of pine rockland) Folio 30-6932-000-0011 at 15825 SW 268 St, Miami-Dade County</p>
<b>8N1 142335</b>	RESOLUTION APPROVING TERMS OF AND AUTHORIZING COUNTY MAYOR, COUNTY MAYOR'S DESIGNEE OR MIAMI-DADE TRANSIT DIRECTOR TO EXECUTE INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND CITY OF HIALEAH FOR PROVISION OF PUBLIC TRANSPORTATION SERVICES AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN
<b>Notes</b>	<p>The proposed resolution approves the Interlocal Agreement between the City of Hialeah and Miami-Dade Transit providing for operation of public transportation service in and around the City of Hialeah.</p> <p>The previous agreement was approved by the Board on September 4, 2007 as per Resolution No. 971-07. This agreement was for a period of five years and 2 one year options to renew. This Agreement has a term of 5 years and has 2 five year automatic renewals and MDT WEASY Cards and Tickets are accepted in the Hialeah Transit System Circulator.</p> <p><b>Fiscal Impact</b> The City of Hialeah uses its annual Charter County Transportation Surtax proceeds to fund all maintenance and operating costs.</p>
<b>10A1 142337</b>	RESOLUTION APPROVING ISSUANCE OF MULTIFAMILY MORTGAGE REVENUE BONDS BY THE HOUSING FINANCE AUTHORITY OF MIAMI-DADE COUNTY (FLORIDA) IN ONE OR MORE SERIES TO FINANCE OR REFINANCE ALL OR A PORTION OF COSTS OF ACQUIRING AND CONSTRUCTING A MULTIFAMILY HOUSING PROJECT TO BE KNOWN AS THE PLAZA AT THE LYRIC FOR PURPOSES OF SECTION 147(F) OF INTERNAL REVENUE CODE OF 1986, AS AMENDED

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<p><b>10A2 142338</b></p> <p><b>10A3 142339</b></p> <p><b>10A4 142340</b></p> <p><b>10A5 142341</b></p> <p><b>10A6 142477</b></p> <p><b>10A7 142476</b></p>	<p>RESOLUTION APPROVING THE ISSUANCE OF MULTIFAMILY HOUSING REVENUE DEBT OBLIGATIONS BY THE HOUSING FINANCE AUTHORITY OF MIAMI-DADE COUNTY (FLORIDA), IN ONE OR MORE SERIES, TO FINANCE OR REFINANCE ALL OR PORTION OF THE COSTS OF THE ACQUISITION AND CONSTRUCTION OF A MULTIFAMILY HOUSING PROJECT TO BE KNOWN AS SUPERIOR MANOR APARTMENTS FOR PURPOSES OF SECTION 147(F) OF INTERNAL REVENUE CODE OF 1986, AS AMENDED</p> <p>RESOLUTION APPROVING THE ISSUANCE OF MULTIFAMILY HOUSING REVENUE DEBT OBLIGATIONS BY THE HOUSING FINANCE AUTHORITY OF MIAMI-DADE COUNTY (FLORIDA), IN ONE OR MORE SERIES, TO FINANCE OR REFINANCE ALL OR PORTION OF THE COSTS OF THE ACQUISITION AND REHABILITATION OF A MULTIFAMILY HOUSING PROJECT TO BE KNOWN AS RIVER OAKS FOR PURPOSES OF SECTION 147(F) OF INTERNAL REVENUE CODE OF 1986, AS AMENDED</p> <p>RESOLUTION APPROVING THE ISSUANCE OF MULTIFAMILY HOUSING REVENUE DEBT OBLIGATIONS BY THE HOUSING FINANCE AUTHORITY OF MIAMI-DADE COUNTY (FLORIDA), IN ONE OR MORE SERIES, TO FINANCE OR REFINANCE ALL OR PORTION OF THE COSTS OF THE CONSTRUCTION OF A MULTIFAMILY HOUSING PROJECT TO BE KNOWN AS SMATHERS PHASE TWO FOR PURPOSES OF SECTION 147(F) OF INTERNAL REVENUE CODE OF 1986, AS AMENDED</p> <p>RESOLUTION APPROVING THE ISSUANCE OF MULTIFAMILY MORTGAGE REVENUE BONDS BY THE HOUSING FINANCE AUTHORITY OF MIAMI-DADE COUNTY (FLORIDA), IN ONE OR MORE SERIES, TO FINANCE OR REFINANCE ALL OR PORTION OF THE COSTS OF THE CONSTRUCTION OF A MULTIFAMILY HOUSING PROJECT TO BE KNOWN AS COURTSIDE FAMILY APARTMENTS FOR PURPOSES OF SECTION 147(F) OF INTERNAL REVENUE CODE OF 1986, AS AMENDED</p> <p>RESOLUTION APPROVING THE ISSUANCE OF MULTIFAMILY HOUSING REVENUE DEBT OBLIGATIONS BY THE HOUSING FINANCE AUTHORITY OF MIAMI-DADE COUNTY (FLORIDA), IN ONE OR MORE SERIES, TO FINANCE OR REFINANCE ALL OR PORTION OF THE COSTS OF THE ACQUISITION AND REHABILITATION OF A MULTIFAMILY HOUSING PROJECT TO BE KNOWN AS EDISON TERRACES FOR PURPOSES OF SECTION 147(F) OF INTERNAL REVENUE CODE OF 1986, AS AMENDED</p> <p>RESOLUTION APPROVING THE ISSUANCE OF MULTIFAMILY HOUSING REVENUE DEBT OBLIGATIONS BY THE HOUSING FINANCE AUTHORITY OF MIAMI-DADE COUNTY (FLORIDA), IN ONE OR MORE SERIES, TO FINANCE OR REFINANCE ALL OR PORTION OF THE COSTS OF THE ACQUISITION AND CONSTRUCTION OF A MULTIFAMILY HOUSING PROJECT TO BE KNOWN AS SEVENTH AVENUE TRANSIT VILLAGE II FOR PURPOSES OF SECTION 147(F) OF INTERNAL REVENUE CODE OF 1986, AS AMENDED</p> <p>The proposed resolutions authorize the Housing Finance Authority of Miami-Dade County (HFA) to issue Multifamily Mortgage Revenue Bonds (Bonds) in one or more series to the following projects:</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Item</th> <th>Project</th> <th>Amount</th> </tr> </thead> <tbody> <tr> <td>10A1</td> <td>For the construction of The Plaza At The Lyric Apartments</td> <td>Not to exceed \$18,500,000</td> </tr> <tr> <td>10A2</td> <td>For the construction of Superior Manor</td> <td>Not to exceed \$13,500,000</td> </tr> <tr> <td>10A3</td> <td>For the acquisition and rehabilitation of River Oaks</td> <td>Not to exceed \$ 9,750,000</td> </tr> <tr> <td>10A4</td> <td>For the construction of Smathers Phase Two</td> <td>Not to exceed \$12,000,000*</td> </tr> <tr> <td>10A5</td> <td>For the construction of Courtside Family Apartments</td> <td>Not to exceed \$12,550,000</td> </tr> <tr> <td>10A6</td> <td>For the construction of Edison Terraces</td> <td>Not to exceed \$ 7,800,000*</td> </tr> <tr> <td>10A7</td> <td>For the construction of the Seventh Avenue Transit Village II</td> <td>Not to exceed \$17,100,000</td> </tr> </tbody> </table> <p>The principal and interest on the Bonds will not constitute a debt, liability or a general obligation of the HFA, County, the State of Florida or any political subdivision of each, but will be the responsibility of the owner of the Project.</p> <p>As stipulated in Section 147(f) of the Internal Revenue Code of 1986, as amended (Code), the Board of County Commissioners, as the highest governing body, must approve the issuance of the Bonds by the HFA as required by the Code after a public hearing. The public hearing was held by the HFA and such public hearing disclosed no reason why the Bonds should not be issued.</p> <p>The Series 2014 Bonds are expected to be issued by January 2015. *The Bonds are expected to be issued by December 2014.</p> <p><b>10A1</b> The BCC previously authorized the issuance by the HFA of \$18,500,000 in Multifamily Mortgage Revenue Bonds for the project on December 3, 2013 through Resolution R-996-13. However, pursuant to the federal tax code, TEFRA approvals expire in one year if bonds are not issued within that year. The HFA will not have time to issue the bonds under R-996-13 prior to the December 2014 expiration date. The project is expected to close in early 2015, therefore, a new request is being sought to avoid having a gap in TEFRA approval.</p> <p><b>10A5</b> The BCC previously authorized the issuance by the HFA of \$12,550,000 in Multifamily Mortgage Revenue Bonds for the project on December 3, 2013 through Resolution R-995-13. However, pursuant to the federal tax code, TEFRA approvals expire in one year if bonds are not issued within that year. The HFA will not have time to issue the bonds under R-995-13 prior to the December 2014 expiration date. The project is expected to close in early 2015, therefore, a new request is being sought to avoid having a gap in TEFRA approval.</p>	Item	Project	Amount	10A1	For the construction of The Plaza At The Lyric Apartments	Not to exceed \$18,500,000	10A2	For the construction of Superior Manor	Not to exceed \$13,500,000	10A3	For the acquisition and rehabilitation of River Oaks	Not to exceed \$ 9,750,000	10A4	For the construction of Smathers Phase Two	Not to exceed \$12,000,000*	10A5	For the construction of Courtside Family Apartments	Not to exceed \$12,550,000	10A6	For the construction of Edison Terraces	Not to exceed \$ 7,800,000*	10A7	For the construction of the Seventh Avenue Transit Village II	Not to exceed \$17,100,000
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<b>10A8 142336</b>	RESOLUTION APPROVING THE ISSUANCE OF MIAMI-DADE COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY TAXABLE INDUSTRIAL DEVELOPMENT REVENUE BONDS (BADIA SPICES PROJECT), IN AN AMOUNT NOT TO EXCEED \$10,500,000.00 TO FINANCE A CAPITAL PROJECT FOR THE BENEFIT OF BADIA SPICES, INC.
<b>Notes</b>	The proposed resolution approves the issuance of taxable industrial development revenue bonds (Bonds) by the Industrial Development Authority (IDA) for Badia Spices, Inc. in a principal amount not to exceed \$10,500,000. Neither the IDA nor Miami-Dade County has any liability with respect to the repayment of the Bonds. Federal law does not require a public hearing be held regarding the issuance of taxable bonds.
<b>11A1 142524</b>	RESOLUTION DIRECTING THE MAYOR OR DESIGNEE TO PREPARE A REPORT AND PLAN FOR THE DEVELOPMENT, USE, AND MAINTENANCE OF COUNTY-OWNED PROPERTY IN THE DOWNTOWN MIAMI AREA [SEE ORIGINAL ITEM UNDER FILE NO. 142322]
<b>Notes</b>	<p>The proposed resolution directs the Mayor or designee to, after consultation with the City of Miami and the Miami Downtown Development Authority, prepare a report and plan for the development, use, and maintenance of County-owned property in the Downtown Miami area. The report and plan should include an assessment of the manner in which County-owned property in Downtown is currently being developed, used, and maintained, as well as an assessment of how best to develop, use, and maintain such property going forward, so that the needs and demands of the County and its people are properly served. The report and plan should also address the costs associated with implementation.</p> <p>Additionally, the proposed resolution directs the Mayor or designee to provide the report and plan to the BCC within 60 days of the effective date of this resolution and place the completed report and plan on an agenda of the Board pursuant to Ordinance No. 14-65.</p> <p><b><u>Additional Information</u></b></p> <p>The Miami Downtown Development Authority's (Miami DDA) board of directors voted unanimously to approve the 2025 Downtown Miami Master Plan, a 15-year roadmap for enhancing the livability and quality of life in Downtown Miami. The plan is to serve as a benchmark for encouraging investment by both the public and private sectors, with the goal of transforming Miami's urban core into the "Epicenter of the Americas."</p> <p>The approved Master Plan combines new land use and planning guidelines, as well as outlines a number of proposed projects, some of which are already underway. The final plan is the culmination of existing studies, as well as a series of Miami DDA Board workshops, public forums, and stakeholder meetings designed to gain a better understanding of existing conditions and gather the best and most sustainable ideas for revitalizing Downtown Miami.</p> <p>The Master Plan outlines five core goals for Downtown Miami (bounded at the South end by SE 15th Rd. and on the North by NE 22nd St.; on the West by I-95 and on the East by Biscayne Bay):</p> <ul style="list-style-type: none"> <li>• Enhance Downtown Miami's standing as the business and cultural epicenter of the Americas</li> <li>• Leverage the City's beautiful and iconic tropical waterfront</li> <li>• Elevate Downtown's grand boulevards to prominence</li> <li>• Create great streets and community spaces throughout the district</li> <li>• Promote transit and regional connectivity</li> </ul> <p><b><u>Miami DDA- Downtown Miami Population- 2014 Demographics Report</u></b></p> <p>Downtown Miami's population is growing at a particularly rapid pace. <b>Since 2000, the population has doubled from 40,466 to 80,750.</b> The heaviest growth has been within the urban core. Brickell recorded a 151.8% increase in population between 2000 and 2014 from 12,904 to 32,489 people. The Central Business District (CBD) has grown tremendously as a residential neighborhood, with its population almost tripling from 4,901 to 14,358, an increase of 193.0% since 2000. The Arts &amp; Entertainment District also more than doubled its population, growing from 4,342 to 11,622 people, an increase of 167.7%. Meanwhile, the fastest growth was in the CBD, which maintained an average annual growth rate of 8.0% compared to a 5.1% figure for Greater Downtown. The following briefly summarizes the report:</p> <p><b>POPULATION</b></p> <p>Since 2000, the population of Downtown Miami has increased dramatically.</p> <ul style="list-style-type: none"> <li>• Population Estimate 2014: 80,750</li> <li>• % Increase from 2000 Census: 99.6%</li> <li>• Population Projection 2019: 92,519</li> </ul> <p>Downtown Miami has become a dense, urban neighborhood with a large daily influx of workers and visitors.</p> <ul style="list-style-type: none"> <li>• Density: 21,250 people per square mile</li> <li>• Daytime Population: 222,000</li> </ul> <p>The population of Downtown Miami represents a large number of young, educated, working professionals.</p> <ul style="list-style-type: none"> <li>• Population Age 25-44 Estimate 2014: 36,931</li> <li>• % Population Age 25-44: 46%</li> <li>• % Population Age 25+ with a College Degree: 58%</li> </ul> <p><b>HOUSEHOLDS</b></p> <p>Since 2000, the number of households in Downtown Miami has more than doubled.</p>

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	<ul style="list-style-type: none"> <li>• Households Estimate 2014: 41,773</li> <li>• % Increase from 2000 Census: 133.8%</li> <li>• Households with Families: 15,790</li> <li>• Households with Families with Children: 8,442</li> </ul> <p><b>MIGRATION</b> Miami continues to attract a large number of in-migrants from across the country and world.</p> <ul style="list-style-type: none"> <li>• Miami-Dade County Annual Domestic In-Migrants 2012: 62,518</li> <li>• % Miami-Dade County Population Foreign-Born 2012: 51.2%</li> </ul> <p><b>INCOME</b> Income levels in Downtown Miami significantly exceed those of the City of Miami and Miami-Dade County.</p> <ul style="list-style-type: none"> <li>• 2014 Per Capita Income Estimate: \$49,802</li> <li>• 2014 Median Household Income Estimate: \$65,311</li> </ul>
<b>11A2 142348</b>	RESOLUTION DIRECTING THE MAYOR OR THE MAYOR'S DESIGNEE TO ANALYZE THE FEASIBILITY AND ADVISABILITY OF ISSUING A REQUEST FOR PROPOSALS FOR THE PURPOSE OF SELECTING ONE ENTITY TO PROVIDE DISPATCHING SERVICES FOR WHEELCHAIR ACCESSIBLE TAXICABS; AND REQUIRING A REPORT FROM THE MAYOR OR THE MAYOR'S DESIGNEE WITHIN SIXTY DAYS OF THE EFFECTIVE DATE OF THIS RESOLUTION
<b>Notes</b>	The proposed resolution directs the Mayor or his designee to analyze the feasibility and advisability of issuing a request for proposals for the purpose of selecting one entity to provide dispatching services for wheelchair accessible taxicabs and to provide a report to the Board of County Commissioners (BCC) within 60 days of the effective date of this resolution on an agenda of the BCC pursuant to Ordinance No. 14-65.
<b>11A3 142362</b>	RESOLUTION DIRECTING THE MAYOR OR THE MAYOR'S DESIGNEE TO TELEVISION LOTTERIES FOR THE ISSUANCE OF FOR-HIRE LICENSES AND CERTIFICATES OF TRANSPORTATION ON MIAMI-DADE TV
<b>Notes</b>	The proposed resolution directs the Mayor or his designee to televise all future lotteries for the issuance of for-hire licenses and certificates of transportation on Miami-Dade TV.
<b>11A4 142427</b>	RESOLUTION DECLARING SURPLUS, WAIVING ADMINISTRATIVE ORDER 8-4 AS IT RELATES TO REVIEW BY PLANNING ADVISORY BOARD, AND AUTHORIZING LEASE, AND IF OPTION TO PURCHASE IS EXERCISED, CONVEYANCE, PURSUANT TO FLORIDA STATUTES SECTION 125.045, OF COUNTY-OWNED PROPERTY LOCATED AT 1175 NW SOUTH RIVER DRIVE, MIAMI, FLORIDA; APPROVING AGREEMENT TO LEASE BY AND BETWEEN COUNTY AND NKMIA, LLC, A DELAWARE LIMITED LIABILITY COMPANY, FOR A TERM OF THIRTY YEARS, WITH TWO OPTIONS TO RENEW OF THIRTY YEARS EACH AT BELOW-MARKET RENTAL RATES WITH AN ESTIMATED FISCAL IMPACT FOR THE TERM, INCLUDING RENEWAL PERIODS, EQUAL TO \$15 MILLION OF ANTICIPATED RENT OVER 90 YEARS, AND INCLUDING THE GRANT OF AN OPTION TO PURCHASE SUCH PROPERTY AT BELOW-MARKET PRICE EQUAL TO \$1,241,696.00 (ASSESSED VALUE IN 2014), AND ADJUSTED OVER TIME PURSUANT TO THE CONSUMER PRICE INDEX AFTER SATISFACTION OF CERTAIN CONDITIONS; AUTHORIZING MAYOR OR DESIGNEE TO EXECUTE SAME AND EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN, INCLUDING RIGHTS TO CANCEL OR TERMINATE, AND COMPLETE ALL ACTS NECESSARY TO EFFECTUATE AGREEMENT TO LEASE, AND, IF OPTION TO PURCHASE IS EXERCISED, CONVEYANCE OF SUCH PROPERTY; AUTHORIZING CHAIRPERSON OR VICE CHAIRPERSON TO EXECUTE A COUNTY DEED IF OPTION TO PURCHASE IS EXERCISED; AND DIRECTING MAYOR OR DESIGNEE TO PROVIDE EXECUTED COPY OF AGREEMENT TO LEASE TO THE PROPERTY APPRAISER'S OFFICE
<b>Notes</b>	<p>The proposed resolution provides for the following:</p> <ul style="list-style-type: none"> <li>• Declares the Property surplus,</li> <li>• Waives Administrative Order 8-4 as it pertains to review by the Planning Advisory Board, and</li> <li>• Pursuant to Section 125.045, Florida Statutes, authorizes the lease, and if the option to purchase is exercised, the conveyance, of the Property to NKMIA, LLC.</li> <li>• Approves the terms of the Agreement to Lease between the County and NKMIA, LLC, including the option to purchase contained therein. The Mayor or designee is authorized to execute same and exercise any and all other rights conferred in the Agreement to Lease, including any rights to terminate or cancel, and to complete all acts necessary to effectuate the lease, and, if the option to purchase is exercised, the conveyance of the Property.</li> <li>• If the option to purchase is exercised the Chairperson or Vice-Chairperson of this Board is authorized to execute a County Deed for such purpose, with appropriate reverter provisions in such form as approved by this Board in its discretion.</li> <li>• Pursuant to Resolution No. R-974-09, if the option to purchase is exercised, and the Property is conveyed, this Board: (a) directs the Mayor or designee to record the instrument of conveyance containing the referenced restrictions on the use of Property, with the reservation of the County's rights in the event such restrictions are not observed, in the Public Records of Miami-Dade County and to provide a recorded copy of the instrument to the Clerk of the Board within (30) days of execution of said instrument; and (b) directs the Clerk of the Board to attach and permanently store a recorded copy of the instrument together with this resolution.</li> <li>• The Mayor or designee is directed to provide to the Property Appraiser's Office an executed copy of the Agreement to Lease within thirty (30) days of its execution.</li> </ul> <p>Naeem Khan is the principal designer and owner of a privately owned fashion company that is currently located in New York City and which operates under the Naeem Khan fashion label, and NKMIA, LLC. (NKMIA), is a Delaware limited liability company which is affiliated with Mr. Khan. NKMIA has expressed the desire to lease, and potentially purchase, the County-owned property located at 1175 NW South River Drive</p>

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	<p>(Property), with the purpose of using that location as its headquarters and principal place of business for both itself, and Naeem Khan Ltd., or a successor entity that is the primary entity designing, creating, fabricating and marketing products under the Naeem Khan luxury lifestyle, fashion and design brand.</p> <p>NKMIA has indicated in exchange for the right to lease the Property, for a term of thirty (30) years, with the option to renew for two additional terms of thirty (30) years each, along with the option to purchase the Property during the initial term, that it is willing to make certain economic investments in Miami-Dade County, including: construction on the Property of a new 30,000 square foot facility with a minimum construction budget of \$6 million; repair and reconstruction of the seawall portion of the Property; development of the Riverwalk along the waterfront portion of the Property providing public access along the Miami River, in accordance with the City of Miami, Miami River Greenway Action Plan; and hiring fifty (50) new skilled full-time (or full-time equivalent) employees, who reside in Miami-Dade County, with an average salary of \$50,000.00, among other terms and conditions</p> <p>The Agreement to Lease provides that in the event NKMIA exercises its right to purchase the Property, the purchase price will be a below market rate amount, which will be calculated by taking the base amount of \$1,241,696.00 (which amount is equal to the Miami-Dade County Property Appraiser's 2014 assessed value of the land), and will be increased annually from the date of lease execution until the time of purchase, by the National Consumer Price Index for all Wage Earners &amp; Clerical Workers, provided, such increases will not exceed three percent (3.0%) in any one year.</p> <p>The Agreement to Lease further provides that in order for NKMIA to exercise the purchase option, it must have satisfied all of the Minimum Development conditions, and have expanded its workforce to no less than 70 full time (or full time-equivalent) employees with an average salary of \$50,000.00, for at least twelve (12) months prior to such exercise, and must maintain satisfaction of such conditions for at least ten (10) years following the closing of such purchase.</p> <p>At the time of adoption of Resolution No. R-909-14, by the Board, the Agreement to Lease was in the stage of continuous and ongoing negotiation and therefore, such resolution would not apply to this Agreement to Lease,</p> <p><b><u>Additional Information</u></b> On October 7, 2014, the BCC, through R-909-14, directed the Mayor or his designee, within sixty (60) days, to:</p> <ul style="list-style-type: none"> <li>• Update the report provided in March, 2014, identifying space in County-owned or leased properties that is either vacant or otherwise not being occupied or used; and</li> <li>• Update and supplement the report provided in July, 2013, identifying conveyances of County-owned properties over the past ten years, including long-term leases (over twenty years) and conveyances of properties, to include conveyances to governmental entities, but excluding short term leases (less than twenty years), easements and conveyances via competitive bidding.</li> </ul> <p>Additionally, R-909-14 states that commencing on the effective date of the resolution and continuing until (30) thirty days after the presentation of the updated reports to the BCC, absent a showing of good cause for the necessity and urgency of the conveyance, no conveyances will be made of County-owned property, via sale or lease, for less than market value. This will not apply to a) the proposed conveyance of property which already has been submitted for review by the BCC or any Committee; b) conveyances for the construction of County infrastructure; c) conveyances made pursuant to Florida Statute §125.35 or d) proposed conveyances that are currently the subject of continuous and ongoing negotiations.</p>
<b>11A5 142170</b>	RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PREPARE A REPORT REGARDING THE FEASIBILITY OF A TRAFFIC SAFETY CAMPAIGN PLACING HEART SHAPED PAVEMENT MARKINGS APPROXIMATELY EIGHT FEET WIDE BY TEN FEET LONG IN THE RIGHT-OF-WAY OF THOSE MIAMI-DADE COUNTY MAINTAINED ROADS WHERE PEDESTRIANS OR MOTORISTS ARE KILLED OR HAVE BEEN KILLED WITHIN THE PAST TWO YEARS AND REPORT TO THE BOARD WITHIN NINETY DAYS; URGING CONGRESS AND THE UNITED STATES DEPARTMENT OF TRANSPORTATION TO MAKE ANY NECESSARY STATUTORY OR RULE CHANGES TO ALLOW SUCH PAVEMENT MARKINGS
<b>Notes</b>	<p>The proposed resolution directs the County Mayor or his designee to do the following:</p> <ul style="list-style-type: none"> <li>• To prepare a report regarding the feasibility of a traffic safety campaign placing heart shaped pavement markings approximately eight feet wide by ten feet long in the right-of-way of those Miami-Dade County maintained roads where pedestrians or motorists are killed or have been killed within the past two years;</li> <li>• To provide the report to the Board of County Commissioners (BCC) within 90 days of the effective date of this resolution; and</li> <li>• To place the completed report on an agenda of the BCC pursuant to Ordinance No. 14-65.</li> </ul> <p>Additionally, the proposed resolution provides for the following:</p> <ul style="list-style-type: none"> <li>• Urges Congress and the United States Department of Transportation to make any necessary statutory or rule changes to allow such pavement markings;</li> <li>• Directs the Clerk of the Board to transmit a certified copy of this resolution to the Senator Bill Nelson, Senator Marco Rubio, the Secretary of Transportation, and members of the Miami-Dade County Congressional Delegation;</li> <li>• Directs the County's federal lobbyists to advocate for the passage of such legislation and rule changes; and</li> <li>• Authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2015 federal legislative package when it is presented to the BCC.</li> </ul>
<b>11A8 142378</b>	RESOLUTION DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO (I) EXAMINE THE FEASIBILITY AND COST OF, AND RECOMMEND AN IMPLEMENTATION PLAN FOR, CREATING AN INFORMATION CLEARINGHOUSE AND EARLY WARNING SYSTEM FOR MISSING PERSONS WHO

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	WOULD NOT QUALIFY FOR AN AMBER OR SILVER ALERT, AND (II) REVIEW REQUIRED WAITING PERIODS PRIOR TO ENGAGING IN A MISSING PERSONS INVESTIGATION AND RECOMMEND CHANGES PARTICULARLY WHERE THERE IS EVIDENCE A MISSING PERSON IS AT RISK OF IMMINENT BODILY HARM; FURTHER DIRECTING THE MAYOR OR DESIGNEE TO PREPARE A REPORT
<b>Notes</b>	<p>The proposed resolution directs the County Mayor or designee to prepare a report within 30 days of the effective date of this resolution and place the completed report on an agenda of the BCC pursuant to Ordinance No. 14-65.</p> <ul style="list-style-type: none"> <li>• Regarding the feasibility and cost and recommended implementation plan for creating an information clearing house and early warning alert and/or robo-call system for missing persons when there is evidence that the missing person is at risk of imminent bodily harm and would not qualify for an AMBER or SILVER Alert.</li> <li>• Examine procedures followed by the Miami-Dade Police Department and the best methodology and implementation for a waiver of the required waiting period prior to engaging in a missing persons investigation for missing persons when there is evidence that the missing person is at risk of imminent bodily harm.</li> <li>• Examine and identify risk factors that can be used to identify if a missing persons that are at risk of imminent bodily harm.</li> <li>• Identify resources available within Miami-Dade County and the State of Florida that can assist with the dissemination of information regarding missing persons and in advancing a missing persons investigation.</li> </ul>
<b>11A9 142320</b>	RESOLUTION DIRECTING THE MAYOR OR DESIGNEE TO INSTALL THE OFFICIAL MOTTO OF THE UNITED STATES AND THE STATE OF FLORIDA, "IN GOD WE TRUST," BEHIND THE DAIS IN THE MIAMI-DADE COUNTY COMMISSION CHAMBERS
<b>Notes</b>	<p>The proposed resolution directs the Mayor or designee to install, within 90 days of the effective date of this resolution, the official motto of the United States and the State of Florida, "In God We Trust," behind the dais in the Miami-Dade County Commission Chambers.</p> <p><b>Additional Information</b></p> <ul style="list-style-type: none"> <li>• In 2006, on the 50th anniversary of its adoption, the Senate reaffirmed "In God We Trust" as the official national motto of the United States of America.</li> <li>• In 2011 the House of Representatives passed an additional resolution reaffirming "In God We Trust" as the official motto of the United States, in a 396-9 vote.</li> <li>• According to a 2003 joint poll by USA Today, CNN, and Gallup, 90% of Americans support the inscription "In God We Trust" on U.S. coins.</li> </ul>
<b>11A10 142377</b>	RESOLUTION DIRECTING COUNTY MAYOR OR MAYOR'S DESIGNEE TO RESEARCH IMPLEMENTATION OF GUNSHOT DETECTION TECHNOLOGY SYSTEM IN MIAMI-DADE COUNTY AS WELL AS FUNDING SOURCES TO SUPPORT PURCHASE OF THE SYSTEM AND TO PREPARE AND SUBMIT A REPORT TO THE BOARD
<b>Notes</b>	<p>The proposed resolution directs the County Mayor or his designee to prepare a report within 90 days of the effective date of this resolution and place the completed report on an agenda of the BCC pursuant to Ordinance No. 14-65, regarding:</p> <ul style="list-style-type: none"> <li>• The research of the implementation of gunshot technology systems and funding sources that may be used to purchase such a system</li> </ul> <p><b>Additional Information</b></p> <p>On July 7, 2011, Resolution No. 570-11 adopted by the Board, directed that the County Mayor report within 60 day to the Board the best methodology and implementation schedule to procure a gunshot detection system for the Miami-Dade Police Department.</p> <ul style="list-style-type: none"> <li>• The Report (August 5, 2011) provided by the Mayor states that the Miami-Dade Police Department was selected to participate in the Federal Bureau of Investigation (FBI), ShotSpotter Loaner Program. This program allows the MDPD to use the technology for a period of one year in a 2 square mile area and includes all associated costs of software licensing, training and one installation and removal of the associated hardware, at no cost to MDPD. The system is designed to detect a very loud, impulsive sounds caused by gunfire or explosions, it then determines the location and filters out every day sounds. Once an incident has been classified as gunfire or suspected gunshot, an immediate notification is made to law enforcement and/or MDPD's Communication Bureau. The Report states that preliminary assessment has provided a favorable response from church and business leaders in the identified target area, within the North District. MDPD plans participate in and evaluate the FBI's Shotspotter Loaner program to determine the effectiveness and benefit. If the assessment is positive, MDPD will be in a favorable position to seek funding, via grants.</li> </ul>
<b>11A11 142314</b>	RESOLUTION WAIVING BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM ADMINISTRATIVE RULES REGARDING MINIMUM ALLOCATION TO PROJECT NO. 124 ELIGIBLE PROJECTS; APPROVING ALLOCATION OF \$6,000,000.00 FROM BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NO. 124 - ECONOMIC DEVELOPMENT FUND TO OVERTOWN GATEWAY PARTNERS, LLC TO FUND OVERTOWN GATEWAY PROJECT; AND DIRECTING COUNTY MAYOR OR DESIGNEE TO NEGOTIATE TERMS OF GRANT AGREEMENT WITH OVERTOWN GATEWAY PARTNERS, LLC PURSUANT TO COUNTY POLICY AND PRESENT SUCH GRANT AGREEMENT, OR, ALTERNATIVELY, REPORT ON NEGOTIATIONS FOR THE BOARD'S CONSIDERATION
<b>Notes</b>	<p>The proposed resolution provides for the following:</p> <ul style="list-style-type: none"> <li>• Waives Building Better Communities General Obligation Bond (BBC GOB) Program Administrative Rules regarding minimum allocation to Project No. 124 eligible projects;</li> <li>• Approves allocation of \$6,000,000 from BBC GOB Program Project No. 124 – Economic Development Fund to Overtown Gateway Partners, LLC to fund Overtown Gateway Project; and</li> <li>• Directs the County Mayor or designee to commence negotiations with Overtown Gateway Partners, LLC pursuant to County</li> </ul>

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	<p>Policy.</p> <ul style="list-style-type: none"> <li>• The County Mayor or designee will prepare and present a grant agreement to the BCC for its consideration within one hundred twenty (120) days from the effective date of this resolution, provided, however, if the County Mayor or designee is unable to successfully negotiate the terms of said grant agreement within the requisite time period, a report detailing the negotiations will be submitted instead.</li> <li>• The County Mayor or designee will provide the completed report to the BCC within one hundred twenty (120) days from the effective date of this resolution on an agenda of the BCC pursuant to Ordinance No. 14-65.</li> </ul> <p>Overtown Gateway Partners, LLC proposes the development of a \$295 million mixed use private sector project consisting of rental housing, entertainment and retail uses, office space and a hotel which is anticipated to result in 423 employment positions (part-time and full-time) with an average annual salary of \$42,000.00 from businesses operating within Overtown Gateway.</p> <p>Overtown Gateway is located in the Historic Overtown neighborhood and within the County's Enterprise Zone with the potential to be an important economic catalyst for the development of the immediately surrounding properties which, along with job creation, is the purpose of the Project 124 fund.</p> <p>The Overtown Gateway project has support from the Mayor of the City of Miami, the Beacon Council and the Greater Miami Convention and Visitors Bureau. Overtown Gateway Partners, LLC submitted an application to the County requesting a Project 124 grant in the amount of \$6,000,000.00 to fund certain public infrastructure needs including, street and sidewalk improvements, landscaping, public structured parking and other eligible infrastructure improvements that will also serve the surrounding businesses.</p>
<b>11A12 142379</b>	RESOLUTION APPROVING THIRD AMENDMENT TO JOINDER TO INTERLOCAL AGREEMENT BETWEEN FLORIDA DEVELOPMENT FINANCE CORPORATION AND ORANGE COUNTY, FLORIDA TO PERMIT FLORIDA DEVELOPMENT FINANCE CORPORATION TO EXERCISE ITS POWER AND AUTHORITY WITHIN JURISDICTIONAL LIMITS OF MIAMI-DADE COUNTY FOR PURPOSE OF FINANCING CAPITAL PROJECTS IN AMOUNT NOT TO EXCEED \$30,000,000.00 ON BEHALF OF MIAMI COUNTRY DAY SCHOOL
<b>Notes</b>	<p>The proposed resolution approves the Third Amendment to Joinder to Interlocal Agreement between Florida Development Finance Corporation and Orange County, Florida Development Finance Corporation (FDFC) to exercise its power and authority within jurisdictional limits of Miami-Dade County for the purpose of financing capital projects in an amount not to exceed \$30,000,000 on behalf of Miami Country Day School.</p> <p><i>The County will not be liable or responsible for any of the indebtedness, liabilities, costs, or expenses of FDFC. All debts, liabilities, costs, and expenses incurred by FDFC will be paid solely by the FDFC as permitted under the Act. Bonds, notes or other indebtedness issued or insured by FDFC will not constitute a debt, liability, or obligation of the County, or the State, or any political subdivision of each or a pledge of the faith and credit or any taxing power of the County or the State or any political subdivision, but will be limited obligations of the FDFC.</i></p> <p>Miami Country Day School, Inc., (Country Day) is a Florida non-profit corporation. Country Day is an independent, coeducational, nondenominational school founded in 1938 and located at 601 NE 107 Street, Miami with an enrollment of 1200 students from pre-school through grade 12 and 120 fulltime faculty members. Country Day is proposing to construct on campus (i) a Center for the Arts of approximately 45,000 square feet which will include visual art, drama, dance, music classrooms and a 650 seat performing arts auditorium; and (ii) a three-story parking deck with 350 parking spaces. The new parking structure will improve traffic flow in the surrounding community and the Center for the Arts will be available for student performances as well as performances open to the local community and for programs such as Breakthrough Miami which is currently utilizing the County Day campus serving 200 students from under-served communities.</p>
<b>11A14 142321</b>	RESOLUTION AMENDING IMPLEMENTING ORDER 4-56 TO REINSTATE ELIGIBILITY FOR RESIDENTS OF SUNSET HARBOUR NEIGHBORHOOD TO PURCHASE ANNUAL \$90.00 COMMUTER PLAN FOR THE VENETIAN CAUSEWAY
<b>Notes</b>	<p>The proposed resolution amends Implementing Order 4-56 to reinstate eligibility for Sunset Harbour Residents to purchase the Venetian Annual Commuter Plan.</p> <p>The Commuter Plan Fee is \$90.00/year, and is available only to those employed or renting property on one of the six (6) Venetian Islands.</p> <p>The Sunset Harbour neighborhood in the City of Miami Beach is located near the Venetian Causeway and situated between the waterway immediately north of 20th Street to the North, Alton Road and Sunset Drive to the East, Venetian Way and Dade Boulevard to the South, and Biscayne Bay to the West.</p> <p>On November 19, 2013, this BCC through R-950-13, amended Implementing Order 4-56; as a result, Sunset Harbour Residents were no longer eligible to purchase the Venetian Annual Commuter Plan. On September 10, 2014, the Mayor and City Commission of the City of Miami Beach adopted Resolution No. 2014-28751, urging the BCC to reinstate the Venetian Annual Commuter Plan for Sunset Harbour Residents.</p>
<b>11A15 142349</b>	RESOLUTION SETTING POLICY FOR MIAMI-DADE COUNTY; ENCOURAGING THAT THE DEVELOPMENT TEAM OF ANY ENTITY APPLYING FOR DOCUMENTARY SURTAX FUNDS BE DIVERSIFIED AND ASPIRE TO BE CONSISTENT WITH AND REFLECT THE DIVERSITY OF THE MIAMI-DADE COUNTY COMMUNITY
<b>Notes</b>	The proposed resolution sets a policy for Miami-Dade County encouraging the development teams of entities applying for documentary

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	surtax funds to be diversified and aspire to be consistent with and reflect the diversity of the Miami-Dade County community.
<b>11A16 142124</b>	RESOLUTION DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO ANALYZE TRAINING PROTOCOLS OF THE MIAMI-DADE POLICE DEPARTMENT FOR POLICE INTERACTIONS WITH PERSONS SUFFERING FROM MENTAL ILLNESS AND TO CONSULT WITH LOCAL MENTAL HEALTH EXPERTS TO EXPAND POLICE TRAINING TO IMPROVE THE HANDLING OF PEOPLE SUFFERING FROM MENTAL ILLNESS AND DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO PROVIDE A REPORT TO THE BOARD OF COUNTY COMMISSIONERS
<b>Notes</b>	<p>The proposed resolution directs the County Mayor or designee to prepare a report within 90 days of the effective date of this resolution and place the completed report on an agenda of the BCC pursuant to Ordinance No. 14-65, regarding a review of Miami-Dade Police Department:</p> <ul style="list-style-type: none"> <li>• Training protocol for officers confronting individuals suffering from mental illness</li> <li>• Policies and procedures governing use of taser as an alternative to the use of lethal force in incidents involving individuals suffering from mental illness</li> <li>• Recommended increases in the amount of Miami-Dade police Department officers that receive CIT certification and in non-CIT certified officers that receive training and attend workshops offered by the CIT program.</li> <li>• Consult with local mental health experts to expand CIT training for officers to improve skills and techniques and handling of the mentally ill individuals.</li> </ul>
<b>11A17 142303</b>	RESOLUTION DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO WORK WITH THE COUNTY'S OFFICE OF COMMUNITY ADVOCACY AND THE FLORIDA DEPARTMENT OF HEALTH TO PROMOTE HIV/AIDS PREVENTION AWARENESS IN MIAMI-DADE COUNTY
<b>Notes</b>	<p>The proposed resolution directs the County Mayor or designee to work with the County's Office of Community Advocacy within the Office of the Chairperson of the County Commission and the Florida Department of Health to promote awareness of HIV/AIDS prevention in Miami-Dade County.</p> <p>According to Care Resource, a South Florida HIV/AIDS service organization, Miami-Dade County leads the nation in new AIDS cases per capita and according to the Florida Department of Health, in 2013, one in 98 Miami-Dade residents was living with HIV or AIDS.</p> <p>To enhance countywide prevention awareness, Miami-Dade County should reach out to the Florida Department of Health to launch a joint campaign to promote HIV/AIDS prevention. The County's Office of Community Advocacy has devised the slogan, "There's No Cure, but 100% Prevention," for use in promoting awareness of HIV/AIDS prevention.</p>
<b>11A18 142380</b>	RESOLUTION AMENDING IMPLEMENTING ORDER 3-38, THE MASTER PROCUREMENT IMPLEMENTING ORDER, TO ESTABLISH LOCAL COMPETITION ADVOCATES TO ENSURE THAT LOCAL BUSINESSES ARE NOT PLACED IN A COMPETITIVE DISADVANTAGE IN COUNTY CONTRACTING
<b>Notes</b>	<p>The Proposed resolution amends Implementing Order 3-38, the Master Procurement Implementing Order, in order to establish a Local Competition Advocate. This Local Competition Advocate will ensure that the County procurements do not place local businesses at a competitive disadvantage.</p> <p>The proposed amendments provide for the following:</p> <ul style="list-style-type: none"> <li>• <b>A new section:</b> <i>LOCAL COMPETITION ADVOCATE:</i> <i>The County Mayor or County Mayor's designee shall appoint one or more County Staff as Local Competition Advocates to ensure that the County's procurement practices do not exclude or disadvantage local firms in the procurement process. The Local Competition Advocate shall review all solicitations issued by the County to ensure that the manner and method by which the County is purchasing goods or services does not create barriers to local competition. Such review shall include, but not be limited to, issues such as size of the purchase, the minimum qualifications required to perform on the contract, the type of product sought, the evaluation criteria and the method of advertising the solicitation. The Local Competition Advocate shall increase the ability of local firms to compete to provide the good or service. For any solicitations awarded by the Board, the County Mayor shall include in his or her recommendation for award all recommendations by the Local Competition Advocate as well as the administration's response to such recommendations.</i></li> <li>• <b>In the Market Research section, a new paragraph at the end</b> <i>The Local Competition Advocate shall also conduct market research to identify potential barriers in solicitations to local competition. The Local Competition Advocate shall solicit advice from local firms regarding County solicitations to determine local capacity, capability and products prior to issuing recommendations on any solicitation.</i></li> </ul>
<b>11A19 142271</b>	RESOLUTION WAIVING ADMINISTRATIVE RULES FOR ECONOMIC DEVELOPMENT FUND PROJECT 124 OF BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM; APPROVING ALLOCATION OF \$7,500,000.00 FROM PROJECT 124 TO NEUROSCIENCE CENTERS OF FLORIDA FOUNDATION INC. TO FUND PROJECT MERCY; AND DIRECTING COUNTY MAYOR OR DESIGNEE TO NEGOTIATE THE TERMS OF A GRANT AGREEMENT WITH NEUROSCIENCE CENTERS OF FLORIDA FOUNDATION PURSUANT TO BOND PROGRAM'S ADMINISTRATIVE RULES AND PRESENT SUCH GRANT AGREEMENT OR, ALTERNATIVELY, A REPORT FOR CONSIDERATION BY BOARD
<b>Deferral Requested</b>	
<b>Notes</b>	<p>The proposed resolution provides for the following:</p> <ul style="list-style-type: none"> <li>• Waives Building Better Communities General Obligation Bond (BBC GOB) Program Administrative Rules regarding minimum allocation to Project No. 124 eligible projects;</li> <li>• Approves an allocation of \$7,500,000 from Project 124 to Neuroscience Centers of Florida Foundation, Inc. to fund Project Mercy,</li> </ul>

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	<p>subject to the future consideration by the BCC of a Grant Agreement between the County and Neuroscience Centers of Florida Foundation, Inc.</p> <ul style="list-style-type: none"> <li>• The County Mayor or designee is directed to negotiate the terms of a grant agreement with Neuroscience Centers of Florida Foundation, Inc. pursuant to the Administrative Rules.</li> <li>• The County Mayor or designee will prepare and present a grant agreement to the BCC for its consideration within one hundred and twenty (120) days from the effective date of this resolution; provided, however, if the County Mayor or designee is unable to successfully negotiate the terms of such grant agreement within the requisite time period, a report detailing the status of the negotiations will be presented to the BCC instead.</li> <li>• The County Mayor or designee will provide the report to the BCC within one hundred and twenty (120) days from the effective date of this resolution and will place the completed report on an agenda of the BCC pursuant to Ordinance No. 14-65.</li> </ul> <p>Neuroscience Centers of Florida Foundation, Inc. proposes the development of a world-class ambulatory care center in Miami-Dade that will cater to the needs of the local Multiple Sclerosis, Alzheimer's, Parkinson's and Stroke patients population (Project Mercy) which is anticipated to result in approximately one hundred and fifty eight (158) direct jobs plus an additional one hundred and fifty eight (158) indirect jobs. Project Mercy is estimated to generate a projected \$6,000,000.00 in local taxes.</p> <p>Neuroscience Centers of Florida Foundation, Inc. has submitted an application to the County requesting a Project 124 grant in the amount of \$7,500,000.00 to fund a public access parking facility to support Project Mercy.</p>
<b>11A20 142520</b>	<p>RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO CLOSE THE MIAMI-DADE COUNTY COURTHOUSE AT 73 WEST FLAGLER STREET IN THE EVENT OF HAZARDOUS CONDITIONS, CORRECT OR REPAIR SUCH HAZARDOUS CONDITIONS USING BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS, IF AVAILABLE, OR OTHER FUNDS IDENTIFIED BY THE MAYOR AND SUBJECT TO BOARD APPROVAL, DEVELOP A PROCESS FOR IDENTIFICATION OF HAZARDOUS CONDITIONS AND A PLAN FOR THE TEMPORARY RELOCATION OF COURT FACILITIES, AND PROVIDE A REPORT TO THE BOARD WITHIN 30 DAYS [SEE ORIGINAL ITEM UNDER FILE NO. 142263] (SEE AGENDA ITEM 6B1)</p>
<b>Notes</b>	<p>The proposed resolution directs the County Mayor or designee to:</p> <ul style="list-style-type: none"> <li>• Immediately close all or a portion of the 1928 Courthouse if the County Mayor or the County Building Official determines that evidence of a condition exists that creates a hazard to the life, health or safety of the judges, employees or visitors at the 1928 Courthouse.</li> <li>• Correct or repair the hazardous condition using Building Better Communities General Obligation Bond (BBC GOB) Program funds, in the event such funds are available to fund such repairs to the 1928 Courthouse. In the event Bond Program funds are unavailable or are insufficient to fund the necessary improvements, the County Mayor or designee will propose alternative funding sources and, in accordance with the BCC's rules of procedure, present such proposal for approval to the BCC at the next regularly scheduled meeting or a special meeting called to consider the matter. All 2004 BBC GOB Program funds available for such repairs to the 1928 Courthouse must be expended prior to utilizing any alternative funding source proposed by the Mayor.</li> <li>• Collaborate with the County Building Official to create a process for the identification of hazardous conditions at the 1928 Courthouse and the orderly and immediate closure of all or a portion of the 1928 Courthouse once such condition has been identified.</li> <li>• Develop a plan for the temporary relocation of court facilities from the 1928 Courthouse to another facility or other facilities in the event that all, or a portion, of the 1928 Courthouse is closed for the purpose of emergency repairs and the Chief Judge of the Circuit Court determines that relocation is required during the repair period.</li> </ul> <p>The County Mayor or designee will provide a report to the BCC within 30 days of the effective date of this Resolution setting forth whether any hazardous conditions currently exist as well as the process for identifying future hazardous conditions at the 1928 Courthouse, the relocation plan for court operations, the expected costs of relocation, and the funding sources available to fund emergency repairs and relocation costs, if needed. The County Mayor will place the completed report on an agenda of the BCC pursuant to Ordinance No. 14-65.</p>
<b>11A21 142543</b>	<p>RESOLUTION URGING THE FLORIDA LEGISLATURE TO AMEND THE MARCHMAN ACT TO PROVIDE THAT THE PROCEDURES FOR THE INVOLUNTARY ASSESSMENT AND TREATMENT OF INDIVIDUALS WHO ARE SUBSTANCE ABUSE IMPAIRED ARE MORE SIMILAR TO BAKER ACT PROCEDURES FOR THE INVOLUNTARY EXAMINATION AND TREATMENT OF INDIVIDUALS WHO HAVE A MENTAL ILLNESS</p>
<b>Notes</b>	<p>The proposed resolution urges the Florida Legislature to amend the Marchman Act to the extent permitted by law so that the procedures for the involuntary assessment and treatment of individuals who are substance abuse impaired are more similar to the procedures in the Baker Act for the involuntary examination and treatment of individuals who have a mental illness.</p> <p>Additionally, the proposed resolution directs the County's state lobbyists to advocate for this, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2015 State Legislative Package when it is presented to the BCC.</p> <p><i>The Marchman Act, among other things, allows courts to order individuals who are believed to be substance abuse impaired and (1) have lost self-control, (2) pose a physical danger to himself or herself or others, or (3) have sufficiently impaired judgment to submit to a medical assessment by a licensed service provider and, if needed, to receive substance abuse treatment.</i></p>
<b>11A22 142502</b>	<p>RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION THAT WOULD RESTRICT THE USE OF FIREARMS AT GUN RANGES TO INDIVIDUALS AGE 15 AND ABOVE; OR ALTERNATIVELY WOULD ALLOW LOCAL GOVERNMENTS TO REGULATE CHILDREN'S USE OF FIREARMS AT GUN RANGES</p>

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<b>Notes</b>	<p>The proposed resolution urges the Florida Legislature to enact legislation that would restrict children’s use of firearms at gun ranges to individuals age 15 and above, or alternatively, allow local governments to regulate children’s use of firearms at gun ranges.</p> <p>Additionally the proposed resolution, directs the County's state lobbyists to advocate for this, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2015 State Legislative Package when it is presented to the BCC.</p> <p><i>Section 790.33, Florida Statutes, prohibits local governments from regulating the field of firearms and ammunition, and section 790.333, Florida Statutes, specifically prohibits local governments from regulating the use of firearms at shooting ranges. Without any laws restricting the age at which children may use firearms at gun ranges in Florida, the industry is self-regulated, with many gun ranges following the standard suggested by the National Association of Shooting Ranges allowing children above the age of seven to participate.</i></p>
<b>11A23 142480</b>	RESOLUTION URGING THE FLORIDA LEGISLATURE TO CREATE A PROGRAM PROVIDING STATE FUNDING FOR HISTORIC COUNTY COURTHOUSE PRESERVATION AND RESTORATION
<b>Notes</b>	<p>The proposed resolution urges the Florida Legislature to create a program providing state funding for historic county courthouse preservation and restoration.</p> <p>Additionally, the proposed resolution, directs the County’s state lobbyists to advocate for the passage of legislation that would create and fund a program providing state funding for historic county courthouse preservation and restoration, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2015 state legislative package when it is presented to the BCC.</p>
<b>11A24 142527</b>	RESOLUTION APPROVING AGREEMENTS RELATED TO GRANT FROM BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NO. 249 - "PRESERVATION OF AFFORDABLE HOUSING UNITS AND EXPANSION OF HOME OWNERSHIP" IN AMOUNT OF \$2,000,000.00 TO SBC COMMUNITY DEVELOPMENT CORPORATION OF RICHMOND HEIGHTS, INC. RATHER THAN SBC SENIOR HOUSING LLC AS PREVIOUSLY APPROVED FOR DEVELOPMENT OF AFFORDABLE HOUSING IN DISTRICT 9; AND AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO EXECUTE AND DELIVER SUCH AGREEMENTS ON BEHALF OF COUNTY AND EXERCISE ANY TERMINATION OR OTHER PROVISIONS CONTAINED THEREIN; AND REQUIRING EXPENDITURE FOR AFFORDABLE HOUSING IN DISTRICT 9 OF ANY GRANT FUNDS REIMBURSED TO COUNTY PURSUANT TO SUCH AGREEMENTS
<b>Notes</b>	<p>The proposed resolution approves agreements related to grant from Building Better Communities General Obligation Bond (BBC GOB) Program Project No. 249- “Preservation of Affordable Housing Units and Expansion of Home Ownership” in an amount of \$2,000,000 to SBC Community Development Corporation of Richmond Heights, Inc. for development of seventy-nine (79) affordable multi-family housing rental units to be known as the John and Anita Ferguson Residences located at 11111 Pinkston Drive, Miami, Florida 33176 in District 9.</p> <p>The proposed resolution approves SBC Community Development Corporation of Richmond Heights, Inc. as grantee rather than SBC Senior Housing, Inc. as previously approved, and Altera Associates, Ltd., a Florida limited partnership in which a wholly owned affiliate of Brookstone Partners, LLC will be the managing general partner, as the owner of the Project.</p> <p>Additionally, the proposed resolution approves the following:</p> <ul style="list-style-type: none"> <li>• The Grant Agreement for the Total Funding Amount and the County Mayor or designee is authorized to execute and deliver the Grant Agreement on behalf of the County, with such changes or amendments consistent with this Resolution and the underwriting report after consultation with the Miami-Dade County Attorney’s office and to exercise any termination and other provisions contained in such agreement.</li> <li>• The Rental Regulatory Agreement to be delivered by the Grantee and recorded in the public records and the County Mayor or County Mayor’s designee is authorized to execute the Rental Regulatory Agreement on behalf of the County with any revisions that may be necessary to assure the Project is affordable and any changes or amendments consistent with this Resolution and the underwriting report after consultation with the Miami-Dade County Attorney’s Office and to exercise any termination and other provisions contained in such agreement.</li> <li>• Any grant proceeds that are reimbursed to the County pursuant to the Grant Agreement and/or the Regulatory Agreement will be used solely for affordable housing in District 9.</li> </ul> <p><b><u>Additional Information</u></b> On March 6, 2012, the BCC through R-231-12, approved the allocation of an additional \$1 million in funding, for a total of \$2,000,000, from the \$137.7 million allocated for BBC Program Project No. 249 – “Preservation of Affordable Housing Units and Expansion of Home Ownership,” subject to BCC approval of all necessary agreements, for the development of approximately 79 units of affordable housing for elderly persons. Pursuant to R-55-11, as amended, the BCC previously allocated \$1 million to SBC Senior Housing, LLC., to fund a portion of the development of the Senior Housing Project.</p>
<b>11A25 142549</b>	RESOLUTION APPROVING THIRD AMENDMENT TO THE PHASE I GROUND LEASE WITH MOURNING FAMILY FOUNDATION, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION, PROVIDING FOR A SIX MONTH EXTENSION FOR MOURNING FAMILY FOUNDATION, INC. TO OBTAIN FINANCING FOR THE PROJECT AND A SIX MONTH PROJECT COMPLETION EXTENSION; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR’S DESIGNEE TO EXECUTE SAME AND EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN; AND DIRECTING COUNTY MAYOR OR THE COUNTY MAYOR’S DESIGNEE TO PROVIDE EXECUTED COPY OF THE THIRD AMENDMENT TO THE PROPERTY APPRAISER’S OFFICE
<b>Notes</b>	<p>The proposed resolution approves the Third Amendment to the Phase I Ground Lease between Miami-Dade County and Mourning Family Foundation, Inc., a Florida not-for-profit corporation (formerly known as Alonzo Mourning Charities, Inc.) to provide for a six month extension to close out its financing for the project and a six month extension for completion of the project due to unanticipated delays</p>

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	<p>associated with receipt of the Southeast/Overtown Park West Community Redevelopment Agency funds.</p> <p>Additionally, the proposed resolution directs the County Mayor or designee to provide to the Property Appraiser's Office an executed copy of the Third amendment within 30 days of its execution.</p> <p><b><u>Additional Information</u></b></p> <table border="1" style="width: 100%;"> <thead> <tr> <th colspan="2" style="text-align: center;">Legislative History</th> </tr> </thead> <tbody> <tr> <td style="width: 15%;"><b>12/2/2008 R-1369-08</b></td> <td> <p>This resolution approved the terms of and authorized the execution of two sixty-five year lease agreements with Alonzo Mourning Charities, Inc., (AMC) a Florida not-for-profit corporation to develop affordable rental housing for families and the elderly on County owned land.</p> <p>AMC is also required to incorporate into its development plan the façade improvements of the businesses along NW 3rd avenue which abuts the property. Such improvements will be done at the sole cost and expense of AMC and its affiliates and partners, in a time and manner acceptable to and approved by the County.</p> </td> </tr> <tr> <td><b>6/19/2012 R-522-12</b></td> <td> <p>This resolution extended the time by which Miami-Dade County as Lessor, under lease agreements approved by R-1369-08, with Alonzo Mourning Charities, Inc. as Lessee may reject or accept Lessee's financial plan. Miami-Dade County will have one hundred eighty (180) days from the effective date of this Resolution to approve or reject the financial plan submitted by Alonzo Mourning Charities, Inc.</p> </td> </tr> <tr> <td><b>9/18/2012 R-750-12</b></td> <td> <p>This resolution amended the Ground Leases for both phases between the County and the Mourning Family Foundation, Inc., formerly known as Alonzo Mourning Charities, Inc. Amendments to Ground Leases for both phases do the following:</p> <ul style="list-style-type: none"> <li>• change the name of the Lessees from Alonzo Mourning Charities, Inc. to Mourning Family Foundation, Inc.;</li> <li>• change the "Commencement Date" of Phase I of the development to one year from the approval of this Amendment by the Board, as opposed to when the Lessee closes on its construction financing and receives low-income housing tax credits;</li> <li>• change the time periods for the both the commencement and completion of construction for all phases to December 31, 2012 from June 30, 2012;</li> <li>• reduce the number of family units from 95 to 79;</li> <li>• increase the number of elderly units from 95 to 114;</li> <li>• increase the total number of units in the project from 180 to 193;</li> <li>• reduce the number of parking spaces to be built from 107 to 70;</li> <li>• provide for payments to the County in total amount of \$111,000 to offset the reduced parking requirement;</li> <li>• In addition to the Base Rent of \$1.00 per year for each Phase, provide for four additional payments to the County of \$25,000 each to assist the Community Action and Human Services Department with programming at the Culmer Neighborhood Service Center; and</li> <li>• add language regarding the rebuilding of Demised Premises following a casualty.</li> </ul> <p>The Amendments to Ground Leases and Amendments to Sublease Agreements have been prepared by the Internal Services Department at the request of Community Action and Human Services and are subject to the following provision: <i>Pursuant to Article 6.3 of the leases being amended by this item, Lessee agree to, at Lessees sole expense, incorporate facade improvements to businesses along NW 3rd avenue, North of NW 16th street and south of NW 17th street, which abut the property. The obligation to perform such facade improvements are not impacted by the amendments set forth in this item and Lessee shall continue to have the obligation to perform those facade improvements at Lessees sole expense and in a time and manner acceptable to and approved by the County.</i></p> </td> </tr> <tr> <td><b>6/18/2013 R-481-13</b></td> <td> <p>This resolution approved the Second Amendments to Leases between Miami-Dade County and Mourning Family Foundation, Inc., to include a Restrictive Covenant Agreement and Joinder.</p> <p>The property is located in a Community Redevelopment Area (CRA), the Mourning Family Foundation, Inc. sought funding assistance for the Development from the CRA and as a condition of funding, the CRA required the Mourning Family Foundation to enter into a Restrictive Covenant Agreement requiring the Property to remain affordable for thirty (30) years and the terms of the Restrictive Covenant Agreement also require the County to join in the Restrictive Covenant Agreement, thereby obligating the County to use the Property as affordable housing for the thirty (30) year period, even if the Ground Lease terminates and the County regains possession of the Property prior to the expiration of the Restrictive Covenant Agreement,</p> </td> </tr> <tr> <td><b>9/17/13 R-773-13</b></td> <td> <p>This resolution authorized the Third Amendment to the Phase II Ground Lease between Miami-Dade County and Mourning Family Foundation, Inc., a Florida not-for-profit corporation (formerly known as Alonzo Mourning Charities, Inc.) for premises to be utilized by the Mourning Family Foundation, Inc., their sub-lessee, or their sub-sublessee, for the development of affordable housing; approved and authorized the County Mayor or designee, at the option of Mourning Family Foundation, Inc., to enter into a new Ground Lease for Parcel C with Mourning Family Foundation, Inc.(Phase III Ground Lease) under substantially the same terms and conditions as the Phase II Ground Lease and, in the event the Phase III Ground Lease is executed, amend the Phase II Ground Lease to remove Parcel C from the Phase II Ground Lease; and authorized the County Mayor or designee to exercise any and all other rights conferred therein.</p> </td> </tr> </tbody> </table>	Legislative History		<b>12/2/2008 R-1369-08</b>	<p>This resolution approved the terms of and authorized the execution of two sixty-five year lease agreements with Alonzo Mourning Charities, Inc., (AMC) a Florida not-for-profit corporation to develop affordable rental housing for families and the elderly on County owned land.</p> <p>AMC is also required to incorporate into its development plan the façade improvements of the businesses along NW 3rd avenue which abuts the property. 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**Board of County Commissioners  
December 2, 2014 Meeting  
Research Notes**

Item No.	Research Notes
11A26 142532	RESOLUTION APPROVING THE ISSUANCE OF MIAMI-DADE COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY TAX-EXEMPT INDUSTRIAL DEVELOPMENT REVENUE BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$3,000,000.00 TO REFINANCE EXISTING DEBT OF JESSIE TRICE COMMUNITY HEALTH CENTER, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION AND PAY COSTS OF ISSUANCE, FOR PURPOSES OF AND PURSUANT TO SECTION 147(F) OF INTERNAL REVENUE CODE OF 1986, AS AMENDED
<b>Notes</b>	<p>The proposed resolution approves the issuance of Tax-Exempt Industrial Development Revenue Bonds of the Miami-Dade County Industrial Development Authority (IDA) in an aggregate principal amount not to exceed \$3,000,000 to (i) refinance the costs of the acquisition, construction, installation and equipping of the Borrower's principal corporate and training offices and dental care facilities at 5607 N.W. 27th Avenue, Miami, Florida 33142, and (ii) pay certain costs of issuing the Bonds.</p> <p>The Bonds and the interest on the Bonds will not constitute a debt, liability or general obligation of the Authority, the County or of the State of Florida or of any political subdivision thereof, but will be payable solely from the revenues or other moneys specifically provided by the Borrower for the payment of the Bonds and neither the faith and credit nor any taxing power of the Authority, the County or of the State of Florida or of any political subdivision thereof is pledged to the payment of the principal or interest on the Bonds.</p>