



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Metropolitan Services Committee

May 11, 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

Metropolitan Services Committee
May 11, 2016 Meeting
Research Notes

| Item No. | Research Notes |
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| <p>1G1 160840</p> <p>2D 160943</p> | <p>ORDINANCE RELATING TO MIAMI-DADE PARKS, RECREATION AND OPEN SPACES DEPARTMENT’S RULES AND REGULATIONS; AMENDING CHAPTER 26, ARTICLE I OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; BANNING POLYSTYRENE IN PARKS IN CERTAIN CIRCUMSTANCES AND MAKING TECHNICAL AMENDMENTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE</p> <p>RESOLUTION DIRECTING THE COUNTY MAYOR OR MAYOR’S DESIGNEE, SUBJECT TO CONDITION PRECEDENT, TO DEVELOP AND IMPLEMENT A PUBLIC AWARENESS CAMPAIGN, AT NO COST TO THE COUNTY, TO INFORM PUBLIC OF NEW PARK RULE BANNING POLYSTYRENE PRODUCTS IN PARKS AND BEACHES; AND TO REPORT TO THE BOARD WITHIN 90 DAYS ON THE STATUS OF THE DEVELOPMENT AND IMPLEMENTATION OF THE PUBLIC AWARENESS CAMPAIGN [SEE AGENDA ITEM NO. 1G1]</p> |
| Notes | <p><u>1G1 – 160840:</u> The proposed ordinance, relating to Miami-Dade County Parks, Recreation and Open Spaces Department’s (MDPROS) rules and regulations, amends Chapter 26, Article I of the Miami-Dade County Code banning polystyrene in parks in certain circumstances. The proposed ordinance further defers enforcement until June of 2017 in order to educate the public about the ban and to limit the fines to \$100.00 for first-time violators and to \$200.00 for each subsequent violation.</p> <p><u>Fiscal Impact Statement:</u> This ordinance has a provision for a fine not to exceed \$100 for the first violation and \$200 for each succeeding violation; however, enforcement will be deferred until 2017 in order to educate the public. MDPROS’ park staff will assist in the Department’s public information campaign. The implementation of this ordinance will have no fiscal impact to Miami-Dade County.</p> <p><u>Social Equity Statement:</u> This ordinance regarding polystyrene could benefit MDPROS and the public in that polystyrene may break into small piece that make it difficult for park staff and equipment to remove, which can also negatively affect wildlife and create an unsightly nuisance that may negatively impact Miami-Dade County’s tourism-dependent economy.</p> <p>The educational campaign will be essential to help mitigate the potentially negative economic effect of low-income residents who violate the ordinance.</p> <p><u>2D – 160943:</u> The proposed resolution directs the County Mayor or Mayor’s designee to develop a public awareness campaign, at no cost to the County, to inform the public of the Polystyrene Ban proposed in File No. 160840, and to report to the BCC within 90 days on the status of the public awareness campaign developed and implementation thereof. The County Mayor or Mayor’s designee will place the completed report on an agenda of the BCC pursuant to Ordinance No. 14-65.</p> <p><u>Background:</u> Polystyrene is a petroleum-based plastic, most commonly known under the name of “Styrofoam,” which is actually the proprietary trade name of a polystyrene foam product. The Environmental Protection Agency (EPA) named polystyrene as the fifth largest creator of hazardous waste. The biggest environmental health concern associated with polystyrene is the danger associated with Styrene, the basic ingredient in polystyrene, which has classified as a possible human carcinogen by the EPA and the International Agency for Research on Cancer.</p> <p>Numerous cities across the United States, including several within Miami-Dade County, have banned polystyrenes in parks and on beaches or their use altogether, including Miami Beach, FL, Key Biscayne, FL, Bal Harbour, FL, Bay Harbor Islands, FL, North Bay Village, FL, Surfside, FL, New York City, NY, Albany County, NY, Portland, OR, San Francisco, CA, Los Angeles County, CA, Malibu, CA, Oakland, CA, San Jose, CA, Seattle, WA, Amherst, MA, Minneapolis, MN, and Washington, D.C.</p> <p>In 2010, the BCC adopted Ordinance No. 10-52 which increased the maximum fines and imprisonment associated with violations of the Park rule set forth in Chapter 26 of the County Code to \$500.00 and 60 days in the County jail.</p> |
| <p>1G2 153014</p> | <p>ORDINANCE RELATED TO TOWING, RECOVERY, STORAGE AND IMMOBILIZATION OF VEHICLES WITHOUT CONSENT; AMENDING SECTION 30-461 OF THE CODE OF MIAMI DADE COUNTY, FLORIDA; PROVIDING DEFINITIONS; AMENDING SECTION 30-476 OF THE CODE; PROVIDING THAT MAXIMUM RATES FOR TOWING, RECOVERY, STORAGE AND IMMOBILIZATION WITHOUT CONSENT CAN BE ESTABLISHED BY ORDINANCE; ESTABLISHING REVISED MAXIMUM RATES FOR TOWING, RECOVERY AND STORAGE OF VEHICLES AT THE REQUEST OF PRIVATE PROPERTY OWNERS AND POLICE AGENCIES, AS WELL AS ALL OTHER TOWS WITHOUT PRIOR CONSENT OF THE VEHICLE OWNER OR A DULY AUTHORIZED DRIVER; INCORPORATING EXISTING IMMOBILIZATION RATES INTO THE CODE; RESCINDING RESOLUTION NOS. R-694-99, R-853-03 AND R-621-08; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE</p> |
| Notes | <p>The proposed ordinance, relating to towing, recovery, storage and immobilization of vehicles without consent:</p> <ul style="list-style-type: none"> • Amends Section 30-461 of the Miami-Dade County code; • Amends Section 30-476 of the Miami-Dade County code; • Provides that maximum rates for towing, recovery, storage and immobilization without consent can be established by ordinance; • Establishes revised maximum rates for towing, recovery and storage of vehicles at the request of private property owners and police agencies, as well as all other police directed tows without prior consent of the vehicles owner or a duly authorized driver; • Incorporates existing immobilization rates into the code; and • Rescind Resolution Nos. R-694-99, R-853-03 and R-621-08, which removes the \$3.00 gas surcharge currently charged by towing companies. |

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| | <p><u>Fiscal Impact Statement:</u> Under the proposed ordinance, the maximum rates for police directed, non-consent tows of motor vehicles will increase; however, the maximum rates for private-property, non-consent tows and immobilization will remain the same and the \$3 gas surcharge will no longer be authorized for either type of tow.</p> <p>The proposed ordinance will have a minimal fiscal impact on Miami-Dade County. Implementation of this ordinance will not result in additional staffing needs or create future operational costs for the Department of Regulatory and Economic Resources. However, there would be a minimum impact to the Miami-Dade Police Department. Per Florida Statute, the registered vehicle owners must pay for the first tow, regardless of circumstances; however, the law enforcement agency is responsible for any additional tows. Based on historical expenditures, the increase in fees will have an estimated impact of \$3,000 or less to the Miami-Dade Police Department on an annual basis.</p> <p><u>Social Equity Statement:</u> Owners of vehicles towed or stored at the direction of the Miami-Dade Police Department will incur the cost associated with the rate increases, which in turn provides companies performing these types of services an opportunity to generate additional revenue. However, in the case of a vehicular accident where the police directs the tow, the owner's insurance company may incur the expense depending on the type of insurance coverage.</p> <p>The rates for such police tows increase by approximately 15 percent in the proposed ordinance. The rates for private property (non-police directed), non-consent tow rates will also be codified through the proposed ordinance, but are not adjusted from the current amounts. Therefore, the companies performing private property, non-consent tows will not receive the same benefit as those performing police-directed, non-consent tows.</p> <p>Additionally, towing companies performing both police and private property directed, non-consent tows are currently authorized to charge a \$3.00 gas surcharge, which was established in 2008 as a result of increased fuel prices. The \$3.00 gas surcharge is currently charged by towing companies to the vehicle owner. The proposed ordinance removes the \$3.00 gas surcharge, which will benefit vehicle owners but also reduces the amount of revenue generate by towing companies.</p> <p><u>Background:</u> Section 125.0103, Florida Statutes, authorizes counties to establish maximum rates which may be charged for the towing of vehicles from or immobilization of vehicles on private property, or as directed by law enforcement, without the consent of the vehicle's owner or authorized operator. Article III of Chapter 30 of the Code of Miami-Dade County sets forth the County's towing regulations and provides that the BCC will establish the maximum rates for towing, recovery, storage, and immobilization of vehicles at the direction of law enforcement or from private property at the request of the private property owner, without the consent of the vehicle owner or duly authorized driver ("non-consent tows"). Maximum rates provide a rate ceiling for non-consent tows, although individual towers may establish rates that are lower than the maximum permitted rates.</p> <p>On June 22, 1999, the BCC enacted Resolution No. R-694-99, which established the maximum rate for removal of an immobilization or booting device attached to a vehicle without prior consent of the owner or operator. In the past, the BCC periodically has set and subsequently increased the maximum rates for non-consent tows, most recently in 2003. On July 22, 2003, the BCC enacted Resolution No. R-853-03, which rescinded a prior resolution establishing towing rates, amongst other rates, and established new revised maximum rates for non-consent tows. Resolution No. R-853-03 also provided for an automatic increase in the maximum rates for non-consent tows of Class A vehicles based upon the percentage increase in the Consumer Price Index (All Urban Customers Area: Transportation) for the 12 month period following the effective date of the Resolution.</p> <p>On June 3, 2008, the BCC enacted Resolution No. R-621-08, which authorized, as a result of increased diesel fuel prices, a fuel surcharge of up to \$3 per non consent tow until such time that the maximum towing rates established in R-853-03 are amended. But for the authorized fuel surcharge, it has been more than 11 years since an adjustment has been made to the maximum rates established by the BCC for non-consent tows.</p> <p>Industry costs have increased substantially, as evidenced by the 37 percent annualized inflation rate in the Consumer Price Index for Transportation and 31 percent annualized inflation rate in the Producer Price Index for Truck Transportation, over the period since the last rate increase.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center;">Additional Information on Relevant Legislation</th> </tr> </thead> <tbody> <tr> <td style="width: 20%; vertical-align: top;"> R-130-99 2/2/1999 </td> <td> R-130-99 rescinded Resolution No. R-1472-93 and established a revised maximum towing rate for Class A vehicles for companies providing towing services from private property at the request of the property owner, but without the consent of the vehicle owner, and a revised maximum towing rate for Class A vehicles for companies providing nonconsensual towing services requested by a police agency. Specifically, R-130-99 increased the rate by 10% to \$88. <ul style="list-style-type: none"> • <i>R-1472-93 increased the maximum rates set in 1989 to \$80 for Class A vehicles.</i> </td> </tr> <tr> <td style="vertical-align: top;"> R-99-70 6/22/1999 </td> <td> <ul style="list-style-type: none"> • Amended Section 30-461 pertaining to definitions; • Amended Section 30-470 pertaining to records required; • Amended Section 30-476 pertaining to maximum towing and storage rates for providing tow services at the request of property owners or police agencies; </td> </tr> </tbody> </table> | Additional Information on Relevant Legislation | | R-130-99 2/2/1999 | R-130-99 rescinded Resolution No. R-1472-93 and established a revised maximum towing rate for Class A vehicles for companies providing towing services from private property at the request of the property owner, but without the consent of the vehicle owner, and a revised maximum towing rate for Class A vehicles for companies providing nonconsensual towing services requested by a police agency. 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| | <ul style="list-style-type: none"> • Created Section 8A-479 pertaining to requirements for immobilizing vehicles without prior consent of a vehicle owner or duly authorized driver of a vehicle; and • Amended Section 8CC-10 to provide penalties of \$500 for failure to satisfy immobilization requirements. <p>During the BCC meeting on June 22, 1999, the following was discussed:</p> <ul style="list-style-type: none"> • <i>The Director of Consumer Services indicated the proposed ordinance could be reviewed in one year to assess what was happening in the industry.</i> • <i>The proposed ordinance was amended to include a one year review.</i> |
| R-694-99 6/22/1999 | <p>R-694-99 established the maximum rate for the removal of an immobilization or booting device attached to a vehicle without the prior consent of the vehicle's owner or the duly authorized driver of the vehicle as follows:</p> <ul style="list-style-type: none"> • Removal rate - \$65.00 • Removal rate where immobilization or booting device operator is still at scene - \$32.50 <p>During the BCC meeting on June 3, 2008, the following was discussed:</p> <ul style="list-style-type: none"> • <i>The Commission requested that the proposed resolution be amended to provide a rate structure and specify the procedure to release a vehicle at the scene prior to its being towed and that the issue of release on site be defined.</i> • <i>The Commission noted the fees set in the foregoing resolution had a one year review period.</i> • <i>In response to a question, the Director of Consumer Services indicated the towing rates in the County had just been raised from \$80 to \$88.</i> |
| R-853-03 7/22/2003 | <p>R-853-03 rescinded R-130-99 and established new maximum rates for towing, recovery and storage of vehicles at the request of private property owners, police agencies, and all other tows without prior consent of the vehicle owner or a duly authorized driver.</p> <p>Specifically, R-853-03 provided for the following:</p> <ul style="list-style-type: none"> • Reflects a 10-day effective date rather than a delayed effective date of October 10, 2003 as originally proposed. • The recommended rate for Class A tows remains \$97, an increase of 10% from the current rate of \$88; however, the resolution allows for a single automatic adjustment in twelve months by the percentage increase in the Consumer Price Index (CPI) for Transportation. With annual CPI increases averaging 2.5%, it is expected that the rate would rise to approximately \$100 at that time. • Class C tows are recommended at \$235 and Class D at \$300 from their current rates of \$175 and \$200, respectively. These classes do not affect average consumers and relate to oversized vehicles such as dump trucks, buses and tractor trailers, typically commercial vehicles, representing a minor percentage of all tows. The waiting time rates for Class C and D equal one quarter of the tow rate and change accordingly. The Class D per mile rate is increased from \$4.50 to \$5.50. Lowboy tows are recommended at \$230 to remain consistent with the Class C tow. Lowboys are specialized trailers designed to carry large vehicles. Although some communities do not regulate Class C and D rates, staff believes retaining maximum rates is appropriate. • Daily storage rates are calculated based on vehicle size and remain unchanged. Vehicles under 20 feet are assessed a rate of \$25 for inside storage and \$20 for outside. Vehicles exceeding 20 feet remain at \$40 inside and \$35 outside. <p>During the BCC meeting on July 22, 2003, the following was discussed:</p> <ul style="list-style-type: none"> • <i>The Director of the Consumer Services Department (CSD), provided an overview of the proposed maximum uniform rates for towing, recovery and storage of abandoned or unauthorized vehicles at the request of private property owners on which the vehicles were parked and for non-consent police ordered tows. She noted the changes were made based upon the towing industry's input.</i> |
| R-621-08 6/3/2008 | <p>R-621-08 authorized Miami-Dade County towing companies to levy up to a \$3.00 fuel surcharge per non-consent tow performed due to the increase in the cost of diesel fuel.</p> |
| 2A 160980 | <p>RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PREPARE A REPORT ANALYZING THE MIAMI-DADE WATER AND SEWER DEPARTMENT'S WATER AND SEWER RATE STRUCTURE FOR BUILDINGS THAT HAVE BOTH COMMERCIAL AND RESIDENTIAL USES, AND TO PRESENT SUCH REPORT TO THE BOARD WITHIN 180 DAYS</p> |
| Notes | <p>The proposed resolution directs the County Mayor or County Mayor's designee to prepare a report analyzing the water and sewer rate structure for Mixed Use Buildings in order to determine whether an alternate and less financially burdensome rate structure can be applied in such circumstances. The County Mayor or County Mayor's designee is further directed to complete the report and place the completed report on an agenda of the BCC pursuant to Ordinance No. 14-65 within 180 days of the effective date of this resolution.</p> <p>Background: Throughout Miami-Dade County, there are a number of buildings that receive water and/or sewer service from the Miami-Dade Water and Sewer Department (Department) that are used, in part, for residential purposes and, in part, for commercial purposes, such as, for example, a condominium with retail or restaurant space on the ground level of the building (Mixed Use Buildings). Many of these Mixed Use Buildings have only one water meter for the entire building, and therefore, there is no way to determine what amount of water is being utilized by the</p> |

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| | commercial portions of the building and what amount of water is being utilized by the residential portions of the building and it is often not physically or financially possible for these Mixed Use Buildings to alter their infrastructure to allow for separate water meters for the residential and commercial portions of these buildings. |
| 2B 160984 | RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO COORDINATE WITH MUNICIPAL LAW ENFORCEMENT AGENCIES WITHIN THE COUNTY TO DETERMINE THEIR DESIRE, WILLINGNESS AND ABILITY TO PARTICIPATE IN A CONDOMINIUM FRAUD NETWORK FOR THE PURPOSE OF SHARING INFORMATION AND RESOURCES TO ASSIST IN THE CURRENT ELIMINATION AND FUTURE PREVENTION OF CONDOMINIUM ASSOCIATION FRAUD, AND TO PRESENT A STATUS REPORT, INCLUDING RECOMMENDATIONS, TO THIS BOARD WITHIN 180 DAYS |
| Notes | <p>The proposed resolution directs the County Mayor or County Mayor's designee to coordinate with municipal law enforcement agencies in Miami-Dade County to determine their desire, willingness, and ability to participate in a condominium fraud network (Participating Agencies), to provide a report on the status of the coordination and discussions with the Participating Agencies within 180 days of the effective date of this resolution, and to place the completed report on an agenda of the BCC pursuant to Ordinance No. 14-65.</p> <p>Such report should also include recommendations arising from such discussions, including:</p> <ul style="list-style-type: none"> • Potential methods and means for creation of an information sharing network; and • Recommendations for ways in which such network can be implemented, including the manner in which resources could be exchanged and made available by and between the County and the Participating Agencies. |
| 2C 160942 | RESOLUTION DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EVALUATE THE COUNTY'S PROCUREMENT POLICIES AND PURCHASES, INCLUDING THOSE OF ALL COUNTY INSTRUMENTALITIES SUCH AS VIZCAYA AND THE PUBLIC HEALTH TRUST, TO IDENTIFY SAFEGUARDS AND MEASURES IN EFFECT TO ELIMINATE, WHENEVER POSSIBLE, THE PURCHASE OF DISPOSABLE POLYSTYRENE PRODUCTS; AND TO REPORT TO THE BOARD WITHIN 90 DAYS ON SUCH SAFEGUARDS AND MEASURES, AND ON ALL COUNTY PURCHASES OF DISPOSABLE POLYSTYRENE PRODUCTS OVER THE PAST FIVE YEARS |
| Notes | <p>The proposed resolution directs the County Mayor or Mayor's designee to evaluate the County's procurement policies and purchases, including those of all County agencies and instrumentalities such as Vizcaya and the Public Health Trust, to identify safeguards and measures in effect to eliminate, whenever possible, the purchase of disposable polystyrene products, and to report to the BCC within 90 days on such safeguards and measures, and on all County purchases of disposable polystyrene products over the past five years. The County Mayor or Mayor's designee will place the completed report on an agenda of the BCC pursuant to Ordinance No. 14-65.</p> <p>Background:</p> <p>Six years ago, pursuant to Resolution No. R-1053-09, the BCC directed the County Mayor or Mayor's designee to prepare and present to the Board a "green" preference procurement program which provides a preference for the purchase of environmentally responsible products and services. On January 21, 2010, the County Manager submitted a report to the BCC regarding Miami-Dade County's "Buy Green" Purchasing Guide (Green Guide) along with a copy of the Green Guide, which had as its stated goals to "decrease the use of hazardous materials to improve community and environmental health". Further, in order to meet these goals, the Green Guide provided that the County shall "purchase products and services that reduce greenhouse gas emissions, are durable and long-lasting, include recycled content and plant-based, organic material, and use unbleached or chlorine free manufacturing processes [and] . . . that reduce hazards to employee and community safety and minimize environmental impacts, toxics, and pollution".</p> <p>On November 2, 2010, the County Manager issued a memorandum to all County Department Directors identifying commodity priorities that were selected in order to achieve the most significant impact in green purchasing and departments were encouraged to purchase the listed commodities solely with 100 percent sustainable or green components. One of the priority commodities identified by the County administration was Food Containers/Trays/Cups/Plasticware and County Departments were instructed that: "Reusable items are preferred (made of recycled content). Disposables will be compostable. No Styrofoam".</p> <p>"Styrofoam" is actually the proprietary trade name of a polystyrene foam product which is a petroleum-based plastic and is the fifth largest creator of hazardous waste. The biggest environmental health concern associated with polystyrene is the danger associated with Styrene, the basic ingredient in polystyrene, which has been classified as a possible human carcinogen by the EPA and the International Agency for Research on Cancer. The acute health effects of exposure to styrene include irritation of the skin, eyes, and upper respiratory tract, and gastrointestinal effects. The toxic chemicals leak out of polystyrene products into the food that they contain, especially when the foods are heated, and these chemicals threaten human health and reproductive systems.</p> <p>Since 2010, Miami-Dade County has identified the cessation of County purchases of polystyrene, or "Styrofoam" as a priority to further environmentally-friendly purchases and programs.</p> |
| 2F SUB 160839 | ORDINANCE RELATED TO RED LIGHT CAMERAS; AMENDING SECTION 30-422 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REPEALING THE AUTHORITY FOR MIAMI-DADE COUNTY TO USE TRAFFIC INFRACTION DETECTORS/RED LIGHT CAMERAS; REPEALING RESOLUTION NO. R-759-10, REPEALING DIRECTION AND AUTHORITY TO THE MAYOR OR DESIGNEE TO IMPLEMENT A RED LIGHT CAMERA PROGRAM FOR MIAMI-DADE COUNTY; SETTING POLICY THAT NO RED LIGHT CAMERA PROGRAM SHALL BE IMPLEMENTED OR MAINTAINED BY MIAMI-DADE COUNTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE |
| Notes | <p>The proposed ordinance, related to red light cameras:</p> <ul style="list-style-type: none"> • Amends Section 30-422 of the Miami-Dade County Code; • Repeals the authority for Miami-Dade County to use traffic infraction detectors/red light cameras; • Repeals Resolution No. R-759-10; • Repeals the direction and authority to the Mayor or designee to implement a red light camera program for Miami-Dade County; <p>and</p> |

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| | <ul style="list-style-type: none"> Sets policy that no red light camera program will be implemented or maintained by the County. <p><i>The substitute differs from the original in that the substitute updates and clarifies the history regarding the implementation of a red light camera program in Miami-Dade County.</i></p> <p>Fiscal Impact Statement: The implementation of this ordinance will not have a fiscal impact to the County.</p> <p>Social Equity Statement: The amendment of this ordinance will not impact the residents of Miami-Dade County. No traffic infraction detectors or Red Light Cameras have been implemented on the roadways or unincorporated Miami-Dade County.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #d9ead3;"> <th colspan="2" style="text-align: center;">Additional Information on Previous Legislation</th> </tr> </thead> <tbody> <tr> <td style="width: 20%;">R-937-05 <i>8/23/2005</i></td> <td>Directed the County Manager to explore the feasibility, cost and benefit of installing cameras at certain dangerous intersections with traffic signals to curb red-light running.</td> </tr> <tr> <td>R-1248-07 <i>11/6/2007</i></td> <td>Urged the Florida Legislature to allow the use of unmanned cameras at intersections with traffic signals in an effort to reduce red-light running.</td> </tr> <tr> <td>R-759-10 <i>7/8/2010</i></td> <td>Established policy for Miami-Dade County authorizing the installation of red light cameras at high crash, high volume intersections; and directed the Mayor or his designee to implement a red light camera program in Miami-Dade County.</td> </tr> <tr> <td><i>9/16/2010</i></td> <td>The Health, Public Safety and Intergovernmental Committee deferred a resolution directing the Mayor or designee to study the feasibility of negotiation with municipalities in Miami-Dade County to create a single, uniform countywide program for red light cameras with revenues generated in municipalities to be provided to such municipalities.</td> </tr> <tr> <td>O-11-01 <i>1/20/2011</i></td> <td>Created Section 30-422 of the Code of Miami-Dade County and authorized and regulated the use of Traffic Infraction Detectors in the Unincorporated Areas.</td> </tr> <tr> <td>Background</td> <td> <p>The County issued a solicitation to obtain proposals from experienced and qualified firms to establish a turnkey Red Light Camera Program (Program) for the MDPD. It was anticipated that the Program would be at no-cost to the County, funded through the revenue generated by the citations issued. It was also anticipated that the Program would be deployed in phases, with the initial implementation phase of 50 cameras. Additional cameras would have been added in increments of up to 50 cameras for up to a total of 150 cameras at the County's discretion. The RFP required the selected proposer to fully fund all costs associated with the implementation of the Program.</p> <p>Florida law permits public entities to use Traffic Infraction Detectors (Detectors), subject to rules and procedures established by the Florida Department of Transportation. More specifically, the law allows a county or municipality to install traffic detectors on state, county, or municipal rights-of-way within the boundaries of that county or municipality. Local agencies are required to provide a hearing for individuals who are issued a notice of a traffic infraction. There has been substantial discourse in the Florida House and Senate regarding the proper application of Detectors, including the administration of the Detectors, by local agencies.</p> <p>In October 2014, the Fourth District Court of Appeal ruled that the City of Hollywood was not authorized to delegate police power by entering into a contract that allowed a private vendor to screen data and decide whether a violation had occurred before sending that data to a Traffic Infraction Enforcement Officer for authorization of a citation. The Fourth District reasoned that such outsourcing to a third-party for-profit vendor of a city's statutorily mandated obligation to issue uniform traffic citations for red light camera violations was contrary to the Florida Statutes. The Fourth District's decision was appealed to the Florida Supreme Court, which declined to hear the appeal.</p> <p>In light of this and the time that has elapsed since the January 24, 2014 proposals submission date, it was recommended that all proposals be rejected without prejudice to the proposers. The County would determine the feasibility of re-issuing a solicitation for this Program pending judicial and legislative action that have an impact on the administration of Detectors.</p> </td> </tr> <tr> <td>O-13-116 <i>12/3/2013</i></td> <td> <p>Amended Section 30-422 of the Code of Miami-Dade County (Code), providing a local hearing process for red light camera violations.</p> <p>The ordinance added the following language to Section 30-422 of the Code, Traffic Intersection Safety and Traffic Infraction Detectors, Notice and Appeals:</p> <p style="padding-left: 40px;"><i>Pursuant to Chapter 2013-160, Laws of Florida, the Board elects to use and hereby designates its currently appointed code enforcement hearing officers under Chapter 8CC of the Code of Miami-Dade County, Florida, to serve as local hearing officers, as that term is defined in section 316.0083(91), Florida Statutes, as such may be amended from time to time, for purposes of conducting hearings by alleged violators wishing to contest a notice of violation received for a red light camera violation. A person may request such a hearing within 60 days of the notice of violation. 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It was anticipated that the Program would be at no-cost to the County, funded through the revenue generated by the citations issued. It was also anticipated that the Program would be deployed in phases, with the initial implementation phase of 50 cameras. Additional cameras would have been added in increments of up to 50 cameras for up to a total of 150 cameras at the County's discretion. The RFP required the selected proposer to fully fund all costs associated with the implementation of the Program.</p> <p>Florida law permits public entities to use Traffic Infraction Detectors (Detectors), subject to rules and procedures established by the Florida Department of Transportation. More specifically, the law allows a county or municipality to install traffic detectors on state, county, or municipal rights-of-way within the boundaries of that county or municipality. Local agencies are required to provide a hearing for individuals who are issued a notice of a traffic infraction. There has been substantial discourse in the Florida House and Senate regarding the proper application of Detectors, including the administration of the Detectors, by local agencies.</p> <p>In October 2014, the Fourth District Court of Appeal ruled that the City of Hollywood was not authorized to delegate police power by entering into a contract that allowed a private vendor to screen data and decide whether a violation had occurred before sending that data to a Traffic Infraction Enforcement Officer for authorization of a citation. The Fourth District reasoned that such outsourcing to a third-party for-profit vendor of a city's statutorily mandated obligation to issue uniform traffic citations for red light camera violations was contrary to the Florida Statutes. The Fourth District's decision was appealed to the Florida Supreme Court, which declined to hear the appeal.</p> <p>In light of this and the time that has elapsed since the January 24, 2014 proposals submission date, it was recommended that all proposals be rejected without prejudice to the proposers. 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| | <i>receive such a hearing, but if a person is found to have committed the violation at the hearing, he or she shall be required to pay \$150 in hearing costs in addition to the penalty imposed by law.</i> |
| R-477-15 6/2/2015 | Approved the rejection of the proposals received under Request for Proposals (RFP) No. 881, Red Light Camera Program for the Miami-Dade Police Department (MDPD) and directed the County Mayor, or Mayor's designee, to re-solicit for the Program within 60 days or report to the BCC on why it was unable to re-solicit. |
| | <p><u>Additional Information – Metropolitan Services Committee Meeting Discussion:</u></p> <p>During the March 16, 2016 Metropolitan Services Committee meeting, the proposed ordinance was discussed and deferred as follows:</p> <ul style="list-style-type: none"> • <i>The Committee noted that the pilot program concerned 11 intersections that were deemed the most dangerous and noted that the current legislation was an exceptional model and it would be a disservice to the community to repeal it.</i> • <i>The Committee expressed concern with the language in the proposed legislation which provided that the County would not maintain the equipment.</i> • <i>The Committee pointed out that there were other ways to increase the safety at intersections, such as changing their design.</i> • <i>The Assistant County Attorney provided the commissioners with the history of this item noting that the original resolution that this item would be repealing passed in 2010; that resolution directed the Mayor or Mayor's designee to implement the red light camera program in Miami-Dade County.</i> • <i>The Deputy Mayor noted no changes had occurred legislatively. He stated that several months ago the Mayor delegated him the authority to prepare a procurement item on red light cameras, or provide the reasons why this program should not be implemented. The Deputy Mayor said that he submitted that report to the BCC along with a recommendation not to proceed with the program. He stated that currently the County did not have red light cameras in operation.</i> • <i>In response to questions as to the reasons for repealing the legislation, the Deputy Mayor stated that the Mayor delegated this issue to him, and he issued a memorandum to the BCC on November 12, 2015. He said that he and his team reviewed the legislation at the State level; they reviewed the litigation on this issue; and they obtained information on the cost of the program. The Deputy Mayor noted typically municipalities had outsourced this program to vendors; however, this was no longer feasible, and if the program were retained it would have to be administered by the County. He stated that he and his team compared the cost with the revenue and determined that it was not the best time to move forward with this program, especially in light of the litigation and the unknowns with State law. He noted he would forward his report to all of the commissioners.</i> • <i>The proposed ordinance was deferred to the next Committee meeting.</i> <p><u>Additional Information – Red Light Camera Status Report – November 12, 2015:</u></p> <p>In response to Resolution No. R-477-15, the administration released a status report of the Red Light Camera Program for the Miami-Dade Police Department (MDPD).</p> <p>Based on changes in the legislation pertaining to the manner in which citations may be reviewed and issued, the burden of responsibilities and costs have now shifted to the County. As such, the services to be provided will change, requiring a thorough review of the operational and fiscal impact for the establishment and management of the Program.</p> <p>In order to administer the Program, the Miami-Dade Police Department (MDPD) would establish a unit within the Special Patrol Bureau and utilize approximately 25 personnel to manager and perform the tasks necessary. The new unit would consist of one (1) Lieutenant to supervise and oversee the unit; two (2) Sergeants to manage the operations of their respective shifts; four (4) Police Officers to testify in court and review red light violations; 17 Public Service Aides to view all red light camera videos and identify violations; and one (1) Secretary to perform administrative tasks, assist with mailing notices, and assign public records requests.</p> <p>It is expected that any County Program would commence with 150 cameras. The intersections where the cameras would be located are expected to generate up to 1,000,000 videos during the first and second years, before decreasing to approximately 500,000 videos for subsequent years, as drivers comply with the traffic control devices. It is expected that the cameras will produce approximately 180,000 Notice of Violations (NOV) each year during the first two (2) years, before decreasing to approximately 115,000 in subsequent years. The size of the new unit, the time needed for court, and the number of vehicles needed for the unit are based on this data. The cost of personnel and vehicles per year is expected to be approximately \$2.6 million. Of that amount, the estimated vehicle cost is about \$275, 000.</p> <p>It is anticipated there will be an additional \$400,000 in costs to the County to include internet upgrades, office space, computer equipment, stationary, and mailing needs. This estimate takes into account that the MDPD will be responsible for the mailing of NOVs and any subsequent mailing of Uniform Traffic Citations (UTC). The total estimated cost for personnel, infrastructure, and equipment for MDPD is approximately \$3,000,000, the majority of which will be recurring annual expenses. Previously, these costs were not contemplated, as the vendor would have been responsible for many of the required tasks.</p> <p>Due to the size of the new unit and the need for continuous ongoing video viewing, it was recommended by the City of Miami Police Department, and suggested by the County's Information Technology Department's Engineering Design Service Manager, that the new unit be equipped with dedicated internet lines capable of handling the expected volume of internet use without impacting normal operations. While the exact cost of the necessary equipment cannot be obtained without first identifying the location to house the new unit, an estimate for the installation of dedicated internet lines within the Special Patrol Bureau and MDPD Headquarters Building, where the infrastructure is already in place, is approximately \$25,000, with an additional \$15,000 per year in service costs.</p> |

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| | <p>Additionally, MDPD would use certified and trained public service aides to review and approve the NOVs and UTCs. In order to meet the requirements of Florida State Section 316.0083, the Mark Wandall Traffic Safety Program, the public service aides selected for the Program would have to attend a 40-hour in-service training course to meet the requirements to be authorized to review and approve the NOVs and UTCs. The cost of training public service aides has not yet been determined.</p> <p><i>Market research cannot be conducted to assess what the estimated costs for the Program would now be, based on the County's anticipated changes to the scope of services. This is due to the fact that the revised scope of services that the County would be requesting has not been performed before in Florida. Most agencies within Florida that operate a red light camera program continue to pay the same rates in their contracts, even with reduced services provided by the vendors.</i></p> <p>The public service aides dedicated to the Program will be removed from all of their normal patrol functions, which include but are not limited to, preparation of vehicle crash reports, responding to and documenting minor law violations, assisting with traffic control and scene security on traffic accidents, and enforcing parking and County ordinance violations related to improperly parked vehicles. This loss of personnel will have an adverse impact, as it will increase the calls-for-service for sworn uniformed personnel and reduce that amount of available time for them to conduct proactive enforcement activities. The County would utilize personnel assigned to the new unit in the Special Patrol Bureau to answer public records requests. If the number of the public records requests becomes too voluminous for allocated staff to respond to, additional staff or overtime will be needed.</p> <p>With the recent ruling by the Fourth District Court of Appeal, and based on consultations with the County Attorney's Office, the County would have to take on a larger role in the Program. MDPD would be tasked with issuing the NOVs and UTCs and, in order to avoid conflict of interest, it is suggested that the collection of fines be administered by another department or separate unit within Police. While there are several ways to handle this aspect of the Program, they all may require hiring of additional personnel. Additional personnel would have to be hired if the County determined that the most efficient and effective way to handle the payment of fines is in-house. Potentially a computer software program would also have to be acquired that would be dedicated to track this process. These costs are undetermined at this time.</p> <p>It should be noted that the Clerk of Courts will lonely manage and conduct hearings related to a UTC. Per the legislative changes of 2013, municipalities and counties having red light cameras must make a hearing for NOVs, which are conducted by the municipality or county of jurisdiction, available. In order to comply with this change and foster citizen satisfaction and Program legitimacy consistent with procedural justice, the County needs to identify a department or entity independent from the MDPD, Clerk of Courts, or Finance Department that would be responsible for administering this portion of the Program, which includes scheduling NOV hearings, notifying the violators of their hearing date/time, conducting the hearing, and administering all paperwork related to the hearing. Additionally, a location to conduct these hearing would have to be identified along with the proper staff to conduct the hearings, to include the hiring of a magistrate to preside over the hearing, who cannot be associated or employed by the Clerk of the Courts. At this time, an accurate cost projection to comply with this mandate cannot be calculated, but it should be noted that this could be a substantial cost.</p> <p>The Administrative Office of the Courts, in conjunction with the Clerk of Courts, determined that if current courtroom space is utilized for these hearings at the Gerstein, North Dade, and South Dade, no additional court room security monitor of clerk staff would be needed. If it is determined that the red light camera hearings would need to expand to additional court rooms at North Dade or South Dade, then the issue of required equipment and staffing would need to be re-addressed.</p> <p>Changes in Approach and Scope of Services Going Forward Currently, one (1) potential vendor would require the County to list at least three (3) locations for every intersection where a red light camera is proposed. After completion of their independent research, the vendor would then select which intersections are most suitable for red light camera equipment placement and revenue generation. This presents a major issue for the MDPD, as the intersections chosen may not be the ones with the most reported traffic crashes or safety needs and would be a change in the approach for the Program.</p> <p>Legislative Impact At this time, there are no legislative changes pending. On September 25, 2015, a final ruling was issued by Judge Steve Leifman, Associate Administrative Judge for the County Court Criminal Division, on the motion to dismiss filed by attorneys representing an individual that received a violation issued by the City of Aventura. The motion to dismiss was filed based on the decision of the Fourth District Court of Appeal on October 2014, regarding procedural issues in the processing of red light camera cases between the municipalities and private vendors.</p> <p>In his ruling, Judge Steve Leifman granted the individuals motion to dismiss, however, in addition, certified three (3) areas of concern to the Third District Court of Appeal. Based on Judge Leifman's ruling, attorneys for the City of Aventura filed an appeal to the Third District Court of Appeal and a motion entitles "Motion for Recognition of automatic stay and extension of same to Other Traffic Court Proceeding." In response to the City of Aventura's filed motion, attorneys representing other individuals on Red Light Camera Cases, filed a motion to strike the "City of Aventura's motion for recognition of automatic stay." A hearing was scheduled before Judge Leifman on October 16th and issued an order by Judge Leifman granting the City of Aventura's motion for stay. A final decision is not anticipated until the Third District Court of Appeals addresses the three (3) issues raised by Judge Leifman in his prior ruling.</p> <p>Additionally, a class action lawsuit against three red light camera vendors and more than 70 Florida counties and cities is moving forward after a Miami federal judge rejected a motion to dismiss, seeking more than \$200,000,000 in damages for tickets issued in violation of federal and Florida Laws. It is important to note that Miami-Dade County has been dismissed from this suit since we do not have red light cameras.</p> |

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| | <p><u>Additional Information – Proposed Statewide Legislation:</u> During the 2016 Legislation Session Senate Bill (SB) 168, which would repeal state statutes authorizing red light cameras, and the House companion bill, House Bill (HB) 4027, were proposed but not passed.</p> <p><u>Additional Information – OPPAGA Report: Florida Red Light Camera Programs¹ – February 7, 2014</u></p> <ul style="list-style-type: none"> • At the end of Fiscal Year 2012-13, 79 jurisdictions (74 municipalities, 5 counties) operated red light camera programs in 26 Florida counties and the DHSMV’s most recent survey of local governments operating red light camera programs found that, as of June 30, 2013, cameras were installed at 922 approaches to intersections however, there can be multiple cameras at each intersection; • Local governments consider several criteria when making red light camera placement decisions; use of countermeasures at red light intersections varies among jurisdictions; <ul style="list-style-type: none"> ○ <i>Using information about a variety of factors, engineering countermeasures can be developed to help reduce the occurrence of hazardous driver behaviors such as red light running. Selecting the most appropriate countermeasures for red light running depends on individual intersection characteristics and can only be determined after conducting an engineering study that investigates existing intersection design elements and intersection safety as related to red light running and the occurrence of red light violations.</i> ○ <i>Although national and state transportation organizations strongly recommend the use of countermeasures, OPPAGA’s survey results indicate that most (56%) of the respondents did not implement countermeasures prior to installing red light cameras. Of the jurisdictions that did implement countermeasures prior to installing red light cameras (44%), the most frequent types of countermeasures were</i> <ul style="list-style-type: none"> ▪ <i>Installation of signal ahead signs;</i> ▪ <i>Use of LED signal lenses;</i> ▪ <i>Modification of signal-cycle length; and</i> ▪ <i>Alteration of yellow light change intervals.</i> • Yellow light change intervals are relevant to red light camera programs because altering their duration can affect the frequency of red light running; <ul style="list-style-type: none"> ○ <i>Recent research indicates that using a value greater than 1.0 second would encompass the reaction times of a larger proportion of the driver population. Based on these research results, the Florida Department of Transportation recently revised requirements for yellow light timing across all of the state’s jurisdictions. DOT increased the perception/reaction time to 1.4 seconds, effectively increasing the department’s previous minimum yellow light change interval by 0.4 seconds. Intersections with existing red light cameras were required to comply with the new standards by December 31, 2013.</i> ○ <i>According to OPPAGA’s survey of counties and municipalities that operate red light camera programs, most (58%) jurisdictions reported using DOT standards for yellow light interval timing, while some (43%) jurisdictions reported not having the authority to change yellow light interval timing, as it is often managed at the county level for many cities and towns.</i> • Jurisdictions use red light cameras to enforce several types of traffic infractions including the enforcement of right turns on red without making a complete stop and right turns on red at intersections with “No Turn on Red” signs; • State and local red light camera revenue has increased more than 200% since Fiscal Year 2010-11; <ul style="list-style-type: none"> ○ <i>Red light camera program revenues have increased significantly over the last three fiscal years. Between Fiscal Year 2010-11 and Fiscal Year 2012-13, total revenues grew from \$37.6 million to \$118.9 million, an increase of 215%.</i> ○ <i>Of the local governments that reported revenues to the Department of Revenue in Fiscal Year 2012-13, a small number of jurisdictions accounted for a large portion of the \$56.4 million in local red light camera revenues.</i> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="background-color: #c6e0b4;">Jurisdiction</th> <th style="background-color: #c6e0b4;">Jurisdiction Revenue</th> </tr> </thead> <tbody> <tr> <td>Miami</td> <td>\$5,841,750</td> </tr> <tr> <td>Miami Gardens</td> <td>\$2,889,975</td> </tr> <tr> <td>Tampa</td> <td>\$2,786,695</td> </tr> <tr> <td>Apopka</td> <td>\$1,835,625</td> </tr> <tr> <td>North Miami</td> <td>\$1,822,345</td> </tr> <tr> <td>Orlando</td> <td>\$1,725,300</td> </tr> <tr> <td>Aventura</td> <td>\$1,423,125</td> </tr> <tr> <td>Sweetwater</td> <td>\$1,254,290</td> </tr> </tbody> </table> <ul style="list-style-type: none"> • Nearly 50% of fines collected by local governments are used to pay red light camera vendors; <ul style="list-style-type: none"> ○ <i>To examine the financial arrangement between jurisdictions and red light camera vendors, OPPAGA reviewed 36 contracts and city ordinances from 20 unique jurisdictions and found that jurisdictions typically pay vendors between</i> | Jurisdiction | Jurisdiction Revenue | Miami | \$5,841,750 | Miami Gardens | \$2,889,975 | Tampa | \$2,786,695 | Apopka | \$1,835,625 | North Miami | \$1,822,345 | Orlando | \$1,725,300 | Aventura | \$1,423,125 | Sweetwater | \$1,254,290 |
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¹ <http://www.thenewspaper.com/rlc/docs/2014/fl-oppaga.pdf>

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| | <p style="text-align: center;"><i>\$4,250 and \$4,750 per camera, per month. These payments cover costs associated with site selection; camera installation, operation, and maintenance; review of possible violations; violation issuance; payment collection; data collection; and customer service. In general, fees are fixed.</i></p> <ul style="list-style-type: none"> • Estimates of the safety effects of other states' red light camera programs vary considerably; <ul style="list-style-type: none"> ◦ <i>As of December 2013, 502 communities in the U.S. had red light camera programs.</i> • Red light camera research results differ due to wide variation in factors examined; many studies have been limited by methodological concern; • Notices of violation and uniform traffic citations issued by jurisdictions with red light camera programs have increased significantly since Fiscal Year 2010-11.¹⁹ Based on OPPAGA survey results, notices of violation issued and notices of violation paid increased significantly from Fiscal Year 2010-11 to Fiscal Year 2011-12, and increased slightly from Fiscal Year 2011-12 to Fiscal Year 2012-13.²⁰; and • Crashes resulting in fatalities decreased at red light camera intersections on state roads but rear-end and angle crashes increased. • Among the counties with red light camera intersections on state roads, nearly 40% had increases in rear-end and angle crashes. <p><u>Additional Information:</u> Red-light camera ticket ruling to impact local drivers - Court says it's illegal to have vendor prescreen videos before officers see them – February 22, 2016²</p> <ul style="list-style-type: none"> • An Orange County, Florida court ruled the city was not following the red-light camera law. The case could affect other cities and counties where tickets are pending. • The court ruled that allowing the city's vendor, American Traffic Solutions, to prescreen videos before sending them to Orlando's enforcement officer was an unlawful delegation of police power. • The attorney who won a red-light camera case said cities in Orange and Osceola counties are bound by the ruling. • Of 86 cities and counties that have the systems, nine have deactivated their cameras, including Palm Bay, Winter Springs and Dunnellon. Last year, ticket revenue was down 15 percent. • Last fall, Orange County put on hold a plan to add cameras. • Last year, local cities and counties collected \$21 million in ticket revenue. <p>Lawsuit takes aim at Tampa's red-light camera program – Tampa Bay Times – August 18, 2015³</p> <ul style="list-style-type: none"> • A new lawsuit could mean the beginning of the end for Tampa's red-light camera program — one that lawyers call unconstitutional and activists say can be abused. • The lawsuit was filed by a group of Florida lawyers Aug. 11 in Hillsborough circuit court against the city of Tampa and the private, for-profit merchant the city uses to review video footage and issue tickets for red-light infractions. • The suit argued that the city's delegation of its powers to ticket and fine drivers who run red lights to American Traffic Solutions goes against Florida statutes and aims for all tickets issued since the program started in 2011 to be declared void. • Since Tampa's program started in November 2011, the city has collected \$11.4 million in revenue from red-light tickets through May 2015. Of that, \$7 million has gone to ATS. • Red-light cameras have been hotly debated across the Tampa Bay area and Florida but have lost favor in some jurisdictions. The technology is used by municipalities in Hillsborough, Pasco and Pinellas counties, but last year St. Petersburg ended its program. • The Tampa lawsuit's legal argument follows an October decision from Florida's 4th District Court of Appeal, which dismissed a citation against a Hollywood motorist. The appellate court in West Palm Beach ruled that officials delegated too much authority to the vendor, which was also American Traffic Solutions. • That decision — which the Florida Supreme Court declined to review — spawned several class-action lawsuits that have been consolidated in the U.S. District Court for the Southern District of Florida. • Tampa was originally named as a defendant among more than 70 Florida municipalities in that case, but the city argued it shouldn't be sued in Miami. • Tampa Police Department spokeswoman defended the program, saying its goal is to save lives by stopping drivers from running red lights. The number of red-light tickets police issued fell 33 percent, according to city data, going from 61,618 in 2012 to 41,369 in 2014. • Florida law authorizes municipalities to delegate the initial review of potential traffic violations captured by red-light cameras, the suit argued, but it doesn't authorize them to delegate the power to determine who violated the law or the ability to send out notices of violation and issue traffic citations. • Under Tampa's program, ATS reviews recorded images and video from red-light cameras and determines whether those images should be sent to a police officer. When an officer authorizes enforcement, ATS automatically sends a notice of violation with a copy of the officer's signature and badge number. <p><u>Additional Information – 4th District Court of Appeal:</u> Red-light refund seekers find red tape⁴ - Sun Sentinel - February 24, 2015</p> |

² <http://www.wesh.com/news/redlight-camera-ticket-ruling-to-impact-local-drivers/38136496>

³ <http://www.tampabay.com/news/courts/civil/lawsuit-takes-aim-at-tampas-red-light-camera-program/2241810>

⁴ <http://infoweb.newsbank.com/resources/doc/nb/news/153BCC105C54E630?p=NewsBank>

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| | <ul style="list-style-type: none"> • <i>The 4th District Court of Appeal in West Palm Beach recently struck down camera programs in Hollywood and Davie, ruling that the way those cities delegated police authority to a private vendor was improper. The legal uncertainty has caused some cities to rethink red-light cameras; for example, Boca Raton abruptly stopped its program earlier this month.</i> • <i>As for refunds, class-action suits against South Florida cities are in the early stages, say some lawyers involved in the fight. Even if those lawsuits are successful, those who paid tickets might only get back a fraction of what they paid.</i> • <i>The final verdict on red-light cameras isn't in, as Hollywood intends to take the issue to the Florida Supreme Court. American Traffic Solutions, the Arizona-based vendor that runs the program in most Florida cities, will pay for Hollywood's legal fees, according to a city spokeswoman.</i> • <i>The camera program was authorized by the Florida Legislature in 2010, and those who have paid tickets could fight to get money back. That could leave cities and the state (which divided the red-light ticket money) on the hook for huge liabilities. At its peak, more than 70 Florida municipalities and counties had red-light cameras, generating over \$100 million in some years.</i> • <i>Because no class-action suits have been certified yet, it's unclear who'll be eligible to seek refunds: Those who paid the \$158 "Notice of Violation" (NOVs) sent by the vendor, those who waited 60 days until the violations turned into \$265 Uniform Traffic Citations (UTCs), or both.</i> • <i>An attorney involved in class-action suits against Fort Lauderdale, Sunrise and other South Florida cities, said he believes only those who let violations lapse into citations would be eligible.</i> <p>Court delivers new strike to Volusia-Flagler red-light cameras⁵ - Daytona Beach News-Journal (FL) - February 2, 2015</p> <ul style="list-style-type: none"> • <i>Florida's 4th District Court of Appeal recently turned down a request to reconsider its decision in October that the city of Hollywood didn't have authority under state law to delegate the ability to issue uniform traffic citations to its red-light camera vendor.</i> • <i>The South Florida appeals court decision matters to Daytona Beach, Holly Hill and Palm Coast — the only municipalities in Volusia and Flagler with red-light cameras — because it could set a precedent for the way citations have to be issued. It could also spur lawsuits brought by people who want their fine money back, and it could scare the three cities into dropping their red light programs.</i> • <i>For now, though, all three local cities are watching a flurry of lawsuits work their way through the courts before deciding whether to change course.</i> • <i>Reacting to the October ruling in the Hollywood case, late last year Daytona Beach and Holly Hill suspended their red light enforcement programs. Palm Coast decided to keep using its cameras and issuing citations, although Palm Coast hasn't been going after the people who refuse to pay.</i> • <i>The three cities are going to keep tabs on whether the Florida Supreme Court agrees to consider the Hollywood case. In its ruling Friday, the 4th DCA refused to recommend that the Florida Supreme Court take up the challenge to the way many cities across the state have handled red light citation issuance. Hollywood could still ask the Supreme Court to take up the case, but attorneys say its chances of getting Florida's highest court to oblige are severely weakened without the appeals court endorsement.</i> • <i>Daytona Beach is also going to be watching a new federal court case with 15 plaintiffs challenging red light cameras. Daytona Beach, which was just served last week with the federal suit, was one of 29 cities named as defendants in the class action filed in November challenging red light camera programs, Hartman said. The case in the U.S. District Court for the Northern District of Florida also lists as defendants the state government and American Traffic Solutions, the private for-profit company that Hollywood, Palm Coast and other Florida cities have used in their red light programs.</i> • <i>There are also seven additional federal red light lawsuits against individual cities pending in South Florida.</i> • <i>The Oct. 15 ruling in the 4th DCA suit said only police officers and traffic infraction enforcement officers have the authority to make the initial review of the images caught on the cameras, decide which cases will be pursued and ultimately issue citations. Daytona's system was similar to what Hollywood had, with the Daytona vendor selecting and sending video footage for Daytona Beach police to make decisions on and the vendor mailing out citations.</i> • <i>Daytona Beach put up its first red-light cameras in 2010, and now has 12 cameras at seven intersections. Daytona has used Massachusetts-based Gatso USA as its vendor, and last year began a new three-year contract with the company.</i> • <i>The contract allows the city to terminate the agreement for changes in state law or court decisions, and it allows both parties to end the contract for "convenience" with 90 days' written notice.</i> • <i>The cameras, owned by Gatso, are still up but they're turned off and the city is not using them for anything.</i> • <i>In 2008, Palm Coast became the first area city to get red-light cameras, and now has 43 cameras at 27 intersections. Palm Coast has been monitoring the court cases but continues its red light program. American Traffic Solutions is still issuing notices of violation for Palm Coast, and the city is still paying the company's fees, said the city spokeswoman.</i> • <i>Between Nov. 1 and Monday, 2,119 notices of violation had been issued. The only change is that those who don't pay the \$158 fine within 60 days aren't being pursued — at least for now.</i> • <i>Holly Hill also installed red-light cameras in 2010, and has eight cameras at four intersections. Holly Hill also uses Gatso as its vendor.</i> • <i>Holly Hill's cameras are still up and turned on, but they're only used for other types of investigations.</i> <p>Clearwater tightens control of red-light camera citations⁶ – The Tampa Tribune (FL) - January 1, 2015</p> |

⁵ <http://infoweb.newsbank.com/resources/doc/nb/news/153434603B6FBA90?p=NewsBank>

⁶ <http://infoweb.newsbank.com/resources/doc/nb/news/15293EDAF250DFE8?p=NewsBank>

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| | <ul style="list-style-type: none"> • <i>In an attempt to avoid a court challenge, city officials have tightened procedures for issuing traffic citations stemming from the use of red-light cameras.</i> • <i>Citations for running red lights no longer will be mailed from Arizona by Clearwater’s camera vendor, RedFlex Traffic Systems, the Assistant City Attorney recently told council members. The move comes in reaction to a decision by Broward County’s Fourth District Court of Appeal.</i> • <i>In October, the court ruled that the City of Hollywood illegally delegated to its red-light camera vendor the ability to issue traffic citations.</i> • <i>To protect Clearwater’s program against a similar challenge, the city delayed issuing more than 100 red-light camera citations since October until it could change its practices.</i> • <i>The appellate court objected to Hollywood’s program because it allowed American Traffic Solutions, or ATS, to print and send out violation notices and then issue citations if motorists failed to pay their fines.</i> • <i>Under a contract change Clearwater council members recently approved, local police now will mail the traffic citations after the vendor prints them. This local control should address the district court’s objection and put the city “solidly in a defensible position.”</i> • <i>The city’s red-light camera contract expires in August. The cameras have prompted protests and lawsuits since Florida cities began putting them up to catch drivers who ignore stop lights and fly through intersections. Proponents say the cameras have made streets and intersections safer, while critics contend they have made cities and vendors richer.</i> |
| 2G 160747 | RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO ANALYZE THE FEASIBILITY OF IDENTIFYING ADDITIONAL FUNDING FROM ANY LEGALLY AVAILABLE SOURCE FOR THE PURPOSE OF EXPANDING THE RESPONSIBLE PET OWNERSHIP PROGRAM IN MIAMI-DADE COUNTY PUBLIC SCHOOLS TO ADDITIONAL GRADE LEVELS AND TO PROVIDE A REPORT ON SAME WITHIN 120 DAYS OF THE EFFECTIVE DATE OF THIS RESOLUTION AND SHALL PLACE THE COMPLETED REPORT ON AN AGENDA OF THE BOARD, PURSUANT TO ORDINANCE NO. 14-65 |
| Notes | <p>The proposed resolution directs the County Mayor or the County Mayor’s designee to:</p> <ul style="list-style-type: none"> • Analyze the feasibility of identifying additional funding from any legally available source for the purpose of expanding the Responsible Pet Ownership Curriculum in Miami-Dade County schools to additional grade levels and to provide a report on same; • Include in said report recommendations regarding the source of this additional funding; and • Complete said report within 120 days of the effective date of this resolution and will place the completed report on an agenda of the BCC, pursuant to Ordinance No. 14-65. <p>Background: In 2013, the Miami-Dade County Animal Services Department launched the Responsible Pet Ownership Curriculum in Miami-Dade County schools for elementary school students in third, fourth and fifth grade. This program promotes responsible pet ownership and at the same time stimulates students to develop strong character traits, while caring for pets. This program currently reaches over 89,000 students however, the Animal Services Department does not currently have the funding resources to expand this program.</p> |
| 2H 160987 | RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO INCORPORATE INTO THE ANIMAL SERVICES DEPARTMENT’S PROPOSED FISCAL YEAR 2017-18 FEE SCHEDULE A FEE WAIVER ALLOWING QUALIFYING VETERANS TO ADOPT AND SPAY/NEUTER A PET WITHOUT CHARGE; PROVIDING A DEFINITION OF “QUALIFYING VETERAN” FOR THE PURPOSE OF THIS RESOLUTION; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO INCLUDE INFORMATION ABOUT THIS BENEFIT IN MARKETING MATERIALS AND IDENTIFY ITS AVAILABILITY IN PRICE LISTS DISPLAYED TO THE PUBLIC |
| Notes | <p>The proposed resolution directs the County Mayor or County Mayor’s designee to incorporate into the Animal Services Department’s proposed Fiscal Year 2017-18 fee schedule a fee waiver allowing Qualifying Veterans to adopt and spay/neuter up to one pet per fiscal year from the Animal Services Department without charge.</p> <p>For the purpose of this resolution, a “Qualifying Veteran” is an individual who:</p> <ul style="list-style-type: none"> • Resides in Miami-Dade County; • Served in the U.S. Armed Forces (i.e., the Army, Marine Corps, Navy, Air Force, Coast Guard, Army National Guard, Army Reserve, Marine Corps Reserve, Navy Reserve, Air National Guard, Air Force Reserve, and Coast Guard Reserve); • Was not punitively discharged from the U.S. Armed Forces, in the case of enlisted personnel, or dismissed, in the case of commissioned officers; and • Has no unresolved fines or violations with the Animal Services Department. <p>The County Mayor or County Mayor’s designee is directed to include information concerning the benefit of this Resolution in relevant marketing materials concerning adoption and/or spaying/neutering services by the Animal Services Department and to further list said benefit in any price lists displayed to the public.</p> <p>Background: Dr. Edward Creagan, an oncologist at the Mayo Clinic, speaking as to the health benefits of pet ownership, has commented that when patients advise his medical staff of their trip to an animal shelter to rescue an animal, “in effect, that dog or a cat really rescues” the patient. While post-traumatic stress disorder (PTSD) is not unique to veterans, because of their increased exposure to traumatic situations, veterans comprise a disproportionate amount of the population living with PTSD. Statistics compiled by the U.S. Department of Veterans Affairs indicate that 11-20 percent of veterans that served in Operations Iraqi Freedom and Enduring Freedom, 12 percent of veterans that served in Desert Storm, and 15 percent of veterans that served in the Vietnam War have PTSD, as compared to 7-8 percent of the general population. Researchers have begun to accumulate evidence that bonding with animals has desirable biological effects, such as elevating oxytocin levels which, in turn, and among other things, improves trust, the ability to interpret facial expressions, and assists with the overcoming of paranoia—all challenges for persons with PTSD.</p> |

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| | According to the U.S. Census Bureau, the veteran population in Miami-Dade County was 60,168 in the years between 2009 and 2013. |
| 2I 160998 | RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO ANALYZE THE FEASIBILITY OF IDENTIFYING ADDITIONAL FUNDING FROM ANY LEGALLY AVAILABLE SOURCE FOR THE PURPOSE OF RETAINING AN OUTSIDE CONSULTING FIRM TO ASSIST THE MIAMI-DADE COUNTY ANIMAL SERVICES DEPARTMENT WITH SOCIAL MEDIA OUTREACH TO INCREASE PUBLIC AWARENESS ABOUT THE SUCCESS OF THE DEPARTMENT IN SAVING ANIMALS AND TO PROVIDE A REPORT ON SAME WITHIN 120 DAYS OF THE EFFECTIVE DATE OF THIS RESOLUTION |
| Notes | <p>The proposed resolution directs the County Mayor or County Mayor's designee to analyze the feasibility of identifying additional funding from any available legal source for the purpose of retaining an outside consulting firm to assist the Miami-Dade County's Animal Services Department with social media outreach to increase public awareness about the Department's success of saving animals and to provide a report.</p> <p>The County Mayor or County Mayor's designee is directed to include recommendations regarding the source of this additional funding in the report. Further, the County Mayor or the County Mayor's designee is directed to complete the report within 120 days of the effective date of this resolution and will place the completed report on an agenda of the BCC pursuant to Ordinance No. 14-65.</p> <p>Background: The Miami-Dade County Animal Services Department (ASD) has increased the save rate for animals in its care from 51 percent in 2011 to 90 percent in 2016, which fulfills the Department's goal of becoming a "no-kill" shelter. ASD has decreased the number of animals euthanized per year from approximately 13,000 in 2011 to approximately 2,500 in 2015.</p> <p>ASD does not currently have the funding resources to retain an outside consulting firm to assist with social media outreach.</p> |
| 2J 160935 | RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PREPARE A REPORT (1) IDENTIFYING CERTAIN RESIDENTIAL AREAS WITHIN EACH COUNTY COMMISSION DISTRICT THAT ARE LACKING COUNTY AND/OR MUNICIPAL WATER AND/OR SEWER SERVICES, (2) ESTIMATING COSTS ASSOCIATED WITH CONNECTIVITY, AND (3) IDENTIFYING POTENTIAL FUNDING OPTIONS TO PROVIDE WATER AND SEWER CONNECTIONS TO THOSE CERTAIN RESIDENTIAL NEIGHBORHOODS, AND TO PRESENT SUCH REPORT TO THE BOARD WITHIN 120 DAYS |
| Notes | <p>The proposed resolution directs the County Mayor or County Mayor's designee to prepare a report:</p> <ul style="list-style-type: none"> • Identifying the doughnut neighborhoods throughout the County, broken down by County Commission district, that do not currently have County and/or municipal water and/or sewer service; • Estimating the cost required to connect the residents in each such doughnut neighborhood to the County's water and/or sewer system; and • Identifying potential funding options to provide water and sewer connections to each of those doughnut neighborhoods, including but not limited to, the possible re-allocation of the \$126,000,000.00 in Water and Sewer General Obligation Bond funds that were designated for use through Resolution No. R-537-14 so that those monies might be distributed equally among the 13 County Commission districts and potentially used for this project. <p>The County Mayor or County Mayor's designee is directed to complete the report and place the completed report on an agenda of the BCC pursuant to Ordinance No. 14-65 within 120 days of the effective date of this resolution.</p> <p>Background: Throughout Miami-Dade County, there are pockets of residential properties that are surrounded by neighborhoods that are already connected to the County's water and sewer systems (doughnut neighborhoods). The first step to getting such doughnut neighborhoods connected to the County's water and sewer system is to determine where those doughnut neighborhoods are located, how much the connections to the County's water and sewer systems would cost for each doughnut neighborhood and whether there is funding available to carry out the connections.</p> <p>In 2014, Resolution No. R-537-14 allocated \$126,000,000.00 in Water and Sewer General Obligation Bond funds were allocated to Project No. 17 in order to pay for the expansion of sewer service to commercial properties in many, but not all, of the County Commission districts.</p> <p>Additional Information – Relevant Legislation: On April 19, 2016, the BCC, through Resolution No. R-313-16, authorized the County Mayor or Mayor's designee to use Miami-Dade Water and Sewer Department's services, employees and equipment to design and install approximately 1,612 linear feet of 8-inch water pipelines along SW 107th Street, between SW 87th Avenue and SW 84th Avenue. The cost of the project was not to exceed \$322,000.00 without further approval by the BCC and was to be funded from the Building Better Communities General Obligation Bond Program (Bond Program) Project No. 17 – "Countywide Water and Sewer System Enhancements" (Project No. 17).</p> <p>During the Metropolitan Services Committee meeting, R-313-16 was discussed as follows:</p> <ul style="list-style-type: none"> • <i>The Commission inquired as to the prevalence of these "doughnut areas", and whether the department had developed a plan to deal with them. The Assistant Director of Legislative and Municipal Affairs for the Water and Sewer Department noted staff was aware of the existence of these areas, and a study conducted in 2013 pinpointed their location.</i> • <i>In response to questions regarding whether the department had policies to ensure that such "doughnut areas" would never again be created, the Assistant Director stated that any new project that was proposed had to meet certain requirements.</i> |

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| | <ul style="list-style-type: none"> • Responding to questions as to an estimated cost to connect all of these “doughnut areas” to the County’s water and sewer pipelines, the Assistant Director said that she would provide him the cost at a later date. • Pursuant to questions as to whether the State would reimburse some of the cost, and whether the homeowners would pay a portion of the cost, the Assistant Director confirmed that the State would reimburse some of the cost and the homeowners would be required to abandon their wells, pay connection charges, a water allocation fee, and the plumbing costs to the meter box. She indicated that the homeowners had been made aware of these charges. • In response to questions as to the reason this street was not connected to the County’s water and sewer pipelines, the Assistant Director said that staff would research the history of this block to attempt to understand why it was not connected and noted the State and the Department of Environmental Resource Management (DERM) verified the quality of water in the wells; and the Water and Sewer Department monitored the wells. • The Assistant Director for DERM of the Regulatory and Economic Resources Department said that his department became aware recently of the contamination of the water in this particular area. He explained that the water was contaminated with dieldrin which was a pesticide used in the past to treat the ground before the houses were built. • The Assistant Director for DERM stated that a few years ago the department advised property owners to test the water in their wells. He said that under the “feasible distance” rule if water was available any new construction would have to be connected. He noted however that the regulations did not compel the owners of the older homes to be connected. He stated that in the long run the policies were encouraging properties to be connected to the County’s pipelines. • Responding to a question regarding how much it would cost for the residents to be connected to a pipeline located on a street close to their property, the Assistant Director of Legislative and Municipal Affairs stated that the approximate cost was \$600, not including the plumbing and that payment plans were available for the connection charges. |
| 3A 160908 | <p>RESOLUTION APPROVING TERMS OF AND AUTHORIZING EXECUTION BY THE COUNTY MAYOR, OR THE COUNTY MAYOR’S DESIGNEE, OF A LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND OLD CUTLER PRESBYTERIAN CHURCH, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION, FOR A PORTION OF THE PREMISES LOCATED AT 7055 S.W. 144 STREET, PALMETTO BAY, FLORIDA, TO BE UTILIZED BY THE MIAMI-DADE FIRE RESCUE, TO PROVIDE A TEMPORARY FIRE RESCUE STATION, WITH A TOTAL FISCAL IMPACT TO THE FIRE RESCUE DEPARTMENT ESTIMATED TO BE \$369,640.00 FOR THE TWO YEAR TERM OF THE LEASE AND OPTION PERIOD; AND AUTHORIZING THE COUNTY MAYOR, OR THE COUNTY MAYOR’S DESIGNEE, TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN</p> |
| Notes | <p>The proposed resolution authorizes execution of the Lease Agreement (Lease) between Miami-Dade County (County) and Old Cutler Presbyterian Church, Inc. (Landlord), a Florida not-for-profit corporation, for a portion of the property located at 7055 SW 144 Street, Palmetto Bay, Florida, to be used by Miami-Dade Fire Rescue Department as temporary fire rescue station. More specifically, the resolution does the following:</p> <ul style="list-style-type: none"> • Authorizes the lease of approximately 5,000 square feet of land adjacent to Old Cutler Road, including 9 parking spaces, and the driveway that leads to Old Cutler Road; and • Authorizes an initial lease term of two (2) years, plus the lesser of one-year or the expiration of six (6) months after issuance of a Certificate of Occupancy or equivalent permit for the County to occupy the permanent fire rescue station being constructed on an adjacent vacant parcel of land located at 14251 Old Cutler Road (Folio No.: 33-5023-001-0080), which was acquired by the County from the Landlord in 2015. <p><u>Fiscal Impact/Funding Source:</u></p> <p>The fiscal impact to the Fire Rescue Department for the initial two-year term of the Lease is estimated to be \$273,760. This amount is comprised of \$84,000 in base rent (which is equal to \$3,500 per month), \$3,360 in lease management fees, \$24,000 in utilities and maintenance, \$18,000 for insurance, \$70,000 for site work, and \$74,400 for rental of a modular trailer and installation, which will serve as the temporary fire rescue station. The lease management fee, which amounts to four (4) percent of the base rent, will be paid by the Fire Rescue Department to the Internal Services Department for the administration of the Lease. If the County elects to exercise the full optional renewal term, the total fiscal impact to the Fire Rescue Department is estimated to be \$369,640 (\$126,000 in rent, plus \$5,040 in lease management fees over 36 months, \$36,000 in utilities and maintenance, \$27,000 for insurance, \$70,000 for site improvements, and \$105,600 for modular trailer delivery and installation and rental for 36 months). All costs associated with this Lease will be funded through the Fire Rescue Department’s Fire District budget.</p> <p><u>Background:</u></p> <p>The Fire Rescue Department identified a suitable parcel of land on the grounds of Old Cutler Presbyterian Church located at 7055 SW 144 Street in the Village of Palmetto Bay to establish a temporary fire rescue station to provide much needed fire and emergency rescue services to the residents of Palmetto Bay, Pinecrest, and unincorporated Miami-Dade County.</p> <p>On February 3, 2015, the BCC adopted Resolution No. R-162-15 which authorized the execution of a Contract for Sale and Purchase between the County and Old Cutler Presbyterian Church, Inc. for an approximate one (1) acre parcel of vacant land located at 14251 Old Cutler Road (Folio No.: 33-5023-001-0080). The Fire Rescue Department intends to utilize the parcel of land for the construction of the Palmetto Bay North Fire Rescue Station 62.</p> <p style="text-align: center;"><i>Due to the timeline to construct the permanent fire rescue station, the Fire Rescue Department negotiated with the Landlord to lease an approximately 5,000 square foot parcel of land, located along the northwest portion of the Landlord’s property, for use as a temporary fire station. Once leased by the County, the parcel will be improved with a modular trailer, canopy, and storage shed. As a result of existing improvements to the property, the Fire Rescue Department will benefit from nine (9) parking spaces as well as a driveway for ingress/egress to and from Old Cutler Road. The temporary fire station will be equipped with an Advanced Life</i></p> |

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| | <p><i>Support (ALS) suppression fire truck and staffed with a total of four (4) firefighters/paramedics, 24 hours a day, seven (7) days a week.</i></p> <p>On May 18, 2015, the Palmetto Bay Village Council passed and adopted a resolution authorizing the construction of the temporary fire rescue station and associated site plan. The Fire Rescue Department will be responsible for seeking the required building permits from the Village of Palmetto Bay, constructing the temporary facility and implementing operations, including providing the necessary staff and equipment.</p> <p>Following construction of the permanent fire station, the equipment and staff will be relocated from the temporary fire rescue station to the new station. Additionally, upon terminating the operation of the temporary fire rescue station and vacating the premises, the Fire Rescue Department will return the leased parcel to its original condition or in a manner mutually agreed upon by both parties.</p> <p><i>The Landlord, despite having sold the County the adjacent land in 2015, was unwilling to agree to many of the standard lease terms which protect the County and imposed terms that the County does not customarily agree to in lease matters. The importance of having fire rescue services in this region warranted agreement to changes to standard lease clauses related to liability, insurance and indemnity until the new permanent station has been constructed.</i></p> |
| 3B 160555 | <p>RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$19,000,000.00 FOR PREQUALIFICATION POOL NO. 9711-0/23 FOR PURCHASE OF PIPE AND FITTINGS FOR WATER AND WASTEWATER SERVICES TO FURTHER FACILITATE CONSENT DECREE PROJECTS IMPLEMENTED BY THE WATER AND SEWER DEPARTMENT</p> |
| Notes | <p>The proposed resolution authorizes additional expenditure authority in an amount up to \$19,000,000.00 for prequalification pool 9711-0/23 for the purchase of pipe and fittings for water and wastewater services to further facilitate the Consent Decree Projects implemented by the Water and Sewer Department.</p> <p>This prequalification pool was originally approved by the BCC on September 17, 2013 for a 10-year term. The pool provides the Water and Sewer Department with access to vendors for the purchase of pipes, valves and fittings for force mains and pump stations that are integral to the proper functioning of Miami-Dade County's water and wastewater plants.</p> <p>This increase in allocation is being requested to facilitate the Consent Decree projects as mandated by the County's agreement with the United States Department of Justice and to support daily operations. The projects include infrastructure upgrades to force mains and pump stations, requiring the use of this pool to purchase materials.</p> <p><u>Fiscal Impact/Funding Source:</u> The contract expires on December 31, 2023 and has an existing allocation of \$28,500,000. The recommended modification will authorize additional expenditure authority of \$19,000,000 increasing the total pool value to \$47,500,000.</p> <p><u>Prequalified Vendors</u></p> <ul style="list-style-type: none"> • A & B Pipe and Supply, Inc. (SBE) 6500 NW 37 Avenue Miami, FL • American Cast Iron Pipe Company 1501 31 Avenue North Birmingham, AL • Corcel Corp. (MICRO/SBE, DBE) 2461 NW 23 Street Miami, FL • Ferguson Enterprises, Inc. <ul style="list-style-type: none"> ○ 12500 Jefferson Avenue Newport News, VA ○ 10810 SW 184 Street Miami, FL • Forterra Pressure Pipe, Inc. 300 E John Carpenter Freeway Irving, TX • HD Supply Waterworks, LTD <ul style="list-style-type: none"> ○ 3100 Cumberland Boulevard Suite 1700 Atlanta, GA ○ 10470 SW 187 Street Miami, FL • Lehman Pipe and Plumbing Supply, Inc. (SBE) 230 NW 29 Street Miami, FL • Tom Evans Environmental, Inc. 3200 Flightline Drive Suite 302 Lakeland, FL • Valve & Actuation Services LLC d/b/a Chalmers & Kubeck South IVG 1050 Industrial Boulevard Watkinsville, GA <p><u>Applicable Ordinances and Contract Measures</u></p> <ul style="list-style-type: none"> • The two (2) percent User Access Program provision applies and will be collected on all purchases. • The Small Business Enterprise Bid Preference and Local Preference will be applied in accordance with the ordinances at the time of spot market competition. • The Living Wage Ordinance does not apply. <p><u>Additional Information:</u> On September 17, 2013, the BCC, through Resolution No. R-740-13, approved the establishment of a prequalification pool for purchase of valves, cast ductile-iron and cast gray-iron pipe and fittings for the Water and Sewer Department. The amount requested for the ten-year term was \$28,500,000.</p> <p>Since the establishment of the prequalification pool, five (5) vendors have been added to the pool.</p> |
| 3C 160626 | <p>RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-00301 FOR PURCHASE OF AQUEOUS AMMONIA FOR THE WATER AND SEWER DEPARTMENT IN A TOTAL AMOUNT NOT TO EXCEED \$2,682,000.00 OVER THE INITIAL TWO-YEAR TERM AND THE ONE, TWO-YEAR OPTION</p> |

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| | TO RENEW; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF THIS AWARD, ISSUE THE APPROPRIATE PURCHASE ORDER TO GIVE EFFECT TO SAME AND EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE CODE AND IMPLEMENTING ORDER 3-38 | | | | | | | | |
| Notes | <p>The proposed resolution approves award of Contract No. FB-00301 for purchase of aqueous ammonia for the Water and Sewer Department in a total amount not to exceed \$2,682,000.00 over the initial two-year term and the one, two-year option to renew period. Additionally, the proposed resolution authorizes the County Mayor or County Mayor's designee to give notice of this award and issue the appropriate purchase order.</p> <p>The recommended vendor, Airgas Specialty Products, Inc. (Airgas), will deliver aqueous ammonia in tanker truck loads to the Alexander Orr Jr. Water, John E. Preston Water, and the Hialeah Water Treatment Plants.</p> <p><u>Fiscal Impact/Funding Source:</u> The fiscal impact for the two-year term is \$1,341,000. If the County chooses to exercise the one (1), two-year option-to-renew term, the contract's cumulative value will be \$2,682,000. The fiscal impact for the initial contract term and the option-to-renew term is based on the estimated usage at the price per pound.</p> <p>The current contract, FB-00075, is valued at \$999,000 for five (5) years and scheduled to expire on November 30, 2019. The user department, Water and Sewer, has elected to cancel the current contract and recommends awarding this replacement contract in order to obtain better pricing. The allocation under the recommended contract is higher than the current contract due to an increase in estimated quantities of aqueous ammonia.</p> <ul style="list-style-type: none"> • According to the Internal Services Department, contract FB-00075 was awarded to Airgas Specialty Products, Inc. under the Mayor's delegated authority. <p>Vendor Recommended for Award An Invitation to Bid was issued under full and open competition on November 4, 2015. Three (3) vendors responded to the solicitation, one (1) of which was a "No Bid." The method of award was to the single lowest-priced responsive and responsible bidder that met the solicitation's minimum qualifications.</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Awardee</th> <th>Principal Address</th> <th>Address of Branch Offices or Headquarters in Miami-Dade or Broward</th> <th>Number of employee residents in Miami-Dade or Broward</th> </tr> </thead> <tbody> <tr> <td>Airgas Specialty Products, Inc.</td> <td>2530 Sever Road Suite 300 Lawrenceville, GA</td> <td>None</td> <td>None</td> </tr> </tbody> </table> <p>Vendors Not Recommended for Award Tanner Industries, Inc. was deemed non-responsive by the County Attorney's Office (CAO) for taking exceptions to the solicitation's General Terms and Conditions.</p> <p>Pursuant to Resolution No. R-140-15, prior to the re-procurement of this replacement contract, a full review of the scope of services was conducted to ensure the replacement contract reflects the County's current needs. The review included conducting market research, posting a draft solicitation for industry comments, and holding meetings and drafting sessions with the user department. The solicitation was updated to revise the unit of measure from tons to pounds as well as to increase the estimated annual quantity.</p> <p>Applicable Ordinances and Contract Measures</p> <ul style="list-style-type: none"> • The two (2) percent User Access Program provision applies and will be collected on all purchases. • The Small Business Enterprise Bid Preference and Local Preference were applied in accordance with the ordinances. • The Living Wage Ordinance does not apply. | Awardee | Principal Address | Address of Branch Offices or Headquarters in Miami-Dade or Broward | Number of employee residents in Miami-Dade or Broward | Airgas Specialty Products, Inc. | 2530 Sever Road Suite 300 Lawrenceville, GA | None | None |
| Awardee | Principal Address | Address of Branch Offices or Headquarters in Miami-Dade or Broward | Number of employee residents in Miami-Dade or Broward | | | | | | |
| Airgas Specialty Products, Inc. | 2530 Sever Road Suite 300 Lawrenceville, GA | None | None | | | | | | |
| 3D 160733 | RESOLUTION AUTHORIZING ACCESS OF THE FLORIDA SHERIFFS ASSOCIATION AND FLORIDA ASSOCIATION OF COUNTIES CONTRACT NO. 15-23-0904 THROUGH SEPTEMBER 30, 2016 FOR THE PURCHASE OF POLICE RATED, ADMINISTRATIVE, UTILITY VEHICLES, TRUCKS AND VANS FOR THE MIAMI-DADE ANIMAL SERVICES, POLICE AND WATER AND SEWER DEPARTMENTS IN THE AMOUNT OF \$11,585,000.00; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE DOCUMENTS NECESSARY TO ACCESS SAME AND EXERCISE ALL PROVISIONS OF THE CONTRACT INCLUDING EXTENSIONS AND RENEWALS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38 | | | | | | | | |
| Notes | <p>The proposed resolution approves the access of a competitively procured and awarded Florida Sheriffs Association (FSA) and Florida Association of Counties (FAC) Contract No. 15-23-0904 for a term through September 30, 2016 in the amount of \$11,585,000.00 for the purchase of police rated, administrative, utility vehicles, trucks and vans for the Miami-Dade Animal Services, Police and Water and Sewer Departments. FSA-FAC is a statewide cooperative procurement program for participating local government agencies, sheriffs' offices, State of Florida agencies, state universities and colleges.</p> <p>There will be a total of 533 vehicles purchased.</p> | | | | | | | | |

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|---|---|--------------------------|--|---|--|--------------|----------------|----------------------------------|-----|--|-----|--------------------|---|----------------------------|----|----------------------------|---|---------------|----|-------------------------------------|---|------------|---|--------------|------------|-----------------------------------|--|---|--|--------------|---|---------------|----|--------------|-----------|-----------------------------------|--|--|--|--------------|---|---------------|---|--------------|----------|
| | <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center; background-color: #d9e1f2;">Police Department</th> </tr> </thead> <tbody> <tr> <td colspan="2" style="text-align: center;"><i>The Police Department will purchase 489 vehicles to support various law enforcement activities. The fleet to be purchased will include mixed-use marked police patrol and unmarked investigative vehicles and will replace vehicles that have reached the end of their useful life or are slated for retirement due to damage, mileage or ongoing mechanical issues.</i></td> </tr> <tr> <th style="text-align: center;">Vehicle Type</th> <th style="text-align: center;">Order Quantity</th> </tr> <tr> <td>Police Packaged Full-Sized Sedan</td> <td style="text-align: center;">218</td> </tr> <tr> <td>Unmarked Investigative Mid-Sized Sedan</td> <td style="text-align: center;">201</td> </tr> <tr> <td>Consumer Grade SUV</td> <td style="text-align: center;">3</td> </tr> <tr> <td>Marked Police Packaged SUV</td> <td style="text-align: center;">28</td> </tr> <tr> <td>Unmarked Investigative SUV</td> <td style="text-align: center;">6</td> </tr> <tr> <td>Pickup Trucks</td> <td style="text-align: center;">25</td> </tr> <tr> <td>Vans (Cargo, Passenger or Prisoner)</td> <td style="text-align: center;">7</td> </tr> <tr> <td>Motorcycle</td> <td style="text-align: center;">1</td> </tr> <tr> <td>Total</td> <td style="text-align: center;">489</td> </tr> <tr> <th colspan="2" style="text-align: center; background-color: #d9e1f2;">Water and Sewer Department</th> </tr> <tr> <td colspan="2" style="text-align: center;"><i>The Water and Sewer Department will purchase 38 vehicles to support its operations. The vehicles to be purchased include cargo vans and pickup trucks that will be used to facilitate repairs at treatment plants and for various activities in the field and will replace vehicles that have exceeded their operational life.</i></td> </tr> <tr> <td>Vans (Cargo)</td> <td style="text-align: center;">3</td> </tr> <tr> <td>Pickup Trucks</td> <td style="text-align: center;">35</td> </tr> <tr> <td>Total</td> <td style="text-align: center;">38</td> </tr> <tr> <th colspan="2" style="text-align: center; background-color: #d9e1f2;">Animal Services Department</th> </tr> <tr> <td colspan="2" style="text-align: center;"><i>The Animal Services Department will purchase six (6) vehicles to support its operations. The vehicles to be purchased will include cargo vans and pickup trucks that will be used to conduct investigations and inspections related to animal complaints.</i></td> </tr> <tr> <td>Vans (Cargo)</td> <td style="text-align: center;">4</td> </tr> <tr> <td>Pickup Trucks</td> <td style="text-align: center;">2</td> </tr> <tr> <td>Total</td> <td style="text-align: center;">6</td> </tr> </tbody> </table> <p><u>Fiscal Impact/Funding Source:</u> The fiscal impact for the purchase of 533 vehicles during the contract term, through September 30, 2016, is \$11,585,000. The cost of the Animal Services and Police Departments' vehicles will be covered by financing proceeds. The cost of Water and Sewer vehicles will be covered by proprietary funds. A competitively solicited financing agreement will be recommended and presented to the BCC as a separate Finance Department item at a later date. It is anticipated that since vehicle deliveries will be staggered in groups over the remaining term of the contract, once a group of vehicles is delivered and accepted, monthly financing payments would begin for a five-year period.</p> <p><u>Vendors Recommended for Award</u></p> <ul style="list-style-type: none"> • Beck Nissan, Inc. 252 Highway 17 North Palatka, FL • Daytona Harley-Davidson 1637 North US Highway 1 Ormond Beach, FL • Don Reid Ford, Inc. 1875 S Orlando Avenue Maitland, FL • Duval Motor Company d/b/a Duval Ford 1325 Cassat Avenue Jacksonville, FL • Hub City Ford-Mercury, Inc. 4060 S Ferdon Boulevard Crestview, FL • Moore Family LLC Management d/b/a Rountree-Moore Chevrolet/Cadillac/ Nissan 4316 W US Hwy 90b Lake City, FL <p><i>*None of the vendors recommended for award have branch offices or headquarters in Miami-Dade or Broward County and none have employees who are residents in Miami-Dade or Broward County.</i></p> <p><u>Applicable Ordinances and Contract Measures</u></p> <ul style="list-style-type: none"> • The two (2) percent User Access Program provision does not apply. • The Small Business Enterprise Bid Preference and Local Preference Ordinances do not apply. • The Living Wage Ordinance does not apply. • The Inspector General Fee does not apply. | Police Department | | <i>The Police Department will purchase 489 vehicles to support various law enforcement activities. The fleet to be purchased will include mixed-use marked police patrol and unmarked investigative vehicles and will replace vehicles that have reached the end of their useful life or are slated for retirement due to damage, mileage or ongoing mechanical issues.</i> | | Vehicle Type | Order Quantity | Police Packaged Full-Sized Sedan | 218 | Unmarked Investigative Mid-Sized Sedan | 201 | Consumer Grade SUV | 3 | Marked Police Packaged SUV | 28 | Unmarked Investigative SUV | 6 | Pickup Trucks | 25 | Vans (Cargo, Passenger or Prisoner) | 7 | Motorcycle | 1 | Total | 489 | Water and Sewer Department | | <i>The Water and Sewer Department will purchase 38 vehicles to support its operations. The vehicles to be purchased include cargo vans and pickup trucks that will be used to facilitate repairs at treatment plants and for various activities in the field and will replace vehicles that have exceeded their operational life.</i> | | Vans (Cargo) | 3 | Pickup Trucks | 35 | Total | 38 | Animal Services Department | | <i>The Animal Services Department will purchase six (6) vehicles to support its operations. The vehicles to be purchased will include cargo vans and pickup trucks that will be used to conduct investigations and inspections related to animal complaints.</i> | | Vans (Cargo) | 4 | Pickup Trucks | 2 | Total | 6 |
| Police Department | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| Police Packaged Full-Sized Sedan | 218 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| Marked Police Packaged SUV | 28 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Unmarked Investigative SUV | 6 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Pickup Trucks | 25 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Vans (Cargo, Passenger or Prisoner) | 7 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Motorcycle | 1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total | 489 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Water and Sewer Department | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| Vans (Cargo) | 3 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| Total | 38 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Animal Services Department | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| Vans (Cargo) | 4 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Pickup Trucks | 2 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total | 6 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3E 160583 | RESOLUTION APPROVING AN IMPLEMENTING ORDER ESTABLISHING FUNDRAISING GUIDELINES FOR THE MIAMI-DADE COUNTY YOUTH COMMISSION | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Notes | The proposed resolution approves the Miami Dade County's Youth Commission (YC) Fundraising Policy and Guidelines Implementing Order. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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| | <p><u>Fiscal Impact/Funding Source:</u> If approved, this implementing order will not have a fiscal impact, as monies collected will be utilized for authorized purposes, including purchasing refreshments for Youth Commission sponsored events.</p> <p><u>Social Equity Statement:</u> Pursuant to Resolution No. R-778-14, if approved, this implementing order will allow for the equitable and fair distribution of fundraised monies. YC will be able to fundraise in the specified manners for purposes such as the purchasing of refreshments for YC sponsored events.</p> <p><u>Background:</u> Since 2010, the YC has served as an advisory board to the BCC. Youth Commissioners are high school students ages 15 through 18 who represent and articulate the needs of youth in Miami-Dade County. The YC advises the Mayor and BCC on matters affecting the youth in the community.</p> <p>In order to assist in carrying out youth-related activities, the YC has requested the ability to fundraise. On September 3, 2014, the BCC adopted Resolution No. R-778-14 which directed the County Mayor or the County Mayor's designee to prepare an implementing order with fundraising guidelines for the Miami-Dade County Youth Commission.</p> |
| 3F 160530 | RESOLUTION APPROVING THE TERMS AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE MEMORANDA OF AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF CORRECTIONS AND MIAMI-DADE COUNTY TO ESTABLISH AND MAINTAIN SUPPORT DURING AN ACTUAL OR ANTICIPATED EMERGENCY AND/OR ESCAPE FROM FLORIDA DEPARTMENT OF CORRECTIONS FACILITIES LOCATED WITHIN MIAMI-DADE COUNTY, SPECIFICALLY HEREIN, THE SOUTH FLORIDA RECEPTION CENTER AND DADE CORRECTIONAL INSTITUTION; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE SAME OR SIMILAR MEMORANDA OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF CORRECTIONS FOR SUPPORT AT OTHER INSTITUTIONS; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE TERMINATION PROVISIONS CONTAINED THEREIN |
| Notes | <p>The proposed resolution authorizes the County Mayor or County Mayor's designee to execute Memoranda of Agreements (Agreements) between the Florida Department of Corrections and Miami-Dade County through the Miami-Dade Police Department (MDPD). The purpose of these Agreements is to provide support during an actual or anticipated emergency, and/or escape from a Florida Department of Corrections' facility located within Miami-Dade County, and specifically for the South Florida Reception Center and Dade Correctional Institution. The Agreement for each of these facilities is effective for a period of five (5) years upon execution through March 30, 2021.</p> <p><u>Fiscal Impact/Funding Source:</u> There is no fiscal impact to Miami-Dade County.</p> <p><u>Background:</u> The MDPD has established and maintains longstanding partnerships with correctional agencies both at the county level, via the Miami-Dade Department of Corrections and Rehabilitation, and the state level, via the Florida Department of Corrections. In the event that the Florida Department of Corrections experiences or anticipates an emergency and/or an escape from a facility located in Miami-Dade County, this state agency depends upon support from the MDPD due to MDPD's number of highly trained sworn personnel and the department's specialized capacity, which may include crisis negotiators, crime scene investigators, K-9, and Aviation services, as well as communications capabilities.</p> |
| 3G 160536 | RESOLUTION APPROVING THE TERMS AND AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING FOR LAW ENFORCEMENT AGENCY ACCESS TO DRIVER AND VEHICLE INFORMATION DATABASE SYSTEM BETWEEN THE FLORIDA DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES AND MIAMI-DADE COUNTY; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE ANY AMENDMENT, RENEWAL OR EXTENSION OF THE MEMORANDUM OF UNDERSTANDING AND EXERCISE THE CANCELLATION AND TERMINATION PROVISIONS CONTAINED THEREIN |
| Notes | <p>The proposed resolution authorizes the County Mayor or County Mayor's designee to execute the Memorandum of Understanding (MOU) for Law Enforcement Access to the Driver and Vehicle Information Database System (DAVID) between the Florida Department of Highway Safety and Motor Vehicles (DHSMV) and Miami-Dade County, through the Miami-Dade Police Department (MDPD). This MOU will become effective once signed by both the Florida DHSMV and Miami-Dade County and will continue for a period of six (6) years.</p> <p>Approval of this proposed resolution will replace Resolution No. R-554-12, approved by the BCC on July 3, 2012. The Florida DHSMV has revised the terms of this MOU such that it clearly specifies the conditions and limitations under which the Florida DHSMV agrees to provide electronic access to DAVID information to law enforcement agencies and specifically MDPD. As a result, a new resolution is necessary to authorize the execution of the revised MOU.</p> <p><u>Fiscal Impact/Funding Source:</u> The approval of this MOU will not have a negative fiscal impact to Miami-Dade County.</p> <p><u>Background:</u> The Florida DHSMV collects and maintains personal information which is stored in DAVID. This database provides vital information such as driver license history, signature, photographs, and other information related to a tag for vehicles or vessels (boats). Based upon the nature of this information, the Florida DHSMV administers DAVID in strict compliance with federal and state statutory requirements, and in turn, requires that same strict compliance of the law enforcement agencies to which it provides access. MDPD must comply with statutory requirements, as well as administrative policies and procedures, which govern this information.</p> |

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| | <p><u>Additional Information:</u> On July 3, 2012, the BCC, through Resolution No. R-554-12, approved a Memorandum of Understanding between the Florida Department of Highway Safety and Motor Vehicles, and Miami-Dade County, on behalf of the Miami-Dade Police Department, authorizing a data exchange from the Driver and Vehicle Information Database. This data exchange was for law enforcement purposes only and provides the Miami-Dade Police Department with vital information on drivers, and vehicle or vessel information. The Memorandum of Understanding was effective upon execution and lasted for a period of three years.</p> |
| 3H 160545 | <p>RESOLUTION APPROVING THE TERMS AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE MEMORANDUM OF UNDERSTANDING BETWEEN MIAMI-DADE COLLEGE AND MIAMI-DADE COUNTY, THROUGH THE MIAMI-DADE POLICE DEPARTMENT, TO SERVE AS A RESOURCE IN THE DEVELOPMENT AND IMPLEMENTATION OF A VICTIM SERVICES PROGRAM TO BE KNOWN AS THE MIAMI-DADE COLLEGE NORTH CAMPUS VIOLENCE PREVENTION PROGRAM; AND AUTHORIZING THE EXECUTION OF AMENDMENTS AS REQUIRED BY LAW, AND TO EXERCISE ANY AND ALL PROVISIONS CONTAINED THEREIN</p> |
| Notes | <p>The proposed resolution ratifies the County Mayor or County Mayor's designee's action to execute the Memorandum of Understanding (MOU) between Miami Dade College and Miami-Dade County through the Miami-Dade Police Department (MDPD). The MOU will be for a period of five (5) years upon execution through 2021.</p> <p>This MOU will authorize the MDPD to provide assistance to Miami Dade College in developing and implementing a violence prevention program, specifically, at the Miami Dade College North Campus located at 11380 NW 27th Ave, Miami, FL 33167.</p> <p><u>Fiscal Impact/Funding Source:</u> There is no fiscal impact to the County.</p> <p><u>Background:</u> Miami Dade College is preparing a grant application to the U.S. Department of Justice in response to the grant solicitation entitled "Grants to Reduce Sexual Assault, Domestic Violence, Dating Violence and Stalking on Campus Program." A statutory requirement for this funding request is a signed MOU; Failure to include a signed MOU with a law enforcement partner, such as the MDPD, will disqualify Miami Dade College's grant application.</p> <p>Miami Dade County, through the MDPD and its Special Victims Bureau, will participate in this proposed project to expand victim services at Miami Dade College through this violence prevention program, at the Miami Dade College North Campus.</p> |
| 3I 160594 | <p>RESOLUTION AUTHORIZING, BY A TWO-THIRDS (2/3) VOTE OF THE BOARD MEMBERS PRESENT, AND PURSUANT TO SECTION 2-8.1(B)(3) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, THE DESIGNATED PURCHASE OF BIOLOGICAL MONITORING SERVICES FROM FAIRCHILD TROPICAL BOTANIC GARDEN, INC.; APPROVING TERMS OF A BIOLOGICAL MONITORING SERVICES AGREEMENT FOR BIOLOGICAL MONITORING SERVICES IN MIAMI-DADE COUNTY NATURAL AREA PRESERVES IN AN AMOUNT NOT TO EXCEED \$310,000.00; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ALL RIGHTS CONFERRED THEREIN CONSISTENT WITH SECTION 2-8.1 AND ADMINISTRATIVE ORDER 3-38</p> |
| Notes | <p>The proposed resolution authorizes by a two-thirds vote of the BCC members present the award of a Designated Purchase Contract to Fairchild Tropical Botanic Garden, Inc. (FTBG) to provide biological monitoring services for Miami-Dade County Natural Area Preserves and other land with rare or threatened species in the amount of \$310,000.</p> <p>The biological monitoring services to be provided by FTBG under the recommended agreement are necessary for the continued effective management of natural area preserves which include more than 80 properties totaling in excess of 25,000 acres with over 100 endangered plant species. Given the time-sensitive need for these services and FTBG's unique qualifications to perform this work, the Designated Purchase procedure is recommended. To avoid the need for the future use of the Designated Purchase procedure, the County will evaluate the feasibility of utilizing competitive contracting processes to acquire the biological monitoring services to be provided by FTBG under the recommended agreement.</p> <p>Specifically, FTBG will design monitoring programs for plants of critical importance, fire effects on plants and habitats, update the Richmond Pineland Management Plan to include current biological surveys, and measure impacts of public recreation on native habitats. FTBG will devote one part-time staff person to the monitoring program. As per Section 2-8.1(b)(3) of the Code that the County pursue the maximum amount of competition available under the circumstances for a Designated Purchase, PROS contacted two other firms; however, both firms were unable to provide all of the required services and having multiple firms and contracts is not viable.</p> <p>Fairchild Tropical Botanic Garden is located at 10901 Old Cutler Road, Coral Gables, FL 33156 however, the services provided under the agreement are for nature preserves located throughout the County.</p> <p><u>Fiscal Impact/Funding Source:</u> The fiscal impact of this five-year agreement is a payment by the County to FTBG for services in an amount not to exceed \$310,000.00. The terms of the agreement provide for FTBG to receive up to \$60,000.00 in FY 2015-16; \$70,000.00 for FY 2016-17; \$60,000.00 in FY 2017-18; \$60,000.00 in FY 2018-19; and \$60,000.00 in FY 2019-20, all on a reimbursement basis. Funding will be provided through the Miami-Dade Parks, Recreation and Open Spaces Department (PROS) in the amount of \$300,000.00 from general fund index Code PREOUT347801 and \$10,000.00 from general fund index code PREMETS58010.</p> <p><u>Background:</u> On September 4, 2013, the BCC approved Resolution No. R-688-13 authorizing the execution of a two-year agreement with FTBG for a Biological Monitoring Program for the County's natural area preserves. The current agreement with FTBG has resulted in many significant</p> |

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| | <p>discoveries and accomplishments. FTBG coordinated the preparation of a comprehensive Natural Areas Management Plan, completed and published a study on the impacts of the exotic Natal Grass on native pine rockland habitat, analyzed 10 years of wildland fire records, discovered numerous new populations of critically imperiled plants, collected, grew and outplanted more than a dozen species to augment dwindling wild populations, and monitored and mapped populations of more than 25 critically imperiled plant species.</p> <p>FTBG is an internationally renowned botanical garden that provides a unique combination of experience and resources for this project. Under the proposed contract, FTBG will continue to implement the Biological Monitoring Program for plant conservation, and assist in updating adaptive habitat restoration plans that will include community and species level goals, restoration priorities, and measurable objectives.</p> <p>In 1989, FTBG and the County entered into a Conservation Partnership whereby FTBG assisted in developing management plans for numerous park preserve areas. In the wake of Hurricane Andrew, the County contracted with FTBG through Resolution No. R-1556-93 to develop a geographical information system based remote sensing program that allowed PROS's resource managers to identify non-native plant species invasions. This monitoring system was useful in tracking large-scale vegetation patterns in post-hurricane vegetation management. The Biological Monitoring Program for the County's natural area preserves was developed and implemented after BCC approval of Resolution No. R-841-02 in 2002 and has remained a successful partnership with FTBG throughout the years.</p> |
| 3J 160856 | <p>RESOLUTION ACCEPTING ASSIGNMENT OF OPTION TO PURCHASE FOR APPROXIMATELY 117 ACRES OF SOUTH DADE WETLANDS PROJECT WITHIN THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM ACQUISITION SITE WITH THE NATURE CONSERVANCY AS ASSIGNOR, MIAMI-DADE COUNTY AS ASSIGNEE, AND TERRY L. MUNZ, TRUSTEE. AS SELLER FOR A PURCHASE PRICE OF \$350,000.00 USING BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE THE ASSIGNMENT OF OPTION TO PURCHASE AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN; AND DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO RECORD IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY THE INSTRUMENT OF CONVEYANCE AS REQUIRED BY RESOLUTION NO. R-974-09</p> |
| Notes | <p>The proposed resolution provides for the following:</p> <ul style="list-style-type: none"> • Accepts the Assignment of Option to Purchase from The Nature Conservancy, as assignor, Miami-Dade County, as assignee, and Terry L. Munz, Trustee, as seller, for a purchase price of \$350,000.00 using Building Better Communities General Obligation Bond Program funds; and • Authorizes the use of Environmentally Endangered Lands Acquisition Trust Funds for this purchase in the event that Building Better Communities General Obligation Bond Program funds are not available. <p>The parcel proposed for acquisition is located within the South Dade Wetlands EEL Project. Land in this area is targeted for acquisition because of its strategic location between two (2) national parks (Everglades National Park and Biscayne National Park) and within the watersheds of Florida Bay, Biscayne Bay and Card and Barnes Sounds. Acquiring this parcel is also consistent with the Sea Level Rise Task Force Recommendations for the continued strategic implementation of the EEL Program.</p> <p><u>Fiscal Impact/Funding Source:</u> The appraised value of the 117 acre property is \$460,400.00 and the negotiated purchase price is \$350,000.00. Building Better Communities General Obligation Bond (BBC-GOB) Program funding under Project No. 2, Site #70230, will be used for this purchase. As of February 29, 2016, the balance of the EEL acquisition allocation of the BBC-GOB Program is \$11,898,385.00.</p> <p>In the unlikely event that BBC-GOB Program funds are not available, the EEL Acquisition Trust Fund may be used to close on the property. As of February 29, 2016, the balance of the EEL Acquisition Trust Fund (GF 080) is \$39,577,894.29, of which \$20,619,355.87 is reserved for acquisition and \$18,958,538.42 is reserved for management.</p> <p><u>Background:</u> In May of 1990, with the knowledge that remaining wetland and forest communities were endangered, the electorate of Miami-Dade County authorized the County to levy an ad valorem tax for two (2) years to create the EEL Program and Trust Fund. The purpose of the EEL Program is to acquire, preserve, enhance, restore, conserve and maintain environmentally-endangered lands for the benefit of present and future generations.</p> <p>The BCC first placed the South Dade Wetlands on the EEL Priority A Acquisition List in 1993. The County, in partnership with the South Florida Water Management District, the State of Florida and other funding partners, has acquired approximately 21,890 acres of land in Miami-Dade County from inception of the EEL Program through February 29, 2016.</p> |
| 3K 160950 | <p>RESOLUTION RENEWING, FOR A PERIOD OF TWO YEARS, THE PROFESSIONAL SERVICES AGREEMENT BETWEEN ARCADIS U.S., INC. AND MIAMI-DADE COUNTY FOR PROFESSIONAL BOND ENGINEERING SERVICES, IN AN AMOUNT NOT TO EXCEED \$2,184,000.00 FOR CONTRACT NO. E11-PWWM-01</p> |
| Notes | <p>The proposed resolution approves the option to renew the Professional Services Agreement (PSA) Contract No. E11-PWWM-01 between Arcadis U.S., Inc. (Arcadis), and Miami-Dade County (County) for a two-year term to provide continuing Bond Engineering services to the Department of Solid Waste Management (DSWM) pursuant to Ordinance No. 96-168 (Bond Ordinance).</p> <p>The scope of work during the two-year renewal term of the PSA includes services associated with the County Solid Waste System (System) such as reviewing DSWM financial transactions; reviewing engineering decisions; preparing Annual Reports; evaluating the System's conditions, rates and charges, and operating efficiency; approving disbursements for the Comprehensive Landfill Closure Plan Grant</p> |

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| | <p>Interlocal Agreements (CLCP); monitoring the Resources Recovery Facility (RRF) operation; and providing ancillary and support services related to the primary scope.</p> <p><u>Fiscal Impact/Funding Source:</u> The PSA includes one (1), two-year option to renew for an amount not to exceed \$2,184,000.00.</p> <p>Funding for services rendered under this PSA will not be drawn from the general fund, but will only be drawn from Solid Waste System proprietary funds that include Solid Waste Revenue Bond Series 2015, Disposal Operating Revenues, and Future Notes/Bonds. If the BCC approves the two-year option to renew, the \$2,184,000.00 will be apportioned by Index Code/Sub-Object Code in the upcoming fiscal year(s) to pay for services under the renewal term of the PSA.</p> <p><u>Background:</u> The BCC approved the award of a PSA for Bond Engineering services with Arcadis with an initial three-year term and one (1), two-year option to renew through Resolution No. R-475-13. Pursuant to the PSA that was approved by Resolution No. R-475-13, the BCC authorized the use of \$3,471,600.00 in the initial three-year term. The initial term will expire on July 25, 2016. Resolution No. R-475-13 also required that the option to renew be brought back to the BCC for approval.</p> <p>During the initial term of the PSA, Arcadis has been authorized to perform services valued at \$3,425,205.70 of the already approved initial amount of \$3,471,600.00.</p> <p>When Resolution No. R-475-13 was being considered, there was discussion about awarding a contract without any small business participation. The issue was reexamined for this renewal by Small Business Development (SBD). SBD determined there would be no small business set aside (measure) for the Bond Engineering contract because less than three (3) firms are certified to do this work precluding application of a goal.</p> <p>The Bond Ordinance requires that, as long as bonds are outstanding, the County must employ a nationally recognized, independent consultant (Bond Engineer) to provide certain services, analyses, and certifications associated with the operation and maintenance of the System. The Bond Engineer's primary responsibilities are set forth in Bond Ordinance Sections 208, 605, 607, 612 and 619; the CLCP; and the Resources Recovery Facility (RRF) Operations and Management Agreement (RRFA) between Covanta and the County.</p> <p>Section 208 of the Bond Ordinance requires that, if the County elects to issue additional bonds backed by the System, the Bond Engineer must publish a report certifying the adequacy of revenues to meet the additional obligation and the assumptions upon which its opinion is based. The Bond Engineer's responsibilities under Section 605 entail reviewing and approving plans for improvements to the System and the operation and maintenance of such improvements. Duties and responsibilities under Section 607 include issuing a report on or before July 1 of each year of the adequacy of the rates and charges collected by the System and providing recommendations and other advice on needed revisions to the rates and charges, including a recommendation of the amount that should be deposited monthly in the Renewal and Replacement Fund. Under Section 607, the Bond Engineer is to conduct annual physical inspections of each facility in the System, including the RRF. Findings and observations from the inspections are documented in detailed, comprehensive written reports that assess the condition of each facility including recommendations for repairs, replacements, and improvements. Section 612 requires the Bond Engineer to review any private waste disposal facility permits and evaluate whether the facility would compete or tend to compete with the System. The Bond Engineer must approve the Director's determination that such facility will not compete or tend to compete with the System. Lastly, Section 619 governs the procedure governing the disposition of System property and use of proceeds derived therefrom.</p> <p>Resolution No. R-942-15 approved a list of landfill closure projects eligible for funding through the DSWM and created the framework by which the CLCP could be developed or entered into with certain cities to remediate city-owned, former landfill sites under a Comprehensive Landfill Closure Plan. The County has entered into agreements with four (4) cities to remediate former landfill sites. The Bond Engineer oversees disbursements for remedial action projects in conformance with those funding agreements. Conformance with the agreements and appropriateness of the disbursement requests are determined through onsite inspections and evaluation of plans and other documentation submitted in support of such requests.</p> <p>The RRF is the most significant element of the System, and is among the largest and most complex facilities of its kind in the world. The County has entered into a long-term RRFA with Covanta Dade Renewable Energy, Ltd. to operate and maintain the facility until the year 2023, with mutual renewal options to the year 2043. The Bond Engineer assists County personnel overseeing and evaluating facility compliance with contractual requirements; provides technical expertise and evaluation of the RRF's components; reviews and renders an opinion on proposed capital improvements or modifications to the facility; and provides continuous surveillance of the physical condition and operational status of the facility as required by the RRFA.</p> <p><u>Additional Information – R-475-13:</u> On June 18, 2013, the BCC through Resolution No. R-475-13, approved the Professional Services Agreement (PSA) between Arcadis U.S., Inc. and Miami-Dade County in an amount not to exceed \$3,471,600 for the initial term. The PSA provided for Professional Bond Engineering services for County Solid Waste System projects. The initial term was for three (3) years, with one (1), two-year option to renew for a total of five (5) years.</p> <p>The cumulative total for the five (5) year term is The total payments to the Engineer for all Professional Services requested during the initial three-year term, including contingency, was not exceed \$3,471,600. Should the County exercise the two-year renewal period, total</p> |

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| | <p>payments to the Engineer for all Professional Services requested during the renewal period was not exceed \$2,184,000 for a total of \$5,655,600. The County Mayor or his designee had the authority to execute the two-year option to renew period for the contract.</p> <p>This contract award had no Community Business Enterprise (CBE) goal.</p> <p>On August 24, 2012, the Clerk of the Board received three (3) proposals in response to this solicitation. Arcadis U.S., Inc. was evaluated and selected as the top-rated firm.</p> <ul style="list-style-type: none"> • Arcadis U.S., Inc. received 472 qualitative points; • Black & Veatch Corporation received 428 qualitative points; and • CDM Smith, Inc. received 424 qualitative points. <p><u>Additional Information – R-475-13 BCC Discussion:</u></p> <p>During the BCC meeting on June 18, 2013, Resolution No. R-475-13 was discussed as follows:</p> <ul style="list-style-type: none"> • <i>The Commission asked if the previous contract had expired in December of 2012, and if so, was there a gap in the bond engineering services to which the Assistant Director of the Public Works and Waste Management Department (PWWM) confirmed that the prior contract had expired, and that there was a gap between the contracted services; however, he noted there was a work order in place that was still active, which had some funding left.</i> • <i>The Commission asked whether the services of a bond engineer were required for an open professional services agreement, pursuant to the Bond Ordinance; and whether the County was at risk during the lapse in service to which the Assistant Director confirmed that the Bond Ordinance required the services of a bond engineer for an open contract, but said he believed that the County was never at risk because of the open, active work order, which still had some funding left for it.</i> • <i>The Commission pointed out that when the Mayor was a commissioner, he was opposed to the option to renew in the prior contract; but this resolution asked that the Mayor be given the authority to exercise the option to renew this agreement.</i> • <i>An amendment was offered to remove that language from the proposed agreement authorizing the Mayor to exercise the option to renew, and to require that any option to renew the contract come back before the BCC for approval.</i> • <i>In response to an inquiry regarding the appropriate motion, the County Attorney clarified that the amendment would involve deleting the language “the authority to exercise the option to extend the agreement for an additional two-year period” and adding language requiring that the agreement come back before the BCC for approval.</i> • <i>The Commission asked why a Community Business Enterprise (CBE) goal was not established for the proposed agreement when a CBE goal was established in the prior contract to which the Director of the Internal Services Department (ISD), explained that the prior contract had a 16 percent CBE measure and availability of three firms; however, no CBE goal could be established in the proposed contract because only two qualified firms were available.</i> • <i>In response to an inquiry regarding whether the availability requirement was defined as a minimum of three firms, the ISD Director noted he believed that was correct.</i> • <i>The Commission recalled that the policy for availability was amended to require a minimum of two firms instead of three firms because not enough qualified firms were available for this service.</i> • <i>The Commission noted, if that was correct and two firms applied, then the department should be able to establish a CBE goal for this contract.</i> • <i>A representative from the Small Business Development Department, clarified that pursuant to the County Code; the policy for availability required a minimum of three CBE firms for Architectural and Engineering Services. She confirmed comments that the requirement was a policy matter that could be changed by ordinance by the BCC.</i> • <i>The BCC adopted the resolution as amended as outlined in Agenda Item 8L1 Supplement; and to delete all references to the following language: “authorizing the County Mayor or the Mayor’s Designee to exercise the option to extend the Professional Services Agreement (PGA) duration for a two-year period” within the resolution.</i> |
| 3L 160547 | <p>RESOLUTION APPROVING EXECUTION OF AN INTERLOCAL MASTER AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF CORAL GABLES REGARDING UTILITY WORK FOR MIAMI-DADE COUNTY AND ESTABLISHING THE PROCEDURES FOR THE PERFORMANCE AND REIMBURSEMENT OF THE UTILITY WORK; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO EXECUTE INDIVIDUAL JOINT PARTICIPATION AGREEMENTS WITH THE CITY OF CORAL GABLES AS UTILITY WORK PROJECTS ARE IDENTIFIED AND TO EXERCISE ANY PROVISIONS CONTAINED THEREIN</p> |
| Notes | <p>The proposed resolution authorizes the execution of an Interlocal Master Agreement between the City of Coral Gables (City) and Miami-Dade County for a term of ten years.</p> <p>This Interlocal Master Agreement establishes procedures for the performance and reimbursement of any utility work, utility design work, and utility construction work deemed to be necessary by the County and the City involving the installation, relocation, replacement, or removal of water facilities for projects in the City. It also authorizes individual Joint Participation Agreements between both parties for each project.</p> <p><u>Fiscal Impact/Funding Source:</u></p> <p>The County will provide the funding for the utility work proposed for each project because the County owns the water system and all related appurtenances located in the City. As projects are identified, individual Joint Participation Agreements will be issued listing the funding sources for upgrades to the water system which may include any combination of: Water Revenue Bonds Sold, Water Connection Charge, Future Revenue Bonds, and the Renewal and Replacement Fund.</p> <p><u>Background:</u></p> |

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| | <p>The County, through WASD, owns and operates the water system in the City and provides water service directly to the City's residents of the City. The City provides sewer services to its customers in the City's sewer service area through the provision of wholesale services by the County to the City.</p> <p>On January 12, 2016, the City of Coral Gables Commission approved this Interlocal Master Agreement under Resolution No. R-2016-03.</p> |