



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Board of County Commissioners
Legislative Analysis

June 02, 2009
9:30 AM
Commission Chamber

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

**Board of County Commissioners
Meeting Agenda**

June 02, 2009

Supplemental Item¹

8(I)1(A)

New Item(s)

4(B)
5(J) & Supp.
7(B)
8(C)1(A)
8(K)1(A)
8(L)1(C)
8(O)1(B) & Supp. 1 & 2
8(O)1(D)
11(A)2
11(A)11
11(A)20

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

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¹ The item under the supplemental column reflects additional information to the analysis provided previously by the Office of the Commissioner Auditor-Legislative Division.

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



Legislative Notes

Agenda Item: 4(B)

File Number: 091546

Committee(s) of Reference: BCC

Date of Analysis: May 29, 2009

Type of Item: Fire Suppression Special Assessment

Sponsor/ Requester: County Manager

Summary

This proposed ordinance authorizes the imposition and collection of a special fire assessment as an additional fire funding mechanism. (Article II, § 2.01(A) of Proposed Ordinance, handwritten page 15). It also serves as a legislative declaration that the County's fire services provide a special benefit to properties located within the Fire District, thereby warranting the imposition of a special fire assessment. (Article I, § 1.04 of Proposed Ordinance, handwritten page 14).

The proposed ordinance also establishes the manner and standards for administering a special fire assessment to fund fire protection services, facilities and programs; and the method of notice required when imposing an annual special fire assessment. (Article I, § 1.02(D) of Proposed Ordinance, handwritten page 12).

Other noteworthy provisions, which will effectuate the collection of the fire assessment, address:

- the adoption of an Initial Assessment Resolution which will determine the assessed costs to be assessed, describe the method for computing the assessment for specific properties, establish a maximum assessment rate, and publish notice;
- the preparation of a preliminary assessment roll;
- notification by newspaper and by mail of public hearings regarding the adoption of the Final Assessment Resolution which will establish the assessment rate and assessment roll;
- the adoption of the Final Assessment Resolution which shall (1) confirm, modify, or repeal the Initial Assessment Resolution with such amendments, if any, as may be deemed appropriate by the County Commission; (2) establish the rate of assessment to be imposed in the upcoming Fiscal Year; (3) establish a Maximum Assessment Rate that may be imposed in the event such rate was adopted; (4) approve the preliminary Assessment Roll, with such amendments as it deems just; and (5) determine the method of collection;
- the re-imposition of an annual Fire Protection Special Assessment for the upcoming Fiscal Year;.

- the imposition of an interim Fire Protection Special Assessment against all property for which a Certificate of Occupancy is issued; and
- the procedure and method for collecting the non ad valorem special assessment by using the existing tax bill collection method .

Background, Relevant Legislation, and Procedural Posture

As noted in the County Manager's memo, the County has been contemplating for some time as to whether to implement a non-ad valorem fire protection assessment against properties within the boundaries of the Miami-Dade Fire and Rescue Service District. See Resolution R-359-97, a 1997 resolution ratifying the County Manager's action in executing an agreement with the team of Government Services Group, Inc., David M. Griffith and Associates, Ltd., and Nabors, Giblin and Nickerson, P.A. to provide specialized professional services for the development of non-ad valorem special assessments to fund Metro-Dade Fire Rescue Services and facilities within the County. See also the County Manager's 2008 report entitled "Miami Dade County Fire Rescue Department current financial conditions, future fiscal challenges, and impact of municipalities opting out of the Fire District" – issued 6/26/2008; File #082060.

Most recently, the BCC adopted Resolution R-50-09 (on 1/29/09) authorizing the County to once again contract with Government Services Group, Inc. to provide consulting services for the development of a fire suppression assessment. The consultant's analysis and review will serve as an initial assessment of the feasibility and logistics of imposing a fire protection special assessment. As of this writing, the consultant's study has not been completed.

In addition, on February 17, 2009, the BCC adopted R-109-09, a resolution of legislative intent authorizing "the use of the uniform method for collection of non-ad valorem special assessments levied and imposed for the cost of providing fire suppression services to property within the boundaries of the Miami-Dade Fire and Rescue Service District." During deliberations of that item, several BCC members expressly construed the resolution as enabling legislation which narrowly authorizes the County to consider imposing a fire assessment, but does not authorize the actual implementation of the fee. Therefore, passage of the resolution was merely to allow the County to pursue an assessment option if the BCC chose to do so under future legislation. Accordingly, the amount of the assessment will be determined under a separate rates resolution to be adopted by the BCC provided an actual enabling ordinance is passed.

Presently pending before the BCC is the ordinance that provides the actual authority to impose the special assessment, i.e., the next step towards implementation.

Policy Change and Implication

While many of the proposed ordinance's provisions prescribe the mechanics of administering a special assessment in accordance with the County's home rule and statutory authority, the proposed ordinance, more importantly, includes provisions which, in effect, authorizes the imposition and collection of a special fire assessment as an additional fire funding mechanism. The proposed ordinance also includes provisions governing certain legislative declarations and legislative findings regarding the special benefits bestowed upon the properties within the Fire District. If adopted, the BCC is essentially confirming that certain special benefits exists, and accordingly the benefited properties should be charged for these special fire services.

It should be noted that to initiate the collection of the special assessment, other subsequent legislative action is required, i.e., passage of the Initial Assessment Resolution which sets the rate schedules and the method for apportioning rates. **If these subsequent legislative matters are not approved, then the authority to impose the special assessment remains in effect unless repealed or amended by the BCC.**

It should also be noted that other jurisdictions have been challenged as to their charter authority to impose an assessment fee in which the computation of the fee is based on the value of the property and not a flat fee. It has been contended that the method for computing the fee creates an unfair and non-uniform rate, unfairly based on an individualized benefit even though the benefit is a general benefit to the public. The Administration writes in its report issued in 2008: "The courts have also held that such fees are not a legal mechanism for providing emergency medical services, since such services are provided to all people in a district (including tourists and other non-residents simply traveling through a service area to home, work or school), and therefore, there is no special benefit to property owners." (See: "Miami Dade County Fire Rescue Department Current Financial Conditions, Future Fiscal Challenges, and Impact of Municipalities Opting Out of The Fire District;" issued 6/26/2008; File #082060).

Budgetary Impact

Administrative costs and an estimate of the total assessment that might be collected is unknown at this time. However, the Administration initially anticipates collecting the assessment on the tax bill in November of 2009. Under the Administration's proposal, the non-ad valorem assessment will be a recurring annual special assessment.

Prepared By: Lauren Young-Allen

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



Legislative Notes

Agenda Item: 5(J) and 5(J) Supplement

File Number: 091582 and 091584

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: May 29, 2009

Type of Item: Temporary Moratorium

Summary

This resolution pertains to the temporary moratorium for properties being utilized as mobile home parks and provides for the following:

- Determines whether to dissolve the moratorium; and
- Directs the implementation of the strategies recommended in the Mobile Home Parks Reports dated:
 - February 19, 2008 (Resolution No. 167-08).
 - May 6, 2008 (Resolution No. 567-08).
 - October 21, 2008 (Resolution No. 1115-08).
 - February 17, 2009 (Resolution No. 144A-09).

This resolution recommends that the Board of County Commissioners (Board) adopts a new Villa/Mobile Home Zoning District that allows for mobile homes, manufactured homes and site-built detached affordable units; and adopts an Exit Plan codifying the statutory requirements.

If the Board adopts this resolution, staff will prepare the attached drafted ordinances to be placed on the next available BCC agenda for first reading.

Background and Relevant Legislation

LEGISLATIVE HISTORY OF MOBILE HOME PARKS MORITORIUM

Resolution No. 1161-07 adopted October 16, 2007:

Temporary moratorium imposed for 120 days.

This resolution ordered a building moratorium for properties utilized as mobile home parks and directing

the County Manager or his designee to do the following: (1) submit a report on the appropriateness of existing zoning districts and regulations, and (2) to recommend strategies to mitigate impacts of redevelopment.

This legislation was proffered following the potential close of mobile home parks and proposals to redevelop those sites by the property owners. Florida statutes pre-empt the County's jurisdiction over control of landlord and tenant laws; therefore, the Board could only place a moratorium on building permits and not on the eviction of tenants.

The moratorium allowed staff to review strategies and alternatives to provide housing for displaced residents and the moratorium prevented the issuance of building permits and temporarily halted the eviction of residents or the closure of 40 mobile home parks with an estimated total of 8,000 units.

At the October 16, 2007 BCC meeting several Commissioners voiced concern regarding the relocation, moving costs of evicted mobile home residents, compensation for trailers and affordability of replacement housing.

Resolution No. 167-08 adopted February 19, 2008:

Extended moratorium for an additional 90 days.

On February 19, 2008, the County Manager's Report was presented to the Board. This report included recommendations to advocate for the following changes through the State Legislation package:

- Reauthorize and lift the cap on Sadowski Housing Trust Fund;
- Reassess the amount of reimbursement currently available to displaced residents for relocation from the State Relocation Trust Fund and allow for adjustments to reflect current market conditions;
- Extend the time beyond 45 days that is currently allowed for First Right of Refusal by HOA when a park is for sale; and
- Allow for longer notice period for eviction in case of sale of the property.

Attachment A of the proposed resolution includes an update of the County's 2009 State Legislative Package. Several bills were introduced but ultimately failed to be adopted.

Resolution No. 567-08 adopted May 6, 2008:

Extended moratorium for an additional 180 days.

On May 6, 2008, the Board expounded on its directives, considering additional implementation strategies including the following:

- **Purchase of Mobile Home Parks in Miami-Dade County**
The Board expressed interest in the voluntary sale/purchase and ownership of mobile home parks to make sure that an adequate supply of mobile homes are maintained in the County.
- **Voluntary Restriction to Limit Use for Assessed Valuation**
If adopted, this legislation request would impose a voluntary restrictive covenant limiting the use of the property to a Mobile Home Park use for a period of 20 years in return for property tax

assessment based primarily on restricted current use.

- **Development of Off-Site Alternatives**

The General Services Administration Department has initiated a pilot project to use several County owned single-family infill lots to be used to construct affordable housing using prefabricated homes.

- **Resident Owned Communities**

Staff is also recommending utilizing a non-profit organization called ROC USA; the organization provides loans to help homeowner groups purchase their manufactured home communities (Source: Organization Website www.rocusa.org).

- **Housing Assistance Grant and Amnesty Program Funding**

This program is intended to provide necessary assistance with capital improvements to park owners and residents in order to assist in upgrading existing conditions.

Resolution No. 1115-08 adopted October 21, 2008:

Extended moratorium for an additional 120 days.

On October 21, 2008, the Board directed the County Manager to continue reviewing zoning options for mobile home parks.

Resolution No. 144A-09 adopted February 17, 2009:

Extended moratorium until June 2, 2009.

On February 17, 2009, the Board requested an update report on the Mobile Home Zoning District, the Villa Development Zoning District, the Comprehensive Development Master Plan Amendment and the State Legislative Coordination. These concerns are all addressed in Attachments and the Supplement for this resolution.

Policy Change and Implication

This Exit Plan includes two Zoning Ordinances:

- Ordinance creating Article XIA Villa Development District, §33-163 through 33-163.13 of Code of Miami-Dade County (Attachment D).
 - **Attachment D creates the Zoning Code for the Villa/Mobile Home Zoning District providing specific regulations and the requirement that any rezoning be consistent with the Comprehensive Development Master Plan and Land Use Plan map designation.**
- Ordinance creates §33-169.1, 33-310.2 and Chapter 19B, and amends §33-311, 33-314, and 8CC-10 of the Miami-Dade County Code (Code), as it relates to mobile homes and mobile home parks (Attachment E).
 - **Attachment E incorporates within several sections of the Code the specific regulation of Chapter 723, Florida Statutes, mandating that no government agency will approve any application for rezoning, or take any other development action which results in the removal and/or relocation of mobile home owners residing in a mobile home park without first determining that adequate mobile home parks or other suitable facilities exist for the relocation of the mobile home owners.**
 - Creates §33-169.1

This new section specifies that any existing mobile home park submitting an application for a development action or order must demonstrate the following:

- That approval of the development action or order will not result in the removal or relocation of mobile home owners residing in the mobile home park, or
 - That adequate mobile home parks or other suitable alternative facilities exist for the relocation of the mobile home owners.
- Creates §33-310.2
- This new section specifies the following requirements for an administrative application for a development action or order:
- Mailed written notice to all tenants.
 - Within 30 days of the filing of the application, the Director of the Department of Planning and Zoning (DPZ) will, at the cost of the applicant, provide mailed written notice to all tenants and property owners indicated on the Miami-Dade County Property Appraiser's tax roll for the subject property.
 - Decision of the DPZ Director published in a newspaper of general circulation.
 - Within 15 days after the determination, notice of the DPZ Director's decision will be published, at the cost of the applicant.
 - Appeal of the DPZ Director's decision.
 - The Director's decision can be appealed within 30 days after the date of newspaper publication.
- Amends §33-311
- This section, regarding the authority and duties of the Community Zoning Appeals Board (CZAB), is amended to include the following:
- Administrative determinations regarding development actions or orders are appealable to the BCC.
 - Requires a demonstration that there is available affordable housing for eviction or relocation of mobile home tenants.
 - Currently, this section of the Code does not address the demonstration of available affordable housing for the eviction or relocation of mobile home tenants.
- Creates Chapter 19B-1
- This section is created to mandate the filing of a written notice by the owner of a mobile home park to inform the DPZ Director that there is a vacancy rate of 20% or greater and the reasons for such vacancy rate. If the reason for the vacancy rate is because the owner intends to convert the mobile home park to another use, the Director of DPZ, upon being informed of the intended conversion, will immediately inform the owner of the requirements of this Chapter.
- Amends §8CC-10
- This section amends the civil penalty to include a \$1,000 penalty for failing to provide notice. Currently there are no civil penalties for failing to provide notice.

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



Legislative Notes

Agenda Item: 7(B)

File Number: 091596

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: May 29, 2009

Type of Item: Code Amendment

Prime Sponsor: Chairman Dennis C. Moss

Summary

This ordinance amends Section 2-1 of the Code of Miami-Dade County to provide a process on how special and emergency meetings are cancelled.

Background and Relevant Legislation

During the May 12, 2009, Government Operations Committee meeting, the ordinance was amended to provide that a special or emergency meeting of the Board of County Commissioners may be cancelled by seven members of the County Commission serving notice containing seven signatures. The ordinance was also amended to include that the Commission chambers should be made available whenever a special or emergency meeting is called.

The Office of the Commission Auditor (OCA) conducted a survey of the following Florida counties: Broward, Jacksonville/Duval, Orange, Hillsborough and Palm Beach to examine if their codes contained language on how special or emergency meetings are cancelled. Only Duval County's Code contained language on how special or emergency meetings are cancelled.

According to the Duval County Rules of Procedure, Rule 4.103 states that:

"the Mayor, or the Council President, or seven or more Council Members may call a special meeting of the Council upon not less than twenty-four hours notice to every Council Member. Notice of the call of such special meeting shall be in writing, signed by the party or parties making the call and should be served on every Council Member. The notice will state the business to be transacted at the meeting, and no other business should be transacted. Special meetings may be cancelled in the same manner in which they were called and that is, by the Mayor, the President or all seven or more Council Members who called the special meeting."

Policy Change and Implication

This ordinance explicitly establishes a process on how special or emergency meetings are cancelled. Currently, the Code was silent on how these types of meetings were cancelled. The amended version of the ordinance allows for a special or emergency meeting to be cancelled by seven members of the BCC serving notice containing the required seven signatures.

Budgetary Impact

N/A

Prepared By:

Tiandra D. Sullivan

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



Legislative Notes

Agenda Item: 8(C)1(A)

File Number: 091131

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: May 29, 2009

Type of Item: Resolution Approving Transfer of Certificate

Commission District: Countywide

Summary

The resolution approves the transfer of Passenger Motor Carrier Certificate of Transportation from Jorge Enrique Gamez Grosso d/b/a American Tours USA, Inc. to V.I.P. Shuttle Service, Corp.

Background and Relevant Legislation

On December 15, 1998, the Board of County Commissioners approved Resolution 1404-98 that placed a moratorium on new Passenger Motor Carrier (PMC) applications, with certain exceptions. The resolution also directed the County staff to conduct a review of Article III, Chapter 31 of the Code and submit amendments by October 31, 1999.

On December 2, 2008, the Board adopted Resolution 1366-08 directing that the proposed amendment to the PMC Code be finalized and submitted to the Board within 120 days.

On May 6, 2009, the County Manager submitted a memorandum updating the Board on the status of the PMC provisions. An ordinance addressing route service motor carriers was presented to the Government Operations Committee on May 12, 2009. The Committee expressed concerns that the ordinance added new penalties, reduced the vehicle age on route service vehicles and that it removed the BCC from the process of approving new route service applications. The Committee tabled the ordinance by a vote of 4-0. The memorandum also stated that a draft ordinance dealing with other types of PMCs has been distributed to the industry (charter, contract and special operations and tour vans operators) for comment.

Question

When did the last PMC transfer occur?

The last PMC transfer was approved by the BCC on March 3, 2009 through Resolution R-160-09.

Policy Change and Implication

N/A

Budgetary Impact

N/A

Prepared By:

Tiandra D. Sullivan

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



Legislative Notes

Agenda Item: Item 8(I)1(A)

File Number: 091405

Committee(s) of Reference: BCC

Date of Analysis: May 29, 2009 (Supplemental to May 18, 2009 analysis)

Type of Item: Expenditure of Law Enforcement Trust Funds

Sponsor/ Requester: Miami-Dade Police Department

Summary

This analysis supplements the legislative analysis attached to Item 8(I)A(1) regarding the expenditure of Law Enforcement Trust Funds for crime prevention programs operated by the Miami-Dade Police Department. This supplement merely identifies the criteria the Board of County Commissioners (BCC) should consider when determining whether the proposed expenditures are accurate and in compliance with the guidelines and statutes that govern the asset forfeiture program.

Background and Relevant Legislation

The County's Police Department, which administers the Law Enforcement Trust Fund, is bound by state statutory requirements set forth in §§ 932.701 through 932.706 of the Florida Statutes (cited as the "Florida Contraband Forfeiture Act" – which establishes the trust fund, defines contrabands and addresses forfeiture proceedings, among other things), §932.7055 (governing the disposition of forfeited property), and federal guidelines regulating forfeitures as established by the US Department of Treasury Executive Office for Asset Forfeiture.

Section 932.7055(entitled Disposition of Liens and Forfeited Property) sets forth the specific criteria for disbursing funds derived from confiscated contraband and forfeiture proceedings, and delineates priority. The section provides, in relevant part:

§ 932.7055

- (4) The proceeds from the sale of forfeited property shall be disbursed in the following priority:
- (a) Payment of the balance due on any lien preserved by the court in the forfeiture proceedings.
 - (b) Payment of the cost incurred by the seizing agency in connection with the storage, maintenance, security, and forfeiture of such property.
 - (c) Payment of court costs incurred in the forfeiture proceeding.

(5)(a) If the seizing agency is a county or municipal agency, the remaining proceeds shall be deposited in a special law enforcement trust fund established by the board of county commissioners or the governing body of the municipality. Such proceeds and interest earned therefrom shall be used for school resource officer, crime prevention, safe neighborhood, drug abuse education and prevention programs, or for other law enforcement purposes, which include defraying the cost of protracted or complex investigations, providing additional equipment or expertise, purchasing automated external defibrillators for use in law enforcement vehicles, and providing matching funds to obtain federal grants. The proceeds and interest may not be used to meet normal operating expenses of the law enforcement agency.

(b) These funds may be expended upon request by the sheriff to the board of county commissioners or by the chief of police to the governing body of the municipality, accompanied by a written certification that the request complies with the provisions of this subsection, and only upon appropriation to the sheriff's office or police department by the board of county commissioners or the governing body of the municipality.

(c) An agency or organization, other than the seizing agency, that wishes to receive such funds shall apply to the sheriff or chief of police for an appropriation and its application shall be accompanied by a written certification that the moneys will be used for an authorized purpose. Such requests for expenditures shall include a statement describing anticipated recurring costs for the agency for subsequent fiscal years. An agency or organization that receives money pursuant to this subsection shall provide an accounting for such moneys and shall furnish the same reports as an agency of the county or municipality that receives public funds. Such funds may be expended in accordance with the following procedures:

1. Such funds may be used only for school resource officer, crime prevention, safe neighborhood, drug abuse education, or drug prevention programs or such other law enforcement purposes as the board of county commissioners or governing body of the municipality deems appropriate.
2. Such funds shall not be a source of revenue to meet normal operating needs of the law enforcement agency.
3. After July 1, 1992, and during every fiscal year thereafter, any local law enforcement agency that acquires at least \$15,000 pursuant to the Florida Contraband Forfeiture Act within a fiscal year must expend or donate no less than 15 percent of such proceeds for the support or operation of any drug treatment, drug abuse education, drug prevention, crime prevention, safe neighborhood, or school resource officer program(s). The local law enforcement agency has the discretion to determine which program(s) will receive the designated proceeds. (emphasis added)

* * * * *

Federal guidelines concerning permissible uses set forth the following acceptable expenditures from the funds:

- support of investigations and operations that may result in further seizures and forfeitures, e.g., payment of overtime for officers and investigators; purchase of information; "buy," "flash," or reward money; and the purchase of evidence.
- training of investigators, prosecutors, and law enforcement support personnel in any area that is necessary to perform official law enforcement duties.
- purchase or lease of body armor, firearms, radios, cellular telephones, computer equipment, software to be used in support of law enforcement purposes, vehicles (e.g., patrol vehicles, surveillance vehicles), electronic surveillance equipment, uniforms, travel, transportation, supplies,

leasing of office and other space for task force and undercover operations, and leasing or purchase of other types of equipment that support law enforcement activities.

- costs associated with construction, expansion, improvement, or operation of detention facilities
- costs associated with basic and necessary facilities, their construction, updating, remodeling, furniture, safes, file cabinets, telecommunications equipment, etc., that are necessary to perform official law enforcement duties
- cost of modest commemorative plaques, displays, or memorials to honor officers killed in the line of duty.
- payment of state or local law enforcement agency's matching contribution or share in a federal grant program, provided that the grant funds are used for a permissible law enforcement purpose
- payment of salaries of the personnel involved

(Source: April 2004, Guide to Equitable Sharing for Foreign Countries And Federal, State, and Local Law Enforcement Agencies)

As previously noted, the Law Enforcement Trust Fund is to be administered in compliance with the above statutes, policies, and guidelines that regulate the asset forfeiture program. The BCC role is to ensure that the County's Police Department has complied with these guidelines and laws.

Policy Change and Implication

The Board of County Commissioners has previously authorized, each fiscal year, the expenditure of the Trust Fund money to subsidize the various crime prevention programs operated by the Miami-Dade Police Department.

However, it should be noted that adoption of this resolution would also establish, as new County policy, the Administration's authority to administratively allocate funds from the Trust Funds without securing the BCC's consent and approval.

Budgetary Impact

Minimal

Prepared By: Lauren Young-Allen

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



Legislative Notes

Agenda Item: 8(K)1(A)

File Number: 090458

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: May 29, 2009

Type of Item: Resolution Rejecting all Bids for Project Number 249 Request for Proposals

Commission Districts: 2 & 9

Summary

This resolution rejects all proposals received in response to Request for Proposals (RFP) 249 for the Construction of Multi-Family Housing on Caribbean Boulevard and Northside Metrorail Station (Northside) sites, waives the competitive bidding and bid processes and authorizes the County Mayor or the Mayor's designee to conduct competitive negotiations with all of the responsive bidders for construction of two multi-family developments utilizing the Building Better Communities General Obligation Bonds (GOB) funds as "gap" funding only.

Background and Relevant Legislation

During the April 15, 2009 Housing and Community Development Committee meeting, discussion took place regarding the \$10.3 million in GOB funding that was previously allocated through Resolution R-872-08 on July 17, 2008, be withdrawn from the Northside Metrorail Station development.

The County Attorney's Office suggested that the District Commissioner sponsor a resolution withdrawing the previously allocated \$10.3 million of GOB funding to the Northside project and to amend this resolution to remove the reference of allowing the County Mayor to negotiate on the Northside Metrorail Station project.

Representatives from bidders under this RFP process suggested that the results from the first round of RFP scoring be accepted. However, staff from the Office of Community and Economic Development disagreed, stating that several errors were made during the scoring process due to the RFP not being written properly. Due to this, staff is recommending that all bids be rejected and that management be allowed to negotiate with the responsive bidders in accordance with the rules and procedures of the Department of Procurement Management.

The responsive bidders were Cornerstone, Biscayne Housing Group, Carlisle Development Group and the Related Group.

The Committee voted to defer the resolution to allow staff the opportunity to discuss projects with each of the District Commissioners.

During the May 13, 2009, Housing and Community Development Committee meeting, the District Commissioner expressed that he would like to support the project by allocating \$2.5 million from District 2's portion of GOB allocation for Project Number 249.

Policy Change and Implication

The waiver of competitive bid procedures and the waiver of bid protest procedures both require two-thirds vote of the Board of County Commissioners' members present.

Budgetary Impact

N/A

Questions

How will the projects be funded?

According to the Office of Community and Economic Development, the bidders will inform the County in their proposals as to how they will fund the proposed projects based on the pro-forma or cost of project (such as private financing, 9% tax credit funding, 4% tax credit funding, use of state or federal funding). Chairman Moss has also stated that he would allocate \$5 million from District 9's portion of the GOB allocation for Project Number 249.

Prepared By:

Tiandra D. Sullivan

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



Legislative Notes

Agenda Item: 8(L)1(C)

File Number: 091344

Committee(s) of Reference: Housing & Community Development

Date of Analysis: May 29, 2009

Type of Item: Budget for Community Redevelopment Agency

Commission Districts: 3 & 5

Background and Relevant Legislation

The Southeast Overtown Park West (SEOPW) is one of three Community Redevelopment Agencies (CRA) within the City of Miami. The other two CRA's are OMNI and Midtown. On January 20, 1981, the Board of County Commissioners (BCC) established the SEOPW CRA through Resolution R-39-81.

On July 29, 1982, the City of Miami Commission, by Resolution 82-755, approved the Southeast Overtown/Park West Community Redevelopment Plan and was subsequently approved by the BCC on December 7, 1982 through R-1677-82.

On March 31, 1983, the City of Miami and Miami-Dade County executed an Interlocal Agreement which provided for the delegation of redevelopment powers to the City and the establishment of the redevelopment fund to receive tax increment revenues through Ordinance 82-115. The CRA is required to submit an annual budget for County approval.

On April 27, 1995, the Miami City Commission adopted Ordinance 11248 establishing the City of Miami as the governing body and the Miami City Commissioners as the Board of Directors of SEOPW CRA. This Ordinance provides for the following:

- The SEOPW-CRA may sell, lease, or transfer any real property it acquires, or it may keep such property for public use;
- The SEOPW-CRA may enter into contracts for residential, recreational, commercial, industrial, educational, or other uses in the property;
- The City Commission declares itself as the SEOPW-CRA Board of Directors and exercises supervisory control over the SEOPW director and staff of the agency.

On December 18, 2007, the County approved an interlocal agreement between the City of Miami, the SEOPW CRA and the Omni CRA through R-1372. This resolution provides for, among other things, the expansion of the SEOPW Redevelopment Area, an extension of CRA duration by three years to March 31, 2030, and for the City and SEOPW to resubmit an updated Finding of Necessity for the expanded area and a Redevelopment Plan Amendment.

Additionally, R-1372 also included a waiver by the County, to any claims the County may have to approve annual budgets for OMNI, SEOPW CRA's for fiscal years prior to October 1, 2008.

This Annual Budget for FY2008-09 is the first annual budget submittal to the BCC by SEOPW CRA since it's inception in 1982.

The SEOPW CRA operating expenditures for FY 2009 is comprised of the following categories:

	FY 2008	FY 2009
Contractual Services	\$1,218,413	\$1,850,229
Building Construction	\$12,180,867	\$12,466,176
Grants and Aids	\$3,518,213	\$5,186,580
The Children's Trust Fund	0	\$215,813
Interest Expense	\$410,000	\$50,000
Advance of Debt Service Bond Series 1990	0	\$361,239
Transfer into General Operating	\$700,000	\$756,350
Budget Reserve	\$115,000	\$100,000
TOTAL	\$18,142,493	\$20,986,387

The \$1,850,229 in Contractual Services for FY2009 includes the following:

Category/Business	Scope of Services	Contract Amount
Professional Services Legal-Holland and Knight	Legal services associated to the SEOPW CRA general services.	\$200,000
External Audit FY2008- Sanson, Kline and Jacomino	Required by statute to have an annual external audit.	\$33,000
Professional Services (Other)-Dover Kohl	Consultant Services to the Amended Community Redevelopment Plan to include providing for the Amended Regulating Plan (Zoning Map), Urban Design Standards document and Architectural Standards document.	\$100,000
Professional Services (Other)-Doug Bruce	Governmental representation and lobbying before the State Legislature. The services provided include obtaining funding for CRA projects; keeping the CRA informed on proposed legislature affecting	\$31,300

	community redevelopment districts and present CRA goals, objectives and needs to the Florida elected officials.	
Professional Services (Other)- Creative Ideas, Inc. and Ed O' Dell & Associates, Inc.	Marketing and Public Relations to include update and maintain CRA website, fundraising, assist with public and community relations, press releases and implement a multiphase conceptual marketing program.	\$75,000
Professional Services (Other)- Guillermo Olmedillo.	Update the Finding of Necessity for SEOPW CRA.	\$5,000
Professional Services (Other)-Akerman Seterfit	Governmental representation and lobbying before Congress and federal agencies regarding legislative issues and appropriation requests on behalf of SEOPW CRA.	\$24,000
Professional Services (Other)-Curtiss Group	Implementation of Increment III of CRA Master Development Order	\$1,243,500
Professional Services Contingency		\$28,000
Contractual Services (Other)-Under Power	Annual Street Light Agreement	\$40,000
Contractual Services (Other)-City of Miami Public Work	9 th Street Pedestrian Mall	\$40,000
Contractual Services Contingency		\$30,429
Total		\$1,850,229

Prepared by: Mia B. Marin

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



Legislative Notes

Agenda Items: 8(O)1(B) and Supplements 1 & 2

File Numbers: 090981, 091103, and 091600

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: May 29, 2009

Type of Item: Contract Award

Summary

This resolution authorizes the Mayor or his designee to execute an agreement with Radio Satellite Integrators, Inc. to obtain automated vehicle location tracking (AVL) services for the County's non-emergency response vehicles. The amount of the agreement is \$2,125,000. The total contract amount, including the subsequent options-to-renew, is \$3,781,360.

The following departments will utilize this contract: Consumer Services, Public Works, Solid Waste Management, and Fire Rescue (MDFR). The Miami-Dade Police Department (MDPD) is not utilizing this contract.

Supplement No. 1 and Supplement No. 2 address concerns raised at the April 14th and May 12th, 2009, Budget, Planning, and Sustainability Committee meetings. The contract amount was decreased due to MDFR reducing the number of vehicles by 395 but this was reflected in the item as an \$11,000 reduction. Based solely on the reduction of vehicles, the award amount was actually reduced by \$753,000, and not \$11,000. Subsequently, the contract award amount was resubmitted to the Board of County Commissioners (BCC) with an optional products, services and training component in the amount of \$501,255. The item failed to explain that cumulative contract value had been amended to include the optional products and services.

Background and Relevant Legislation

The Miami Dade Police Department has 136 non-emergency vehicles as part of its fleet. These vehicles are used by our Public Service Aides, Court Support Specialists, Facility Maintenance, School Crossing Guards and Background Investigators.

Currently, MDPD and MDFR utilize an AVL tracking system for emergency vehicles through the Motorola CADD 911 system. On December 17, 2002, the BCC authorized the acquisition of the Motorola CADD

911 system under Resolution No. 1491-02. The original Motorola contract was for a basic Computer Aided Dispatch system; however, the County negotiated contract options, including a suite of complementary components to upgrade emergency services with a mobile data system, law records management system, and field base reporting system, as well as, the 311 non-emergency Customer Service Request (CSR) System. The AVL component was installed in 2005. The system, which includes hardware and software, provides services related to 911 emergency calls, and the dispatching of related Police and Fire resources.

According to the Department of Procurement Management (DPM), other non-emergency vehicles were accessing a contract with Tom Tech. This was a customized system utilized by the Building Department to track their vehicles. Each department that accessed this contract had to undergo a very costly customization in order to utilize this contract. The proposed agreement will replace the use of the current contract with Tom Tech.

Radio Satellite Integrators, Inc. has additional AVL contracts with the following jurisdictions: Jacksonville, Long Beach, Hillsborough County Fire Rescue, Tampa Fire Rescue, Charlotte County Transportation Department, St. Lucie County Fire Rescue, Boston Water and Sewer Commission, and Austin Solid Waste Services.

Prepared by: Elizabeth N. Owens

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



Legislative Notes

Agenda Item: 091352

File Number: 8(O)1(D)

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: May 29, 2009

Type of Item: Competitive Contract Package

Summary

This Competitive Contracts Package includes a total of thirteen (13) procurement actions with **award allocations totaling \$74,065,500 including subsequent Options to Renew (OTR).**

The OTR for Item 4.6 is not included in this total because the contract is accessed through the Houston-Galveston Area Council of Governments and as they exercise their right to extend that contract, the County may request permission to access the OTR.

Policy Change and Implication / Budgetary Impact

- **Five (5) Competitive Contracts:**

Item 1.1 - Armored Car Services

This contract is for the purchase of armored car services from Dunbar Armored Inc., in the amount of \$1,851,000 for a five (5) year term. **Dunbar Armored, Inc. is the current vendor.**

Questions: Why is the annual amount of this contract less than the previously awarded allocation? Was there a change in the scope of this contract?

Item No.	Contract Term & Amount	Amount per year	Previous Contract Term & Amount	Previous Contract Amount per year
1.1	\$1,851,000 for 5 years	\$370,200	\$490,030 for 1 year	\$490,030

Several County departments utilize this contract. The departments and their funding source (provided by DPM) are listed in the chart below.

DEPARTMENTS	FUNDING SOURCE
Clerk of Courts	Clerk's Revenue
Building	Proprietary
Police	General Fund
Parks	General Fund
Water and Sewer	Proprietary
Corrections	General Fund
Seaport	Proprietary
Solid Waste	Proprietary
Aviation	Proprietary
Fire	Fire District
Planning and Zoning	Proprietary
Building Code Compliance	Proprietary
Library	Library District Revenue
Vizcaya	Proprietary
DERM	Proprietary
Public Works	General
Law Library	Special Revenue
Human Services	General, State, Federal
Animal Services	General Fund
GSA	Internal Services Funds

Item 1.2 - Pre- qualification Pool for Water Service Line Pipe

This contract establishes a pool of prequalified vendors to supply water service line pipe fittings, washers, saddles and other related items for the Miami-Dade Water and Sewer Department (WASD) **with a total contract amount of \$15,295,000. This contract is accessed by work orders based on need.**

Vendors recommended for award include Corcel Corp., HD Supply Waterworks Ltd., Pinewood Plumbing Supply Inc., Mainline Supply Co., and Municipal Water Works Inc.

Question: At this time when there is a decrease in the supply of water, why is the County increasing this contract? The increase is based on the comparison of this contract amount per year and the previous contract amount per year denoted in the chart below.

Answer (provided by Water and Sewer and DPM): The Board mandated that WASD relocate all retail meters which are located in the rear of the properties to the front. The 20 year Water Use Permit (WUP) requires that WASD continually identify and minimize all water losses that occur due to leaks in the distribution system. There is an increased focus of minimizing water leaks in the aging water distribution infrastructure, and the amount of new meter installations due to Automated Meter Reading

and the purchase of the City of Miami Springs water service. The WUP also mandates wastewater reuse be increased and the department is establishing “purple pipe” projects where treated wastewater effluent can be used for irrigation purposes. The purple pipe projects are considered a water distribution domain and use many of the same fittings, washers, and saddles that the potable distribution system uses. Failure to have adequate contract funding authority could impact any one of these mandated program actions. The County increased its allocation to achieve legislated mandates and increase the department efficiency of how they deliver service.

In addition, the number of miles of pipe in the County’s water distribution system was 5,916 five years ago. Today, WASD maintains 7,490 miles of water distribution pipe.

Questions: Why are we implementing a 5, possibly 10 years contract if the last contract was for one year? Is the \$999,767 the actual amount spent or is that previous contract allocation?

Item No.	Contract Term & Amount	Amount per year	Previous Contract Term & Amount	Previous Contract Amount per year
1.2	\$7,648,000 for 5 years with one 5-year OTR.	\$1,529,600	\$999,767 for 1 year	\$999,767

Item 1.3 - Pre-qualification Pool for Maintenance, Refurbishment of Baggage Conveyor Systems

This item awards a contract to Vanderlande Industries, Inc. and Thyssenkrupp Airport Systems, Inc. to provide maintenance and/or refurbishment services to the baggage conveyor systems at Miami International Airport (MIA). **The total contract amount is \$2,000,000 including subsequent OTR.**

The MIA baggage conveyor systems covered under this contract include the following units all located within the main terminal building between concourses D thru H:

- Inbound baggage claim units number 8 thru 25,
- Outbound baggage make up units 41 thru 52, and
- Claim units number 1 thru 8 in the FIS/Customs Facilities.

There is an item on the upcoming Aviation and Seaport Committee (ASC) Agenda authorizing the assignment of the Baggage Handling System Operation and Maintenance (BHS O&M) Contract from the current firm, FMC Technologies, Inc. (FMC) to John Bean Technologies Corporation (JBT) in the amount of \$37,338,979. The scope of the JBT Contract includes the operation, maintenance and repair of specified existing BHS and related equipment in Concourse F and the new South Terminal automated BHS at MIA.

Question: Does the JBT Contract and this contract establishing a pool of pre-qualified vendors to provide maintenance and/or refurbishment services of baggage conveyor systems, overlap each other, providing the same services for the same units?

Furthermore, the item notes the previous contract amount as \$400,000; however, according to DPM, this contract was not accessed last year.

Questions: What happened to the previous allocation of \$400,000? Why do we need it now for additional years? What is the life span of the baggage terminal systems covered under this contract?

Item No.	Contract Term & Amount	Amount per year	Previous Contract Term & Amount	Previous Contract Amount per year
1.3	\$800,000 for 2 years with three 1-year OTR.	\$400,000	\$400,000 for 1 year	\$400,000

Item 1.4 - Solid Fill Service for Tractor and Loader Tires

This item awards a contract to supply solid fill service for tractor and loader tires to Tiresoles of Broward, Inc. Central Tire Corp. and Miller Brothers Giant Tire Services. **The total contract amount is \$1,250,000 including subsequent OTRs. According to the item, the increase in this contract allocation is due to the unpredictable usage of this commodity.**

Item No.	Contract Term & Amount	Amount per year	Previous Contract Term & Amount	Previous Contract Amount per year
1.4	\$250,000 for 1 year with four 1-year OTR.	\$250,000	\$355,000 for initial 2-year term	\$177,500

Several County departments utilize this contract. **The funding source includes allocations from Transit utilizing PTP funds.** The departments and their funding source (provided by DPM) are listed in the chart below.

DEPARTMENTS	FUNDING SOURCE
GSA	Internal Services Funds
Parks	General Fund
Water and Sewer	Proprietary
Aviation	Proprietary
Transit	MDT Operating; PTP Funds

Item 1.5 - Pre-qualification Pool for Welding Repairs, Machine Shop and Metal Fabrication

This item awards a contract to vendors for the purchase of welding repairs, machine shop and metal fabrication services for various County departments. **The total contract amount is \$21,118,000 including subsequent OTRs. According to the item, the decreased allocations have been requested by the user departments due to a detailed review of past expenditures as well as future projected needs.**

Item No.	Contract Term & Amount	Amount per year	Previous Contract Term & Amount	Previous Contract Amount per year
1.5	\$10,559,000 for 5 years with five 1-year OTR.	\$2,111,800	\$20,389,595 for 5 years	\$4,077,919

Several County departments utilize this contract. The departments and their funding source (provided by DPM) are listed in the chart below.

DEPARTMENTS	FUNDING SOURCE
Aviation	Proprietary
Building	Proprietary
Corrections	General Fund
Fire Rescue	Fire District Funds
GSA	Internal Service Funds
Housing Authority	Federal Revenue
Library	Library District Revenue
Medical Examiner	General Fund
Parks and Recreation	General Fund
Public Works	General Fund
Seaport	Proprietary
Solid Waste	Proprietary
Water and Sewer	Proprietary

- **One (1) Bid Rejection:**

Item 2.1 - Cremation Services

This item rejects the sole bid proposal from Allen & Shaw Cremation, Inc. to provide cremation services. Allen & Shaw Cremation, Inc. is the current provider. The price offered was 132% higher than the current contract. The offered price includes the cost of expanded services that the present contractor is presently providing at no cost since these services are not covered in the current contract.

This item will be re-solicited with revised specifications that will include the expanded services that are currently being provided by the vendor. According to DPM, the expanded services cover the transport, pick-up, storage, and interment of remains when the Medical Examiner's Office is closed. Furthermore, these services are necessary for health and public safety issues.

- **Two (2) Contract Modifications with additional spending authority totaling \$594,500:**

For the following contract modifications, a Request for Qualifications (RFQ) was issued through an open, competitive process to establish a closed pool of pre-qualified contractors based upon their experience

and industry qualifications in response to the County requirements set forth in the solicitation. Authorized Departments issue Request for Quotations against the pool with defined scope of work. Vendors are issued individual work orders under the contract as needed.

Item No.	Contract Title and Modification Reason	Initial Contract Term & Amount	Modified / Extended Term	Increased Allocation	Record of Vendors' Performance
3.1	<p>Fire Alarm Systems Services</p> <p><u>Reason:</u> Additional spending authority to allow GSA to purchase inspection, preventative maintenance, and repair services to the fire alarm system installed in the Lightspeed Building.</p> <p>Question: Why was this cost not part of the contract?</p>	\$1,233,000/ 1 yr.	Term unchanged	\$94,500	No Compliance / Performance Issues reported for the eight firms.
3.2	<p>Telecommunications Services Pool</p> <p><u>Reason:</u> Additional spending authority and time to support the County's telecommunications network infrastructure for Enterprise Technology Services and MDR for the Lightspeed Building. This extension and additional spending authority will ensure continuity of serves until a long term successor contract is finalized.</p>	\$4,209,000/ 24 months	6 months	\$500,000	No Compliance / Performance Issues reported for the four firms.

- **Six (6) Purchases Made Under Competitively Awarded Contracts of Other Governmental Entities :**

Item No.	Contract Title and Modification Reason	Initial Contract Term & Amount	Modified / Extended Term	Increased Allocation	Record of Vendors' Performance
4.1	<p>Information Technology Hardware</p> <p><u>Reason:</u> Additional spending authority totaling \$5,203,000 for the Enterprise Technology Services Department and the Miami-Dade Public Library System (contract established by Miami-Dade Public Schools).</p>	\$21,053,000 / 30 months	None	\$5,203,000	No Compliance / Performance Issues reported for the five firms.
4.2	<p>Multifunctional Devices, Copy Equipment, Services, and Supplies</p> <p><u>Reason:</u> Additional spending authority totaling \$2,002,000 to allow various County departments to continue lease payments, replacement of expiring leases, and purchase of multifunctional devices, copier equipment, services and supplies (contract established by Miami-Dade Public Schools).</p>	\$500,000 / 1 year	None	\$2,002,000	No Compliance / Performance Issues reported for the four firms.
4.3	<p>Information Technology Hardware: Network Infrastructure</p> <p><u>Reason:</u> Additional spending authority totaling \$22,342,000 for Information Technology Network Infrastructure. This contract includes replacement or upgrade of existing network equipment (contract established by State of Florida).</p>	\$14,000,000/ 32 months	None	\$22,342,000	No Compliance / Performance Issues reported for the 27 firms.
4.4	<p>Pharmaceutical Supplies</p> <p><u>Reason:</u> Additional spending authority totaling \$186,000 and time for MDRF to</p>	\$1,537,000 / 30 months	3 months	\$186,000	No Compliance / Performance Issues reported for this firm.

	purchase pharmaceutical supplies (contract established by State of Minnesota).				
4.5	<p>Copying and Facsimile Equipment, Maintenance, and Supplies</p> <p><u>Reason:</u> Additional spending authority totaling \$2,224,000 to allow various County departments to continue lease payments, replacement of expiring leases, and purchase of copying and facsimile equipment, maintenance, and supplies (contract established by Miami-Dade Public Schools).</p>	\$500,000 / 8 ½ months	None	\$2,224,000	No Compliance / Performance Issues reported for the four firms.
4.6	<p>911 Equipment and Emergency Notification Software and Services</p> <p><u>Reason:</u> This is a new contract to access a contract established by Houston-Galveston Area Council of Governments contract to acquire Positron Viper E-911 software licenses, equipment, implementation services, maintenance and support.</p>	\$2,300,000 / 2months, with one two-year OTR.	n/a	n/a	No Compliance / Performance Issues reported for this firm.

Item 4.2: Multifunctional Devices, Copy Equipment, Services, and Supplies

This item, along with item 4.5, utilizes a Miami-Dade Public School contract to replace an expiring lease. According to DPM, there are approximately 200 leases due to expire between May 2009 and August 2010.

In addition, the modified allocation is for a substantial increase compared to the existing allocation. The proposed modification is a 400.4% increase of the current contract amount. According to DPM, the requested allocation takes into account the following:

- Monthly payments for existing leases which extend to May 2012;

- Upcoming lease renewals over the next 15 months, assuming they will be renewed for like equipment under 3 year lease; and
- A 15% overage on the allowed copy volume by equipment type.

This item, along with item 4.5, states that accessing these contracts, as the existing lease is expiring, results in an approximately 40% savings from the current pricing. According to DPM, these savings are calculated by comparing three year lease rates priced in County contract BW7126 versus three year lease rates priced in contracts the County is accessing for like devices.

The funding source for this item includes PTP funds for Transit.

Question: If DPM is aware that these contracts are expiring, why are we not getting new leases instead of allocating additional spending authority?

Item 4.3: Information Technology Hardware: Network Infrastructure

According to State of Florida Invitation to Negotiate (ITN) for Contract No. 250-000-09-1, the following items are excluded from this contract:

- Telephony Equipment;
- PCs, Laptops, Monitors, and Printers (Production / Workstation);
- Other office technology equipment (copiers, radios, facsimile machines, calculators, paper shredders, typewriters, scanners, multifunctional devices, etc.);
- IT profession and consulting services (except training included with purchase); and
- IT application and database software (unless it is integral to the operation of the equipment to be purchased and included at no additional charge).

Resolution No. 1425-08 established this contact to be utilized primarily by the Enterprise Technology Services Department (ETSD) to procure IT network equipment as well as design, implementation, and vendor management services in support of departmental requests to implement changes, maintain, and/or upgrade the current information technology network infrastructure throughout the County. It allows ETSD to issue spot market bids to obtain competitive price quotations. The infrastructure included file services, data terminals, thin clients (PCs/laptop work stations), local area and wide area networks (LAN/WAS), firewall security, disk and tape data storage, uninterrupted power supply, power surge suppression and battery back-up.

However, the ITN as noted above, excludes PCs and Laptops.

This modification is to provide the following departments with access to this contract for IT projects:

- Aviation,
- Clerk of Courts,
- Environmental Resource Management,
- General Services Administration,

- Library,
- Police,
- Transit, and
- Water and Sewer.

According to the DPM, this contract is not a replacement contract for the above referenced departments. There are several IT hardware contracts available to County departments to meet the varying needs of the user base. Contract 250-000-09-1 was awarded by the State of Florida as a replacement to the previous IT Hardware contract# 250-000-03-01. The previous contract's term was 11/02/02 – 7/31/2008. It was approved by the BCC on 10/24/2002, under Resolution # R- 2053-02, Item # 6N1A in the original amount of \$33,000,000. The contract was modified and prorated as extensions were approved by the State for a final contract amount of \$204,781,778.89. That contract was all inclusive and allowed for the purchase of all IT equipment such as computers, servers, laptops, network equipment, and telephony equipment.

The State has broken up the replacement to contract # 250-000-03-01 into three separate agreements to align the scope of work with the appropriate business needs and vendors. Currently, the County is only accessing two of these agreements: 250-000-09 Network Infrastructure Equipment Services and 730-000-09 Telephony Equipment and Services.

Questions: What is the actual allocation for each department? What are the funding sources? Have the IT projects been approved by the Board of County Commissioners? Were the IT projects approved during the budget process?

Furthermore, at the time this contract was established under Resolution No. 1425-08, only five of the 42 main contractors established by the State of Florida, complied with County requirements. The proposed modification includes 22 additional contractors that comply with County requirements.

Item 4.5: Copying and Facsimile Equipment, Maintenance, and Supplies

This item, along with item 4.2, utilizes a Miami-Dade Public School contract to replace expiring leases. According to DPM, there are approximately 200 leases due to expire between May 2009 and August 2010.

In addition, the modified allocation is for a substantial increase compared to the existing allocation. The proposed modification is a 444.8% increase of the current contract. According to DPM, the requested allocation takes into account the following:

- Monthly payments for existing leases which extend to May 2012;
- Upcoming lease renewals over the next 15 months, assuming they will be renewed for like equipment under 3 year lease; and
- A 15% overage on the allowed copy volume by equipment type.

This item, along with item 4.2, states that accessing these contracts, as the existing lease is expiring, results in an approximately 40% savings from the current pricing. According to DPM, these savings are calculated by comparing three year lease rates priced in the County contract BW7126 versus three year lease rates priced in contracts the County is accessing for like devices.

Question: If DPM is aware that these contracts are expiring, why are we not getting new leases instead of allocating additional spending authority?

Prepared by: Elizabeth N. Owens

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



Legislative Notes

Agenda Item: 11(A)2

File Number: 091506

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: May 29, 2009

Type of Item: Directing the Mayor to Prepare a Report

Prime Sponsor: Commissioner Carlos A. Gimenez

Commission District: District 7

Summary

This resolution directs the Mayor to prepare a report and recommendations to convert the Rickenbacker Causeway to Open Road Tolling (ORT) or other forms of modern tolling utilizing the Miami-Dade Expressway Authority (MDX) as the managing entity for the installation and tolling operations of the Rickenbacker Causeway. The report is to be presented to the Transit, Infrastructure and Roads Committee during the July meeting.

MDX is a state sanctioned, locally administered, public agency created in 1994 by the State of Florida and the Board of County Commissioners (BCC). MDX is governed by its Board, comprised of 13 volunteer members appointed by the BCC and the Governor of the State of Florida. MDX oversees, operates and maintains five expressways: SR 836/Dolphin Expressway; SR 112/Airport Expressway; SR 874/Don Shula Expressway; SR 878/Snapper Creek Expressway; and SR 924/Gratigny Parkway.

Background and Relevant Information

According to the MDX Open Road Tolling Master Plan, the purpose of an ORT system is intended to: (1) relieve congestion/bottlenecks through the elimination of a conventional toll plaza; (2) relieve congestion through the construction of additional roadway and interchange improvements; and (3) accelerate funding to future road improvement projects.

An ORT system or cashless toll plaza does not provide roadside toll collection except for open roadway. The only toll facility that may be observed by the driver is the toll gantry (basically a highway sign structure) with the electronic toll collection equipment on it, the related support infrastructure, and toll signing to alert drivers that they are passing a payment point and how much is being charged.

According to MDX, the concept of ORT is already in use at the Wing Plaza on SR 836 by 17th Avenue on the eastbound mainline. In June or July 2009, the Gratigny Parkway will be the first of six of Miami-Dade's expressways to start the ORT system.

Currently, the Causeways Division of the Miami-Dade Public Works Department (PWD) operates the toll plazas on both the Rickenbacker and Venetian Causeways. Both plazas operate under pay-as-you-go and electronic pre-paid toll systems. According to PWD staff, the Rickenbacker Causeway is being retrofitted from its current tolling system to Sunpass with PWD's existing toll booth configuration.

The Rickenbacker Causeway toll plaza processes traffic through eight lanes for entry to the islands of Key Biscayne and Virginia Key, as well as, the beaches along the causeway, Bill Baggs Cape Florida State Park, and Crandon Park.¹

Other Jurisdictions

The following states are implementing an ORT system with and without cash components: New Hampshire's I-95 Hampton Toll Plaza; Delaware's I-95; Maine's New Gloucester Plaza; Pennsylvania's Gateway Toll Plaza; California's Benicia-Martinez Bridge; Illinois Tollway; Dallas North Tollway; and Port Authority of New York.²

There are also cashless toll facilities in the following countries without the conventional toll collection systems: Melbourne, Australia; Toronto, Canada; Santiago, Chile; South Korea; and Ireland, Dublin.³

Policy Change and Implications

Issues to be considered when retrofitting the current toll collection system from a cash-based system to all electronic at the Rickenbacker Causeway may include:

- Engineering Issues:
 - Alignment changes to the road, pedestrian and bicycle paths; and
 - Logistics and signage; and possible removal and relocation of the Rickenbacker Causeway facility.
- Operational and Financial Issues:
 - Procurement of a systems operator;
 - Technology issues with video tolling and fiber optic connection;
 - Capturing toll violators without proper license plate information; and
 - Impact to existing Rickenbacker Causeway toll personnel from in-lane plaza collection activities to back office account management activities (i.e. violation enforcement and processing and maintenance of ORT equipment and software).
- Public Issues:
 - How to avoid driver inconvenience while under construction;

¹ The current toll rate at the Rickenbacker Causeway is currently \$1.50 for cash-paying 2-axle vehicles. There are residential, non-residential and commuter rate plans.

The admission fee at Bill Baggs State Park is currently \$5.00 per vehicle, \$3.00 for single occupants, and \$1.00 each per bicycle/individual walk-in.

The admission fee at Virginia Beach is \$3.00 per vehicle on weekends and holidays.

The admission fee at Crandon Park is \$5.00 per vehicle.

² Source: <http://www.tollroadsnews.com/>

³ Source: <http://www.mdx-way.com/>

- How to curb driver behavior not willing to re-adjust to the ORT system during the grace period;
- Charging drivers an average rate versus charging a few vehicles a much higher toll rate;
- Creating a public outreach that includes focus groups, government affairs personnel from surrounding municipalities, distribution of newsletters and fact sheets and creating an accessible web site;
- Creation of a Citizens and Business Task Force; and
- Allowing major car-rental companies the option to register their customers to the electronic toll collection system.

Prepared by: Michael Amador-Gil

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



Legislative Notes

Agenda Item: 11(A)11

File Number: 091409

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: May 29, 2009

Type of Item: Resolution Granting Authority to County Mayor

Prime Sponsor: Chairman Dennis C. Moss

Summary

This resolution grants the County Mayor or designee the authority to approve a change in contract activity type from Affordable Homeownership development to Affordable New Construction for funded affordable housing projects that have not commenced construction.

Background and Relevant Legislation

According to the Office of Community and Economic Development (OCED) staff, there is currently one project that meets the guidelines provided by this resolution. The project is called the Village of Southland which is an affordable Workforce Housing project located at 11293 SW 216th Street in Commission District 9.

There are 51 units and 20 of those units will be set aside for families at 140% of the Area Media Income (AMI). On April 27, 2009, the County Manager submitted a memorandum detailing the 2009 Median Household Income measures for Miami-Dade County (County) to the Board of County Commissioners stating that the current AMI for the County is \$49,200.

Questions

Will OCED review the feasibility of the project under the new category before recommending the change of contract activity?

According to OCED staff, yes, each project will undergo a Full Credit Underwriting Analysis to determine the project's feasibility prior to recommending a conversion of the project.

Will the developments that change to affordable rental serve the same target population that the applicant originally planned to serve under the affordable housing category?

Yes, the project will be required to serve the same target population that the applicant originally planned to serve as detailed in the initial application.

Will the BCC be notified when the County Mayor or designee changes the contract activity of any other affordable housing projects in the future?

Policy Change and Implication

Currently, funding is recaptured from projects that County staff deems as “unable to proceed.” Administration does not have the authority to change the contract activity type on affordable housing projects. This resolution will allow Administration to change the contract activity for funded affordable housing projects that have not commenced construction.

Budgetary Impact

N/A

Prepared By:

Tiandra D. Sullivan

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



Legislative Notes

Agenda Item: 11A20
File Number: 091372
Committee(s) of Reference: BCC
Date of Analysis: May 29, 2009
Type of Item: Directive
Sponsor: Commissioner Katy Sorenson

Summary

This resolution directs the County Mayor to sign the Local Government Green Jobs Pledge. As signator, the County would join other local governments which have or will pledge to:

- focus on green-collar jobs as a central strategy for advancing environmental, economic and climate protection goals,
- grow an inclusive sustainable economy that creates green-collar jobs, and
- execute tangible actions that place priority on building a green economy.

The pledge-goal is to spur domestic job growth by urging local governments to develop career development opportunities in the field of energy efficient technology which will advance climate control goals, and “combat global warming, pollution and poverty.” The pledge-goal is also to promote policy change in states, cities, and ultimately at the national level to advance a clean energy agenda.

Background and Relevant Legislation

On May 14, 2008, the Mayor of Albuquerque, New Mexico and the County Executive of King County, Washington became the first local governments to sign the Local Government Green Jobs Pledge. This pledge, which is co-sponsored by Green for All, the Apollo Alliance, the Center for American Progress, and the International Council for Local Environmental Initiatives (ICLEI)–Local Governments for Sustainability, is designed to “build a green economy . . . at the local level . . . which will provide an example and challenge to state and federal governments.”

The sponsoring organizations have developed policies for energy and climate control, and for fostering green jobs. Based on a review of their websites, these organizations have identified standards, best practices, and assessed employers and industry-related organizations which are accredited and certified to provide careers in the energy sector.

Below is an overview of these organizations’ credentials and missions.

Green for All

Green for All is a national organization founded by Van Jones who is the current Special Advisor to the White House Council on Environmental Quality regarding green jobs. The organization disseminates information regarding the development of careers in energy efficiency. The organization has provided technical assistance to mayors to implement local green-collar job initiatives, and linked advocates with law makers to formulate policy on achieving a green economy. (Source: www.greenforall.org)

Center for American Progress

The Center for American Progress is a non-profit, non-partisan, think tank registered as a section 501(c)(3) under the Internal Revenue code. Founded in 2003, the organization is headed by John D. Podesta, former chief of staff to President Bill Clinton and professor at the Georgetown University Law Center. The organization's policy experts cover a wide range of interrelated issues such as national security, energy, and climate change. The organization, in shaping the national debate, publishes articles on foreign policy, universal healthcare, public education in addition to energy efficiency. (Source: www.americanprogress.org).

Apollo Alliance

The Apollo Alliance is a coalition of labor, business, environmental, and community leaders whose mission is "to catalyze a clean energy revolution that will put millions of Americans to work in a new generation of high-quality, green-collar jobs." The organization promotes investments in energy efficiency, clean power, mass transit, next-generation vehicles, and emerging technology, as well as in education and training.

Established in 2007, the organization is a 501(c)(3) nonprofit organization. Former California Treasurer Phil Angelides is Chairman of the Apollo Alliance Board of Directors.

The organization has developed and produced a Ten-Point Plan. The plan identifies priorities for federal action and investment, including a "cap and invest" program to reduce carbon emissions; investments in energy efficiency, renewable energy, and mass transit; a plan to revitalize the manufacturing sector; and specific strategies to expand opportunities for American workers in the clean energy economy. (Source: www.apolloalliance.org)

ICLEI - Local Governments for Sustainability

ICLEI - Local Governments for Sustainability is an international association of local governments as well as national and regional local government organizations which provides information, delivers training, organizes conferences, facilitates networking and city-to-city exchanges, conducts research and pilot projects, and offers technical services and consultancy to local governments for purposes of advancing climate protection and achieving performance benchmarks in sustainability. Over 1,078 cities, towns, counties, and their associations worldwide comprise ICLEI's membership.

ICLEI was founded in 1990 as the International Council for Local Environmental Initiatives. The organization is now officially called ICLEI-Local Governments for Sustainability to reflect a broader mandate to address sustainability issues. The organization, as a non-profit association, receives financial support for its operations and its programs from membership fee and project funders.

Policy Change and Implication

As a signator of the pledge, the County will be bound to the core mission of the pledge which includes a commitment to:

- emphasize community-based investments that cannot be outsourced,
- develop education and job training programs, and
- invest new local government resources in programs and initiatives that build a green economy while leveraging and aligning existing public resources and private sources of capital.

Also by executing the Pledge, the County will be officially committing itself to a binding expression of intent to promote the proliferation of green jobs that will spur employment and offer living wages to workers.

Budgetary Impact

The pledge does not reference whether the County is obligated to expend funds or identify actions and resources necessary to carryout the suggested steps of the pledge.

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