



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Unincorporated Municipal Service Area
Committee Meeting

April 12, 2016

2:00 P.M.

Commission Chamber

Research Division

Charles Anderson, CPA
Commission Auditor
111 NW First Street, Suite 1030
Miami, Florida 33128
305-375-4354

Unincorporated Municipal Service Area Committee
April 12, 2016 Meeting
Research Notes

Item No.	Research Notes
1G1 160240	ORDINANCE RELATING TO ZONING; REVISING THE OJUS URBAN AREA DISTRICT (OUAD) REGULATIONS PERTAINING TO WALLS, FENCES, AND HEDGES OF RESIDENTIAL, SINGLE-FAMILY HOMES; AMENDING SECTION 33-284.99.20 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE
Notes	<p>The proposed ordinance amends Section 33-284.99.20 of the Miami-Dade County Code and revises the Ojus Urban Area District (OUAD) regulations pertaining to walls, fences, and hedges of residential, single-family homes.</p> <p style="text-align: center;">Sec. 33-284.99.20. - General Requirements.</p> <p>In addition to the requirements in Section 33-284.86 of this code, and to retain the character of the development within the OUAD, all new development and redevelopment shall comply with the following:</p> <p style="text-align: center;">C. Walls, fences, and hedges. All walls, fences, and hedges shall be provided in compliance with Section 33-284.86 of this code, except that walls, fences, and hedges associated with residential, single-family homes that were legally established prior to March 8, 2007, shall be permitted to a maximum height of seventy-two (72) inches, regardless of location.</p>
1G2 160091	ORDINANCE PERTAINING TO ZONING; AMENDING SECTION 33-19.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, PERTAINING TO DISPLAY OF VEHICLES AND BOATS FOR SALE ON RESIDENTIAL PROPERTY; AMENDING CHAPTER 8CC-10 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, PERTAINING TO PENALTIES; PROVIDING FOR ENFORCEMENT BY CIVIL PENALTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE
2E 160347	RESOLUTION DIRECTING THE MAYOR OR DESIGNEE TO CREATE A SPECIAL CERTIFICATE OF USE CATEGORY FOR THE DISPLAY OF VEHICLES AND BOATS FOR SALE ON RESIDENTIAL PROPERTY LOCATED IN UNINCORPORATED MIAMI-DADE COUNTY AND DIRECTING THE MAYOR OR DESIGNEE TO IMPLEMENT ASSOCIATED PROCEDURES; AMENDING IMPLEMENTING ORDER 4-111 TO PROVIDE FOR A SPECIAL CERTIFICATE OF USE CATEGORY AND ASSOCIATED FEE FOR SAID CERTIFICATE OF USE APPLICATIONS [SEE ITEM NO. 160091]
Notes	<p><u>1G1 - 160091:</u> The proposed ordinance amends Section 33-19.1 of the Miami-Dade County Code pertaining to the display of vehicles and boats for sale on residential property. Additionally, the proposed ordinance amends Chapter 8CC-10 of the Miami-Dade County Code pertaining to penalties.</p> <p><u>2E - 160347:</u> The proposed resolution:</p> <ul style="list-style-type: none"> • Directs the Mayor or designee to create a special certificate of use category for "Display of Vehicles and Boats for Sale on Residential Properties," located within unincorporated Miami-Dade County, to implement the necessary procedures and to give effect to the intent of this resolution within 120 days from its enactment; • Amends Implementing Order 4-111 to include a new special certificate of use category and \$36.70 fee for "Display of Vehicles and Boats for Sale on Residential Properties," located within unincorporated Miami-Dade County. <ul style="list-style-type: none"> ○ The special certificate of use category services include the resources expended for intake of the certificate of use application, processing of the application, verification of the status of the registration of the vehicle or boat owned by the certificate of use applicant, and record keeping. • Adopts and approves the amendments to Implementing Order 4-111. <p><u>Background:</u> Florida Statute Section 320.27 requires that "motor vehicle dealers" obtain a license to engage in the business of buying, selling or dealing in motor vehicles or offering to display motor vehicles for sale at wholesale or retail, and further provides that any person that buys, sells, deals, or offers or displays for sale three or more motor vehicles in any 12-month period will be presumed to be engaged in the business as a motor vehicle dealer. Miami-Dade County Ordinance No. 33-19.1 already limits the display for sale to no more than one vehicle at a time on property in a residential district, and no more than two vehicles for display for sale at such property for any one calendar year. Miami-Dade County Ordinance No. 33-19.1 also provides that the display of a vehicle or boat for sale will only be allowed at the property of the registered owner of the vehicle or boat.</p>
1G3 160268	ORDINANCE RELATING TO THE RONALD REAGAN EQUESTRIAN CENTER COUNCIL; AMENDING SECTION 2-1150 OF THE CODE OF MIAMI-DADE COUNTY; ABOLISHING THE EXISTING RONALD REAGAN EQUESTRIAN CENTER COUNCIL TO BE RECONSTITUTED AS SET FORTH HEREIN; PROVIDING FOR AN AUTOMATIC REPEAL OF THIS ORDINANCE FIVE (5) YEARS FROM ITS EFFECTIVE DATE AS REQUIRED BY SECTION 2-11.40 OF THE CODE OF MIAMI-DADE COUNTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE
Notes	<p>The proposed ordinance, relating to the Ronald Reagan Equestrian Center Council:</p> <ul style="list-style-type: none"> • Amends Section 2-1150 of the Miami-Dade County Code; • Abolishes the existing Ronald Reagan Equestrian Center Council to be reconstituted; and • Provides for automatic repeal of this ordinance five (5) years from its effective date as required by Section 2-11.4 of the Miami-Dade County Code.
1G4 SUB 160516	ORDINANCE PERTAINING TO ZONING; MODIFYING REQUIREMENTS FOR INSTALLATION OF SAFETY BARRIER AT CHILD CARE FACILITIES; AMENDING SECTION 33-151.18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 160335]
Notes	<p>The proposed ordinance, pertaining to zoning provides for the following:</p> <ul style="list-style-type: none"> • Amends Section 33-151.18 of the Miami-Dade County Code; • Modifies requirements for installation of safety barriers at child care facilities; • Requires that safety barriers be installed along the entire length of the playground/play area abutting the right-of-way;

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- Amends the Miami-Dade County Code to clarify that childcare facilities operated by Miami-Dade County must also comply with the provisions of the Code.

Fiscal Impact/Funding Source:

Adopted of the proposed ordinance is not anticipated to have a significant impact on permitting or enforcement activities in the Department of Regulatory and Economic Resources. Therefore, the implementation of this ordinance will not have a fiscal impact to Miami-Dade County.

Social Equity Statement:

The language in the proposed ordinance changing the effective date does not have a specific benefit or burden as it is in essence the same date currently enforced.

The cost to comply with the Code if this item is approved will be incurred by the owner/operator of any child care facility to which the safety barrier requirement applies. The specific cost to install a safety barrier depends on the size and length of the playground/play area that abuts the right-of-way. Non-compliance is enforceable under the Code and the associated violation costs will also be borne by the owner/operator of the non-compliant facility.

Safer and better protected childcare facilities benefit the children and parents, as well as employees and owners/operators.

The substitute differs from the original item in that it specifies a safety barrier design that will be accepted, modifies the time for compliance, and specifies the standards under which variances of these requirements can be approved.

Code Comparison Chart		
Section 33-151.18 of the Miami-Dade County Code		
Section	Current	Proposed
Sec. 33-151.18. - Physical standards.	<p>(j) Location requirement for outdoor recreation playground/play areas for Child Care facilities. Where the front or side street property line of a child care facility as described in Section 33-151.11(a), (b) and (f), abuts a section line or half section line right-of-way no outdoor recreation playground/play area shall be located between the right-of-way and the building line parallel to the right-of-way. Within two years after the Director mails notice of the requirement of this ordinance all existing child care facilities shall either comply with the foregoing requirement or install a safety barrier from vehicular traffic designed by a professional engineer and approved by the Public Works Department.</p> <p>For any existing child care facility which is required to either relocate its outdoor recreation playground/play area or provide a safety barrier, any resulting reduction in outdoor recreation playground/play area shall be deemed in compliance with the minimum playground/play area requirements of Section 33-151.18(a). Any such reduction shall also be deemed to be in substantial compliance with any site plan previously approved at public hearing. In event that such a child care facility whose site plan was approved at public hearing seeks to relocate its playground/play area, such relocation shall be subject to approval after public hearing upon appropriate application. No fee shall be charged for such application.</p> <p>This subsection shall not be deemed to allow the future expansion of any child care facility to occur without complying with the requirements of Section 33-151.18(a).</p> <p>Notwithstanding any thing in the Code to the contrary the provision of this subsection shall apply to Miami-Dade County child care facilities.</p>	<p>(j) Location requirement for outdoor recreation playground/play areas for Child Care facilities. Where the front or side street property line of a child care facility as described in Section 33-151.11(a), (b) and (f), abuts a section line or half section line right-of-way, no outdoor recreation playground/play area shall be located between the right-of-way and the building line parallel to the right-of-way.</p> <p>(1) As of [insert effective date of this ordinance] all existing child care facilities shall either comply with the foregoing requirement or install an antiram fixture with a minimum Department of State protection rating of K4 or a safety barrier from vehicular traffic designed by a professional engineer and approved by the Department of Transportation and Public Works. The safety barrier shall be installed along the entire length of the playground/play area that abuts the right-of-way.</p> <p>(2) For any existing child care facility which is required to either relocate its outdoor recreation playground/play area or provide a safety barrier, any resulting reduction in outdoor recreation playground/play area shall be deemed in compliance with the minimum playground/play area requirements of Section 33-151.18(a). Any such reduction shall also be deemed to be in substantial compliance with any site plan previously approved at public hearing. In event that such a child care facility whose site plan was approved at public hearing seeks to relocate its playground/play area, such relocation shall be subject to approval after public hearing upon appropriate application. No fee shall be charged for such application.</p> <p>(3) This subsection shall not be deemed to allow the future expansion of any child care facility to occur without complying with the requirements of Section 33-151.18(a).</p> <p>(4) Notwithstanding any thing in the Code to the contrary, the provisions of this subsection (j) shall also apply to child care facilities operated by Miami-Dade County.</p>

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		<p>5) Variances of the location requirements of this subsection (j) shall only be approved with a condition requiring the installation of a safety barrier meeting the requirements set forth above. No variances of the safety barrier requirements of this subsection (j) may be approved except for use variances in accordance with Section 33-311(A)(4)(a) of this chapter.</p>
<p>1G4 SUB No. 2 160549</p>	<p>ORDINANCE PERTAINING TO ZONING; MODIFYING REQUIREMENTS FOR INSTALLATION OF SAFETY BARRIER AT CHILD CARE FACILITIES; AMENDING SECTION 33-151.18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE [SEE ORIGINAL ITEMS UNDER FILE NOS. 160335 AND 160516]</p>	
<p>Notes</p>	<p>The proposed ordinance pertaining to zoning provides for the following:</p> <ul style="list-style-type: none"> • Amends Section 33-151-18 of the Miami-Dade County Code; • Modifies the existing language to clarify that all childcare facilities abutting a section line of half-section line right-of-way are to comply with the requirements of the Code or install: • An anti-ram fixture with a minimum Department of State protection rating of K4; or • A safety barrier from vehicular traffic along the entire length of the playground/play area abutting the right-of-way. • Amends the Code to clarify that childcare facilities operated by Miami-Dade County must also comply with the provisions of the Code; • Adds language to the Code specifying the standards under which variances of these requirements can be approved. <p>Fiscal Impact/Funding Source: Adoption of the proposed ordinance is not anticipated to have a significant impact on the permitting or enforcement activities in the Department of Regulatory and Economic Resources. Therefore, the implementation of this ordinance will not have a fiscal impact to Miami-Dade County.</p> <p>Social Equity Statement: The cost to comply with the Code if this item is approved will be incurred by the owner/operator of any child care facility to which the safety barrier requirement applies. The specific cost to install a safety barrier depends on the size and length of the playground/play area that abuts the right-of-way. Non-compliance is enforceable under the Code and the associated violation costs will also be borne by the owner/operator of the non-compliant facility.</p> <p>Safer and better protected childcare facilities benefit the children and parents, as well as employees and owners/operators.</p> <p><i>Substitute No. 2 differs from the original item in that it specifies a safety barrier design that will be accepted, modifies the time for compliance, and specifies the standards under which variances of these requirements can be approved. This substitute also updates the fiscal impact and social equity statements based on these changes.</i></p>	

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1G5 160214	RESOLUTION RELATING TO ANNEXATION REQUEST OF THE CITY OF FLORIDA CITY; PROVIDING THAT ACTION BE TAKEN PURSUANT TO SECTION 20-7(B) OF THE CODE OF MIAMI-DADE COUNTY TO EITHER DIRECT THE COUNTY ATTORNEY TO PREPARE THE APPROPRIATE ORDINANCE, BALLOT LANGUAGE AND INTERLOCAL AGREEMENT TO EFFECTUATE THE ANNEXATION REQUEST, DENY THE ANNEXATION REQUEST OR TO DEFER THE ANNEXATION REQUEST
Notes	<p>The proposed resolution provides for the following, pursuant to Chapter 20-7 (B) of the Miami-Dade County Code (Code), and following the required public hearing:</p> <ul style="list-style-type: none"> • Denies the requested boundary change as presented by the City of Florida City (City); • Approves the boundary change and direct the County Attorney to prepare an appropriate ordinance and any additional agreements accomplishing the proposed boundary change; or • Defers such requested boundary change for further consideration at a subsequent meeting. <p>The proposed annexation area is approximately 775 acres or 1.21 square miles and is generally bounded on the north by SW 352 Street, on the south by SW 382 Street, on the east by SW 180 Avenue and on the west by SW 192 Avenue. The annexation consists of an area of which the majority lies outside the Urban Development Boundary.</p> <p><u>Fiscal Impact/Funding Source:</u> The Preliminary 2015 Roll taxable value of the annexation area is \$6,256,316. The area generates an estimated \$109,831 in revenue. The County spends an estimated \$434,350 per year providing services to the area. Therefore, the net revenue gain to the Unincorporated Municipal Service Area (UMSA) budget is an estimated \$324,519.</p> <p>At the FY 2015-16 City millage rate of 7.1858 mills, the ad valorem revenue attributable to the area is \$42,709. At the FY 2015-16 UMSA millage rate of 1.9283 mills, the ad valorem revenue attributable to the area is \$11,461. The expected tax increase for annexation area is \$31,248. Based on the City's millage rate of 7.1858 mills, the average property owner would pay an additional \$135 in property taxes should the annexation be approved, which is calculated by dividing the total tax increase by the number of properties.</p> <p>Pursuant to Section 20-8.1 and 20-8.2 of the Code, the County retains all franchise fees and utility tax revenues of the area upon annexation. For the proposed annexation, franchise fees of an estimated \$9,973 and utility taxes of an estimated \$34,809 will be retained by the County.</p> <p><u>Background:</u> On September 6, 2011, the City submitted a boundary change application to the Miami-Dade County Clerk of the Board. The application was referred to and accepted by the BCC at the September 20, 2011 meeting and was forwarded to the Office of Management and Budget (OMB) for review and further processing, as required by the Code. The Planning Advisory Board (PAB) held a public hearing on February 22, 2012, where the City presented the application and amended the boundaries at the meeting. The PAB recommended approval of the application. After the amended boundaries were studied by staff, the annexation included areas that were not contiguous. Staff requested that the City amend the application to have contiguous boundaries. As a result, the City amended the boundaries to comply, through City Resolution No. 12-61, and the application with the amended boundaries was reviewed by the PAB, which recommended approval of the annexation.</p> <p>The amended boundaries resulted in the annexation area having more than 250 resident electors, therefore, the City was required to obtain petitions from 20 percent of the 326 resident electors indicating consent of the resident electors to the annexation. On March 19, 2015 the Elections Department certified 74 petitions for the area satisfying the 20 percent petition requirement. Should the BCC approve the annexation a vote of the resident electors in the annexation area will be required.</p> <p><u>Charter Considerations</u> On November 6, 2012, Section 6.04 B of the Miami-Dade County Charter was amended to require that the BCC consider whether commercial areas are included in the boundaries of the proposed areas to be annexed for the mere benefit of increasing the tax base of the annexing municipality.</p> <p>The proposed annexation area is comprised of 188 real property folios: 52 agricultural parcels; one (1) commercial parcel; one (1) governmental parcel; one (1) institutional parcel; one multi-family parcel; 103 single-family parcels; and 29 vacant parcels. The City owns a large parcel on the southernmost boundary of the annexation.</p> <p><u>Code Considerations</u> Pursuant to Section 20-7 of the Code, staff is to provide the BCC and the PAB with the following information for consideration of the annexation.</p> <p>The suitability of the proposed annexation boundaries, in conjunction with the existing municipality, to provide for a municipal community that is both cohesive and inclusive.</p> <ul style="list-style-type: none"> • Does the area divide a Census Designated Place (an officially or historically recognized traditional community)? <ul style="list-style-type: none"> ○ <i>The proposed annexation area is not within and does not divide a Census Designated Place.</i> • Have any adjacent unincorporated areas with a majority of ethnic minority or lower income residents petitioned to be in the annexation area? <ul style="list-style-type: none"> ○ <i>No adjacent unincorporated areas having a majority of ethnic minority or lower income residents have petitioned to be included in the annexation areas.</i>

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	<ul style="list-style-type: none"> • Is the area, or does it create, an unincorporated enclave area (an area surrounded on 80 percent or more of its boundary by municipalities) that cannot be efficiently or effectively served by the County? <ul style="list-style-type: none"> ○ <i>The proposed annexation area is not an enclave nor does it create an unincorporated enclave.</i> • Are the boundaries logical (consisting of natural, built, or existing features)? <ul style="list-style-type: none"> ○ <i>The boundaries are mostly logical and generally follow City limits or rights-of-way. The proposed annexation area is generally bounded on the north by SW 352 Street, on the west by SW 192 Avenue, on the south by theoretical SW 384 Street, and on the east by theoretical SW 180 Avenue.</i> • The existing and projected property tax cost for the municipal-level service to the average homeowners in the area - currently as unincorporated and as included as part of the annexing municipality. <p><i>The 2015 Preliminary Taxable Value within the annexation area is \$6,256,316. At the current Florida City millage rate (7.1858 mills), the ad valorem revenues attributable to the annexation area would be \$42,709. At the current UMSA millage rate (1.9283 mills), the ad valorem revenues attributable to the annexation area would be \$11,461. The expected tax increase to the area if the annexation is approved would be \$31,248. The average property owner would pay an additional \$135 if this annexation is approved.</i></p> <table border="1" style="margin-left: auto; margin-right: auto; border-collapse: collapse; text-align: center;"> <thead> <tr style="background-color: #d9ead3;"> <th colspan="3">Existing and Projected Property Tax Cost</th> </tr> <tr style="background-color: #d9ead3;"> <th colspan="3">City of Florida City Annexation FY 2015-16</th> </tr> <tr style="background-color: #d9ead3;"> <th></th> <th>Millage Rate</th> <th>Millage times Taxable Value</th> </tr> </thead> <tbody> <tr> <td>City of Florida City</td> <td>7.1858</td> <td>\$42,709</td> </tr> <tr> <td>Unincorporated Area</td> <td>1.9283</td> <td>\$11,461</td> </tr> <tr> <td>Increase</td> <td>5.2576</td> <td>\$31,248</td> </tr> </tbody> </table> <ul style="list-style-type: none"> • Relationship of the proposed annexation area to the Urban Development Boundary of the County's Comprehensive Development Master Plan. <p><i>The 2015 UDB of the County's Comprehensive Development Master Plan runs along Lucille Drive, traversing the northern portion of the proposed annexation area. Consequently, approximately 95 percent (733 acres) of the proposed annexation area is located outside the UDB.</i></p> <ul style="list-style-type: none"> • What is the impact of the proposal on the revenue base of the unincorporated area, and on the ability of the County to efficiently and effectively provide services to the remaining adjacent unincorporated areas? <ul style="list-style-type: none"> ○ <i>The Preliminary 2015 Taxable Value of the annexation area is \$6,256,316. The area generates an estimated \$109,831 in revenue. The County spends an estimated \$434,350 per year providing services to the area. Therefore, the net revenue gain to the UMSA budget is an estimated \$324,519 (Exhibit 2).</i> ○ <i>Pursuant to Section 20-8.1 and 20-8.2 of the County Code, the County retains all franchise fees and utility tax revenues of the area upon annexation. For the proposed annexation, franchise fees of an estimated \$9,973 and utility taxes of an estimated \$34,809 will be retained by the County.</i> • What is the fiscal impact of the proposed annexation on the remaining unincorporated areas of Miami-Dade County? Specifically, does the per capita taxable value of the area fall within the range of \$20,000 to \$48,000? <ul style="list-style-type: none"> ○ <i>There are 760 residents in the proposed annexation area. The per capita taxable value is \$8,232.</i> • Is the annexation consistent with the Land Use Plan of the County's Comprehensive Development Master Plan? <ul style="list-style-type: none"> ○ <i>Yes, the annexation is consistent with the Land Use Plan of the County's Comprehensive Development Master Plan. It is important to note that the majority of the annexation lies outside the Urban Development Boundary and the area will be governed by the County's Comprehensive Development Master Plan. Any amendments to the Urban Development Boundary or uses outside the Urban Development Boundary will require County approval. All municipal decisions outside the Urban Development Boundary shall be consistent with the County's Comprehensive Development Master Plan.</i> 	Existing and Projected Property Tax Cost			City of Florida City Annexation FY 2015-16				Millage Rate	Millage times Taxable Value	City of Florida City	7.1858	\$42,709	Unincorporated Area	1.9283	\$11,461	Increase	5.2576	\$31,248
Existing and Projected Property Tax Cost																			
City of Florida City Annexation FY 2015-16																			
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2B SUB 160764	RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO DEVELOP, NEGOTIATE AND PRESENT AGREEMENTS WITH PROPERTY ASSESSMENT CLEAN ENERGY (PACE) PROVIDERS TO THIS BOARD; ESTABLISHING POLICY FOR THE COUNTY WITH RESPECT TO PROPERTY ASSESSMENT CLEAN ENERGY; CANCELLING THE REQUEST FOR A COMPETITIVE SOLICITATION FOR A PROPERTY ASSESSMENT CLEAN ENERGY PROGRAM; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PREPARE A REPORT ON HOW TO EXPEDITE PACE RELATED PERMITS [SEE ORIGINAL ITEM UNDER FILE NO. 160479]																		
Notes	<p>The proposed resolution cancels the request for a competitive solicitation that was made pursuant to Resolution No. R-237-14 and directs the County Mayor or County Mayor's designee to:</p> <ul style="list-style-type: none"> • Develop and negotiate proposed agreements between the County and PACE districts, specifically entities created pursuant to Section 163.01(7), Florida Statutes, who may wish to operate turnkey PACE programs within Miami-Dade County (referred to herein as "PACE districts" or "PACE providers"); and 																		

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	<ul style="list-style-type: none"> • Bring such proposed agreements, together with the County Mayor or County Mayor’s designee’s recommendations as to PACE districts, to the BCC for review and approval. <ul style="list-style-type: none"> ○ In making such recommendations, the County Mayor or County Mayor’s designee will consider and address the experience and expertise of the PACE districts, including the experience and expertise of the PACE districts’ direct affiliates, if applicable; and ○ The County Mayor or County Mayor’s designee will bring negotiated agreements between the County and PACE districts to the BCC expeditiously so that the BCC may consider and approve the agreements within 90 days of the effective date of this resolution. <p>The agreements between Miami-Dade County and PACE districts will require, at a minimum:</p> <ul style="list-style-type: none"> • Compliance with Miami-Dade County and Florida laws related to PACE programs; • The County’s standard indemnification clause by which the PACE provider agrees to indemnify the County; • A commitment and disclosure by the PACE provider that outlines what each particular PACE provider will do, including but not limited to how PACE assessments will be collected and if they will be converted into other financial vehicles, in the event that Florida’s PACE statute is struck down by a court or if the PACE assessments are determined by a court to not be special assessments; • If the PACE provider may issue bonds, a requirement that the bond disclosure include language, to be approved by the County Attorney’s Office, which advises that PACE programs are new and relatively untested, and that there may be certain attendant risks to bondholders; • Provisions which would allow for the termination of the agreement under certain circumstances; and • Requirements that the PACE provider work with County staff to develop appropriate measures and mechanisms to provide timely information to the County regarding the PACE provider’s work pursuant to its agreement with the County. At a minimum, the PACE provider shall provide quarterly reports to the County with the following information: <ul style="list-style-type: none"> ○ The dates of the reporting period. ○ A list of PACE projects started and/or completed during the quarter, separated by building type (e.g., office, retail, multifamily, single family) and by sector type (e.g., commercial, industrial, residential). The report shall include the following information about each PACE project identified: <ul style="list-style-type: none"> ▪ The qualifying improvements made to the property; ▪ If an energy audit is performed, the energy baseline of each PACE project, conducted by a third party; and the projected energy savings and/or the amount of potential renewable energy to be generated by the PACE project; ▪ Start date and completion date for each PACE project; ▪ If an energy audit is performed, financial information about each PACE project such as cost per kWh generated/saved; and ▪ Any other resource saving, such as water savings, achieved by the PACE project. ○ Number of applications declined during the reporting period and why each was declined. ○ Jobs created for the reporting period, including local versus non-local jobs and permanent versus temporary jobs. <p>The County Mayor or County Mayor’s designee will prepare a report with recommendations from the County Mayor or County Mayor’s designee on how PACE-related building permits can be expedited, similar to the green expedite program that the County already offers, and shall provide this report to the BCC 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.</p> <p>This report will also include the Mayor’s recommendation for how Miami-Dade County should be acknowledged or referenced in the PACE provider’s promotional materials and contracts with consumers, so as to acknowledge the County’s role but still making clear that the particular PACE program and consumer contract is with a non-County entity.</p> <p><i>This substitute differs from the original in that it changes the timeframe within which the Mayor would be required to bring negotiated agreements between PACE districts and the County to the BCC for review and approval. The original item would have allowed for 180 days, and this substitute shortens the timeframe to 90 days.</i></p> <p>Background: Individual residents of Miami-Dade County may wish to improve energy efficiency, install energy improvements or retrofits, and improve water conservation for commercial and residential properties. One way to facilitate such improvements to real property is through a Property Assessment Clean Energy (PACE) financing program which is a financing structure by which commercial or residential property owners may voluntarily opt into a special assessment district to receive a loan to finance energy improvements and retrofits, where those loans are repaid through an annual assessment on the property owner’s property tax bill. A number of entities created pursuant to Section 163.01(7), Florida Statutes, may be interested in operating turnkey PACE programs within Miami-Dade County, and the County may not need to limit the number of PACE providers operating within the County.</p> <p>In 2014, the BCC approved Resolution No. R-237-14, which directed the County Mayor or County Mayor’s designee to develop a solicitation for a turnkey PACE program and present it to the BCC for review, but no such solicitation has yet been finalized or presented to the BCC.</p>

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	<p>PACE districts that have been created under Section 163.01(7), Florida Statutes, are local governments, and the County could select from those PACE districts and enter into interlocal agreements with the selected districts, without proceeding with a solicitation and such County agreements with PACE districts would include County requirements and protections, as directed by the BCC.</p> <p><u>Additional Information – Relevant Legislation:</u> On March 8, 2016, the BCC adopted Ordinance No. 16-30, relating to Voluntary Energy Efficiency and Renewable Energy Program and Property Assessment Clean Energy (PACE), which amended Sections 2-2079, 2-2081, 2-2083, 2-2084, 2-2086, and 2-2090 of the Miami-Dade County Code. Additionally, Ordinance No. 16-30, repealed Section 2-2085 of the Miami-Dade County Code.</p> <ul style="list-style-type: none"> • <i>Currently, the County Code allows for the County to issue bonds secured from non-ad valorem special assessments to provide funds to eligible participants to make qualifying improvements such as energy conservation, renewable energy improvements and wind resistant improvements. This ordinance rescinds this provision. Further, in addition to the County Mayor or designee, it allows for a separate legal entity selected by the BCC, as defined in Florida Statutes, to administer the program.</i> • <i>If the County serves as an administrator, County staffing requirements to perform assessments and meet notice and other program requirements will be evaluated based on the number of participants. However, as administrator, the County can include cost recovery provisions in the agreements with program participants to cover any associated staffing requirements.</i> <p><u>Additional Information – Unincorporated Municipal Service Area Committee Meeting Discussion:</u> During the Unincorporated Municipal Service Area Committee meeting on February 9, 2016, Ordinance No. 16-30 was discussed as follows:</p> <ul style="list-style-type: none"> • <i>The President and Chief Executive Officer of Florida Association for Insurance Reform (FAIR), appeared before the committee to speak in support of this program. He requested that the County allow multiple PACE providers to operate since competition would help maintain the insurance rates low, and it would benefit consumers.</i> • <i>Pursuant to a question regarding the energy market and what could be done, the President and CEO that about seventy percent (70%) to eighty percent (80%) of the PACE projects completed were for wind mitigation with four percent (4%) to six percent (6%) being solar projects. He noted that many other opportunities remained opened, and property owners were able to qualify for the program without having a good credit score or history.</i> • <i>In response to a question regarding establishing minimum consumer protection and safety criteria, the President and CEO advised that his organization had already reviewed in detail one of the providers in the categories of consumer protection under the framework of federal lending laws, contractor controls, advertising and marketing, and functional underwriting guidelines. He noted he would like an opportunity to review additional PACE providers within the state.</i> • <i>The Vice President of Operations of Ygrene Energy Fund of Florida spoke in favor of the item and pointed out the County had a huge demand for this type of program, noting that he had already received over 500 applications from Miami-Dade County residents of unincorporated areas and continued to receive daily phone calls asking for the implementation date and timeframe.</i> • <i>A representative of Renew Financial spoke in support of the item and stated that her organization worked in 19 jurisdictions across Florida, and the industry had already financed over \$1 billion in PACE projects nationwide. She suggested that vendors should be included in the process of establishing consumer protection criteria, and the vendors should be asked what constituted good practices and what their practices were. She advised three (3) primary vendors were currently operating within the State of Florida, who had already closed deals; but it was expected that other vendors would join the market.</i> • <i>In response to an earlier question relating to how a foreclosure impacted the PACE assessment, the Assistant County Attorney clarified that, it was her understanding, the PACE assessment would run with the property if it was not paid in full at the time the foreclosed property was sold.</i> • <i>Pursuant to a question regarding disclosure of liability, the Assistant County Attorney affirmed a mechanism was in place to disclose those costs.</i> <p><u>Additional Information – Property Assessed Clean Energy (PACE):</u> Property Assessed Clean Energy (PACE)¹ PACE (Property Assessed Clean Energy) is a simple and effective way to finance energy efficiency, renewable energy, and water conservation upgrades to buildings. PACE can pay for new heating and cooling systems, lighting improvements, solar panels, water pumps, insulation, and more for almost any property – homes, commercial, industrial, non-profit, and agricultural.</p> <p>Property owners across the US are using PACE because it saves them money and makes their buildings more valuable. PACE pays for 100% of a project’s costs and is repaid for up to 20 years with an assessment added to the property’s tax bill. PACE financing stays with the building upon sale and is easy to share with tenants. State and local governments sponsor PACE financing to create jobs, promote economic development, and protect the environment.</p> <p>Florida PACE Funding Agency² The Florida PACE Funding Agency was created in June 2011 by general law through an interlocal agreement. The initial incorporators are Flagler County and the City of Kissimmee. The Agency’s mission is to facilitate the implementation, planning, development, funding, financing, marketing and management of a statewide platform so that counties and cities can easily and economically take advantage of a uniform, scalable program for their property-owning constituents. The Florida PACE Funding Agency was designed to insulate local governments from liability and the heavy use of staff time for such a voluntary program.</p>

¹ <http://www.pacenation.us/about-pace/>

² <http://floridapace.gov/about/>

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	<p>Florida's PACE legislation allows individual residential and commercial property owners to voluntarily seek financing for certain energy or wind resistant improvements in the form of a special assessment through their local government with payback occurring over a period of years and collected on the same bill as property taxes. The Florida Legislature in 2010 overwhelmingly passed bipartisan legislation that carefully details the authority and processes for a PACE program and assessments in Florida.</p> <p>To date, the Agency is the only source of PACE financing initially capitalized at \$200 million, making funding available immediately. In addition, the Agency has been approved to capitalize up to \$2 billion.</p>
2D 160739	RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PROVIDE REGULAR NOTICE TO COUNTY COMMISSIONERS OF PENDING QUASI-JUDICIAL ITEMS
Notes	<p>The proposed resolution directs the County Mayor or County Mayor's designee to compile a list of all pending quasi-judicial matters and to furnish that list to each County Commissioner on a monthly basis. Each monthly list will include:</p> <ul style="list-style-type: none"> • All quasi-judicial items filed in the prior month over which the BCC has direct jurisdiction or may have direct jurisdiction based on the procedures outlined in the Miami-Dade County Code; and • Any quasi-judicial items over which the BCC has appellate jurisdiction, where an appeal or objection to a lower board's determination has been filed in the prior month. <p>The format of these reports may vary, but they should be prepared so that each application or matter, and the parties to that application or matter, are easily identifiable. The reports may list the general type or category of item (for example, zoning), but will exclude the substance of each application or matter.</p> <p>Background: The BCC sits in various capacities, including, at times, in a quasi-judicial capacity. When the BCC sits as a quasi-judicial body, a public hearing is held on an application or matter affecting the rights or obligations of a particular party, and the judgment of the BCC is contingent on the showing made at the hearing. Oftentimes, the BCC is not formally made aware that a particular item is quasi-judicial until shortly before the meeting at which it is heard, when the agenda showing the item is released.</p>
2F 160480	RESOLUTION DESIGNATING HORSE COUNTRY AS AN AREA OR FACILITY OF COUNTYWIDE SIGNIFICANCE PURSUANT TO SECTION 20-28.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA
Notes	<p>The proposed resolution, pursuant to Section 20-28.1 of the Code, designates the Horse Country area as an "Area or Facility of Countywide Significance". The Horse Country area is described as an unincorporated area of Miami-Dade County bounded on the north by S.W. 40th Street/Bird Road, bounded on the east by the Florida Turnpike, bounded on the south by S.W. 72nd Street, and bounded on the west by S.W. 127th Avenue.</p> <p>Background: Section 20-28.1 of the Code of Miami-Dade County, Florida, authorizes the BCC to designate portions of the unincorporated area of Miami-Dade County as an "Area or Facility of Countywide Significance". Once designated, jurisdiction for the regulation of the development of the area remains with Miami-Dade County notwithstanding subsequent annexation to a municipality. Section 20-28.1(b) lists the following criteria for designation as an "Area or Facility of Countywide Significance": "1) The area or facility is susceptible to substantial change and development that will detrimentally affect the facility or land; 2) There is a need for the continued, unimpaired functioning of the area or facility by the greater community and; 3) The service provided at or by the area or facility, or at a combination of areas or facilities, is a significant resource to the greater community".</p>
3A 160622	RESOLUTION APPROVING AN INTERLOCAL LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE TOWN OF BAY HARBOR ISLANDS FOR THE PROVISION OF LIBRARY SERVICES BY THE MIAMI-DADE PUBLIC LIBRARY SYSTEM AT THE BAY HARBOR COMMUNITY CENTER LOCATED AT 1185 95 STREET, BAY HARBOR ISLANDS, FLORIDA, FOR AN INITIAL THIRTY (30) YEAR TERM, PLUS TWO (2) ADDITIONAL THIRTY (30) YEAR RENEWAL OPTION PERIODS; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL CANCELLATION, TERMINATION, RENEWAL AND ALL OTHER RIGHTS CONFERRED THEREIN
Notes	<p>The proposed resolution authorizes the execution of the Interlocal Lease Agreement (Interlocal) between Miami-Dade County (County) and the Town of Bay Harbor Islands (Town), a municipal corporation of the State of Florida. This Interlocal establishes the terms and conditions by which the Miami-Dade Public Library System (MDPLS) will provide library services to the Town within the Bay Harbor Islands Community Center, located at 1185 95 Street, Bay Harbor Islands, Florida.</p> <p>The Bay Harbor Islands Town Council approved this Interlocal at its March 14, 2016 meeting. Additionally, the Town Council also approved a Resolution to join the Miami-Dade Library Taxing District effective October 1, 2016.</p> <p>Some of the highlights of the Interlocal are as follows:</p> <ul style="list-style-type: none"> • The Town will be solely responsible for the cost of the build-out of the community center, inclusive of the approximately 1,500 square feet of space to be partitioned for the library; • The Town will cover the cost of all utilities, janitorial service, pest control, and building repairs and maintenance in Year 1 of the Interlocal; in Year 2, the County will begin to make an annual payment of \$3,600 to the Town, with a one (1) percent annual increase each year thereafter; • The County will pay a nominal lease payment to the Town of \$10.00 per year for use of the facility; • The County will be responsible for staffing the library, as well as providing the materials collection, furniture, information technology equipment, and related items necessary to function as a full-service library; and

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	<ul style="list-style-type: none"><li data-bbox="316 247 1485 298">• The County will operate the library five (5) days (40 hours per week) in Year 1, with operating hours to be aligned with peak usage of the community center. <p data-bbox="267 325 1485 451">The term of the Interlocal Lease Agreement will be 30 years with the right to renew the Interlocal for two (2) additional 30-year terms upon mutual agreement. The co-location of the proposed branch with the Town's community center provides a unique partnership opportunity that will allow the Town and the County to maximize programming opportunities, to the benefit of both the Town residents and the residents of the entire Miami-Dade Library Taxing District. Additionally, this partnership is reflective of MDPLS' strategic direction in creating flexible, community-oriented locations that maximize opportunities for access to library resources and services.</p> <p data-bbox="267 478 535 504"><u>Fiscal Impact/Funding Source:</u></p> <p data-bbox="267 508 1485 604">As a result of the Town becoming a part of the Miami-Dade Library Taxing District, the provision of library services to the Town will be revenue-neutral. It is estimated that the Town will generate an additional \$224,000 in new revenue to the Library Taxing District in FY 2016-17. The additional revenue will fully offset MDPLS' estimated start-up and operating expenditures to provide library services to the Town in FY 2016-17, as well as future-year operating expenditures. The funding source is Library user fees and fines assessed pursuant to IO 4-97.</p> <p data-bbox="267 634 381 659"><u>Background:</u></p> <p data-bbox="267 663 1485 888">Over the past several years, the Town has been in the process of finalizing the design and interior build-out of its new 8,000 square foot community center. Throughout this process, the Town has expressed interest in joining the Miami-Dade Library Taxing District, as well as in having a small library location (1,500 square feet) built-out within the community center. The last extensive discussions between the Town and MDPLS occurred in October 2012. In June 2015, the Town Mayor and Manager approached the County to re-visit the feasibility of the Town joining the Library Taxing District and establishing a library location. MDPLS began negotiations with the Town, including multiple site visits to the proposed location, and multiple meetings with the Town Manager, Assistant Town Manager, and the Town's architect for the community center/library location. The County and the Town were able to reach agreement on a service model that ensures the provision of a full-service library within the designated location, while also ensuring that revenue generated by the Town joining the Library Taxing District fully offsets future-year operating expenditures.</p>