



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

Board of County Commissioners

February 17, 2009
9:30 AM
Commission Chamber

Charles Anderson, CPA
Commission Auditor

111 NW First Street, Suite 1030
Miami, Florida 33128
305-375-4354

Board of County Commissioners
Agenda Notes
February 17, 2009

Item No.	Subject Matter	Background	Analysis / Comments / Questions
4(A)	<p>Ordinance Amending Debarment Proceedings</p> <p>Prime Sponsor Commissioner Barbara J. Jordan</p>	<p>This ordinance amends Miami-Dade County Code (§ 10-38 of the Code) provisions governing contractor debarment proceedings by providing for the use of Hearing Examiners to conduct debarment proceedings in lieu of a Debarment Committee. The proposed ordinance incorporates formal due process procedures, expands the role of the County Manager to include the role of final arbiter, and extends the timelines for administrative actions.</p> <p>Background Under the existing provisions governing debarment of contractors, those who fail to adhere to the terms of the procurement contract and procurement policies, face a debarment hearing conducted by a Debarment Committee consisting of a standing pool of County department directors or assistant directors and members of the private industry appointed by the Manager. The Committee, based upon documents submitted and testimony presented, issues a written decision as to debarment which includes a finding of facts. The Committee has the exclusive discretion to determine the duration of debarment, if debarment is imposed. The Manager may override the final decision of the Committee upon a finding of abuse of discretion. Otherwise the Committee’s decision is final and the Department of Business Development issues a notice to the contractor within 20 days of the decision. Decisions of the Committee are appealable to the circuit court. A debarred contractor may seek a stay of the debarment decision.</p> <p>Proposed Amendments</p> <ul style="list-style-type: none"> • Debarment hearings will be conducted by a Hearing Examiner appointed by the Clerk of Board of County Commissioners. • The Clerk will select the Hearing Examiner from a pool of Hearing Examiners approved by the Board of County Commissioners (BCC). • The Hearing Examiner, based on the request for debarment and supporting and opposing documents will make an initial finding as to whether debarment proceedings should be initiated before any notice of suspension or proposal to debar is issued. • The party or parties being proposed for debarment has 30 days from the date of notice to provide a written defense including a list of witnesses and a summary of their testimony. • In return, the County department seeking debarment has 30 days from the submission of the contractor’s defenses to submit its lists of documents, witnesses and witnesses’ testimonies. • Following the debarment hearing, the Hearing Examiner will submit to the County Manager a written decision containing findings of facts and an advisory recommendation on whether to debar and the duration of debarment. • The County Manager makes the ultimate decision on whether to debar and the length of the debarment based 	

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		<p>on the Hearing Examiner’s findings of fact.</p> <ul style="list-style-type: none"> In the event that the final decision is an adverse decision, the contractor may appeal the decision to the circuit court which will not operate as a stay of the decision to debar. <p>Comparison of Existing Provisions with Proposed Revisions</p> <table border="1" data-bbox="527 428 1896 1144"> <thead> <tr> <th data-bbox="527 428 919 464"></th> <th data-bbox="919 428 1419 464">Existing Provisions</th> <th data-bbox="1419 428 1896 464">Proposed Revisions</th> </tr> </thead> <tbody> <tr> <td data-bbox="527 464 919 500">Decision-Maker</td> <td data-bbox="919 464 1419 500">Debarment Committee</td> <td data-bbox="1419 464 1896 500">County Manager</td> </tr> <tr> <td data-bbox="527 500 919 565">Probable Cause Determination Timeline</td> <td data-bbox="919 500 1419 565">N/A</td> <td data-bbox="1419 500 1896 565">No less than 90 days after notice of proposed debarment has been served</td> </tr> <tr> <td data-bbox="527 565 919 634">Contractor’s Submission of Documents</td> <td data-bbox="919 565 1419 634">Within 7 days after service of notice</td> <td data-bbox="1419 565 1896 634">Within 30 days after service of notice</td> </tr> <tr> <td data-bbox="527 634 919 704">County Department’s Submission of Documents</td> <td data-bbox="919 634 1419 704">N/A</td> <td data-bbox="1419 634 1896 704">Within 30 days after timely receipt of contractor’s documents</td> </tr> <tr> <td data-bbox="527 704 919 805">Hearing Date</td> <td data-bbox="919 704 1419 805">20 days after notice of a proposal to debar has been served</td> <td data-bbox="1419 704 1896 805">The hearing shall be held within 30 days after the deadline for filing documents has expired</td> </tr> <tr> <td data-bbox="527 805 919 906">Continuance of Hearing</td> <td data-bbox="919 805 1419 906">N/A</td> <td data-bbox="1419 805 1896 906">Additional hearing days shall be completed within 30 days from the commencement of the hearing</td> </tr> <tr> <td data-bbox="527 906 919 976">Notice of Final Decision</td> <td data-bbox="919 906 1419 976">Within 20 working days of the Debarment Committee’s decision</td> <td data-bbox="1419 906 1896 976">Within 30 calendar days of the Hearing Examiner’s report</td> </tr> <tr> <td data-bbox="527 976 919 1045">Authority to Reduce the Debarment Period</td> <td data-bbox="919 976 1419 1045">Debarment Committee</td> <td data-bbox="1419 976 1896 1045">County Manager</td> </tr> <tr> <td data-bbox="527 1045 919 1144">Overriding Final Decisions</td> <td data-bbox="919 1045 1419 1144">The County Manager may override the Debarment Committee’s decision within 20 days of the decision</td> <td data-bbox="1419 1045 1896 1144">No override</td> </tr> </tbody> </table>		Existing Provisions	Proposed Revisions	Decision-Maker	Debarment Committee	County Manager	Probable Cause Determination Timeline	N/A	No less than 90 days after notice of proposed debarment has been served	Contractor’s Submission of Documents	Within 7 days after service of notice	Within 30 days after service of notice	County Department’s Submission of Documents	N/A	Within 30 days after timely receipt of contractor’s documents	Hearing Date	20 days after notice of a proposal to debar has been served	The hearing shall be held within 30 days after the deadline for filing documents has expired	Continuance of Hearing	N/A	Additional hearing days shall be completed within 30 days from the commencement of the hearing	Notice of Final Decision	Within 20 working days of the Debarment Committee’s decision	Within 30 calendar days of the Hearing Examiner’s report	Authority to Reduce the Debarment Period	Debarment Committee	County Manager	Overriding Final Decisions	The County Manager may override the Debarment Committee’s decision within 20 days of the decision	No override	
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4(B)	<p>Ordinance Establishing A Computer and Electronics Program and Collection Guidelines</p> <p>Prime Sponsor:</p>	<p>Under new provisions to the County Code, this proposed ordinance establishes a Computer and Electronics Program in which surplus or discarded computers and electronics donated by the public or by Miami-Dade County government will be collected by the County and distributed to eligible school children.</p> <p>Specifics <u>Equipment</u></p> <p>Computers and electronics may consist of laptops, wireless routers, cables, printers, scanners, monitors and any other miscellaneous electronic equipment</p>	<p>Legal Authority</p> <p>Under §274.05, Fla. Stat., governing surplus property owned by local governments, “a governmental unit shall have the discretion to classify as surplus any of its property that is obsolete, or the continued use of which is uneconomical or inefficient, or which serves no useful function.” If donated, the governmental</p>																														

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	<p>Commissioner Rebeca Sosa</p>	<p>that is in working condition.</p> <p><u>Public Donations</u> The Mayor (or designee) will be responsible for coordinating the distribution of collection bins which are to be placed in at least 5 locations throughout the County. The Mayor shall also be responsible for distributing information regarding the program, collecting information from public donors and providing receipts if requested by the donor.</p> <p><u>County Surplus Items</u> Within the parameters of Administrative Order 8-2, governing disposal of County property, the County may assign surplus computers and electronics with no commercial value to the Computer and Electronics Program, provided the Board of County Commissioners (BCC) first declares (by resolution) that the surplus equipment is obsolete, uneconomical or inefficient, or no longer serves a useful function.</p> <p><u>Eligible Recipients</u> Donated and surplus equipment collected for the program will be distributed to Miami-Dade high school students who are under 19 years old and whose household income is less than \$20,000 per year. Only 2 students per household are eligible. The Mayor shall be responsible for establishing guidelines which verify eligibility.</p>	<p>unit shall disclose the value and the condition of the property. The cost of transferring the property shall be borne by the government or the donee.</p> <p>Under §274.06, Fla. Stat., governing alternative methods of disposing of surplus government- owned property, a governmental unit may dispose of property having no commercial value by donation, destruction or abandonment. If the value of the property is estimated to be over \$5000, it shall be sold only to the highest responsible bidder or by public auction.</p>
4(C)	<p>City of Homestead, Annexation of Certain Lands</p> <p>Prime Sponsor The Board of County Commissioners</p>	<p>District 8</p> <p>This ordinance changes the boundaries of the City of Homestead (Homestead) and amends Homestead’s Charter by providing for the annexation of certain lands.</p> <p>The proposed Homestead annexation is 39.8 acre parcel contiguous to the City.</p> <p>The proposed annexation area is bounded on the north by SW 324th Street, on the south by SW 328th Street, on the west by SW 194th Avenue and on the east by SW 192nd Avenue.</p> <p>Background On April 16, 2007, Homestead requested that the Board of County Commissioners (BCC) approve the proposed annexation.</p> <p>On June 26, 2007, BCC accepted and forwarded the annexation application to the Office of Strategic Business Management (OSBM) for review and further processing.</p>	

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		<p>The Planning Advisory Board Incorporation and Annexation Committee recommended denial of the application based on concerns by the Department of Environmental Resource Management (DERM) stating that the City’s potable water and sanitary sewer system is at capacity and cannot provide service to the area.</p> <p>On August 5, 2008, OSBM and DERM met with Homestead representatives to discuss DERM issues with the application; DERM revised its recommendation stating that the City has the capacity to service the proposed annexation area.</p> <p>On December 2, 2008, BCC approved the boundary change, directing the County Attorney to prepare this ordinance.</p> <p>Fiscal Impact A net annual budget gain of \$9,500 should be realized if the annexation is approved. The County retains all franchise fees and utility tax revenues. OSBM estimates that the area currently generates approximately \$53 in franchise fees and \$75 in utility tax.</p> <p>In addition, the County retains garbage and waste collection and disposal.</p>	
4(D)	<p>Defining Authority of the Mayor to Award Contract without Commission Approval</p> <p>Prime Sponsor Commissioner Barbara J. Jordan</p>	<p>This ordinance amends § 2-8.1 of the Code of Miami-Dade County (Code), defining authority of the Mayor or his designee to award contracts without Commission approval, limiting such authority to contracts with terms not exceeding one year including all renewals and extensions.</p> <p>Currently, the County Manager has the authority to award contracts in which the combined value of the contracts initial term and the options to renew do not exceed \$1 million. There are no restrictions in regards to contracts with the combined value of the initial term and the options to renew exceeds one year.</p> <p>This ordinance further limits the County Manager’s authority to award those contracts that are \$1 million or less to those that with combined terms of less than one year. Contracts with combined terms of one year or more require Commission approval.</p>	
4(E)	<p>Ordinance Amending Section 8CC-4 of the Code</p> <p>Prime Sponsor Commissioner Rebeca Sosa</p>	<p>The ordinance amends Section 8CC-4 of the Code relating to civil penalties for continuing violations of the Code.</p> <p>The ordinance establishes a grace period for the impositions of civil penalties related to continuing violations.</p> <p>Current policy Section 8CC-4 of the Code defines “continuing violations” as violations that remain uncorrected beyond the allowed time period given to make the corrections that is determined in the civil violation notice or the final order of the Hearing Officer. For the days following the specified time period of correction, an additional penalty in the same amount of the original violation is applied.</p>	

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		<p>The intent of the ordinance is to suspend accruing continuing violation penalties for a period of 90 days to provide relief to citizens during a period of economic crisis.</p>	
4(F)	<p>Ordinance Amending the Code Relating to Vehicles For-Hire</p> <p>Prime Sponsor Commissioner Dorrin D. Rolle</p>	<p>The ordinance amends Sections 31-82, 31-303 and 31-602 of the Code of Miami-Dade County by clarifying the exclusion period that a person may not be eligible for a for-hire license if they have pled nolo contendere, pled guilty, been found guilty or been convicted of trafficking narcotics.</p> <p>The ordinance also establishes an 10-year exclusion period that a person may not be eligible for a Chauffeur’s registration if they have pled nolo contendere, pled guilty, been found guilty or been convicted of trafficking narcotics.</p> <p>Current policy Sections 31-82, 31-303 and 31-602 of the Code establish provisions where an applicant is not eligible for a for-hire license, chauffeur’s registration and for-hire limousines licenses. Currently, an applicant who has been convicted of trafficking narcotics is not eligible for a chauffeur’s registration. Furthermore, Sections 31-82, 31-303 and 31-602 contain conflicting provisions regarding the exclusion period that a person may not be eligible for a for-hire license and a for-hire limousine license.</p> <p>The ordinance establishes that an applicant who has pled nolo contendere, pled guilty, been found guilty or been convicted of trafficking will be eligible to obtain a for-hire license, chauffeur’s registration or and for-hire limousine license after 10 years of the conviction. The ordinance also eliminates conflicting provisions in Sections 31-82, 31-303 and 31-602.</p>	
4(G)	<p>Ordinance Creating the Community Action Agency Board</p> <p>Prime Sponsor Commissioner Barbara</p>	<p>This ordinance creates the Community Action Agency (CAA) Board.</p> <p>Upon the appointment of the new Executive Director of CAA (January 31, 2008) a standard review and assessment was conducted of the agency. It was discovered that there was no documentation memorializing the CAA Board in the County’s historical records.</p> <p>This ordinance will do the following:</p> <ul style="list-style-type: none"> • Formally establish the CAA Board and codify under the Miami-Dade county Code 2-11.36; • Allows the BCC to delegate defined duties and responsibilities as it relates to the Head Start/Early Head Start Program; • Increase membership of CAA Board from 15 to 45 members. <p>Question:</p>	<p>The current CAA Board membership includes:</p>

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		Will the proposed increase in board membership require an increase in County staff to support the CAA Board? If so, what would be the financial impact of an increase in staff?	VACANT	DISTRICT 11
			VACANT	DISTRICT 10
			VACANT	DISTRICT 12
			BROWN-MORILLA, RICHARD	DISTRICT 4
			CAPORELLI, JANE	DISTRICT 7
			CARRERA, JULIO	DISTRICT 13
			DRIVER, KAMETRA	DISTRICT 8
			GALBUT, JOYCE	DISTRICT 5
			GUILLAUME JR., FRANCOIS	DISTRICT 3
			LEFLORE, TERESA	DISTRICT 2
			MILLER, GAIL E	DISTRICT 1
			PRICE, JOYCE	DISTRICT 6
			REY, MARILYN	MAYOR- CARLO ALVAREZ
			YOUNGKIN, ANITA	DISTRICT 9
4(H)	Ordinance Relating to Park and Recreation Department Agreements with Programming Partners and Community Based Not-for-Profit Organizations	<p>This ordinance amends the Park and Recreation Department (MDPD) agreements with Programming Partners (PP) and Community Based Organizations (CBO).</p> <p>The amendment allows PP and CBO's (who provide service at County Park and Recreation facilities) to be offered the opportunity to negotiate and/or renew Programming Partnership Agreements (PPA). Currently, the ordinance does not provide a renewal or negotiation option and limits participants grandfathered into the Programming Partners process to no more than two (2) years.</p> <p>Currently, there are twenty-seven (27) CBO's that have a PPA with MDPD. Three (3) out of twenty-seven (27) CBO's have agreement terms ending in 2009 and twenty-five (25) CBO's have had more than five (5) years of association with MDPD.</p>		

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		PROGRAMMING PARTNER	# of years under programming partner agreement	Ending initial term in 2009	Years with MDPB before PP Agreement	
		American Youth Soccer - 3 Lakes	4		5+	
		American Youth Soccer Org.	2		5+	
		B.E.A.C.H.E.S. Foundation	2		5+	
		Boys & Girls Club of Miami	2		5+	
		Coral Estates Soccer Club	4		5+	
		Everglades Archers, Inc.	4		5+	
		Greater Goulds Optimist	3		5+	
		Howard Palmetto Baseball & Softball	4		5+	
		Jr. Marlins Neighborhood Sports Assoc.	5	Y	5+	
		Metro Aquatics Club of Miami	3		5+	
		Miami Friends Baseball Assoc.	4		5+	
		New Birth Optimist	3		5+	
		Northside Optimist Club	5	Y	5+	
		Optimist Club of Ives Estate	3		5+	
		Optimist Club of Kendall Hammocks, Inc. (Devonaire Park)	4		5+	
		Optimist Club of West Kendall	4		5+	
		Palm Springs North Athletic Assoc.	2		5+	
		Perrine Optimist Club of Miami	2		5+	
		Pinecrest Premier Soccer, Inc.	3		5+	
		Rockway Swim Foundation	3		5+	
		Soccer Academy of the Americas	2			
		South Florida Baseball Dreamers, Inc. (Bros. to the rescue Park)	1			
		South Kendall Optimist Club Inc (Eureka Park)	4		5+	
		South Kendall Soccer Club, Inc. (Kendall Indian Hammocks Park)	4		5+	
		Southern Soccer Coalition (Miller's Pond Park)	2		5+	
		Tamiami Youth Basebal Assoc. (Tamiami Park)	5	Y	5+	
		Westchester Optimist Club	4		5+	

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		<p>PP began a number of years ago to formalize the agreement and relationship between the County and CBO's (Ordinance 02-137). CBO's were currently required to provide payment for the use of fields, insurance, coaching certification, annual financial statements, legal status, players and coaches roster, and background checks. Currently, the PP program partnership requires participants to provide an annual affidavit indicating that background checks were conducted and all employees passed.</p> <p>How are the annual affidavits being handled regarding background checks for each CBO?</p> <p><i>During the annual audits by the contract management section of the MDPD, the background checks are reviewed and compared against the list of coaches. Ultimately, the responsibility of the background checks falls on Programming Partner.</i></p>	
5(B)	Resolution Authorizing to Use the Uniform Method of Collection	<p>This resolution authorizes Miami-Dade County to use the Uniform Method of Collection (via County tax bill) as the means to collect a non-ad valorem fire suppression assessment. FL Statute 197.3632 and FL Statute 125.66 mandate that certain deadlines be met for a government to consider levying a fire assessment. Miami-Dade County must adopt a resolution of intent to use the uniform method of tax collection by March 1, 2009.</p> <ul style="list-style-type: none"> • According to Miami-Dade Fire Rescue staff, four public notices were advertised in the Miami Herald (English version) notifying the residents of Miami-Dade County that the Board of County Commissioners (BCC) will consider the adoption of this resolution. The advertisements ran January 20, 2009; January 27, 2009; February 3, 2009; and February 10, 2009. <p>Background During the January 22, 2009 BCC meeting, the BCC awarded \$799 ,591 to Government Services Group, Inc. (GSG) for the purpose of studying and formalizing a methodology to impose a Fire Suppression Assessment fee in Miami-Dade County. GSG has performed consultant services for the majority of Florida jurisdictions, including the City of Fort Lauderdale, City of Miami, City of Hialeah and Orange County. (See Broward County Planning Services Division Report below).</p> <p>MDFR District Budget MDFR relies on ad-valorem revenues to provide services to Miami-Dade County.</p> <ul style="list-style-type: none"> • Approximately 85% of ad-valorem revenues make up MDFR's budget; • According to report presented at the July 10, 2008, Health and Public Safety Committee meeting, of the \$432 million in the adopted FY 2008-09 Fire District budget, 80% or \$346 million comes from fire rescue 	

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		<p>district property taxes and carryover;</p> <ul style="list-style-type: none"> ○ Other revenues include transport fees, fire plans processing and inspection fees, interdepartmental transfers, interest and carryover; • The Report highlights that projections for FY 2008-09 reflect a decrease of \$25.563 million in district property tax revenue. In contrast, other municipalities in the County rely on ad-valorem revenues, utility fees, franchise fees, state revenue sharing and other revenues; and • Projections provided by the Office Strategic Business Management and MDRF indicate that by 2010, MDRF will experience shortfalls due to the current funding mechanism. <p>Municipalities Opting Out of the District Another concern facing MDRF is the opting out of the Fire District by Surfside, Indian Creek and Pinecrest. On July 24, 2007, the BCC passed Ordinance 07-107, deleting the opt out provisions of the laws governing the establishment of the Fire District.</p> <p>Question: What is the effect on MDRF to collect new fees should cities be able to pull out?</p> <p>An analysis by the Broward County Planning Services Division shows the following fire assessment fees for FY 2008:</p> <table border="1" data-bbox="751 967 1743 1456"> <tbody> <tr><td>Unincor. Broward</td><td>\$190.00</td><td>Margate</td><td>\$296.00</td></tr> <tr><td>Coconut Creek</td><td>\$116.43</td><td>Miramar</td><td>\$120.85</td></tr> <tr><td>Cooper City</td><td>\$64.33</td><td>North Lauderdale</td><td>\$206.00</td></tr> <tr><td>Coral Springs</td><td>\$99.95</td><td>Oakland Park</td><td>\$149.00</td></tr> <tr><td>Dania Beach</td><td>\$93.57</td><td>Parkland</td><td>\$151.00</td></tr> <tr><td>Davie</td><td>\$104.00</td><td>Pembroke Pines</td><td>\$153.48</td></tr> <tr><td>Deerfield Beach</td><td>\$99.00</td><td>Pompano Beach</td><td>\$75.00</td></tr> <tr><td>Fort Lauderdale</td><td>\$94.00</td><td>Southwest Ranches</td><td>\$148.00</td></tr> <tr><td>Hallandale Beach</td><td>\$90.00</td><td>Sunrise</td><td>\$97.50</td></tr> <tr><td>Hollywood</td><td>\$109.00</td><td>Tamarac</td><td>\$141.00</td></tr> <tr><td>Lauderdale by the Sea</td><td>\$130.00</td><td>Weston</td><td>\$232.20</td></tr> <tr><td>Lauderdale Lakes</td><td>\$149.00</td><td>West Park</td><td>\$299.20</td></tr> <tr><td>Lauderhill</td><td>\$188.00</td><td>Wilton Manors</td><td>\$95.59</td></tr> <tr><td>Lighthouse Point</td><td>\$79.86</td><td></td><td></td></tr> </tbody> </table>	Unincor. Broward	\$190.00	Margate	\$296.00	Coconut Creek	\$116.43	Miramar	\$120.85	Cooper City	\$64.33	North Lauderdale	\$206.00	Coral Springs	\$99.95	Oakland Park	\$149.00	Dania Beach	\$93.57	Parkland	\$151.00	Davie	\$104.00	Pembroke Pines	\$153.48	Deerfield Beach	\$99.00	Pompano Beach	\$75.00	Fort Lauderdale	\$94.00	Southwest Ranches	\$148.00	Hallandale Beach	\$90.00	Sunrise	\$97.50	Hollywood	\$109.00	Tamarac	\$141.00	Lauderdale by the Sea	\$130.00	Weston	\$232.20	Lauderdale Lakes	\$149.00	West Park	\$299.20	Lauderhill	\$188.00	Wilton Manors	\$95.59	Lighthouse Point	\$79.86			
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		<p>This assessment is included as part of their operating millage. As illustrated above, West Park has the highest fee.</p> <ul style="list-style-type: none"> Hillsboro Beach, Plantation, Pembroke Park, and Sea Ranch Lakes do not charge an assessment for fire. <p>Legislative History On December 8, 2008, the Health and Public Safety Committee members forwarded the GSG agreement without recommendation to the BCC;</p> <p>During the December 16, 2008 BCC meeting, a commissioner invoked the four-day rule while considering a resolution expressing the intent to assess a fire fee; and</p> <p>On January 22, 2009, the BCC approved the GSG agreement which included amendments that GSG will include 50 hours of expert testimony in the event of a lawsuit. The item passed by a vote of 6-5.</p> <p>Comments If approved, the Fire Assessment fee would be levied on residential properties in Miami-Dade County. The intent of the Fire Suppression fee is to pay for suppression services only. The fee will be applied uniformly to residential units and may be applied to commercial and industrial classifications.</p>	
5(E)	Temporary Moratorium for Properties Being Utilized As Mobile Homes Parks	<p>This resolution determines whether the temporary moratorium on mobile home parks should be terminated and directs the implementation of strategies recommended in the Mobile Home Park Reports dated May 6, 2008, October 21, 2008, and February 17, 2009.</p> <p>Background On October 16, 2007, the Board of County Commissioners (BCC) approved resolution R-1161-07 that ordered a building moratorium for properties utilized as mobile home parks and directed the County Manager to submit a report on the appropriateness of existing zoning districts and regulations and to recommend strategies to mitigate impacts of redevelopment.</p> <p>The legislation was proffered following the potential close of mobile home parks and proposals to redevelop those sites. Florida statutes pre-empt the County’s jurisdiction over control of landlord and tenant laws; therefore, only allowing the Board to place the moratorium on building permits and not on the eviction of tenants.</p> <p>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 mobile home parks.</p>	

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		<p>On February 19, 2008, the BCC extended the moratorium for ninety days to explore the rezoning of existing mobile home parks and directed staff to move forward with recommendations contained in the County Manager’s report. The recommendations covered five areas:</p> <ul style="list-style-type: none"> • Assistance for economic viability of existing parks. • Promoting asset building among the mobile home owners. • Assistance to the displaced residents to prevent homelessness and to assure affordable shelter. • Incentives to generate housing affordable to different income groups; and • Advocating changes to the State legislation. <p><i>The February 19, 2008, BCC included a study that did not support a change in zoning classification or the creation of a new zoning district for the properties being utilized as mobile home parks.</i></p> <p>According to the study, the complexity of the mobile home issue rests on the following factors:</p> <ul style="list-style-type: none"> • The mobile home parks are almost all privately owned and therefore any legislative response must be mindful of constitutional issues regarding de-facto “taking” of private property; • In many instances, the owners of the mobile homes have placed their structure on land under lease from the owners of the parks; • The regulations of mobile home parks are governed under State statutes which arguably tend to be more protective of the rights of the property owners than of the leasehold interests of those occupying the homes; <ul style="list-style-type: none"> ○ Most tenants lease the space and are viewed as tenants by law. • In many instances the physical conditions of the homes and of the parks themselves are such that code violations, if strictly enforced, could force their closure; and • The residents of the parks are generally poor, elderly and lack options or choices that are economically feasible for them to pursue without forms of subsidy being provided directly to them. <p>On May 6, 2008, the BCC adopted Resolution No. 567-08, extending the moratorium for an additional 180 days directing staff to analyze in greater detail the appropriateness of the existing zoning districts or creation of a new zoning district for mobile home park and other zoning regulations.</p> <p>Legislative History of Mobile Home Parks Moratorium</p> <table border="1" data-bbox="527 1321 1698 1458"> <thead> <tr> <th data-bbox="527 1321 814 1357">Date</th> <th data-bbox="814 1321 1234 1357">Resolution No.</th> <th data-bbox="1234 1321 1698 1357">Action</th> </tr> </thead> <tbody> <tr> <td data-bbox="527 1357 814 1425">October 26, 2007</td> <td data-bbox="814 1357 1234 1425">R-1161-07</td> <td data-bbox="1234 1357 1698 1425">Temporary moratorium imposed for 120 days</td> </tr> <tr> <td data-bbox="527 1425 814 1458">February 19, 2008</td> <td data-bbox="814 1425 1234 1458">R-167-08</td> <td data-bbox="1234 1425 1698 1458">Extended moratorium for an</td> </tr> </tbody> </table>	Date	Resolution No.	Action	October 26, 2007	R-1161-07	Temporary moratorium imposed for 120 days	February 19, 2008	R-167-08	Extended moratorium for an	
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Item No.	Subject Matter						
	Background	Analysis / Comments / Questions					
		May 6, 2008	<table border="1"> <tr> <td data-bbox="814 256 1234 295"></td> <td data-bbox="1234 256 1696 295">additional 90 days</td> </tr> <tr> <td data-bbox="814 295 1234 328">R-567-98</td> <td data-bbox="1234 295 1696 328">Extension of moratorium for an additional 180 days</td> </tr> </table>		additional 90 days	R-567-98	Extension of moratorium for an additional 180 days
	additional 90 days						
R-567-98	Extension of moratorium for an additional 180 days						
7(A)	Ordinance Relating to Vehicles For-Hire; Amending Chapter 31 of the Code of Miami-Dade County	<p>This item recommends the following:</p> <ul style="list-style-type: none"> • The adoption of a new Villa/Mobile Home Zoning District that allows for mobile homes, manufactured homes and site-built detached affordable units; and • The adoption of an Exit Plan and codifies the statutory requirements. <p>This ordinance would amend Chapter 31, Article II of the Code of Miami-Dade County to provide the following:</p> <ul style="list-style-type: none"> • Wheelchair accessible taxicabs (WAC) serving in designated areas may operate countywide with certain exceptions; and • Requiring WAC to utilize a specified dispatch system. <p>Under the proposed ordinance, a WAC operating in an underserved area may operate countywide upon a payment of \$10,000 to the County by April 1, 2009.</p> <p>Once a WAC is converted to operate countywide it is required to do the following:</p> <ul style="list-style-type: none"> • Be prohibited from providing transportation of persons and their baggage from Miami International Airport (MIA); • Have a two-way radio or electronic dispatch system (installed and operating properly) by June 1, 2010; • The dispatch system must be subscribed to service with a passenger service company that has a fixed base call center operating 24 hours a day, 365 days a year, where a dispatcher may communicate with WAC during all hours of vehicle operation. <p>Comments Ordinance 03-45 established a goal of at least 3% of all taxicabs to be wheelchair accessible no later than 2006.</p> <p>Currently, there are 65 WAC and 2,080 taxicabs. This represents 3.1% of all taxicabs in Miami-Dade county.</p> <p>There are only 9 WAC licenses that would be impacted if this ordinance were to pass (3 in the south and 6 in the north underserved areas).</p> <p>Fiscal Impact: \$90,000.</p> <p>The 9 WAC licenses issued were sold for \$5,000 each.</p>					

Item No.	Subject Matter	Background	Analysis / Comments / Questions
		<p>According to CSD, the MIA restriction is required because there is no need for additional taxi's at the airport.</p> <p>To ensure the taxis are not going to MIA they will be marked to facilitate enforcement.</p> <p>During the December 10, 2008, Economic Development and Human Services Committee issues were raised concerning gaps of service that may occur when WAC licenses are converted to provide countywide service.</p> <p>An amendment was made to the ordinance that provided that wheelchair accessible taxicabs that are converted will not be placed into service before July 1, 2009.</p> <p>According to the Consumer Services Department (CSD), taxicabs licensed through lotteries are expected to transition into service by July 1, 2009. This will ensure that there are no gaps in service.</p>	
7(B)	Airport Zoning Regulations	<p>District 1</p> <p>This ordinance amends the Zoning Code to permit third party leasehold development on Opa-Locka Airport lands consistent with the Comprehensive Development Master Plan (CDMP).</p> <p>This ordinance provides that warehouses, storage showrooms, printing shops and any other industrial use permitted in portions of the airport that are designated for non-aviation related uses will be subject to the site development standards of the IU-1 zoning district; office buildings, retail sales, restaurants, personal service establishments, and any other business use that are located on the non-aviation portions of the airport will be subject to the site developments of the BU-1A district.</p> <p>Each non-aviation related use should comply with applicable law, including Federal Aviation Administration (FAA) regulations and the current airport layout plan on file with the Miami-Dade County Aviation Department.</p> <p>The CDMP states that lands owned by the County at the Opa-Locka Executive Airport (OPF) may be developed for both airside and landside uses provided such uses comply with the CDMP requirements, are compatible with airport operations and comply with Federal Aviation Administration (FAA) regulations. The CDMP also includes limitations on the types and percentages of uses at the airport.</p> <p>Ordinance 06-20</p> <p>On February 7, 2006, Ordinance 06-20 was adopted by the Board of County Commissioners (BCC), amending the Zoning Code and creating Section 33-363.1 pertaining to OPF Airport zoning. Ordinance 06-20 removes the government only restricted use providing for certain additional public airport uses in the GP Zoning District at OPF.</p>	

Item No.	Subject Matter	Background	Analysis / Comments / Questions
		<p>According to the February 7, 2008, General Aviation Airports Development Status Memorandum (Memo) provided by the County Manager, MDAD has entered into three major long-term third-party development leases for mixed-use developments of both aviation and non-aviation uses at OPF.</p>	
8(A)1(A)	Award Recommendation to Honeywell International, Inc.	<p>This resolution approves a contract award to Honeywell International, Inc., in the amount of \$65,041,042.22 for the Building Management System (BMS) at Miami International Airport and General Aviation Airports. This item also approves a waiver of competitive bidding procedures specified in § 2-8.1 of the Code of Miami-Dade County and § 5.03(D) of the Home Rule Charter.</p> <p>Background</p> <p>In June 2003, MDAD advertised an Invitation to Bid for Building Management System. Only one bid was received through the bidding process.</p> <p>On December 4, 2003, the County awarded a contract to the only bidder, Honeywell International, Inc., for a five (5) year term, inclusive of maintenance, in the amount of \$33,622,291.14 to layout and implement a comprehensive, integrated Building Management System (BMS). The BMS encompasses all electronic security systems, the heating ventilation and air conditioning control system, and the fire alarm system. The project included system layout services, installation services, testing and certification services and maintenance.</p> <p>Honeywell International is a diversified technology and manufacturing company, serving customers worldwide with aerospace products and services; control technologies for buildings, homes and industry; automotive products; turbochargers; and specialty materials.</p> <p>Currently, the MIA Terminal and GAA Facilities BMS and Fire Alarm Systems are comprised of approximately 76,000 reporting points, of which 16,000 points report to the data control panels and the main BMS and 60,000 reporting points report to the fire alarm panels and the main fire control system.</p> <p>The accompanying memorandum to the resolution to award the proposed contract states that the total BMS point counts will surpass 100,000- points upon completion of the Capital Improvement Program (CIP). MIA will utilize this new contract to support future procurements for the BMS and additional work, system upgrade, or expansion needed by MDAD. The proposed contract amount is not to exceed \$65,041,042 for a period of ten (10) years, inclusive of maintenance, parts and labor. Honeywell has a proprietary interest and no one else could maintain the service. MDAD anticipates the contract amount to be \$41,000,000 if no deficiencies were found in the BMS.</p> <p>Honeywell technicians will test and inspect the system and generate a report when deficiencies are found. The report will be evaluated by MDAD to decide if the work can be done in-house, in which case Honeywell will not charge for that</p>	

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		<p>deficiency.</p> <p>The administration believes that competitively bidding the project would increase the cost and would require the replacement of the entire BMS or additional cost to create another proprietary interface that would require contracts with the OEM Vendor and the new system vendor.</p>	
8(A)1(A) Supp/	The supplement to Item 8(A)1(A) provides information regarding the contract's indemnification provisions which had not been resolved at the time of the last Board of County Commissioner's meeting on January 22, 2009 and Miami Dade Aviation Department requested the deferral of the resolution to further negotiate the issues.		
8(F)1B	<p>Resolution Authorizing the Waiver of Certain Bidding Procedures for the Construction of the New Arcola Lakes Branch Library</p>	<p>This resolution authorizes: (1) rejection of all bids, (2) waiver of the bid protest process, (3) waiver of the competitive bid process, and (4) execution of a contract, in an amount not to exceed \$3,313,933, with the successful bidder for the construction of the New Arcola Lakes Branch Library, which will be located in District 2 at 799 NW 81 Street in unincorporated Miami-Dade County.</p> <p>Background In July 2008, General Services Administration (GSA) staff awarded Solution Construction, Inc. the contract to construct the New Arcola Lakes Branch Library. The recommendation to award the contract to Solution Construction was approved by the Board of County Commissioners (BCC) on October 21, 2008. However, in a memo dated November 17, 2008, the Administration informed the BCC of certain procedural irregularities regarding notice to all bidders of the recommended award. As a result, the item was <u>not</u> properly before the BCC. The Administration advised BCC to reconsider and rescind the award to Solution Construction. At the November 21, 2008 meeting, the award was rescinded, allowing the consideration of a new recommendation.</p> <p>The present item now pending before the BCC would authorize the Administration to waive the competitive bid process upon the BCC's findings that the time to competitively award the project will jeopardize the funding for the project, or will materially increase the cost of the project, or will create an undue hardship. The Administration notes that staff has determined that the Capital Asset Acquisition Bond 2007 Proceeds allocated to fund this project must be used entirely by May 2010. To meet this deadline, the selected contractor must be given a Notice to Proceed by mid March 2009. If the County awards this contract through the traditional formal competitive bid process, this could result in the forfeiture of the funding.</p> <p>Accordingly, the Administration is seeking to expedite the award of the construction contract. It is requesting the BCC to reject all bids, waive the competitive bid process, waive the bid protest filed by Zurqui Construction Service, Inc. and award the contract to the winner of a final bidding process between Zurqui Construction Service, Inc., Solution Construction, Inc. and Link Construction Group, Inc. - the 3 lowest responsive and responsible bidders listed in the July 2008 Bid Tabulation.</p>	

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		<p>As supporting authority allowing an expedited process, the Administration cites §255.20(1)(c)(10)(b) (II) of the Fla. Stat.</p> <p>Project Specifics <u>Scope of Work:</u> building a 9,670 square-foot, one-story concrete block system library; demolition, earthwork, excavation, underground utilities systems, asphalt paving, drainage system, landscaping, irrigation system, roofing, dry wall, architectural finishes, heating/ventilation/ac system, plumbing system, electrical system, fire-alarm system</p> <p><u>Funding Source:</u> Series 2007 Capital Asset Acquisition Bond Proceeds (\$3,313,933)</p> <p><u>CSBE:</u> 26% (Estimated Value \$840,021)</p> <p><u>CWP:</u> 10% (4 employees)</p> <p><u>Best & Final Bid Open Date:</u> 3/6/2009</p>																
8(O)1(A)	Option-to-Renew Periods Under Existing Non-Competitive Contracts that Would Bring the Cumulative Contract Value to More than \$100,000	<p>The below list of <u>non-competitive bid</u> contracts contain options-to-renew (OTR) which, if exercised, would bring the cumulative value of each contract in excess of \$100,000. Pursuant to Chapter 2, Article 1, Section 2-8.1(b) and Master Procurement Administrative Order AO 3-38, the Board of County Commissioners’ authorization is required to exercise such OTRs when the combined value of the <u>non-competitive bid</u> contract’s initial term and the option-to-renew exceed \$100,000. The Administration notes: (1) prior to exercising the options period, market research will be conducted to ensure that pricing and quality are competitive; and (2) the allocation represents the maximum spending authority based on past usage.</p> <table border="1" data-bbox="527 1003 1961 1440"> <thead> <tr> <th data-bbox="527 1003 621 1073">Item No.</th> <th data-bbox="621 1003 856 1073">Contract Title</th> <th data-bbox="856 1003 1083 1073">Initial Contract Term & Amount</th> <th data-bbox="1083 1003 1310 1073">Option Period</th> <th data-bbox="1310 1003 1556 1073">OTR \$ Amount & Funding Source</th> <th data-bbox="1556 1003 1961 1073">Vendor / Performance Record</th> </tr> </thead> <tbody> <tr> <td data-bbox="527 1073 621 1440">1</td> <td data-bbox="621 1073 856 1440">Draeger SCBA Leasing & Spare Parts</td> <td data-bbox="856 1073 1083 1440"> 6/1/08-11/30/08 (6 months) \$200,000 Background On 10/7/08, this Contract was modified from the initial allocation of \$100,000 to </td> <td data-bbox="1083 1073 1310 1440"> <u>2nd OTR:</u> 6/1/09 – 11/30/09 (6 months) \$200,000 <u>3rd OTR:</u> 12/1/09 – 5/31/10 (6 months) \$200,000 </td> <td data-bbox="1310 1073 1556 1440"> \$600,000 Cumulative value = \$1,000,000 Funding Source: Fire District Funds </td> <td data-bbox="1556 1073 1961 1440"> Draeger Safety, Inc. No performance or compliance issues. However, staff reports that the Draeger SCBA is an “aging fleet.” The County has not been able to replace these units with new units due to unresolved failures and </td> </tr> </tbody> </table>					Item No.	Contract Title	Initial Contract Term & Amount	Option Period	OTR \$ Amount & Funding Source	Vendor / Performance Record	1	Draeger SCBA Leasing & Spare Parts	6/1/08-11/30/08 (6 months) \$200,000 Background On 10/7/08, this Contract was modified from the initial allocation of \$100,000 to	<u>2nd OTR:</u> 6/1/09 – 11/30/09 (6 months) \$200,000 <u>3rd OTR:</u> 12/1/09 – 5/31/10 (6 months) \$200,000	\$600,000 Cumulative value = \$1,000,000 Funding Source: Fire District Funds	Draeger Safety, Inc. No performance or compliance issues. However, staff reports that the Draeger SCBA is an “aging fleet.” The County has not been able to replace these units with new units due to unresolved failures and
Item No.	Contract Title	Initial Contract Term & Amount	Option Period	OTR \$ Amount & Funding Source	Vendor / Performance Record													
1	Draeger SCBA Leasing & Spare Parts	6/1/08-11/30/08 (6 months) \$200,000 Background On 10/7/08, this Contract was modified from the initial allocation of \$100,000 to	<u>2nd OTR:</u> 6/1/09 – 11/30/09 (6 months) \$200,000 <u>3rd OTR:</u> 12/1/09 – 5/31/10 (6 months) \$200,000	\$600,000 Cumulative value = \$1,000,000 Funding Source: Fire District Funds	Draeger Safety, Inc. No performance or compliance issues. However, staff reports that the Draeger SCBA is an “aging fleet.” The County has not been able to replace these units with new units due to unresolved failures and													

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				<p>increase the Contract to \$200,000 and the 1st OTR was exercised. <i>According to DPM, the modification carries over to all of the subsequent OTRs; therefore, each OTR is valued at \$200,000.</i></p>	<p>4thOTR: 6/1/10 – 11/30/10 (6 months) \$200,000</p> <p><i>Currently, this contract is under the 1st OTR, approved on 10/7/08, for the term of 12/1/08-5/31/09 (6 months).</i></p>		<p><i>defects detected in newer units produced by other manufacturers.</i></p> <p><i>Independent research has revealed that the Draeger SCBA equipment, in particular the mask, may also be defective. (Source: FireEngineering.com – an online magazine)</i></p> <p>Has the litigation been resolved? What was the outcome?</p>
		2	STDA Telemetry Remote Operations System Support	8/2/07 – 7/31/08 \$50,000	<p>2nd OTR: 8/1/09 – 7/31/10 (1 year) \$50,000</p> <p><i>Currently, this contract is in the 1st OTR - \$50,000 from 8/1/08 to 7/31/09 (1 year).</i></p>	<p>\$50,000</p> <p>Cumulative value = \$150,000</p> <p>Funding Source: Proprietary Revenue</p>	<p>Locher Environmental Technology LLC.</p> <p>No performance or compliance issues.</p>
		3	Repair and Maintenance of McQuay HVAC Equipment	3/3/08 – 3/2/09 \$100,000	<p>1st OTR: 3/3/09 – 3/2/10 (1 year) \$100,000</p>	<p>\$100,000</p> <p>Cumulative value = \$200,000</p> <p>Funding Source: Internal Service Funds</p>	<p>AAF McQuay, Inc.</p> <p>No performance or compliance issues.</p>
8(O)1(B)	Option-to-Renew Periods Under Existing		This resolution authorizes the execution of option-to-renew (OTR) provisions contained in <u>competitively bid contracts</u> previously awarded by the County Mayor, and in which the initial contract value was less than \$1million. Under Administrative Order AO 3-38 and Chapter 2, Article 1, § 2-8.1 of the County Code, the Board of County Commissioners'				

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	Competitively Bid Contracts that Would Bring the Cumulative Contract Value to More than \$1Million	approval is required to execute OTR's if, when executed, the cumulative value of the contract would exceed \$1 million. The Administration notes: (1) that funding will be appropriated only if the departmental budgets can support the expenditures as approved under the adopted budget; and (2) market studies were conducted as to competitive pricing and technology.					
		Item No.	Contract Title	Initial Contract Term & Amount	Option-to-Renew (OTR) Term	OTR \$Amount & Funding Source	Vendor / Performance Record
		1	Fire Extinguisher Services	6/1/08 – 5/31/09 \$600,500 Background The initial contract \$600,500. During the 1 st term the Contract was modified to \$721,650.	<u>1st OTR:</u> 6/1/09 – 5/31/10 (1 year) \$721,650 <u>2nd OTR:</u> 6/1/10 – 5/31/11 (1 year) \$721,650 <u>3rd OTR:</u> 6/1/11 – 5/31/12 (1 year) \$721,650 <u>4th OTR:</u> 6/1/12 – 5/31/13 (1 year) \$721,650	\$2,886,600 Cumulative value = \$3,608,250 Funding Sources: Proprietary Revenue, Federal Revenue, General Fund, Fire District Fund, GSA Internal Service Fund, and MDT Operating Fund.	Security Fire Prevention Inc. No performance or compliance issues reported.
2	Rental of Linen	5/5/06 – 5/4/07 \$275,000	<u>3rd OTR:</u> 5/1/09 – 4/30/10(1 year) \$288,750 <u>4th OTR:</u> 5/1/10 - 4/30/11 (1 year) \$288,750 Currently, this	\$577,500 Cumulative value = \$1,416,250 Funding Sources: Federal Fund	Kemp Group International d/b/a FASS 24 Organization. No performance or compliance issues reported.		

Item No.	Subject Matter		Background		Analysis / Comments / Questions	
				<p><i>contract is in the 2nd OTR - \$288,750 from 5/5/08 – 4/30/09 (1 year).</i></p> <p><i>The 1st OTR was from 5/5/07 to 5/4/08 for \$275,000</i></p> <p>The ending dates for the 2nd, 3rd, and 4th OTR periods were revised to end at the end of the month.</p> <p>4th OTR may include CPI.</p>		
	3	Laundry Services	5/1/08 – 4/30/09 \$819,000	<p><u>1st OTR:</u> 5/1/09 – 4/30/10 (1 year) \$819,000</p> <p><u>2nd OTR:</u> 5/1/10 – 4/30/11 (1 year) \$819,000</p> <p><u>3rd OTR:</u> 5/1/11 – 4/30/12 (1 year) \$819,000</p> <p><u>4th OTR:</u> 5/1/12 – 4/30/13 (1 year) \$819,000</p> <p>OTRs 2, 3, & 4</p>	<p>\$3,276,000</p> <p>Cumulative value = \$4,095,000</p> <p>Funding Sources: General Fund</p>	<p>Van Dyne Crotty Co. d/b/a Spirit Services</p> <p>No performance or compliance issues reported.</p>

Item No.	Subject Matter	Background			Analysis / Comments / Questions	
					<i>may include CPI.</i>	
		4	Uniforms for Miami-Dade Police and Miami-Dade Corrections and Rehabilitation Departments	6/1/08 – 5/31/09 \$961,809	<u>1st OTR:</u> 6/1/09 – 5/31/10 (1 year) \$961,809	\$961,809 Cumulative value = \$1,923,618 Funding Sources: General Fund
		5	Bell Helicopter OEM Replacement Parts, Maintenance and Repair	5/1/08 – 4/30/09 \$1,000,000	<u>1st OTR:</u> 5/1/09 – 4/30/10 (1 year) \$1,000,000 <u>2nd OTR:</u> 5/1/10 – 4/30/11 (1 year) \$1,000,000 <u>3rd OTR:</u> 5/1/11 – 4/30/12 (1 year) \$1,000,000 <u>4th OTR:</u> 5/1/12 – 4/30/13 (1 year) \$1,000,000	\$4,000,000 Cumulative value = \$5,000,000 Funding Sources: General Fund and Fire District Funds
		6	Pants and Battle Dress Uniforms (BDU)	7/1/08 – 6/30/09 \$800,000	<u>1st OTR:</u> 7/1/09 – 6/30/10 (1 year) \$800,000	\$800,000 Cumulative value = \$1,600,000 Funding Sources: General Fund
		7	Boiler Maintenance, Inspection and	6/1/06 – 5/31/07 \$274,295	<u>3rd OTR:</u> 6/1/09 – 5/31/10(1 year) \$282,798	\$565,596 Cumulative
						Florida Police Products, Inc. Global Trading, Inc. Picasso Embroidery System Inc. RDH Quest, Inc. No performance or compliance issues reported for all four firms. Vector Aerospace Helicopter Service Edwards & Assoc., Inc. Shasta Aviation Heliponents, Inc. No performance or compliance issues reported with the four firms. Monica Manufacturing, Inc. Picasso Embroidery System, Inc. No performance or compliance issues reported with the two firms. South Florida Boiler & Gas Services, Inc.

Item No.	Subject Matter		Background		Analysis / Comments / Questions		
			Repair		<p><u>4th OTR:</u> 6/1/09 - 5/31/11 (1 year) \$282,798</p> <p><i>Currently, this contract is in the 2nd OTR - \$282,798 from 6/1/08 - 5/31/09 (1 year).</i></p> <p><i>The 1st OTR was from 6/1/07 to 5/31/08 for \$274,295.</i></p>	<p>value = \$1,396,9840</p> <p>Funding Sources: General Funds, GSA Internal Services Fund, Proprietary Revenue, Federal Revenue</p>	No performance or compliance issues reported.
	8		Continuous Stock Pinfeed Paper	6/1/07 – 5/31/08 \$384,537	<p><u>2nd OTR:</u> 6/1/09 – 5/31/10 (1 year) \$384,537</p> <p><u>3rd OTR:</u> 6/1/10 – 5/31/11 (1 year) \$384,537</p> <p><u>4th OTR:</u> 6/1/11 – 5/31/12 (1 year) \$384,537</p> <p><i>Currently, this contract is in the 1st OTR - \$384,537 from 6/1/08 - 5/31/09 (1 year).</i></p>	<p>\$1,153,611</p> <p>Cumulative value = \$1,922,685</p> <p>Funding Sources: General Fund</p>	<p>Forms World Inc. OCE North America, Inc.</p> <p>No performance or compliance issues reported with the two firms.</p>

Item No.	Subject Matter	Background	Analysis / Comments / Questions
12(B)(1)	Ratification of Settlement Agreements Regarding Violations Resulting From WASD Operations	<p>This item ratifies 3 settlement agreements negotiated by the County Manager which settles state enforcement actions and violation notices, with maximum penalties of \$10,000, brought against the County resulting from the County’s water and sewer operations.</p> <p>Background Under prior legislation enacted in 2006, the Board of County Commissioners (BCC) authorized the County Manager to negotiate and settle state enforcement actions and violation notices issued by the Florida Department of Environmental Protection (FDEP), provided the monetary penalties do not exceed \$10,000. Under the adopted legislation, the County Manager is required to report to the BCC all settlements negotiated with FDEP for purposes of obtaining the BCC’s ratification of the settlements. Following the last County Manager Report, presented on April 22, 2008, the Administration has executed 3 settlements agreements with FDEP which are now before the BCC. They are set forth below.</p> <p>First Settlement Under the first settlement, Miami-Dade Water & Sewer Department (WASD) has agreed to pay \$9,500 in penalties and \$500 for FDEP costs for 6 incidents of unauthorized wastewater discharge occurring in 2007 at the Central District Wastewater Treatment Plant located in Virginia Key.</p> <p>Second Settlement Under the second settlement, WASD has agreed to pay \$9,500 in penalties and \$500 for FDEP costs for discharging over 4 million gallons of untreated wastewater on November 12, 2007.</p> <p>Third Settlement Under the second settlement, WASD has agreed to pay \$2000 in penalties and \$250 for FDEP costs for exceeding the limits of visible exhaust emissions from 2 standby generator engines at the Central District Wastewater Treatment Plant on February 8, 2008.</p>	
Add-on	Building Better Communities/General Obligation Bond (BBC\GOB) Program – Execution of BBC/GOB Grant Agreement with the Miami Art Museum (MAM), Project #296	<p>This resolution executes the second Building Better Communities/General Obligation Bond (BBC/GOB) grant agreement with the Miami Art Museum of Dade County Association, Inc. (MAM), in the amount of \$8.4 million, for BBC/GOB project #296. The funds will be used for pre-design, planning, preliminary design engineering and other related costs associated with the development of the Museum at Museum Park (or Bicentennial Park).</p> <p>This resolution also waives the requirement in the BBC/GOB Administrative Rules that grantees demonstrate site control (site control AO) as a pre-condition to receiving BBC/GOB funds. This requirement was waived for the first grant agreement approved by the BCC (R435-08).</p> <p>The first grant agreement for BBC\GOB project #296, in the amount of \$235,000, was approved by the Board of County Commissioners (BCC) on April 22, 2008 (R-435-08).</p>	

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		<p>This BBC\GOB bond program has an allocation of \$100 million for the MAM project. The Capital Improvements Information System (CIIS) projects the allocations for fiscal years 2005 through 2012 to be as follows:</p> <table border="1" data-bbox="527 358 1829 496"> <thead> <tr> <th data-bbox="527 358 705 423">FY2005-06</th> <th data-bbox="705 358 858 423">FY2006-07</th> <th data-bbox="858 358 1052 423">FY2007-08</th> <th data-bbox="1052 358 1266 423">FY2008-09</th> <th data-bbox="1266 358 1457 423">FY2009-10</th> <th data-bbox="1457 358 1661 423">FY2010-11</th> <th data-bbox="1661 358 1829 423">FY2011-12</th> </tr> </thead> <tbody> <tr> <td data-bbox="527 423 705 496">\$235,000</td> <td data-bbox="705 423 858 496">0</td> <td data-bbox="858 423 1052 496">0</td> <td data-bbox="1052 423 1266 496">\$17,475,951</td> <td data-bbox="1266 423 1457 496">\$14,229,718</td> <td data-bbox="1457 423 1661 496">\$51,583,702</td> <td data-bbox="1661 423 1829 496">\$16,475,629</td> </tr> </tbody> </table> <p>Although the FY2008-09 shows an allocation of \$17,475,951, this resolution only requests \$8.4 million and does not extend to remaining funds.</p> <p>To date, the budget for the new MAM museum is \$220 million (\$131 million for the building, \$70 million for an operating endowment and \$19 million for transitional expenses). The \$100 million will be used for the design and construction of the building.</p> <p>On April 22, 2008, prior to the approval of R-435-08 various concerns were raised by several County Commissioners regarding this project to include:</p> <ul style="list-style-type: none"> • Community Redevelopment Agency (CRA) funding to be used for this project; • Cost Overruns; • Site Control; • Private Sector funds affecting Public Sector funds; and • Museum Park development <p>CRA</p> <p>Commissioners at this meeting, expressed concern about the potential of using CRA funds to build the museum projects. County staff has assured the BCC that CRA funds will not be used to construct the Museum. The City of Miami plans to build a Museum Park to surround the Miami Art Museum, as well as the Miami Science Museum. The City has funding to build a Museum Park; however, the amount would not develop the park the way the City of Miami envisioned. The City intends on using tax increment revenues from the CRA to build the Museum Park, subject to the approval of the CRA boundaries. The County Attorney’s office assured BCC they would not be subject to liability if they reject expanding the CRA.</p> <p>Cost Overruns</p>	FY2005-06	FY2006-07	FY2007-08	FY2008-09	FY2009-10	FY2010-11	FY2011-12	\$235,000	0	0	\$17,475,951	\$14,229,718	\$51,583,702	\$16,475,629	
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		<p>MAM would be responsible for developing and maintaining the facility. MAM would also own the facility and would be responsible for any cost overruns.</p> <p>Site Control</p> <p>Commissioners expressed concern over why site control was being waived in the agreement. According to the Director of Cultural Affairs, site control would only be waived temporarily until MAM would come back before the BCC with Leases and Subleases for site control on the land. These leases would be for a time period of 99 years.</p> <p>In December 2008, the City of Miami Commission approved lease agreements with MAM and MSM for their respective parcels. Each lease is for a 99 year term. However, the leases are conditioned upon approval of the Master Development Agreement (MDA) and the Environmental Remediation Agreement (ERA).</p> <p><i>Currently, the leases <u>do not meet</u> the criteria for waiving site control requirements (Site control AO). Nonetheless, County staff wishes to waive site control with the justification that the MDA will be finalized in February 2009 and the ERA will be finalized in July 2009.</i></p> <p><i>At the February 9, 2009 Recreation, Culture & Tourism Committee, this item was amended. The amendment incorporates a provision that would subject MAM to return to the County any funds that is advanced to MAM but not yet spent, in the event that MAM fails to execute MDA and the ERA with the City of Miami within the time specified.</i></p> <p>Private Sector Funding affecting Public Sector Funding</p> <p>Public sector funding would not be jeopardized nor would the County be responsible for any cost overruns if Private funding was not realized. In order for MAM or MSM to secure a contract for construction of the museum the private sector funding needs to be in place. Construction site work cannot start without a contract.</p> <p>Museum Park Development</p> <p>The Museum Park Development is a City of Miami project that includes the redevelopment of Bicentennial Park. The 29-acre Bicentennial Park will provide for specific locations for the MAM and MSM (4 acres for each Museum). BBC/GOB funds will only be used for the Museums and not for the remaining 21-acre park redevelopment.</p>	

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		<p>CRA funds are not to be used for the museums.</p> <p>CRA funds are not to be used for the park redevelopment, unless otherwise approved by the BCC.</p>	