



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Legislative Analysis

Board of County Commissioners

March 2, 2010
9:30 AM
Commission Chamber

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

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

**Board of County Commissioners
Meeting Agenda**

Legislative Analysis

March 2, 2010

Items

7(B)	8(P)1(O)
8(J)1(A)	8(R)1(A)
8(M)1(A)	9(A)1
8(O)1(B)	9(A)2
8(O)1(E)	11(A)1
8(P)1(A)	11(A)4
8(P)1(B)	11(A)8
8(P)1(D), 8(P)1(E), 8(P)1(F), 8(P)1(G), 8(P)1(H), 8(P)1(I), 8(P)1(J), 8(P)1(K), 8(P)1(L), 8(P)1(M), 8(P)1(N)	11(A)10

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

Acknowledgements—Analyses and Reports prepared by:

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



Legislative Notes

Agenda Item: 7(B)
File Number: 093427
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: February 25, 2010
Type of Item: Ordinance Granting Ad Valorem Tax Exemption

Summary

Approval of this ordinance will grant an ad valorem tax exemption to Parrot Jungle & Gardens of Watson Island, Inc. (PJG).

Background and Relevant Legislation

Since 1999, Miami-Dade County (MDC) has provided financial assistance to PJG for the relocation and expansion of its facilities. MDC financial assistance to PJG is comprised of various loans which are tied into Joint Participation Agreements (JPA), Pledge Agreement (PA) and a Development Agreement (DA).

The various loans and agreements have provided PJG with a financial obligation to USHUD, MDC and the City of Miami totaling \$50 million. PJG financial commitments to MDC is comprised of the following loans and obligations:

PJG Commitments to MDC

Loan	Loan Detail	Legislative Reference	Amount	Date
Original Loan #1	US HUD Section 108 loan-\$25 Million	R-99-120	\$4.58 Million (See Loan #2)	09/21/1999
Loan #2	US HUD Loan-\$4.702 Million which restructures repayment schedules on the Original USHUD Section 108 Loan defers PJG payment of the \$4.58 Million by PJG	R-916-06	\$4.702 Million	07/18/2006
Loan #3	County/City Loan \$17.27 Million (Payments made to City 80% and County 20%)	R-886-07	\$3.455 Million	07/24/2007
\$1 Million Obligation	County Loan-Extended loans by the County to address PJG claims	R-475-03 R-856-03 R-886-07	\$1 Million	07/24/2007
\$2 Million Obligation	County Loan –Per Development Agreement requiring PJG to make payments to MetroZoo Aviary	R-886-07	\$2 Million	07/24/2007

(Interest Payments on above-listed amounts not included)

According to the Florida Department of State Division of Corporations, PJG principles include:

- B.M. Levine (President);
- Mary Levine (Senior Vice President)

- Ronnie Krongold (Vice President)

Budgetary Impact

Notwithstanding the \$1 million and \$2 million financial obligations as set forth in R-886-07, the total amount of PJG's financial obligation to MDC is over \$8 million.

PJG is seeking exemption on improvements to real property and tangible personal property worth \$14 million and the total revenue forgone for the current fiscal year if the Enterprise Zone Ad Valorem Tax Exemption is granted is \$79,360.

According to the Miami-Dade Office of the Property Appraiser website, 2009 Real Estate Property Taxes for the Parrot Gardens property (located at 1111 Parrot Jungle Trail, Miami, Fl. 33132) shows the following information:

- Owner's name is the City of Miami Asset Management Division;
- Assessed Value of property is \$588,351;
- 2009 Taxes are totally exempt; and
- Tax exemption application is State Exemption 80.

Prepared By: Mia B. Marin

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



Legislative Notes

Agenda Item: 8(J)1(A)
File Number: 100262
Committee(s) of Reference: Transit, Infrastructure & Roads
Date of Analysis: February 25 2010
Type of Item: Grant Application (Federal)

Summary

With the approval of this item the County Mayor or his designee, or the Director of Miami-Dade Transit will have the authority to apply for and expend grant funds from the Job Access and Reverse Commute program. These grant funds, which require a local contribution, will support existing Metrobus routes.

Background and Relevant Legislation

The Job Access and Reverse Commute (JARC) program funds transportation projects designed to help low-income individuals access to employment and related activities where existing transit is either unavailable, inappropriate, or insufficient. The JARC program also funds reverse commute transit services available to the general public. A reverse commute is a round trip, regularly taken, from a metropolitan area to a suburban one in the morning, and returning in the evening.

Miami-Dade County Transit annually applies for and receives JARC grant funding to underwrite the continuation or expansion of existing transit bus routes. The routes identified to be impacted by this current grant application include:

Route	Major Job Sites Serviced by this Route
Rt. 36	Miami International Airport and hotels in the adjacent area; the Doral Center office complex; the Miami Springs and Doral neighborhoods; Miami-Dade College West Campus; Miami International Mall; and Dolphin Mall.
Rt. 302 – Card Sound Express	Florida City and various points in Monroe County including the Ocean Reef Club.
Rt. 238	Miami International Airport and area hotels; Airport Cargo City area; Metrorail; Tri-Rail; Blue Lagoon

	executive office park; Airport West executive area; Miami International Mall; and Dolphin Mall.
Rt. 136	Dadeland South Metrorail Station; Douglas Road Metrorail Station; employment points along Hammocks Blvd.; the Falls Shopping Center.
Rt. 248/Brickell Key Shuttle	Businesses in the Brickell area.
Rt. 252/Coral Reef MAX Extension	Businesses along Coral Reef Drive; Deerwood Business Park; and Metrozoo.
Rt. 35 Extension	Businesses and residences in Kendall, Richmond Heights, Perrine, Cutler Bay, Goulds, Naranja, Princeton, Homestead and Florida City.
Rt. 150 Airport Flyer (Airport to South Beach Express)	Miami International Airport; and South Beach.

Policy Change and Implication

Application and execution of this grant are actions consistent with the County’s current policy regarding federal grants.

Budgetary Impact

This item represents a positive fiscal impact of \$1,336,500 in federal grant funds. A local match of \$1,336,500 is also required from Miami-Dade Transit. Funding for the local match will be identified from the Transit department’s operating budget.

Question

Why is the County just now applying for JARC funds from 2007?

The South Florida Regional Transportation Authority (Tri-Rail) is the local lead, designated recipient for this grant for Miami-Dade, Broward and Palm Beach counties. Therefore, funding could not be drawn down until Tri-Rail completed all of their necessary steps—one of which was a public noticing of the funding availability which took place last year.

(Answer provided by Miami-Dade Transit)

Prepared By: Jason T. Smith

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



Legislative Notes

Agenda Item: 8M1A
File Number: 100145
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: February 25, 2010
Type of Item: Resolution Reallocating Unexpended Funds

Summary

This resolution requests Board of County Commission (Board) approval of the reallocation to Park and Recreation Department (MDPR) the unexpended balances of various competitively awarded Community Based Organization (CBO) grants and allocations from FY93-94 through FY08-09 that were originally allocated for park capital improvements, in an amount not to exceed \$158,886.

Background and Relevant Legislation

In the past, the Board has authorized MDPR to utilize unexpended balances of competitively awarded CBO grants. Since FY93-94, the Board has authorized the reallocation of unexpended balances of CBO grants four (4) times to include the following:

Resolution	Year	Total Reallocation
R-1016-05	2005	\$27,913
R- 590-04	2004	\$24,048
R-1039-02	2002	\$11,322
R-418-01	2001	\$160,669

Policy Change and Implication

In the past seventeen (17) years (FY93-94 through FY2010), the Board has only authorized reallocations for unexpended CBO funds four (4) times (as shown in the above table). The Board could consider

adopting legislation that would require MDPH to conduct periodic review of unexpended CBO funds for reallocation.

The previous four reallocations authorized by the Board reflect the unexpended balances categorized by Programming Grant Funding and Capital Improvements Funding, however, this resolution recommends the reallocation of \$158,886 for Capital Improvements. Will there be a follow up resolution requesting reallocation of unexpended CBO funds for Programmatic Grants?

Prepared By: Mia B. Marin

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



Legislative Notes

Agenda Item: 8(O)1(B)
File Number: 100180
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: February 25, 2010
Type of Item: Public Housing Agency Property Insurance Program Broker Services

Summary

This resolution authorizes the Mayor or his designee to execute an agreement with Arthur J. Gallagher Risk Management Services, Inc. (the Agreement) in an amount not to exceed \$175,000 for the initial contract term and \$185,785 for the option-to-renew (OTR) period. The Agreement is to obtain broker and related services to assist the County in obtaining a Property Insurance Program (the Program) for the Miami-Dade Public Housing Agency properties.

This Agreement does not include the insurance premiums for property insurance.

Policy Change and Implication

Contract	<u>Current Contract</u> Contract No. 396	<u>Proposed Contract</u> Contract No. RFP693
Terms	3 years with 3 one-year OTRs.	5 years with 5 one-year OTRs.
Date Coverage Begins and Ends	July 1, 2004 to July 1, 2007. With the exercising of all 3 OTRs, the contract was extended from July 1, 2007 to July 1, 2010.	July 1, 2010 to July 1, 2015. If all 5 OTRs are exercised, this contract will be extended from July 1, 2015 to July 1, 2020.
Initial Contract Term Amount	\$25,000 annually for the initial term.	\$35,000 annually for the initial term. The broker may receive commissions for administration of National Flood Insurance Program (NFIP) policies.
Funding Source	Federal Funds.	Federal and Proprietary Funds.
Vendor	Arthur J. Gallagher	Arthur J. Gallagher
Insurance Premiums per	Total = \$1.6 million	Total = \$1.6 million

Year		
Schedule of Assets to be Insured	Valued at \$480 million.	Valued at \$550 million.
Payment	Broker flat fee per year under the initial contract term is \$25,000.	<p>This contract provides the broker with two (2) payment options:</p> <ol style="list-style-type: none"> 1. Traditional – The County pays the broker a flat fee in the amount of \$35,000; or 2. Alternative – The broker will collect compensation from the insurance carrier(s). <p>If during an annual period the broker secures less than \$35,000, the County will pay the difference.</p>

Questions / Comments:

This Agreement covers only Public Housing Agency properties. On December 1, 2009, the Board of County Commissioners adopted Resolution No. 1368-09, approving a Master Property Insurance Program Broker Services with Arthur J. Gallagher Risk Management Services, Inc. The Master Property Insurance Program Broker Services covers all County properties, except Miami-Dade Housing and Water and Sewer properties.

Pursuant to Florida Statute 626.7315 requiring that only licensed agents may negotiate, procure, and deliver insurance contracts, the County cannot serve as its own broker. Florida Statutes also define qualifications for licensure, and these qualifications preclude County personnel from acting as the “agent” for the County.

Prepared by: Elizabeth N. Owens

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



Legislative Notes

Agenda Item: 100192

File Number: 8(O)1(E)

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: February 25, 2010

Type of Item: Information and Technology (IT) Consulting Services Contract

Summary

This resolution authorizes the establishment of a contract accessing the State of Florida IT Consulting Services Contract No. 973-561-010-1 for several County departments, and authorizes the County Mayor or his designee to exercise contract extensions exercised by the State of Florida for purchase of IT Consulting Services.

Background and Relevant Legislation

This contract replaces the currently expired contract (Contract No. 973-561-06-1). The expired contract was awarded by the Board of County Commissioners on September 26, 2006, under Resolution No. 1069-06, to access the State of Florida IT consulting services pool of pre-qualified vendors. This contract, which expired on August 31, 2009, was awarded in the amount of \$29,690,001 for three years.

Questions / Comments

The term of the contract is 30 months but the allocation states for one year (see pp. 1). According to ETSD, since the County is accessing another entity's agreement, the County cannot amend the contract term awarded by the issuing agency. The 30 months represent the remaining term available on this contract.

The allocations being presented are for the projects anticipated over the next twelve month term. The funds will be allocated now for use by the departments. This will allow them to proceed with the specific projects outlined in the table attached to the Agenda item. It is ETSD's intent to bring this contract back for approval of additional allocation on a yearly basis to better estimate the allocation requirements, align departmental projects with business objectives and work within the budget afforded to each authorized department.

This contract contains multiple funding sources that are department specific. Transits' \$500,000 allocation is funded by MDT Operating funds which includes the use of the People Transportation Plan (PTP) Surtax funds.

The previous contract amount was \$37,541,113 for three years, which provided an annual allocation of \$12,483,704. The proposed contract of \$11,880,000 for one year is \$603,704 less per year than the previous annual allocation amount.

Below is the current value allocation by department (blanket purchase orders) under the previous contract compared to the proposed allocation request by department.

<u>Department(s)</u>	<u>Current Value Allocation</u>	<u>Proposed Allocation</u>
Miami-Dade Aviation Department	\$6,501,625	\$3,320,000
Department of Small Business Development	\$150,001	\$20,000
Building & Neighborhood Compliance Dept.	\$300,000	\$0
Office of the Clerk	\$30,000	\$0
Dept. of Environmental Resource Management	\$751,624	\$0
Department of Emergency Management	\$75,000	\$0
Enterprise Technology Services Department	\$15,599,872	\$1,750,000
Finance Department	\$391,624	\$100,000
Miami-Dade Fire Rescue Department	\$1,441,624	\$500,000
Government Information Center	\$1,561,624	\$150,000
General Services Administration	\$1,391,624	\$1,415,000
Miami-Dade Public Housing Agency	\$300,000	\$0
Miami-Dade Transit	\$250,000	\$500,000
Office of Property Appraisal	\$100,000	\$300,000
Miami-Dade Police Department	\$1,600,000	\$1,195,000
Department of Procurement Management	\$15,000	\$0
Public Works Department	\$451,624	\$0
Department of Planning and Zoning	\$301,624	\$0
Department of Solid Waste Management	\$1,051,624	\$300,000
Miami-Dade Water and Sewer Department	\$5,186,625	\$2,050,000
Dept. of Corrections and Rehabilitation	\$0	\$280,000
Total	\$37,451,113	\$11,880,000

The Office of the Commission Auditor is preparing a report regarding current IT procurement projects.

Prepared by: Elizabeth N. Owens

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



Legislative Notes

Agenda Item: 8(P)1(A)
File Number: 093413
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: February 8, 2010
Type of Item: Change Order No. 1 and Final
District: 5

Summary

This resolution approves Retroactive Change Order No. 1 and Final between Miami-Dade County and Southeastern Engineering Contractors, Inc. (Southeastern), for Public Works Department project entitled Miami River Outfall Retrofit – Basin 21, (Project No. 20060158), increasing the contract amount by \$95,000.00 and extending the contract time by 284 calendar days.

Below is a summary of Southeastern’s business history, Change Order history and other related findings:

- The principals of Southeastern are Eduardo Dominguez and Vivian Dominguez. Southeastern is located at 12054 N.W. 98th Avenue, Hialeah Gardens, Florida 33018.
- Southeastern has conducted extensive work with County agencies in the last five (5) years, totaling \$45,781,151.16.
- Since 2002, Southeastern has been found in violation of Prime Failed to Meet CSBE Subcontractor and Failure to Respond to Requests for Information. (See History of Violations chart below)

History of Change Orders for Southeastern

Change Order	Project No.	Dept	Reason	BCC Approval Date
Change Order 1 and Final	693126	PWD	Increased contract amount by \$55,885.29, and added fifteen new pay items.	Sept. 3, 1998 (File No. 982465)
Change Order No. 1 (Unilateral) ¹	663013	PWD	Change Order reflected staff’s unilateral evaluation of time owed to the contractor as a result of inclement weather and utility conflicts. Extended contract time by	July 23, 2002 (File No. 022113)

¹ Change Orders presented as Unilateral is due to the contractor’s unwillingness to sign a document presented by the department.

Change Order	Project No.	Dept	Reason	BCC Approval Date
			75 calendar days.	
Change Order No. 2 and Final	630153Q	PWD	Added seventeen new pay items and replenished the contingency fund. ²	Sept. 12, 2002 (File No. 022684)
Change Order No 1 and Final (Unilateral)	693238Q	PWD	<p>This Change Order reflected staff's evaluation of time and monies owed to the contractor as a result of delays beyond its control. It included overruns and underruns for the unit priced items which were based on final field measurements and were necessary to properly complete the project. Also included were fifteen (15) additional days necessary to compensate the contractor for delays during the relocation of a storm sewer pipe not indicated on the plans and a pipeline relocation performed by the Water and Sewer Department and two (2) new pay items associated with the aforementioned additional work.</p> <p>The Change Order increased the contract by \$35,498.14.</p> <p>The contractor, Southeastern Engineering Contractors, Inc., was presented with this Change Order on April 26, 2002, and later declined to execute it because it disagreed with the dollar value and the full accord language on the change order form.</p>	Nov 19, 2002 (File No. 023169)
Change Order No. 2 (Retroactive Unilateral)	663013	PWD	Extended contract time by 92 calendar days due to delays beyond the contractor's control.	May 6, 2003 (File No. 030883)
Change Order No. 2 (Unilateral)	671134	PWD	Increased the contract amount by \$619,100 and added one (1) new pay item. The percentage of increase from the original contract amount: 27.41%	Oct. 7, 2003 (File No. 032398)
Settlement of Lawsuit	663013	N/A	Miami-Dade County agreed to pay Southeastern \$750,000 pertaining to the Metrorail Extension of the Palmetto Expressway and Multi-Modal Facility Access Road.	Dec. 6, 2005 (File No. 053257)
Settlement Agreement	S-746B	N/A	Miami-Dade County agreed to pay Southeastern \$128,222.95 and added 339 days to contract S-7468.	Jan. 24, 2006 (File No. 060097)
Change Order No. 1 and Final (Retroactive)	693127Q	PWD	The Change Order increased the contract amount by \$125, 163.64 and extended the time by 237 calendar days.	Feb. 5, 2008 (File No. 080007)
Change Order	20050170	PWD	Extended the contract time by 157 non-compensable	June 30, 2009

² The cumulative contingency expenditure of Change Order No. 1 was approved under the Expedite Ordinance oo-104, April 3, 2001.

Change Order	Project No.	Dept	Reason	BCC Approval Date
No. 1 and Final (Retroactive)			calendar days.	(File No. 091753)

History of Violations on Previous Contracts for Southeastern

Date of Violation	Project No.	Dept	Amount Makeup	Reason	Status
07/24/02	630157Q	PWD	\$135,904.62	Prime Failed to meet CSBE subcontractor goal	Closed 12/01/08
10/24/07	S-718-4 ER 15761	WS	\$59,418.76	Prime Failed to meet CSBE subcontractor goal	Closed 12/01/08
02/05/08	20050170	PW	\$0.00	Failure to respond to requests for information.	Closed 03/15/08

Information provided by the Department of Small Business Development's (SBD) History of Violations Report.

According to SBD staff, Southeastern incurred two (2) deficits that resulted in make-up amounts. Both makeup amounts were satisfied and exceeded under one (1) makeup plan and one (1) contract.

Prepared by: Michael Amador-Gil

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



Legislative Notes

Agenda No.: 8(P)1(B)
File Number: 100123
**Committee(s)
of Reference:** Board of County Commissioners
Date of Analysis: February 25, 2010
Commission District: 5
Type of Item: Contract Award

Summary

This resolution approves a Contract Award to Hardesty & Hanover, LLP (H & H) for the preparation of complete construction plans (Engineering and Design) to replace the existing Tamiami Swing Bridge (Bridge No. 874135) in the amount of \$1,969,457.74.

No Violations are reported for Hardesty & Hanover, LLP.

Background and Relevant Information

Public Works Department (PWD) currently operates and maintains six (6) draw and one (1) horizontal swing (movable) bridges. The swing bridge crosses the Tamiami (C-4) Canal, four (4) draw bridges are located along the Miami River and two (2) draw bridges exist along the Venetian Causeway. The remaining draw bridges along the Miami River, Biscayne Bay and the Intracoastal Waterway are maintained by the Florida Department of Transportation (FDOT) with the exception of one (1) bridge that is located on, and maintained by, the City of Bay Harbor Island.

Legislative History

On May 5, 2009, the Board of County Commissioners, through Resolution 517-09, approved a Non-exclusive Professional Services Agreement to H & H for the preparation of complete construction plans (Design) to repair the existing twin Miami Avenue Bascule Bridges in the amount of \$333,973.67. The Building Better Communities General Obligation Bond proceeds will be used to fund the design work. It is expected that the construction cost will not exceed \$2.8 million.

H & H was also the sub contractor to the lead design PCL Civil Constructors, Inc. at the N.W. 17 Ave Bascule Bridge Replacement project. On February 5, 2008, the Board of County Commissioners (BCC), through Resolution 110-08, approved the following 2 Change Orders for PCL Civil Constructors, Inc.: (1)

Change Order No. 1 in the amount of \$1,417,368.67 for structural repairs at the N.W. 17 Avenue Bascule Bridge and; (2) Change Order No. 2 in the amount of \$2,025,569.98 for electrical and mechanical repairs at the same location.

The following issues were answered by PWD staff:

1. Bridge repairs

The bridge replacement will be funded from GOB (we have approximately \$16 million from GOB) and are seeking an additional \$24 million from the Federal government.

2. Life expectancy of the bridge

PWD has already completed a major rehabilitation project that addressed deficiencies in the operating system and a few of the most urgent structural repairs. The construction contract amount was \$890,000. Although this rehabilitation has allowed for the continued operation of the bridge, major deficiencies still exist that require the complete replacement of the bridge.

3. FDOT's past expenditures and work performed

The following is a breakdown of FDOT project costs and major items of work performed for the Tamiami Canal Swing Bridge PD&E Study or as stated in the question "pre-planning":

Project Related Costs, i.e. Consultant fees, Eng. Adm., etc.: \$938,855

Major Items of FDOT Work:

- *Project Development and Environmental (PD&E) Study meeting the requirements of National Environmental Policy Act (NEPA) to include the preparation of the following documents:*
 - *Environmental Assessment Report*
 - *Preliminary Engineering Report*
 - *Traffic Report*
 - *Value Engineering Study / Report*
- *Public Involvement Campaign to include:*
 - *Public / Elected Official / Agency Kick-Off Meeting*
 - *3 Citizens Advisory Committee Meetings*
 - *3 Newsletters*
 - *Alternatives Workshop*
 - *Public Hearing (Pending, item not included in project expenditures amount noted above)*

4. FDOT's previous work differ from the scope of work in the Hardesty and Hanover item

- *The work performed to date by FDOT consists of pre-planning work such as assessing the physical condition of the bridge, the need to replace it, the best location for the new bridge, impacts on the community and the environment, as well as establishing requirements from the Federal government in order to maintain the eligibility of the new bridge for federal funding, etc.*
- *The work that the Public Works Department (PWD) is now proposing by utilizing the services of Hardesty and Hanover, is to use the findings of FDOT's PD&E study to develop a complete set of construction documents, including plans, specifications, quantities, cost estimates,*

permits, etc. This PWD work effort is much more detailed and complete than the one included in the FDOT final PD&E Report.

Prepared by: Michael Amador-Gil

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



Legislative Notes

Agenda Item(s): 8P1D, 8P1E, 8P1F, 8P1G, 8P1H, 8P1I, 8P1J, 8P1K, 8P1L, 8P1M, 8P1N

File Number(s): 100179; 100184; 100187; 100190; 100194; 100197; 100198; 100199; 100201; 100259; 100203

Committee(s) of Reference: Transit, Infrastructure & Roads Committee

Date of Analysis: February 25, 2010

Type of Item: Rescinding Previous Resolutions

Summary

These resolutions either rescind or modify various resolutions approved by the Board of County Commissioners (BCC) which authorized the acquisition of land needed for roadway improvements along S.W. 27 Avenue, between US-1 and South Bayshore Drive in District 7.

The previous resolutions authorized the County Mayor or his designee, and the County Attorney to use any action necessary to acquire the various parcels in fee simple. The authorization included purchasing the land, acquiring the land through eminent domain proceedings, or by donation. Items 3(F)-3(M) and 3(O) change the boundaries and square footage needed for each parcel and authorizes the County Mayor and County Attorney to acquire said parcels in fee simple through purchase, eminent domain proceeding, or by donation. These parcels have not yet been purchased.

The proposed items would rescind, modify or create the following resolutions:

Agenda Item	Affected Resolution(s)	Affected Parcel(s)	Action
8P1D	R-1185-08, R-1279-08, R-1280-08, R1191-08, R1201-08, R-1216-08	1, 2, 3, 11, 24, 40	These resolutions which authorized acquisition of property will be rescinded. The parcels are no longer needed for this project.
8P1E	R-1186-08	6	This resolution will be rescinded. The proposed resolution reduces the size of the parcel to be acquired by 2,048 sq. ft.
8P1F	R-1190-08	10	This resolution will be rescinded. The proposed resolution reduces the size of the parcel to be acquired by 600 sq. ft.
8P1G	R-1192-08	12	This resolution will be rescinded. The proposed resolution reduces the size of the parcel to be acquired by 193 sq. ft.
8P1H	R-1197-08	19	This resolution will be rescinded. The proposed resolution reduces

Agenda Item	Affected Resolution(s)	Affected Parcel(s)	Action
			the size of the parcel to be acquired by 297 sq. ft.
8P1I	R-1198-08	20	This resolution will be rescinded. The proposed resolution reduces the size of the parcel to be acquired by 249 sq. ft.
8P1J	R-1199-08	21	This resolution will be rescinded. The proposed resolution reduces the size of the parcel to be acquired by 4,326 sq. ft.
8P1K	R-1200-08	22	This resolution will be rescinded. The proposed resolution reduces the size of the parcel by 1,658 sq. ft.
8P1L	R-1206-08	29	This resolution will be rescinded. The proposed resolution reduces the size of the parcel to be acquired by 1,373 sq. ft.
8P1M	<i>Resolution number assigned upon BCC approval.</i>	36	The proposed resolution accepts a counteroffer to sell the property to the County for \$70,000 . The property owner is Robert A. Tenzer. Parcel 36 is located at 3184 SW 27 Ave.
8P1N	R-1214-08	38	This resolution will be rescinded. The proposed resolution reduces the size of the parcel to be acquired by 404 sq. ft.

Background and Relevant Legislation

On November 20, 2008, the BCC approved a series of resolutions authorizing the Mayor or his designee, and the County Attorney to pursue the acquisition of more than 35 parcels of land needed by the Public Works Department (PWD) for roadway improvements along S.W. 27 Avenue, between US-1 and South Bayshore Drive.

This project consists of the reconstruction and widening of an existing 2-lane undivided roadway to a 3-lane roadway including a traffic circle, raised landscaped medians, left turn lanes, bicycle lanes, on-street parking, sidewalks, curb & gutters, continuous storm drainage system, signalization, pavement markings & signing, and decorative roadway lighting.

This project is listed in the People Transportation Plan as a Board-requested improvement project.

A review of the original plans for the roadway project resulted in a redesign of the project. Certain parcels have been eliminated from the project design and the amount of right-of-way needed for other parcels has decreased, according to PWD.

Policy Change and Implication

While these items nullify current resolutions and enact new resolutions related to the 27 Avenue improvement project, these items do not represent a change in current Board policy.

Budgetary Impact

When the BCC originally approved the acquisition of these parcels on November 20, 2008, the total project cost for the 27 Avenue improvement project was \$17,838,000 and the right-of-way estimate was \$11.3 million.

Item 3N approves the purchase of Parcel 36 for \$70,000. *This item will also require approval by the Citizens Independent Transportation Trust.*

The project will be funded by Charter County Transit Surtax, also known as the People's Transportation Plan (PTP).

Prepared By: Jason T. Smith

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



Legislative Notes

Agenda No.: 8(P)1(O)
File Number: 100185
**Committee(s)
of Reference:** Board of County Commissioners
Date of Analysis: February 8, 2010
Commission District: Countywide
Type of Item: Professional Services Agreement

Summary

This resolution approves a Contract Award in the amount of \$25,000,000 for General Land and Engineering Surveying Services with forty-five firms.

There are no violations reported by Small Business Development's History of Violations Report, and all the firms are registered with the Florida Department of State-Division of Corporations.

Contract Award Highlights

- Compensation will not exceed \$159 per hour. (See hdwpg 43)
- Adjustments of compensation and time for completion of services will be left to the department director. Any work requiring overtime, will be compensated in accordance with the Land Surveyor's Overtime Rate Policy.
- A Surveyor will be compensated for certain work related expenditures not covered by fees for Land Surveying Services (i.e. expenses for document reproduction; rental of specialized equipment; and purchase of special instruments, provided that the equipment remains with the County upon work completion.
- The total compensation to a surveyor for services under the terms of the agreement will not exceed \$555,555.
- **The County will adjust the rates of compensation by a 2% increase on the second year and 2% for the third year of continuous service under the agreement. The increase for any three year period will not exceed an aggregate total of 10%.**

The following questions were answered by Public Works Department staff:

- How did these firms make the list of 45?
All firms that meet the advertisement requirements made it to the pool. The firms have to be prequalified with Miami-Dade County and be Technically Certified in at least one of the following three categories included in the advertisement: 15.01 General Land Surveying, 15.02 Aerial Photogrammetry and 15.03 Underground Utility Survey. Additionally, a Letter of Qualification and a Lobbyist Registration Form had to be submitted by the submittal deadline.
- What is the approximate compensation per vendor throughout the 3 years?
The subject agreement will authorize a maximum compensation of \$555,555.55 for the three year term of the agreement, actual compensation will vary depending on the countywide demand for these types of services.
- How many minority firms are included in the packet?
This contract was advertised as “no measure”, but there are 7 of the 45 firms listed as Small Business Enterprise (SBE) since the minority category no longer exists. The companies listed under the SBE are as follows: Delta Surveyor, Inc., Biscayne Engineering Company, Inc., K M Engineering Consultants Inc., Triangle Surveying and Mapping Inc., Leiter, Perez & Associates, Inc., J. Bonfill and Associates, Inc. and Manuel G. Vera & Associates, Inc.
- In the last year, if possible, please provide an approximate price per hour in municipalities for similar work. The item mentions surveyors will be compensated \$159 per hour.
This type of contract is not available in municipalities, usually a Municipality will put out a bid for a project specific contract and the surveying services are included in that particular project. The \$159 hourly rate is for the company principal, which remained the same the previous contract with PWD. All rates were negotiated exactly the same as the previous contract thus remaining flat.
- Will PWD use the Equitable Distribution Program to distribute work? Please explain how the work will be distributed.
PWD will not use the EDP to distribute work. These agreements will be managed by PWD using the EDP system as a template, but benefiting from the staff expertise in Land Surveying to better manage it. The work will be assigned based on a rotation list kept for each one of the above listed categories. The individual firms position on the first rotation list is based on the amount awarded to that firm countywide during the previous three years, subsequent rotations will add the amounts awarded under this contract to the beginning balance to determine the company’s position on the next rotation list.

Prepared by: Michael Amador-Gil

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



Legislative Notes

Agenda Item: 8(R)1(A)
File Number: 100441
**Committee(s)
of Reference:** Board of County Commissioners
Date of Analysis: February 25, 2010
Type of Item: Resolution
District: 8

Summary

This resolution authorizes the execution of an **Amended Consent Order**, OGC No. 03-1376(A) with the State of Florida Department of Environmental Protection (FDEP) to extend the construction deadline of the High Level Disinfection (HLD) Facility at the South District Wastewater Treatment Plant from December 28, 2009 to April 1, 2014¹, and includes compliance dates and stipulated penalties.

This **Amended Consent Order** constitutes a full and final settlement of any and all allegations of past violations, including quality water standards, relating to the County's use of the facility's injection system prior to entry the Order.

Amended Consent Order Highlights

- On April 29, 2004, the Miami-Dade Water and Sewer Department MDWASD entered into a Consent Order (**Original Order**) with the FDEP to address the operation of the injection wells. The Consent Order approved operational testing of the remaining four injection wells, and required the upgrade of the treatment process.
- On March 8, 2007, the FDEP issued an operating permit for the South District Wastewater Treatment Plant along with an Administrative Order to establish a compliance schedule for submittal of an updated Reuse Feasibility Study; design and construction of the High Level Disinfection facilities and septage/grease receiving facilities; conduct studies for odor control; and develop a protocol to obtain proportionate composite sampling for the injection wells.
- The **Original Order** required the County to upgrade the facility's effluent treatment process to meet the high level disinfection criteria.
- FDEP did not approve the High Rate Disinfection nor the Ultraviolet Disinfection (equivalency proposals) from the County.

¹ The County will complete construction and operational testing of the HLD facility and meet the FDEP's HLD requirements; and comply with interim effluent disinfection limitations and monitoring requirements.

- The County indicated it would not meet the **December 28, 2009** FDEP deadline under the Original Order.
- The County was also unable to comply with FDEP’s notification that injection activity had caused or may have caused fluid movement continuing a contaminant into an underground source of drinking water. **FDEP notified the County on January 6, 2006.**
- The County will pay penalty fees from \$1,000 to \$10,000 per day. (See paragraph 18)
- The County will fund a full time employee at the rate of Fifty-Five Thousand Dollars per year to monitor the County’s compliance with the terms of the Amended Order.

Background and Relevant Information

According to MDWASD’s website, MDWASD operates three (3) regional wastewater treatment plants located in various section of the County. The three plants have a combined installed treatment capacity of #75.5 mgd of wastewater and are currently permitted at 368 mgd. The South District Plant disposes of its effluent through deep injection wells to the Lower Floridian Aquifer at a depth below 2,400 feet. The South District Plant has a permitted treatment capacity of 112.5 mgd and actual treatment capacity of 112.5 mgd. During the past fifteen years, the MDWASD constructed five (5) additional deep-injection wells as part of its 112 mgd plant expansion project, but only one well had received an operational permit.

Sewer System Overflow Violations at the South District Wastewater Treatment Plant

During FY 2009, the MDWASD entered into the following executed Settlement Agreement Consent: *Order File No. OC 08-0720 with respect to treatment bypass and wastewater discharge to ponds occurring on multiple days during or around the first week of October 2007 at the South District Wastewater Treatment Plant, assessing civil penalties in the e amount of \$20,000, plus administrative costs of \$500, for a total of \$20,500 in penalties.*²

Contract Award History for South District Wastewater Treatment Plant

Contract No.	BCC Approval Date	Description	Project Totals
No. E06-Wasd-14	10.02.07	Contract award between CH2M Hill, Inc. and Miami-Dade County has been prepared by the Miami-Dade Water and Sewer Department (MDWASD) and is recommended for approval. The Consultant is to provide professional engineering and construction management services to upgrade the infrastructure and operations of the South District Wastewater Treatment Plant (SDWWTP) and its appurtenant facilities.	\$8,800,000
S-828 (A)	09.20.07	Contract Award Recommendation for South District Wastewater Treatment Plant, HLD Upgrade to 285 MGD, Site Preparation to Lanzo Construction Co Florida.	\$14,474,955
E07-WASD-02(A)	12.04.07	Contract Award of a Non-Exclusive Professional Service Agreement Number E07-WASD-02(A) for design and construction management services for the Water Reclamation Facility at the South District Wastewater	\$55,750,000

² See Resolution 22-10, pages 130-134

Contract No.	BCC Approval Date	Description	Project Totals
		Treatment to Camp, Dresser & McKee Inc.	
E07-WASD-05	12.04.07	Contract Award between Earth Tech Consulting, Inc. and Miami-Dade County to provide construction engineering and inspection services for the South District Wastewater Treatment Plant.	\$6,050,000
S-816(A)	01.22.08	Contract Award for the construction of an enclosed concrete structure and an adjoining concrete channel and flow controls for Oxygenation Train No. 7 for the High Level Disinfection Facility at the South District Wastewater Treatment Plant to Kent Company of Florida.	\$8,830,950
E07-WASD-08-(A)	05.20.08	Contract Award to A & P Consulting Transportation Engineers Corp. for the design of a transmission pipeline for a reclaimed water system from the South District Wastewater Treatment Plant.	\$2,750,000
S-811 (A)	06.03.08	Contract Award for the construction of four new clarifier structures for the High Level Disinfection Facility at the South District Wastewater Treatment Plant to Skanska USA Building, Inc.	\$92,786,510
S-805 (A)	06.03.08	Contract Award for the construction of a filter system for further treatment of effluent at the High Level Disinfection Facility at the South District Wastewater Treatment Plant to Poole & Kent Company of Florida.	\$134,253,006
S-812 (A)	11.20.08	Contract Award for the construction of Chlorine Contact Tanks No. 5 to 9 for further treatment of effluent at the High Level Disinfection Facility at the South District Wastewater Treatment Plant to Poole & Kent Company of Florida.	\$18,096,498
S-806 (A)	11.20.08	Contract Award for the construction of a transfer pump station for further treatment of effluent at the High Level Disinfection Facility at the South District Wastewater Treatment Plant pursuant to Southeastern Engineering Contractors, Inc.	\$28,305,698
E08-WASD-02 (A)	01.22.09	Non-Exclusive Services Agreement for engineering services for planning, design, construction management, operation and evaluation of an approximately two hundred thirty thousand gallons per day advanced wastewater treatment pilot plant project at the South District Wastewater Treatment Plant to MWH Americas, Inc.	\$8,800,000
S-808 (A)	05.05.09	Contract Award for the upgrade of the electrical distribution system at the High Level Disinfection Facility at the South District Wastewater Treatment Plant to Munilla Construction Management, LLC.	\$62,407,392
S-819 (A)	06.30.09	Contract Award for the construction of the on-site hypochlorite generation system at the High Level Disinfection Facility at the South District Wastewater Treatment Plant to	\$24,944,441

Contract No.	BCC Approval Date	Description	Project Totals
		Skanska USA Building Inc.	
S-817 (A)	11.17.09	Contract Award for the construction of the effluent pump station at the High Level Disinfection Facility at the South District Wastewater Treatment Plant to Poole & Kent Company of Florida.	\$21,008,660
S-829 (A)	12.15.09	Contract Award for septage receiving and solids (fats, oil and grease) process building at the South District Wastewater Treatment Plant to Poole & Kent Company of Florida.	\$11,364,490

On January 21, 2010, the Board of County Commissioners (BCC), through Resolution 22-10, authorized the Finance Director, as the Mayor's designee, to issue fixed rate Water & Sewer System Revenue Bonds in multiple series, in an amount not to exceed \$600 million, nor to exceed 40 years in maturity (i.e., year 2039).

The bonds will be issued in March 2010 as limited obligation bonds payable solely from and secured by pledged net operating revenues. Several wastewater projects are included. (See Exhibit A, handwritten p. 47, Reso. 22-10)

Question: What is the construction status of the above mentioned projects?

Legislative History

On March 3, 3009, the BCC, through Resolution 226-09, directed the County Mayor to review the assumptions used to develop water supply forecasts, prepare a revised forecast and develop and recommend modifications to the schedule of water supply projects for submittal to the South Florida Water Management District (District), which issued Water Use Permit No. 13-00017-W to the County.

The following changes were made to the Water Supply Capital Plan:

- Cancel the Floridian Aquifer Blending Project.
- Extend the project completion deadline for the South District Water Reclamation Plant Project by one (1) year.
- Delay the deadlines to complete Phases 2 and 3 of the West District Reclamation Plant Projects by one year.
- Defer the construction of the reuse projects for the Central and North District Water Reclamation Plant Projects to 2025.
- Delay the start of Phase 1 of the Hialeah Reverse Osmosis Plant Project by one (1) year.
- Delay Phase 2 and 3 of the Hialeah Reverse Osmosis Plant Project to 2027.

The MDWASD submitted the modified water use permit to the District.

Prepared by: Michael Amador-Gil

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



Legislative Notes

Agenda Item: 9(A)1
File Number: 100211
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: February 25, 2010
Type of Item: Public Safety Answering Point (PSAP)

Summary

This resolution retroactively authorizes the execution of an interlocal agreement between the Village of Pinecrest (Village) and Miami-Dade County (County).

This interlocal agreement does the following:

- Allows for an interface between Miami-Dade Fire Rescue's (MDFR's) Computer Aided Dispatch (CAD) system and the Village's 911 PSAP;
- Upgrades the communications technology for the Village's 911 PSAP; and
- Reduces response times for fire suppression and rescue services in the Village.

This agreement was executed on November 24, 2009.

Background and Relevant Legislation

PSAPs are call centers responsible for answering emergency request for fire, police and ambulance services to ensure that the appropriate rescue personnel, equipment and resources are dispatched. There are approximately 6100 primary and secondary PSAPs in the United States.¹ In Miami-Dade County, there are seven (7) PSAP call centers.

History²

Since 1973, the State of Florida has been updating and building advanced technology statewide emergency number 911 systems, implemented by the counties, to serve its citizens and visitors in emergency situations.

¹ The National Emergency Number Association (NENA) website: <http://www.nena.org/>

² Florida e911 website: http://dms.myflorida.com/suncom/public_safety_bureau/florida_e911

In May 1997, 911 was established statewide. As of September 20, 2005, Wireline Enhanced 911 "E911" services provide PSAPs with the telephone number and the caller's address in all 67 counties.

As of March 31, 2008, all counties report Wireless E911 Phase I and Phase II completion. Phase I service provides the call-back number and the location of the cell site. Phase II provides the capability to receive the call-back number and the location information (latitude and longitude) provided for the cellular caller from the service provider.

Policy Change and Implication

TERMS: Three (3) years with three (3) one-year options-to-renew.

FISCAL IMPACT TO THE COUNTY: A one-time cash outlay of no more than \$25,000 for the dedicated workstations and related network equipment. In addition, this amount covers the training of the Village PSAP Dispatchers.

Furthermore, the Village will be responsible for the \$180 monthly cost for the T-1 Communications line after the first year of implementation.

FUNDING SOURCE: Fire District Operating Budget

Comments

According to the Village of Pinecrest Police Department's 2009 Annual Report, one of the priority key outcomes is to reduce response time to less than 8 minutes from call entry to arrival and/or EMS-ALS average response time from PSAP to arrival.

In January 2010, a bicyclist was fatally struck by a car while cycling on the Rickenbacker Causeway. This tragic incident raised concerns among members of the BCC about response times of emergency rescue and the implementation of an integrated dispatch radio system. Although not directly related to this item, this agenda includes an item that addresses the funding of PSAP call centers:

Item No. 11A5 directs the Mayor or his designee to conduct an analysis of the current expenditure of toll revenue generated at the Rickenbacker Causeway and to develop a work plan within 90 days allocating \$0.25 of every toll collected to projects promoting pedestrian and bicyclist safety along the Rickenbacker Causeway.

In addition, at the February 11, 2010, Health, Public Safety and Intergovernmental Committee meeting, an Item (File No. 100220) coordinating PSAP call centers was deferred. The item directs the Mayor or his designee to develop and submit a plan to the BCC that unifies the PSAP Call Centers and/or services within said centers.

Prepared by: Elizabeth N. Owens

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



Legislative Notes

Agenda Item: 9(A)2
File Number: 100276
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: February 25, 2010
Type of Item: Resolution
Commission Districts: 1, 4, 7 and 8

Summary

This resolution awards Safe Neighborhood Parks (SNP) Discretionary Interest Earnings, Recaptured Funds and Pre-Agreement Land Acquisition Funds in the amount of \$750,000 and Ratifying of the Submission of a Grant Application by Miami-Dade County Park and Recreation Department for Lakes by the Bay Park

Background and Relevant Legislation

The Board of County Commissioners approved Resolution 1376-09 which awarded \$6,201,008 in SNP Discretionary and Land Acquisition Funds to specific entities. Additionally, R-1376 approved the following:

- County staff recommendation to not include \$346,100 in SNP funds to the Town because the Town owes the County approximately \$600,000 in Quality Neighborhood Improvement Program (QNIP) debt service payments;
- \$346,100 to be used for other Safe Neighborhood Park Projects included in the SNP0809 RFP applications list reviewed by the SNP Citizens Oversight Committee (COC); and
- Support the Town of Miami Lakes application if they satisfy their financial QNIP debt service payments.

At the December 16, 2009 SNP COC meeting, the COC awarded the Town of Miami Lakes (Town) \$346,100 of Discretionary Interest Earnings for Royal Oaks (\$200,000), Miami Lakes Park (\$46,100) and Sevilla Estates Park (\$100,000). However, at the December 1, 2009 Board of County Commissioners Meeting, staff was directed to hold any funds re-allocated to the Town in abeyance until such time as

a resolution of payment disputes between the County and the Town relating to QNIP funds were resolved.

On January 11, 2010, the Recreation, Culture & Tourism Committee made the following recommendations relating to the remaining SNP Discretionary Interest Earnings to include the following:

- Remove the \$750,000 award recommendation in SNP Discretionary Interest Earnings and Recaptures Funds to Miami-Dade County Park and Recreation Department for Countywide Portion of Lakes by the Bay Park;
- Move forward with the \$346,100 Discretionary Interest Earnings and Recaptured Funds to the Town contingent upon Resolution of Certain Payment Disputes between the County and the Town;
- Urge the SNP Citizens Oversight Committee (COC) to not disband and to re-evaluate the \$750,000 SNP Discretionary Interest Earnings and Recaptured Funds and reconsider the Lakes by the Bay Park (Countywide Portion) project and all other remaining project applications for recommendation of award; and
- The above-mentioned SNP COC re-evaluation process is carried out with the appropriate public hearing notices.

On January 29, 2010, the SNPCOC met to consider the entities and corresponding projects that applied for funding under RFP SNP0809 as well as Gwen Cherry's NFL YET Center project and the Miami-Dade County Park and Recreation Department's Lakes by the Bay Park, countywide portion project, and will recommend the award of funds in the amount of \$1,250,000 among these entities.

The following SNPCOC final recommendations for the remaining SNP Discretionary Interest Earnings is as follows:

- \$500K for Gwen Cherry Foundation-Youth Center (R-165-10)
- \$344K for Lakes by the Bay
- \$172K for City of Miami-1814 Brickell Park
- \$127,182 for City of Miami Gardens-A.G King Park
- \$65K Haulover Park (Miami-Dade County)
- \$41,818 Sierra Park (Miami-Dade County)

Since 1996, The Safe Neighborhood Parks Citizen's Oversight Committee (SNPCOC) has approved a total of approximately \$212 million in grants to fund nearly 400 park projects.

Policy Change and Implication

On January 28, 2010, the Town of Miami Lakes Council approved a motion for the Town to enter into a settlement agreement with Miami-Dade to resolve its outstanding QNIP Debt Service payments and for the County to turn over all the Parks to the Town.

Fiscal Impact

The outstanding QNIP Debt Service payments owed by the Town to Miami-Dade County totals \$600,000. It is estimated that the incremental maintenance costs for the Lakes by the Bay Park is \$5,400 to be accommodated by the existing budget.

Prepared By: Mia B. Marin

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



Legislative Notes

Agenda Item: 11(A)1
File Number: 100230
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: February 4, 2010
District: Unincorporated Municipal Service Area
Type of Item: Resolution
Prime Sponsor: Commissioner Bruno A. Barreiro

Summary

This resolution directs the Mayor to include on all applications for building permits and/or zoning improvement permits a statement that informs the unit owner and/or permit applicant that the work being requested may need approval from a Homeowners' Association (HOA), and that it is the obligation of the unit owner and/or permit applicant to obtain the required approval from the association prior to beginning any work on the unit.

The issuance of a building permit and/or zoning improvement permit in no way authorizes work that is in violation of any association rule or regulation. It must be also noted that HOAs are not government entities.

Background and Relevant Information

On December 8, 2009, several members of the Government Operations Committee expressed concerns that the proposed ordinance (GO Item 1(E) 1) did not require unit owners submit proof of approval from their HOAs to the Building Department. The ordinance requires that an applicant seeking a building or zoning improvement permit for work on the exterior of his/her living unit, and is controlled by a HOA, must submit proof to the Building Department through an affidavit that he/she has notified the HOA.

Questions

- In addition to HOA fines, can unit owners face additional fines from the Building Department if they proceed without notifying the HOA?
- Will the statement on all permit and/or zoning improvement permit applications be in English, Spanish, and Creole?
- What is the cost to include the statement on all the applications?

Prepared by: Michael Amador-Gil

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



Legislative Notes

Agenda Item: 11(A)4
File Number: 100204
**Committee(s)
of Reference:** Board of County Commissioners
Date of Analysis: February 10, 2010
District: 7
Sponsor: Commissioner Carlos A. Gimenez
Type of Item: Resolution

Summary

This resolution directs the County Mayor or his designee to take all necessary steps to install mile markers (emergency reference makers) at appropriate spacing to as little as every one tenth of one mile facing both directions of the Rickenbacker Causeway extending from the toll booth to the entrance of the Village of Key Biscayne, and to report to the Board when the installation has been completed.

According to Public Works staff, the cost to use in-house staff for the sign installation effort averages \$150/sign for a total cost of approximately \$13,500, which will be covered with Causeway funds.

Background and Relevant Information

On January 17, 2010, Christophe Le Canne, a 44-year-old cyclist from South Miami was killed on Bear Cut Bridge, which is approximately 3 miles away from the entrance to the Village of Key Biscayne. An ambulance took approximately 20-22 minutes to arrive from when the initial 911 call was made at 8:04 am. The Village of Key Biscayne Fire Rescue has no jurisdiction on the causeway and Miami-Dade Fire Rescue Station 15 was closed. Miami-Dade dispatched a unit from South Miami, which is 10 miles away.

Advisory Committee

The Bicycle Advisory Committee (BAC) was created by the MPO Governing Board for the Miami Urbanized Area in 1984, as a subcommittee of the CTAC. In 1985, the BAC was made a separate committee. In the 1990's, the committee took on pedestrian issues as the Bicycle Pedestrian Advisory Committee (BPAC).

Currently, the BPAC consists of 17 (out of a possible 23) citizens to advise the Governing Board on bicycle and pedestrian-related issues within Miami-Dade County. Each Governing Board voting member

has one appointment to the BPAC. The term for each appointee is at the discretion of the appointing board member.

The purposes of the BPAC are to:

- Provide information to and assist the MPO staff with development of a comprehensive bicycle transportation plan, which will be appended to the Long-Range Transportation Plan; and
- Advise the MPO Governing Board on matters relating to bicycling and walking.

The main functions of the BPAC are to:

- Assist in the development of bicycle and pedestrian plans.
- Review transportation plans and projects for bicycle and pedestrian mobility.
- Review the Long-Range Transportation Plan and the Transportation Improvement Program.

Several Bicycle and Pedestrian studies are ongoing.

Prepared by: Michael Amador-Gil

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



Legislative Notes

Agenda Item: 11(A)8

File Number: 100371

**Committee(s)
of Reference:** Board of County Commissioners

Date of Analysis: February 8, 2010

Type of Item: Resolution

Sponsor: Commissioner Barbara J. Jordan

Co-sponsor: Commissioner Audrey M. Edmonson

Summary

This resolution directs the County Mayor to include in all award items presented to the Board of County Commissioners for ratification under the County's Economic Stimulus Plan the names of all firms awarded contracts, details describing the solicitation processes used to select such firms, and an estimate of the number of jobs generated per project by such awards.

The Mayor is further directed to present this information to the Commissioner Auditor prior to ratification by the Board of County Commissioners.

During the February 10, 2010, Transit, Infrastructure and Road Committee meeting, the item was amended to include the following language: The Mayor is further directed to present this information to the Commission Auditor and to the Board of County Commissioner prior to ratification by the Board of County Commissioners

Background and Relevant Information

In May 2008, more than 500 industry representatives attended a meeting with the Office of Capital Improvements (OCI), the directors of the County's 16 capital departments, and the Departments of Procurement and Small Business Development to discuss how the County can accelerate its capital projects.

On July 17, 2008, the BCC, through Ordinance 08-92, authorized the Mayor or his designee the following responsibilities in order to expedite capital projects under the ESP:

- (a) Issue bid and proposal documents;
- (b) Receive, open and review bids and proposals;

- (c) Appoint standing selection committee members to obtain professional services in accordance with the Code of Miami-Dade County; and
- (d) Award or reject bids for contracts including professional service agreements and construction contracts and issue Notices to Proceed (the award value of the contract must be reviewed by OSBM, the base value of a recommended award does not exceed the base estimate by more than 20%), negotiate and settle contractor claims, and issue change orders (change orders or amendments are timely in submission and do not exceed \$500,000 or 15% of the contract price), retroactive change orders must be submitted to the Board for approval.

Economists view this type of government intervention as an “*Economic Multiplier Concept.*” The multiplier effect is a tool used by governments to stimulate aggregate demand. This can be done in a period of recession or economic uncertainty. The money invested by a government creates more jobs, which in turn will mean more spending. For example, a company spends \$1 million to build a factory. The money does not disappear, but rather becomes wages to construction workers and revenue to suppliers etc. The construction workers will have higher disposable income as a result, so consumption, therefore aggregate demand will rise as well. This creates an additional cycle of more labor income and more spending.

According to OCI’s December 31, 2009 weekly ESP updates:

\$519.3 million from the original \$625.7 million list of ESP projects have been expedited. This number is lower than the \$522.5 million reflected during the last reporting period by \$3.2 million because projects were awarded this period for less than the amounts reflected in the requests -to-advertise (RTA) processed under the ESP.

- \$32.6 million in projects that were added to the list via resolution have been expedited; and
- \$30 million in ARRA projects, which are automatically part of the ESP, have been expedited (Public Works and Housing projects).
- \$582 million - Grand Total - ESP Projects Expedited

Below is the current percentage (%) of projects expedited based on both number of projects and dollars:

- Percentage of projects from the original list expedited based on number of projects: 88% (118 of total 135 projects)
- Percentage of projects from the original list expedited based on \$\$ value: 83% (\$519. 3 million of \$625.7 million)

American Recovery and Reinvestment Act (ARRA)

According to the ARRA 2009 Job Creation and Grant-Related Activities Report, the County has applied for over \$578 million in ARRA funding, and approximately \$230 million has been awarded. Based on information from departments, 49 jobs have been identified.¹

Local Construction Industry

According to the latest Beacon Council’s unemployment figures, Miami-Dade County’s unemployment rate for November 2009 was 10.5 percent. This was a decrease of 1.3 percent compared to October

¹ Under Federal Office of Management and Budget guidelines, an ARRA-created job is defined as a new position created and filled or an existing unified position that is filled as a result of ARRA. A retained job is an existing position that would have been eliminated if not for ARRA. A job cannot be counted as both created and retained.

2009 (11.8%) and an increase of 4.3 percent compared to November 2008. The unemployment rate for the State of Florida was 11.5 percent and the United States was 9.4 percent in November 2009. The Miami-Dade County unemployment rate is lower again than the State of Florida.

The construction sector continues to be of major concern, although the rate of decline has slowed down. It experienced a decrease in employment of 6,700 jobs or 14.9 percent between November 2008 and November 2009.

Question: Did the ESP meet the 2,619 projected additional employment positions for year one (1)? (See File No. 082232 BCC 7A Supp No. 2-Fiscal Impact)

Question: How is OCI measuring the ESP's impact on the local workforce?

- Third party verification of results is not required or even contemplated under current ESP legislation.
 - On June 30, 2009, the BCC, through Ordinance 09-60, approved several amendments to the ESP Ordinance. One of the amendments included the *Department of Procurement Management* review ESP purchases. The Office of Strategic Business Management and OCI have been monitoring the ESP since its inception (July 2008).

Legislative History

In October 2001, following the events of September 11, 2001, former Mayor Penelas presented an emergency plan that contained a similar proposal to expedite county spending on construction projects. On October 11, 2002, a report was presented to the BCC relating to expedited capital contracts. During the discussion, members of the BCC suggested the following:

- (1) Area residents be hired for jobs generated by the capital projects under the expedited process;
- (2) Jobs generated be advertised in the County's Job Clearinghouse; and
- (3) Provide a status on the hiring of area residents.

The BCC also suggested an oversight and monitoring committee be added to the expedited process.²

- ***On October 11, 2001, Resolution 1084-01 was adopted 8-1, approving invocation of Emergency purchase procedures under the "General Building/Engineering and Specialty Trade Contractors".***

Prepared by: Michael Amador-Gil

² See File No. 012667 Special Item No. 2

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



Legislative Notes

Agenda Item: 11A10
File Number: 100374
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: February 25, 2010
Type of Item: Resolution Approving Grant Allocations for District 2

Summary

This resolution approves the grant allocation in the amount of \$2,500,000 from the Building Better Communities General Obligation Bond Program (GOB) to fund development of the elderly affordable housing component in Golden Meadows Project in District 2.

At the February 10, 2010 Housing & Community Development Committee meeting, amendments were made to this item that included a change in the development of affordable housing units from 64 to 112.

Background and Relevant Legislation

On July 20, 2004 the Board of County Commissioners (BCC) approved R-918-04, which authorized funding for projects that includes construction and improvements on housing for the elderly and working families. Furthermore, to allow the County to issue General Obligation Bonds in an amount not to exceed \$194,997,000 to fund those housing improvements in the County.

The following lists the projects in R-918-04:

Project No.	Department	Allocation	Project
242	Housing and Community Development (HCD)	9,400,000	New Elderly Units at Joe Moretti
244	HCD	3,000,000	New Elderly Units at Dante Fascell at 2929 NW 18 Avenue
245	HCD	9,400,000	New Elderly Units at Three Round Towers

246	HCD	2,500,000	New Family Units at Annie Coleman
247	HCD	3,400,000	New Family Units at Lincoln Gardens
248	HCD	4,600,000	New Elderly Units at Elizabeth Virrick I
249	HCD	132,700,000	Preservation of Affordable Housing Units and Expansion of Home Ownership
327	HT	7,400,000	Land Acquisition for New Permanent Housing Projects
327	HT	7,600,000	Homestead Air Base - Permanent Housing Units Development
Transfer (from 249)	Hialeah	5,000,000	Transfer (Included in the \$10M for each district.)
341	Finance	9,997,000	Bond issuance Cost To Construct and Improve Housing For The Elderly And Families (Projection)
	Total	194,997,000	

On May 5, 2008, the BCC approved R-537-08 establishing a procedure that captured and appropriated the original GOB Housing amount of \$132.7 million (Project 249) evenly among the 13 commission districts (\$10,592,307 per district).

On January 21, 2010, the BCC approved R-05-10 that included significant modifications, additions and deletions to the GOB program with respect to project numbers 242, 244, 245, 246, 247 and 248 based on an "Evaluations Report of GOB Projects" report issued by Miami-Dade Public Housing Authority (MDPHA) in July 2009 (MDPHA GOB Report).

The MDPHA GOB Report re-analyzed the above-listed projects and made a determination to focus on the three most feasible GOB projects requiring projects numbers 242, 244, 245, 246, and 248 be deleted and to add to new project numbers 242.A and 244.A, and significantly modify project number 247.

GOB Project No.	Name/Description of Project	No. of Units	Allocation
242.A	Victory Homes New affordable family units on underutilized vacant land.	77	\$10,000,000
244.A	Elizabeth Virrick II Demolition of existing dilapidated units and construction of affordable elderly units.	124	\$10,000,000

247	Lincoln Gardens Construct new public and affordable family housing on existing County land.	95	\$12,300,000
	TOTAL	296	\$32,000,000

Budgetary Impact

There is no fiscal impact with the approval of this item since the total amount of the grant allocations for the recommended projects is within the amount allotted per district (\$10,592,307 per district) through R-537-08.

According to the Capital Improvements Information System, the GOB Project 249 funding schedule (from 2005 through 2012) for District 2 is as follows:

GOB Series	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	Total
A	\$15,860							\$15,860
C				\$7,415				\$7,415
D				\$15,145				\$15,145
E					\$1,000,000			\$1,000,000
F						\$2,500,000		\$2,500,000
G							\$7,053,888	\$7,053,888
Total	\$15,860	0	0	\$22,560	\$1,000,000	\$2,500,000	\$7,053,888	10,592,308

Prepared By: Mia B. Marin