



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Legislative Analysis

Board of County Commissioners

May 19, 2009

9:30 AM

Commission Chamber

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

**Legislative Analysis
Board of County Commissioners
Meeting Agenda**

May 19, 2009

Written analyses for the below listed items are attached for your consideration in this Legislative Analysis.

Item Number(s)

4(A)	4(B)
4(D)	4(E)
4(F)	4(G)
8(J)1(A)	8(O)1(C)
9(A)1	9(A)1 Supplement
9(A)2	

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

Acknowledgements--Analyses prepared by:
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**MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR**



Legislative Notes

Agenda Item: 4A
File Number: 091430
Committee(s) of Reference: BCC
Date of Analysis: May 15, 2009
Type of Item: Special Obligation Bonds (Series 2009)
Sponsor/ Requester: Finance Department

Summary

This proposed ordinance authorizes the issuance of Special Obligation Bonds (Series 2009), in one or more sub-series, in an aggregate principal amount not to exceed \$165 million for the purpose of financing:

- (1) the acquisition, construction and/or renovation of Seaport capital projects,
- (2) the acquisition, construction and/or renovation of Public Health Trust projects,
- (3) the upgrade of the County's technology infrastructure,
- (3) various causeway projects,
- (4) the close-outs costs of on-going projects,
- (5) reimbursements to the County for prior expenditures advanced by the County,
- (6) a cash debt service reserve, and
- (7) the costs associated with issuing the bonds.

The specific projects are delineated in Exhibit A of the proposed bond ordinance.

The proposed bond ordinance limits the maximum maturity to 40 years and the form of the bonds to tax-exempt or taxable bonds or a combination of both. The principal and interest and costs associate with issuance of the proposed bonds will be paid from available non-ad valorem revenues, from revenues of authorized funds, from debt service reserves, and from the funds of each department benefitting from the projects financed with the Bonds. Specifically, Seaport Operating Revenues, Public Health Trust (PHT) Operating Revenues, Causeway Revenues and the Capital Outlay Reserve will be pledged. The bonds will not be secured by the taxing power of the County or obligate the County to levy ad valorem taxes to pay the principal, premium, interest or costs incident to the bonds.

The details of the bonds, such as interest rates, denominations, method of sale (competitive versus negotiated), amortization schedule, debt service and the like will be determined in subsequent separate

resolutions following authorization of the pending Special Obligation Bonds by the Board of County Commissioners.

Policy Change and Implication

The Administration notes that it is altering its funding mechanism. Until recently, the County issued commercial paper as short term debt (with a maximum maturity date of 270 days) to fund many of the named capital projects. By issuing commercial paper, the County's borrowing and transactional costs are lower. Plus the short term maturity allows the County to meet immediate needs and to expedite projects. A prerequisite, under the terms of the County's Commercial Paper Program, is the execution of a line of credit agreement with a financial institution that can provide financial liquidity (i.e., sufficient funds to repay the principal and interest upon each maturity date) in the event there are no new investors to whom the notes could be remarketed. Due to the current market condition/ credit crisis and a down-grade of many credit facilities' ratings, many line of credit facilities have either exhausted their financial capacity or credit reserves, or have questionable credit strength, in effect, diminishing accessibility of the commercial paper financing mechanism and escalating commitment fees. As a result, the Administration is primarily reducing its commercial paper program and relying on long-term debt, i.e., bonds.

It should be noted that the proposed bond ordinance also provides the County with the flexibility of using hedge arrangements (i.e. interest rate swaps) with the Bonds. However, a final determination regarding any hedge arrangement will be presented to the BCC in subsequent series resolutions.

Prepared By: Lauren Young-Allen

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



Legislative Notes

Agenda Item: 4(B)

File Number: 091465

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: May 15, 2009

Type of Item: Code Amendment

Prime Sponsor: Commissioner Barbara J. Jordan

Commission District: Countywide

Summary

This ordinance amends the Code of Miami-Dade County (County) relating to Chapter 11A by changing the name of the Equal Opportunity Board (EOB) to the Miami-Dade County Commission on Civil Rights. This ordinance also amends Chapter 11A, Article II, Section 11A-11, which is referred to as the County's Fair Housing Ordinance, adding "source of income" as a protected class against discrimination.

Background and Relevant Legislation

The Equal Opportunity Board (EOB) is a quasi-judicial and advisory board charged with the enforcement of Miami-Dade County's civil and human rights ordinance. The EOB is authorized to take complaints against employers with five or more employees in the County and investigate allegations of discrimination under federal, state and local laws. The EOB also provides technical assistance to employers and housing providers in the implementation of fair employment and fair housing practices, and holds public hearings concerning issues of discrimination affecting residents of the County.

On November 6, 2007, the Board of County Commissioners (Board) accepted a report on recommendations from the Community Affordable Housing Strategies Alliance (CAHSA) Task Force. Included in the report was a recommendation to revise the County's ordinance to prohibit discrimination based on "source of income".

"Source of Income" is generally defined as the legal, verifiable income paid directly to the tenants or his/her representative (such as payee). Some examples of income types are Social Security, Supplemental Security Income, unemployment compensation, Veteran's benefits, child support, wages, alimony, pension, inheritance or annuity. *Source: Report to CAHSA on Recommendation by the Rental, Homeownership & Rehabilitation Committee*

Twelve states have amended their housing anti-discrimination laws to include source of income as a protected category. Several cities, including Chicago, Los Angeles, San Francisco and Washington, D.C., also prohibit housing discrimination based on source of income.

Below is a chart that lists other States' regulations defining and prohibiting discrimination in housing based on "source of income". *Source: 2005 National Housing Law Project*

State	Source of Income Protections/Definitions
California	"Source of income", means lawful, verifiable income paid directly to a tenant or paid to a representative of a tenant.
Connecticut	"Lawful source of income" is defined to include "social security, housing assistance, child support, alimony or public or general assistance".
Maine	It is unlawful to "refuse to rent or impose different terms of tenancy to any individual who is a recipient of federal, state or local public assistance, including medical assistance and housing subsidies primarily because of the individual's status as recipient.
Massachusetts	Prohibits any person furnishing rental accommodations to discriminate on the basis of source of income, including federal, state, or local public assistance or rental supplements.
Minnesota	Forbids discrimination in housing and real property based on "status with regard to public assistance". "Status with regard to public assistance" is defined to mean "the condition of being a recipient of federal, state or local subsidies, including rental assistance or rent supplements".
New Jersey	Prohibits discrimination in housing rentals based on lawful sources of income "or the source of lawful income used for rental or mortgage payments".
North Dakota	Prohibits discrimination in the rental or sale of housing based on "public assistance".
Oklahoma	Declares that public assistance must be considered a valid source of income for housing.
Oregon	Prohibits discrimination in real estate transactions based on source of income but specifically excludes federal rent subsidy payments from its definition of source of income.
Utah	"Source of income" is defined to include "federal, state, or local subsidies, including rental assistance or rent supplements".
Vermont	Prohibits discrimination on housing rentals or sales based upon receipt of "public assistance"; public assistance is defined to include assistance "provided by federal, state or local government, including housing assistance.
Wisconsin	Prohibits discrimination in housing sales and rentals based on lawful source of income.

Policy Change and Implication

This ordinance will change the name of the Equal Opportunity Board to the Miami-Dade County Commission on Civil Rights. This ordinance also amends the County's Fair Housing Ordinance expanding the authority of the EOB to investigate cases of discrimination based on "source of income".

According to the EOB, a records search revealed that approximately ten (10) inquiries relating to discrimination based on "source of income" have been made in the past twelve (12) months.

Additional Notes

This ordinance mistakenly omits Section 11A-11 of the Code reflecting the amendment adding:

(12) source of income shall mean the lawful, verifiable income paid directly to a tenant or paid to a representative of a tenant.

This amendment only will apply to the County's Fair Housing Ordinance. A substitute item reflecting this correction will be presented in committee.

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: 4(D)

File Number: 091473

Committee(s) of Reference: Board of Commissioners

Date of Analysis: May 15, 2009

Type of Item: Code Amendment

Commission District: Countywide

Summary

This ordinance amends Section 31-613 of the Code of Miami-Dade County adding special provisions to permit luxury limousine sedans over five (5) model years of age as of December 31, 2009 to operate for an additional six months. This ordinance also provides that failure to operate a limousine sedan for a period of six months for the 2009 and 2010 annual renewal period will result in automatic revocation.

Background and Relevant Legislation

Currently, the Code provides that luxury limousine sedans should not be more than two (2) model years of age when initially placed into service. Luxury limousine sedans that exceed five (5) model years of age should not be in operation or be inspected.

This amendment allows twenty-one (21) luxury limousine sedans that are expected to be replaced by December 31, 2009 to remain in operation until June 30, 2010. According to the Consumer Services Department, the vehicles will be inspected quarterly after the five (5) year period. The cost for the inspection is \$35.

Section 31-602(m) of the Code, currently provides that an operator of a luxury limousine sedan has to certify at the time of annual renewal that he/she has provided service authorized by the for-hire license for nine (9) months during the preceding year. Failure to operate for at least nine months during the preceding year will result in automatic revocation of the for-hire license.

This amendment allows the operator to certify that he/she provided service for a period of six (6) months instead of nine (9) months. This will give the operator the option of having three (3) additional months of inactivity and not have to forfeit his/her license.

Policy Change and Implication

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: 4E

File Number: 091481

Committee(s) of Reference: BCC

Date of Analysis: May 15, 2009

Type of Item: Public Facilities Revenue Bonds (Series 2009)

Sponsor/ Requester: Finance Department

Summary

This proposed ordinance authorizes the issuance of additional Public Facilities Revenue Bonds (Series 2009), in one or more sub-series, in an aggregate principal amount not to exceed \$177 million.

If authorized, the Public Facilities Revenue Bonds (also referred to as the Jackson Health System Revenue Bonds) will:

- (1) finance remaining outstanding Public Facilities Revenue Bonds and outstanding Public Facilities Revenue Refunding Bonds;
- (2) finance the acquisition, construction, equipping and renovation of certain Jackson health care facilities and capital additions which includes, but is not limited to: air conditioning components, electrical systems, elevators, IT networks, plumbing, roofs, tanks, building operating systems and contingency reserves;
- (3) reimburse the Public Health Trust;
- (4) fund the Debt Service Reserve Fund, or provide a Reserve Facility; and
- (5) pay costs associated with the of issuance of the Bonds, including the cost of a Credit Facility and Reserve Account Credit Facility (i.e., the commitment fees of underwriters who agree to pay the principal and interest on bonds in the event the County is unable to when due), if any.

Under the proposed ordinance, the bonds will be special and limited obligations bonds, secured by and payable from the gross revenues of the Public Health Trust, other funding sources such as money or investments on deposits established under Ordinance 05-49 (the Master Ordinance). In addition, the bonds may be secured by legally available non ad-valorem County taxes as an additional pledged source (similar to the financial structure of the stadium bonds). However, the bonds will not be secured by the taxing power of the County or obligate the County to levy ad valorem taxes to pay the principal, premium, interest or costs incident to the bonds.

Of the \$177 million in bonds, approximately \$151 million will be allocated towards the costs of the above identified capital projects, \$26 million will be allocated to pay the costs of issuance of each series, and the remainder will fund the debt service reserve.

The specific terms and conditions of the bonds, such as interest rates, denominations, method of sale (competitive versus negotiated), amortization schedule, debt service and the like will be determined in subsequent resolutions following authorization by the Board of County Commissioners to issue the pending bonds.

Background and Relevant Legislation

In several legislative acts dating from 1983, the Board of County Commissioners authorized the issuance of public facilities revenue bonds to finance the operation of healthcare facilities and healthcare capital improvement projects, in general. The prior authorizations also included authority to refinance outstanding debt, reimburse the Public Health Trust, fund the debt service reserve fund, and pay the costs of issuance, bond insurance and any Reserve Facility. The current revenue bonds are consistent with the prior enacted master ordinances.

The Administration anticipates the 1st series of bonds will cover expenditures through the end of FY 2010, and the 2nd series will provide funds through the end of FY 2011.

Policy Change and Implication

None

Prepared by: Lauren Young-Allen

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



Legislative Notes

Agenda Item: 4(F), 4(G)

File Number: 091442, 091443

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: May 19, 2009

Type of Item: Ordinance Revising Provisions for the Citizen's Independent Transportation Trust (CITT)

Sponsors: 4(F)-Commissioner Rebeca Sosa
4(G)-Commissioner Carlos Gimenez

See attached Chart 1

Summary

In July 2002, the Miami-Dade Board of County Commissioners approved Ordinance 02-116, imposing a half percent Charter County Transit System surtax, and Ordinance 02-117, creating the Citizens' Independent Transportation Trust, contingent on the outcome of the November 5, 2002 referendum.

Ordinance 02-116 defines how the surtax is to be spent which includes a list (Exhibit 1) of transit and road projects known as the People's Transportation Plan.

The Citizens' Independent Transportation Trust (CITT) is the 15-member body created to oversee the People's Transportation Plan funded with the half-percent sales surtax.

Background and Relevant Legislation

The below chart list amendments to the People's Transportation Plan adopted by the Board of County Commissioners between July 9, 2002 – March 3, 2009:

Ordinance/ Resolution	Date	Description
Ord. 02-116	7/9/2002	Ordinance establishing the ½ percent Charter County Transit System Surtax.
Ord. 02-117	7/9/2002	Ordinance creating the Citizens' Independent Transportation Trust.
R-966-03	9/9/2003	Deletes a street widening project described as N.W. 170 Street which would have widened this street from two lanes to four lanes.

Ordinance/ Resolution	Date	Description
R-965-03	9/9/2003	Incorporates bus service improvements into the People's Transportation Plan (PTP).
R-1154-03	10/9/2003	Approves additional miscellaneous capital improvement projects.
R-64-04	1/20/2004	Approves the amendment to the PTP Bus Service Plan to reflect the Dec. 7, 2003 line-up.
R-87-04	1/20/2004	Approves a 2-year plan for the Public Works Department's PTP plan for FY 2003-04 and 2004-05.
R-421-04	4/13/2004	Discontinues the Overnight Metrorail and Metromover service.
R-422-04	4/13/2004	Amends the PTP to revert to a five-year bus service improvement plan.
R-507-04	4/27/2004	Amends the Neighborhood Improvement section of the PTP to include roadway signage, lighting, pavement markings, and traffic calming devices.
R-729-04	6/8/2004	Modifies the transit fare schedule to allow county residents to use the transit system without paying a fare if they (a) are honorary discharged veterans, and (b) their household income does not exceed the standard threshold applied to determine eligibility for low-income, senior citizens.
R-730-04	6/8/2004	Amends the PTP to create the Patriot Passport demonstration program.
R-846-04	7/13/2004	Approves a loan in aggregate principal amount not to exceed \$100,000,000 from Sunshine State Governmental Financing Commission
R-1240-04	10/19/2004	Amends the PTP to allow for the procurement of 12 new Metromover vehicles and the retrofit and modification of the remaining 17 vehicles.
R-1391-04	11/30/2004	Adjusts the Public Works Department's 20-year plan and removing School Flashing Signals from the District Commission's yearly allocation and reassigning it within the Countywide Neighborhood Improvements Section.
R-1365-04	11/30/2004	Amends the PTP to include Paratransit/Special Transportation Services (STS) as an eligible project for the Surtax in an amount not to exceed \$55.4 million.
Ord. 05-148	7/7/2005	Provides for a loan of Surtax funds (a line of credit) to the Transit Department at a 3% interest rate to fund services existing as of Nov. 5, 2002, contingent on certain conditions.
R-252-06	3/7/2006	Provides for the issuance of \$200,000,000 aggregate principal amount of Miami-Dade County, Florida Transit System Sales Surtax Revenue Bonds, Series 2006 (the "Series 2006 Bonds") for the purpose of paying costs of certain Transportation and Transit Projects (the "Series 2006 Project").
R-531-06	5/9/2006	Modifies the scope for the NW 74 Street Project to six new lanes from the Homestead Extension of the Florida Turnpike (HEFT) to the Palmetto Expressway (SR 826) and deletes the NW 97 Avenue Project from NW 25 Street to NW 41 Street.
R-246-07	3/6/2007	Modifies the scope for the PTP project along South Bayshore Drive, from McFarlane Road to Aviation Avenue, and change the limits of the project to Darwin Street to Mercy Way.
R-308-07	3/6/2007	Includes a public education campaign including Miami-Dade County Public Schools promoting short-term solutions to alleviate traffic congestion in an amount not to exceed \$350,000.
R-34-08	1/10/2008	Amends the Board-requested Major Roadway and Neighborhood

Ordinance/ Resolution	Date	Description
		Improvement Projects list in Exhibit 1 of the People’s Transportation Plan to delete the SW 87 Avenue, from SW 216 Street to SW 168 Street Project and add the Old Cutler Road, from SW 97 Avenue to SW 87 Avenue and Caribbean Boulevard, from Coral Sea Road to SW 87 Avenue Projects.
R-320-08	4/8/2008	Amends the PTP to allow for the use of Surtax funds for projects other than those related to the Orange Line only if each fiscal year an annual allocation is made specifically to projects related to the Orange Line.
R-319-08	4/8/2008	Provides for the issuance of not to exceed \$300,000,000 aggregate principal amount of Miami-Dade County, Florida Transit System Sales Surtax Revenue Bonds, Series 2008 (the “Series 2008 Bonds”), as the second Series of Bonds under the provisions of the Master Ordinance, for the purpose of paying costs of certain Transportation and Transit Projects (the “Series 2008 Project”) and refunding the R-846-04 Sunshine State Governmental Financing Commission Loan of which \$82,915,000 was outstanding.
R-486-08	5/6/2008	Amends the PTP Miscellaneous Capital Improvements Projects List to include the purchase of 17 new Metromover replacement vehicles.
R-488-08	5/6/2008	Amends the PTP regarding the purchase of new Metrorail vehicles to include the procurement of 136 new Metrorail Vehicles, in lieu of their Rehabilitation (funding for the mid-life rehabilitation of the Metrorail and Metromover vehicles was approved by R-831-02 on 7/23/2002), in an amount not to exceed \$401,451,000.
R-222-09	3/3/2009	Amends Exhibit 1 to the People’s Transportation Plan. Surtax funds may be utilized for any costs related to capital and/or the operations and maintenance of the transit system. The transit projects listed in Exhibit 1 are illustrative examples but not exclusive uses for surtax funds. Said projects and prior amendments to Exhibit 1, with the exception of the Reinvestment Schedule identified in CITT Resolution No. 05-025, are subject to modification by the approval of the annual budget ordinance(s). Dedicates at least 10 percent of the County’s annual share of surtax funds, excluding existing and future debt service, for capital expansion of the transit system.

Policy Change and Implication

These two items present various policy changes as detailed in the attached chart comparing the current language of the Code of Miami-Dade County to the two proposed code amendments sponsored by Commissioners Sosa and Gimenez.

Prepared By: Jason T. Smith

See attached Chart 1

Chart 1

Citizens' Independent Transportation Trust				
<i>Sec. 2-1421</i>				
	Current Sec. 2-1421	4(F) 091442	4(G) 091443	Notes
Membership	15 members: <ul style="list-style-type: none"> • 13 members representing each Commission District • 1 appointed by the County Mayor • 1 appointed by the Miami-Dade League of Cities 	Unchanged	17 members appointed by: <ul style="list-style-type: none"> • County Mayor – 3 • BCC – 3 • Miami-Dade League of Cities – 1 • Governor of Florida – 4 • Greater Miami Chamber of Commerce – 1 • Miami-Dade Chamber of Commerce – 1 • CAMACOL – 1 • FIU, President – 1 • UM, President – 1 • Miami Dade College, President – 1 	4(G) – The item is silent regarding what would happen if one of the appointing authorities fails to make an appointment within 60 days of the effective date of the ordinance. A failure to make an appointment could pose quorum problems for the reconstituted CITT.
Nominating Committee	Initial members of the CITT are appointed based on the recommendations of a 17-member nominating committee who represent the ethnic, gender, racial, and geographical diversity of the County.	Unchanged	Deleted	
Term of Trust members	Initial terms staggered; 4 year terms for CITT members thereafter. Terms will be limited to 8 consecutive years, per Sec. 2-11.38.2	Unchanged	Current members of the CITT will be replaced with new slate of members. Appointments must be made within 60 days of the effective date of this ordinance. Terms will be limited to 8	4(G) - This ordinance does not prohibit current CITT members from being reappointed under the reconstituted CITT.

Chart 1

Citizens' Independent Transportation Trust				
<i>Sec. 2-1421</i>				
	Current Sec. 2-1421	4(F) 091442	4(G) 091443	Notes
			consecutive years, per Sec. 2-11.38.2	
Powers and Duties	<p>CITT shall monitor, oversee, review, audit, and investigate implementation of the transportation and transit projects listed in any levy of the surtax, and all other projects funded in whole or in part with surtax proceeds.</p> <p>CITT must ensure that surtax proceeds only be expended for the transportation and transit purposes specified in Section 212.055(1)(d)1--3, Florida Statutes (2001); and that no more than five (5) percent of surtax proceeds be expended on administrative costs, exclusive of project management and oversight for projects funded by the surtax,</p> <p>The County Commission may not delete or materially change any County project listed on Exhibit 1 attached to the ordinance levying the surtax nor add any project thereto.</p>	<p>BCC may not delete or materially alter any County project listed in the approved Four Year Work Plan.</p> <p>Changes to the work plan will be initially reviewed by the CITT, which will then forward its recommendation to the BCC which can accept or reject the CITT's recommendation.</p> <p>The provision which allowed the CITT to reconsider the BCC's rejection is deleted.</p> <p>Four-year Work Plan: By Oct. 1, 2009, the CITT shall create a 4-year work plan which includes only those projects listed in Exhibit 1 of Ord. No. 02-116. The work plan will not include any amendments made to</p>	<p>CITT will have the power to monitor, oversee, review, audit and investigate the implementation of transit projects listed in Exhibit 1 of Ordinance No. 02-116, and all other projects funded by the PTP.</p> <p>PTP funds can only be used on projects listed in Exhibit 1 of Ord. No. 02-116, and on contractual obligations entered into prior to July 1, 2009, which use surtax proceeds. This will not include interlocal agreements between the County and any city.</p>	<p>4(F) – This item proposes a four-year work plan. This would represent the County's first transit-related plan based on a four-year schedule. Currently, the County's Metropolitan Planning Organization updates its Long Range Transportation Plan every five years. Also, the MPO updates its Transportation Improvement Plan annually.</p>

Chart 1

Citizens' Independent Transportation Trust				
<i>Sec. 2-1421</i>				
	Current Sec. 2-1421	4(F) 091442	4(G) 091443	Notes
		<p>Exhibit 1. The work plan may be modified with a 2/3 vote of the BCC, without the CITT's approval, and with a written recommendation by the County Mayor indicating an emergency involving public safety or security exists or that the failure to act will result in a loss of critical funding.</p> <p>CITT will report back to the BCC every 3 years on the progress of the work plan.</p>		
Changes to the Exhibit 1 of the Ord. 02-116	<p>A proposed deletion, material change or addition of a County project listed in Exhibit 1 shall be initially reviewed by the Citizens' Independent Transportation Trust ("Trust"), which shall forward a recommendation thereon to the County Commission. The County Commission may either accept or reject the Trust's recommendation. If the County Commission rejects the recommendation, the matter shall be referred back to the Trust for its reconsideration and issuance of a</p>	<p>References to Exhibit 1 of Ord. 02-116 are deleted and replaced with a reference to a Four-year Work Plan.</p>	<p>All deletions, material changes or additions to Exhibit 1 will be subject to 2/3 vote of the CITT, and a 4/5 vote of the entire BCC within 180 days after the members of the CITT have been appointed.</p> <p>Deletions, additions or material changes to Exhibit 1 which are not subject to an existing contractual obligation, will be null and</p>	

Chart 1

Citizens' Independent Transportation Trust				
<i>Sec. 2-1421</i>				
	Current Sec. 2-1421	4(F) 091442	4(G) 091443	Notes
	<p>reconsidered recommendation to the County Commission.</p> <p>The County Commission may approve, change or reject the Trust's reconsidered recommendation.</p> <p>A two-thirds (2/3) vote of the Commission membership shall be required to take action other than as contained in the reconsidered recommendation of the Trust.</p> <p>The list of County projects contained in Exhibit 1 may be changed as a result of the MPO process as mandated by federal and state law.</p>		<p>void unless ratified by 2/3 of the entire membership of CITT, and 4/5 of the entire membership of the BCC within 180 days after the new CITT has been appointed.</p> <p>All options-to-renew need to be ratified by 2/3 of the CITT and 4/5 of the BCC.</p> <p>Surtax funds can only be used for projects listed in Exhibit 1 of Ord. No. 02-116, and on existing contractual obligations if the CITT disapproves a contract using surtax proceeds, the BCC can reaffirm the contract by a 4/5 vote of the entire BCC.</p>	
Contracting Authority	No reference.	CITT will have the authority to award contracts up to \$2 million with subsequent BCC ratification.	No reference.	
Inspector General	CITT shall be subject to the investigatory powers of the Inspector General.	The Inspector General will submit to the BCC and Mayor an annual report detailing his conclusion and recommendations related	Unchanged from original.	

Chart 1

Citizens' Independent Transportation Trust				
<i>Sec. 2-1421</i>				
	Current Sec. 2-1421	4(F) 091442	4(G) 091443	Notes
		<p>to projects funded by Surtax funds.</p> <p>An IG representative shall attend all CITT meetings.</p> <p>An independent audit shall be performed every three years.</p>		

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



Legislative Notes

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

File Number: 091258

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: May 14, 2009

Type of Item: Acceleration of Funding for BBC/GOB Project

Commission Districts: 5 and 7

Summary

This resolution adds and accelerates Project No. 143-Metrorail Bike Path (M-Path) to Appendix A of the Series 2008B using Building Better Communities- General Obligation Bond (BBC-GOB) proceeds. Series 2008B or Resolution 1154-08 was approved on November 20, 2008 to issue one or more tranches of General Obligation Bonds (GOB) in an aggregate principal amount not to exceed \$350 million.

An allocation of \$700,000 will be re-directed from GOB Project No. 138 – Tamiami Swing Bridge to Project No. 143 M-Path.

On May 6, 2008, through Resolution 452-08, the Board of County Commissioners authorized BBC-GOB proceeds be accelerated to fund needed repairs in order to keep the Tamiami Swing Bridge operational. The repairs to the Tamiami Swing Bridge have not moved forward as expected. Public Works Department (PWD) performed emergency repairs to the existing Tamiami Swing bridge's operating system in order to maintain the bridge operational; these were completed in March 2009. The cost for these repairs was \$ 890,000. The existing bridge is scheduled for replacement because of its physical condition, the need to improve the hydraulic flow in the Canal, and to handle expected future vehicular traffic needs due to the opening of the Miami Intermodal Center (MIC).

Consultant selection is underway for the bridge replacement; the design costs will be approximately \$2,000,000. The Florida Department of Transportation, (FDOT) is currently conducting a Project Development and Environment (PDE) Study that has estimated the bridge replacement cost to be between \$30 and \$40 million, depending on the ultimate bridge section selected. There is \$ 19,000,000 set aside in the GOB program to fund this replacement. Therefore, PWD is applying to both State and Federal agencies to secure the additional funds that will be required to replace the bridge.

Funding acceleration for Project No. 143 allows for short-term improvements included in the Metrorail M-Path Master Plan. **Project No. 143 is not a new project.**

Background and Relevant Information

On July 2007, a Metrorail Master Plan was prepared by Kimley-Horn and Associates and EBS Engineering, Inc. along with staff from the Miami-Dade Metropolitan Planning Organization (MPO). The purpose of the Metrorail Master Plan addressed operational issues and problem areas within a comprehensive development program for the path as a whole.

The M-Path meanders within Miami-Dade Transit right-of-way under the elevated Metrorail guideways from S.W. 67 Avenue in South Miami to the Miami River in downtown Miami. The M-Path provides a course of travel for pedestrians and bicyclists and generally runs contiguous to U.S.-1.

The Master Plan provides a total project cost estimate of \$2,500,000 for long-term improvements and \$700,000 in short-term improvements. The short-term improvements include: resurfacing of critical areas; advance warning signs; directional signals; pavement markings; construct missing links; realignments; emergency call boxes; and encroachment prevention measures.

The M-Path was identified as a significant component of the regional greenways and trail network by the MPO Bicycle and Pedestrian Program.

Question: How much is usage expected to increase after the improvements are completed?

Question: Are there any developments seeking easements over the M-Path? If so, do any of the development plans encroach on the scheduled improvements mentioned above?

- During the January 28, 2009 Bicycle and Pedestrian Advisory Committee (BPAC) meeting, members discussed new development along the M-Path. A developer is proposing to develop on the automobile lot at US-1 and LeJeune Road and 405 South Dixie Highway. The developer is seeking easements over the M-Path, at the corner of South Dixie Highway and LeJeune Road. The BPAC passed a resolution in support of the project recognizing that it sets a precedent for future requests. Members stated that it is important to prepare the safety design correct.

According to Miami-Dade Transit staff, a meeting has been scheduled for May 18, 2009 to discuss the details of the project with the developer.

Prepared by: Michael Amador-Gil

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



Legislative Notes

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

File Number: 091437

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: May 15, 2009

Type of Item: Option-to-Renew Period for Competitively Bid Contracts

Summary

This procurement package includes a total of six (6) competitively bid contracts containing options-to-renew (OTR) clauses which, if exercised, would bring the cumulative value of each contract in excess of \$1 million.

Background and Relevant Legislation

Pursuant to Section 2-8.1 of the Code and Master Procurement Administrative Order AO 3-38, the Board of County Commissioners' (Board) authorization is required to exercise such OTR clauses when the combined value of the contract's initial term and the option-to-renew exceed \$1 million.

The Administration notes the following: (1) The initial term for the contracts in this package were awarded prior to the implementation of the Board's approval for contracts with the combined value exceeding \$1 million; (2) prior to this request to exercise the options period, market research was conducted to ensure that pricing and quality are competitive; and (3) the allocation represents the maximum spending authority based on past usage.

Policy Change and Implication / Budgetary Impact

Several item are requesting the approval of the remaining OTRs, which cumulatively approves the contract for multiple years instead of just the next OTR in succession which is for one year.

Item No.	Contract Title	Initial Contract Term & Amount	Request to Exercise	Amount of OTRs	Vendor(s) / Performance Record
1	Sodium Permanganate	8/15/07 to 8/14/08	3 remaining OTRs.	2 nd - \$1,084,000 3 rd - \$1,084,000 4 th - \$1,084,000	• Carus Corp. There are no

Item No.	Contract Title	Initial Contract Term & Amount	Request to Exercise	Amount of OTRs	Vendor(s) / Performance Record
	<u>Question:</u> What was the actual expenditure under the 1 st OTR?	\$849,664	2 nd , 3 rd , & 4 th OTRs (one-year terms).	\$747,000 for each OTR. Cumulative Value of Contract with OTRs = \$5,095,771	performance or compliance issues with this firm.
2	Airfield Guidance Signs – Series L858 <u>Question:</u> What was the actual expenditure under the 1 st and 2 nd OTR?	6/23/06 to 6/30/07 \$450,000	2 remaining OTRs. 3 rd & 4 th OTRs (one-year terms).	3 rd - \$450,405 4 th - \$450,405 Cumulative Value of Contract with OTRs = \$2,250,000.	<ul style="list-style-type: none"> Global Electrical & Lighting Supplies No performance or compliance issue this firm.
3	Various Food Items (Pre-qualification Pool) <u>Question:</u> What was the actual expenditure under the 1 st and 2 nd OTR? The item states that this contract is to provide boxed lunches, catered hot meals, and meals ready to eat (MRE's) during emergency situations. What are some examples of these emergencies given that the allocated amounts are similar on an annual basis?	8/3/06 to 7/31/07 \$311,500	2 remaining OTRs. 3 rd & 4 th OTRs (one-year terms).	3 rd - \$316,500 4 th - \$316,000 Cumulative Value of Contract with OTRs = \$1,577,500	<ul style="list-style-type: none"> Café Cappuccino, Inc. Greater Miami Caterers Innotech Products Jewish Community Services of South Florida Karlen Foods, Inc. Steves Pizza West, Inc. Leroys Hospitality, Inc. Long Life Food Depot LLC Peas & Carrots Catering There are no performance or compliance issues with these 9 firms.
4	Uniforms for Various County Departments	10/1/07 to 9/30/08	2 remaining OTRs.	2 nd - \$378,182 3 rd - \$378,182	<ul style="list-style-type: none"> Global Trading, Inc. Palmetto Uniforms,

Item No.	Contract Title	Initial Contract Term & Amount	Request to Exercise	Amount of OTRs	Vendor(s) / Performance Record
	<u>Question:</u> What was the actual expenditure under the 1 st OTR?	\$355,845	2 nd & 3 rd OTRs (one-year terms).	Cumulative Value of Contract with OTRs = \$1,490,391	Inc. • RDH Quest, Inc. There are no performance or compliance issues with these 3 firms.
5	Ice <u>Question:</u> What was the actual expenditure under the 1 st and 2 nd OTR?	8/3/06 to 7/31/07 \$250,000	2 remaining OTRs. 3 rd & 4 th OTRs (one-year terms).	3 rd - \$250,000 4 th - 250,000 Cumulative Value of Contract with OTRs = \$1,250,000	• PDKL, Inc. • Tropical Inc. LLC There are no performance or compliance issues with these 2 firms.
6	GIS Geodatabase Migration and Conversion	8/15/07 to 7/31/09 \$900,041	1 st OTRs (one-year terms).	1 st - \$400,000 Cumulative Value of Contract with OTRs = \$1,300,041	• Woolpert, Inc. There are no performance or compliance issues with this firm.

Prepared by: Elizabeth N. Owens

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



Legislative Notes

Agenda Item: 9(A)1 & Supp.
File Number: 090950 & 090947
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: May 14, 2009
Type of Item: Contract Award
Commission District: Countywide

Summary

This resolution authorizes the execution of a 3-year professional services agreement in the amount of \$1,455,000 with HDR Engineering, Inc. to formulate a comprehensive Solid Waste Management Master Plan.

If approved, HDR Engineering, Inc. will be required to provide the following professional services:

Phase I and II:

- project management and oversight;
- facilitation of public input;
- evaluation of current and future needs for the Department of Solid Waste Management (DSWM);
- identification of pertinent regulatory requirements, as well as key policies and issues;
- evaluation of current financial programs;
- identification of alternatives, options, and improvements that address needs; and
- analysis of alternatives.

Phase 2 Tasks will be further developed and refined as DSWM wrap up Phase I. Phase 2 of the plan will evaluate and analyze the alternatives identified as preliminarily feasible in Phase 1. This phase of the master plan would detail how the options reviewed become the operating plan for Miami-Dade County. Handwritten pages 40 - 43 of the agenda item details the specific tasks that will be performed for the selected system alternatives.

Optional Phase III:

- Development of an emergency plan and hurricane plan

Background and Relevant Legislation

The development of the proposed new Solid Waste Master Plan will supersede the County's existing Master Plan developed in 1996. According to the DSWM staff, a new master plan is needed to determine the most economic and appropriate method of conducting business for the next 50 years. The plan itself

is not a regulatory requirement but is written to ensure that the system is designed and **continues** to operate in compliance of federal, state and local regulations.

DSWM staff provided the following additional information:

- DSWM has approximately 11 years of capacity left in the disposal system and must start now to decide how to handle future waste, site the necessary capital improvements, and construct them within that time. It takes about 10 years to obtain necessary permit approvals and construct a waste-to-energy facility. Should the master plan dictate a need for one, DSWM needs to start the process now in order to have capacity in place and maintain their system;
- recommendations of the master plan will likely govern more than \$500 million of capital improvements over the next 50 years;
- Not having a master plan would cause haphazard responses to future challenges and cannot ensure the most economical approach;
- There are many approaches, and many untested technologies available for disposal – it is necessary to vet them all ahead of time;
- Public involvement is crucial in the development of a master plan;
- The State of Florida requires disposal capacity as part of its annual concurrency requirements;
- The last master plan was done 15 years ago and the industry has changed greatly since; and
- While collection operations have improved and made more cost effective, a reasonable search for efficiencies is still prudent.

Among the list of qualifications required to serve as prime on this project, the selected contractor must have developed a minimum of 2 Solid Waste Master plans for counties or municipalities within the last 5 years or demonstrate technical experience in the development of 2 or more solid waste management master plans within the last 5 years.

A review of HDR Engineering Inc.'s website discloses that it has the requisite experience. Examples of featured projects include: Ft. Lauderdale Multi-Facility Master Plan Study, Northwest Hillsborough Regional Master Plan, and Pine Island Corridor Master Plan. (Source: <http://www.hdrinc.com>)

According to DSWM staff, HDR has evaluated integrated solid waste systems for the following major metropolitan areas in the U.S.:

- New York City (Population – 8,400,000)
- Chicago (Population- 2,850,000)
- Los Angeles (Population-3,850,000)
- San Francisco (Population- 744,041)
- Denver (Population – 557,917)

Budgetary Impact

Waste Collection Operating Fund :	\$300,000.00
Waste Disposal Operating Fund:	\$1,155,000.00
Total Funding:	\$1,455,000.00

The last Solid Waste Master Plan for Miami-Dade County was completed in 1996 at a cost of \$1.323 million. The proposed Master Plan will cost \$1.455 million.

Procedural Posture

The Solid Waste Management Master Plan was presented to the Government Operations Committee (GO) on March 10, 2009, and was deferred in light of the results of the second tier of negotiations

conducted by the County's Negotiation Committee with HDR Engineering, Inc. The total project price increased by \$88,195 during those contract negotiations to a final total of \$1,543,195. In accordance with the Board of County Commissioners' directive, the Negotiation Committee met with HDR Engineering, Inc. on March 16, 2009 and again on March 20, 2009 to renegotiate a lower cost.

On March 20, 2009, the committee and HDR Engineering, Inc., agreed to a reduced total cost of \$1,455,000 with no change in the scope of the original contract.

9(A)1 Supplement

A supplemental report has been issued by the Administration's in response to fiscal questions raised at the March 10, 2009 Government Operations (GO) Committee meeting regarding the Solid Waste Management Master Plan. The Administration reports that costs for the Master Plan are consistent with other master plans approved by the Board of County Commissioners (BCC). The labor multipliers for project personnel are also consistent with the last 6 master plans approved by the BCC. In addition, the Administration reports that the FY 2008-09 Adopted Budget anticipated the completion of the entire Solid Waste Master Plan during this fiscal year. However, due to the protracted procurement of the contract, as well as proposed timelines as suggested by several bidding firms, the amount allocated for the current year has been reduced to \$300,000. The remaining carryover amount of \$1.155 million will be budgeted in future fiscal years.

The supplement also notes that annual appropriations are common for multi-year contracts. The BCC will have the opportunity to approve any expenditure in future years through the normal budget process independent of contract awards.

Prepared by: Lauren Young-Allen & Michael Amador-Gil

**MIAMI-DADE COUNTY
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Legislative Notes

Agenda Item:	9A(2)
File Number:	091419
Committee(s) of Reference:	Budget, Planning & Sustainability
Date of Analysis:	May 15, 2009
Type of Item:	Partnership Agreement; Competitive Grant
Sponsor/ Requester:	Office of Sustainability
Commission District	Countywide

Summary

This resolution authorizes the County to work collaboratively with the City of Miami to address energy efficiency which includes collaboration on the development of a joint proposal for the Southeastern Energy Efficiency Alliance (SEEA) grant. This resolution also authorizes the support of an independent non-profit organization to manage and implement the collaborative energy plan if the City and the County are successful grant applicants.

Background and Relevant Legislation

SEEA is a non-profit organization based in Atlanta, Georgia that promotes energy-efficient policies and practices by aligning governments, businesses, environmental organizations, energy advocates and energy consumers to establish new solutions for energy costs and efficiency improvements. The organization is active in 11 southeastern states including Florida.

In February 2009, SEEA issued a RFP in which a city, county, or regional governmental organization will be selected to design and implement a community energy alliance which replicates Cambridge, Massachusetts' community energy efficiency plan. The successful proposer may be awarded up to \$500,000 to "design and achieve unprecedented gas, electricity, and water savings" which can be sustained for a 5 to 7-year period. Letters of Intent were due March 6, 2009. Proposals are due May 15, 2009. SEEA's selection will be announced on June 20, 2009.

Policy Change and Implication

Adoption of the resolution would be consistent with the County's energy consumption reduction objectives as set forth in Resolution R-228-09 adopted in March 2009.

Budgetary Impact

Minimal costs will be incurred under the proposed legislation since it is the preliminary step to a competitive grant application/RFP proposal. Any budgetary impact may occur as a result of costs associated with implementing the grant/proposal (such as oversight tasks performed by the County's Office of Sustainability), or if the grant/proposal requires local matching funds.

SEEA anticipates additional funding opportunities via the economic stimulus packages before Congress which include a variety of energy incentive programs such as loan guarantees for energy performance contracts, funding for government building retrofits, and energy efficiency block grants to cities and counties.

Further BCC Action

In light of the relatively soon RFP deadlines, the Board of County Commissioners may be required to retroactively approve the Letter of Intent if the pending resolution is adopted.

Prepared by: Lauren Young-Allen