Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Legislative Analysis

Board of County Commissioners

October 6, 2009
9:30 AM
Commission Chamber

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

Board of County Commissioners
Meeting Agenda

October 6, 2009

Item(s)

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

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

Legislative Notes

Agenda Item: 3J1A

File Number: 092474

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: September 28, 2009

Type of Item: Resolution Applying for Florida Department of Environmental Protection Grant (DEP)

Summary

This resolution authorizes two grant applications from the Florida Recreation Development Assistance Program (FRDAP) totaling up to $400,000. The grant funds will be used for Aquatics Enhancements Projects at Naranja Park and Goulds Park.

Background and Relevant Legislation

According to the DEP website, the FRDAP is a competitive program which provides grants for acquisition or development of land for public outdoor recreation use or to construct or renovate recreational trails. The FRDAP is DEP grant, the Office of Information and Recreation Services in DEP's Division of Recreation and Parks has direct responsibility for FRDAP.

Municipal and county governments or other legally constituted entities with the legal responsibility to provide public outdoor recreation are eligible to apply for FRDAP funds. The maximum amount for each grant is $200,000. Grant match requirements are dependent on the total project cost.

Grant match requirements are as follows:

Total Project	Cost FRDAP Grant	Local Match
$50,000 or less	100%	0%
$50,001 - 150,000	75%	25%
Over $150,000	50%	50%

Budgetary Impact

Since 2000, the Park and Recreation Department has received $1.4 million in FRDAP grants requiring $2.37 million in local match from various funding sources to include: Safe Neighborhood Parks Bond

Program (SNP), Building Better Communities Bond Program (GOB), and Quality Improvement Neighborhood Program (QNIP).

Resolution	District	Project	FRDAP Grant Award	County Match
R-1028-01	13	Amelia Earhart Park-Expansion of Outdoor Recreation Area	$200K	$200K –SNP
R-1037-02	4	Haulover Beach Park-Elevated Dune Crossover Replacement	$200K	$200K – SNP
R-1126-03	4	Ives Estate-Ball Field, Field House	$200K	$200K- SNP
R-788-04	9	Larry & Penny Thompson Park-Construction of swimming pool, cabana and campground facilities	$200K	$200K- SNP
R-925-07	9	Homestead Bayfront Park Atoll Pool – Construction improvements	$200K	$723K- SNP
R-960-08	8	Deering Estate-Deering South Construction enhancements and renovations	$200K	$200K- GOB
R-963-08	2	Gwen Cherry Park-Outdoor construction enhancements	$200K	$325K- SNP $325K- QNIP
		Total	**$1.4 M**	**$2.37 M**

Prepared By: Mia B. Marin

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

Legislative Notes

Agenda Item:	7(A)
File Number:	091818
Committee(s) of Reference:	Board of County Commissioners
Date of Analysis:	September 27, 2009
Type of Item:	Amendment to Miami-Dade County Code
Prime Sponsor:	Senator Javier D. Souto
Commission District:	Countywide

Summary
This ordinance amends Chapter 21, Article IV, and Section 21-30.01 of the Miami-Dade County Code providing that:

- The appeal process for a violation under Section 21-30.01 (f)(3) will not extend or otherwise change the time period for corrective action of a violation. The proposed language establishes that **continuing penalties** provided within Sec. 21-30.01 and Sec. 8CC-4(c)[1] will accrue upon the expiration of the time provided in subsection (f)(3).

Once a violation is confirmed by Neighborhood Compliance Officers, the goal is to obtain prompt compliance. However, the enforcement rules currently available may not be adequate to collect fines from persistent or habitual violators who prefer to ignore and contest code enforcement actions, which freeze the continuing penalties and extend the process further under the County's current administrative appeal process.

Currently, Sec. 8CC-6(m) provides that if a hearing officer affirms the decision of the Neighborhood Code Compliance Officer with respect to a civil violation notice, the hearing officer, pursuant to Section 8CC-4(f), will determine a reasonable time period within which correction of the violation must be made, provided however, that such time period will be no more than thirty (30) days. If the hearing officer reverses the decision of the code inspector and finds the named violator not responsible for the Code

[1] Sec. 8CC-4 (c) Civil penalties and related terms construed**:** "Continuing violations" are those violations which remain uncorrected beyond the reasonable time period for correction contained in either the civil violation notice or the final order of the hearing officer, whichever is applicable. For each day of continued violation after the time for correction has run, an additional penalty in the same amount as that prescribed for the original violation will be added. The maximum total penalty for any one (1) continuing violation will be fixed at twenty (20) times the original penalty amount.

violation alleged in the civil violation notice, the named violator will not be liable for the payment of any civil penalty.

Continuing Violation Penalties

Continuing violation penalties accrue from the date of correction given in the violation notice until the correction is made and payment of the fine is received if a request for administrative hearing is not timely filed by a violator with the **Clerk of the Courts**.

- If a violator requests an administrative hearing on a correctable violation and loses his appeal, a hearing officer will determine a reasonable time period within which correction of the violation must be made, based on the considerations set forth in Section 8CC-3(d).
- If correction is not made within the period set by a hearing officer, continuing violation penalties will begin after the time for correction has run.
- **No continuing violation penalties will accrue during the time period from the date of the civil violation notice until the date of the administrative hearing, if the violator timely requests an administrative hearing to appeal the decision of a Neighborhood Compliance Officer.**
- Continuing violation penalties cannot be imposed by the hearing officer for uncorrectable violations.
- A violator may appeal a final order of a hearing officer for all violations by filing a notice of appeal in the Circuit Court Miami-Dade County, Florida, in accordance with the procedures and within the time provided by the Florida Rules of Appellate Procedure for the review of administrative action.

Background and Relevant Legislation

Graffiti has been proven to: (1) cause a decline in property value; (2) attract criminal activity in neighborhoods; (3) discourage residents and businesses from relocating to Miami-Dade County; and (4) high cost to local governments to keep their communities graffiti free. The Office of Neighborhood Compliance (ONC) is responsible for addressing code violations in response to the needs of the residents in unincorporated Miami-Dade County.

Currently, if a Neighborhood Compliance Officer finds graffiti on residential property:

- A fourteen (14) day corrective notice is posted on the property. If the violation on a residential property has not been corrected within the fourteen (14) day corrective period, a $50 citation is then issued to the property owner or non-commercial properties. (Commercial property owners or their agents will take corrective action within two (2) business days)
- **The property owner has the right to appeal the citation within seven (7) days of receipt of the citation with the Clerk of the Courts. (Commercial property owners or their agents have two (2) business days from receipt or posting of the citation to file for an appeal hearing)**
- Should the property owner fail to request an appeal within seven (7) days or pay the civil citation within thirty (30) days, the fine will increase daily up to a maximum of $1000.
- Property owners may also be subject to a lien on their property if they do not comply with the law.
- The County will enter onto private property and paint out graffiti if the property owner does not comply. The property owner will be charged for the cost of the graffiti removal.

According to ONC staff:

- 30 citations were issued in FY 2007-08 and 43 citations were issued in FY 2008-09 (YTD) for non-compliance;
- Of the 30 citations issued in FY 2007-08, two (2) were appealed, and of the 43 citations issued in FY 2009-08, one (1) was appealed;
- During FY 2007-08, the total amount collected for graffiti enforcement activities by the ONC was $3,540; and during FY 2008-09 ONC collected $3,820 for the same activity; and
- 129 warnings were issued in FY 2007-08 and 137 warnings were issued in FY 2008-09 (YTD) for non-compliance.

Chapter 8CC Schedule of Penalties

Code Section	Description of Violation	Civil Penalty
21-30.01(d)(1)	Creating graffiti	250.00
	2nd Offense	500.00
	Subsequent Offenses	1,000.00
21-30.01(f)	Failure to remove graffiti from non-commercial property	50.00
21-30.01(f)	Failure to remove graffiti from commercial property	250.00
21-30.01(g)(1)	Possession of spray paint or marker to make graffiti	250.00
	2nd Offense	500.00
	Subsequent Offenses	1,000.00
21-30.01(g)(2)	Possession of spray paint or markers by minors on public property	250.00
	2nd Offense	500.00
	Subsequent Offenses	1,000.00
21-30.01(g)(3)	Possession of spray paint or markers on private property without consent of owner	250.00
	2nd Offense	500.00
	Subsequent Offenses	1,000.00
21-30.01(h)(1)	Sale of spray paint or markers to persons under eighteen (18) years of age	100.00
	Subsequent Offenses	200.00
21-30.01(h)(2)	Failure to display graffiti warning signs or improper storage of spray paint or markers	100.00

Prepared by: Michael Amador-Gil

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

Legislative Notes

Agenda Item: 8(A)1(A) and Supplement

File Number: 091761 & 092550

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: October 2, 2009

Type of Item: Award Recommendation- $50,000,000

Summary

This resolution approves the Non-Exclusive Telecommunications and Network Services Agreement (Agreement) between Miami-Dade County (County) through the Miami-Dade Aviation Department (MDAD) and Norstan Communications, Inc. d/b/a Black Box Network Services, Inc. to provide telecommunications and network management services at Miami International Airport (MIA) and the general aviation airports.

Background and Relevant Legislation

Black Box is the current vendor performing telecommunications and network services for MDAD. Black Box acquired NextiraOne, LLC on April 30, 2006. On April 20, 2006, NextiraOne pled guilty to one-count of wire fraud in the District of South Dakota arising out of its participation in the E-Rate Program, a program supervised by the Federal Communications Commission (FCC) to provide discounted telecommunications products and services to schools and libraries. The conduct for which NextiraOne pled guilty was carried out by former employees of a business unit that the company dismantled over four (4) years ago. NextiraOne was not a proposer on this solicitation. On April 28, 2006, the FCC suspended and proposed debarment of .NextiraOne. The FCC debarment expired on August 25, 2007. NextiraOne cooperated fully with the investigation and no longer employs any of the employees associated with the wrongdoing.

On July 9, 2009, the Conclusion filed by the hearing examiner found that the recommendation of the County Manager to award the contract be affirmed and the protest be denied.

On June 9, 2009, a bid protest was filed by Air-Transport IT Services, Inc. (Air-IT) regarding the Request for Proposals No. MDAD-08-06 (RFP) for the Non-Exclusive Telecommunications and

Network Services Management Agreement advertised on April 21, 2008. Air-IT is one of the three firms that responded to the RFP. On June 4, 2008, Air-IT sent MDAD a letter detailing the objections to the terms and specifications in the RFP stating in part the following:

- Minimum Qualifications Requirements were highly ambiguous; anti-competitive; portions bear no rational relationship to the scope of work; Portions of the Evaluation Selection criteria provide an unfair competitive advantage to the incumbent proposer, Black Box; Financial Viability requirements restrict competition.

Three firms responded to the RFP. Shared Technologies, Inc. and Air-IT lacked the required experience and were found non-responsible. A contract was negotiated with Black Box on March 17, 2009.

- July 10, 2008, MDAD requested the County Attorney's Office to determine whether Air-IT and Shared Technologies, respectively are non-responsive for failure to provide information regarding professional experience and finances required by the solicitation.
- August 5, 2008, the County Attorney's Office issued a memorandum stating that both proposers are responsive because the omissions do not proscribe the formation of the contract and do not materially affect the work contemplated by the solicitation.
- September 19, 2008, Air-IT was informed that their proposal was deemed not responsible for failing to meet the minimum qualification requirements for the referenced solicitation.

On January 25, 2007, the BCC adopted R-19-07 authorizing a change in ownership from NextiraOne, LLC to Black Box Network Services (Black Box). In addition to the change in ownership, R-19-07 authorized the Second Amendment to the Non-Exclusive Telecommunications and Network Management Agreement increasing the contract allocation by $4,096,173 for additional specifications. The justification for the amendment was that MDAD required work related to the Capital Improvement Program (CIP) construction projects in order to meet critical deadlines for the North and South Terminal development projects in order to open the facilities on schedule and avoid cost overruns.

- *Although R-19-07 states the increased allocation is in the amount of $4,096,173, the Agreement filed with the Clerk's Office states the increase is $8,192,346, which was initially proposed in File #063179 but was amended in File #070478 which is R-19-07 that was adopted by the BCC on January 25, 2007. Which is the correct amount?*

- January 20, 2004, the BCC adopted R-33-04 awarding a Non-Exclusive Telecommunications and Network Management Services Agreement with NextiraOne for five years with two one year renewal options. The total fixed and variable costs for the initial five years are $35,580,447. After competitive bid, NextiraOne received the highest technical score, price score and overall ranking from the evaluation and selection committee.

- January 29, 2002, the BCC adopted R-31-02 waiving competitive bid procedures and approving the Non-Exclusive Management Agreement with NextiraOne for an interim two-year period until a new provider was selected through a request for proposal process. Resolution 31-02 authorized the payment and acquisition of title to all telecommunications network, data network, and common use terminal equipment (CUTE) infrastructure, software, licenses, permits, and other assets (the Assets). Prior to the Interim Agreement, NextiraOne or its predecessors leased the assets to the County, and managed, operated and maintained the telecommunications infrastructure and services.

- July 24, 2001, the BCC adopted R-852-01, waiving competitive bid requirements and awarding a Professional Consultant Services Agreement to ResAvia in the amount of $100,250 for six months to provide specialized technical and negotiation services, following the Department of Audit and Management Services audit dated March 28,2001, conducted to asses compliance with contractual agreements governing the business relationship with NextiraOne, to resolve the various claims arising out of the ELM & SATS Agreements NextiraOne and to negotiate a buy-out and new agreement with NextiraOne to allow MDAD an opportunity to finalize its long term voice and data telecommunications strategy.

- July 24, 1990, the County entered into an Equipment Lease and Maintenance Agreement (ELM Agreement), retroactive to February 7, 1988, and a Shared Airport Tenant Service Agreement (SATS Agreement) with Centel Communications Company. Both the ELM & SATS Agreements terminated on February 6, 2002. NextiraOne is the successor or assignee of Centel's rights and obligations (via Williams Communications Solutions, LLC)

Budgetary Impact
The fiscal impact of this award over the contract period, five years with two one-year renewals, is approximately $50 million. The funding source is MDAD operating funds.

Additionally, MDAD generates annual revenues of $1,234,368 from tenants and users at MIA through the Shared Airport Tenant Services (SATS) provision.

Additional Information
During the December 11, 2003, Transportation Committee (TC) meeting, concerns were raised regarding the affiliation of the principals of NextiraOne and Williams Communications Solutions, which had been under investigation. *(NextiraOne was the successor or assignee of Centel via Williams Communications Solutions.)* However, the County Attorney's Office advised that the current NextiraOne principals had no affiliation with the former Williams principals. The

Agreement adopted by the BCC through R-33-04 incorporates the representation and warranty by NextiraOne, a corporate cross check, affidavits and disclosures all of which were requests made at the TC meeting.

Prepared by: Bia Marsellos

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

Legislative Notes

Agenda Item:	**8(F)(1)(A)**
File Number:	092045
Committee(s) of Reference:	Board of County Commissioners
Date of Analysis:	September 27, 2009
Type of Item:	Contract Award

Summary

This resolution approves the award of an Energy Performance contract to Florida Power & Light Services, LLC. (FPL Services) in the amount not to exceed $6,046,925. The scope of work includes replacement of lighting fixtures at all portions of Terminals A, B, C, E, F, G and H, Concourses E, F, G and H and Satellite E of Miami International Airport .

This item also details several revisions to the resolution introduced during the June 9, 2009, Government Operations (GO) Committee meeting.[1]

A total of 18,552 fixtures will either be completely replaced or retrofitted through this contract.

The contract provides that FPL Services will:

- Furnish a Construction Bond for the full cost of the project until the conservation measures is accepted by the County;
- Provide the County an annual reconciliation of the Cost Savings;
- Be liable for any shortfalls and will pay the County the amount of a shortfall from the time the Annual Reconciliation first revealed a shortfall and the time of repayment. The administration is relying on the guaranteed annual energy and related maintenance savings to make the annual payments;

[1]Contract amount was $6,528,096; (2) installations of a 40KW DC capacity Solar Photovoltaic power system (Solar Panels) was removed in the revised resolution totaling $437,988; (3) includes the County Mayor or designee authorizing to approve modifications to the scope of work with conditions (See hand written page 3); (4) expected reductions of electricity costs were reduced from $690,000 to $680,000 per year; (5) the Energy Warranty Period was reduced by one (1) year (the original contract mentioned a 12 year Energy Warranty Period. This contract award mentions 11 years of savings guaranteed; (6) the contract award date was modified from April 27, 2009, to June 23, 2009; (7) Section 4.1 Installations of CMs includes Section 4.1 (d). This new section authorizes the County to request changes altering or deducting from the work listed in Schedule A; and (8) Section 5.5 Financing includes the Tax-Exempt Municipal Lease-Purchase Agreement. This new section states that unless a more favorable financing vehicle is found once this contract is executed, it is expected that this financing vehicle will be a Tax-Exempt Municipal Lease-Purchase Agreement.

- Remain responsible for the professional and technical accuracy of all services performed throughout the term of the contract;
- Conduct training for building service staff, personnel operating and maintaining the lighting systems, and engineering staff and General Services Administration (GSA) staff; and
- Maintain a minimum warranty of one year in parts and labor that will apply to all the equipment, except that FPL Services agrees to warranty certain specified equipment for longer terms.

The contract provides that the County will:

- Allow draws from a pre-established escrow account to go to the FPL Services as set forth in Schedule D, based on completed milestones previously established; and
- Upon execution of this contract, the County and FPL Services agree to, pursue a separate financing agreement with a third party in order to allow the County to finance this acquisition. This vehicle will constitute the County's source of funding for its obligations under this contract. A rate of 4.6%, based on a preliminary, informal quote, has been used as an estimate for the financial calculations.

Section 4.2 of the contract addresses the Acceptance of the Conservation Measure Groups: Once the CM Group has substantially completed their work, FPL Services will provide the County a written request for a substantial completion inspection. Within 10 business days from receipt of FPL Services' written request, the County will make an inspection to determine whether the CM Group installation is complete.

- **Question: If a total of 18,552 fixtures will either be completely replaced or retrofitted, how will the County conduct inspections?**

  According to GSA staff, Building permits are always pulled, which is the primary means by which to ensure that the fixtures are properly installed. In terms of proper counts of fixture types, the project is performed over 18 months. Invoices are submitted on a periodic basis, e.g. monthly or bimonthly, and the County inspections of lighting will be conducted on an incremental basis by County staff as that occurs. Staff looks at all areas that are to be retrofitted, makes sure that the new fixtures and/or lights are installed everywhere they are supposed to, that they are of the pre-agreed type, and that they are lit.

Background and Relevant information

In 1994, the state legislature enacted the Guaranteed Energy Savings Program, later amended to become the Guaranteed Energy Performance Savings Contracting Act. The program permits agencies, defined as "the state, a municipality, or a political subdivision," to enter into a guaranteed energy performance savings contract, under specified circumstances.[2]

The purpose of a guaranteed energy savings contract is to allow a properly-licensed contractor to create or install energy conservation measures that will reduce the energy or operating costs of an agency facility. The Act contains a number of contract requirements to ensure that the measures will

[2]Ch. 94-112, L.O.F., codified at s. 489.145, F.S.

result in a savings to the agency over time, and to ensure that the contractor is financially liable for any failure to achieve such savings. An "energy conservation measure" is a training program, facility alteration, or equipment purchase to be used in new construction, including an addition to an existing facility, which reduces energy or operating costs. Examples of such measures include insulation, storm windows and doors, automatic energy control systems, and cogeneration systems.[3]

Current law requires that, before the installation of conservation measures, agencies obtain from a qualified provider a report that summarizes the costs of the conservation measures and provides the amount of cost savings. The qualified provider must be selected in compliance with s. 287.055, F.S., which provides for competitive bidding requirements for state agencies wanting to procure professional architectural, engineering or surveying and mapping services.[4]

The following questions were answered by GSA and Miami-Dade Aviation (MDAD) staff:

- Has the County and FPL Services finalized their financing agreements? *The County has not received a final interest rate since, as indicated, the final municipal lease rate is not offered until after the contract is approved. At that time, the Energy Service Company (ESCO) will obtain at least three quotes for rates and terms. If the rate and terms are not to the County's satisfaction, the contract provides the County with the option of not proceeding with the project.*

- How will the current market conditions affect the interest rate costs and potential savings in this contract? *The rate used in the cash flow indicates market conditions as of June 15th*.

- Are the figures in Schedule D Compensation to Company and Deliverables (handwritten page 86) informal expenditure costs to the County? Please indicate if these are preliminary figures. *The figures are neither informal nor preliminary, but are the actual costs that the County will incur, and which FPL cannot exceed. Those charges will be paid from the money (loan) the bank advances, and which the County will later repay to the Bank through the lease, with interest.*

- What is the estimated debt obligation payment from the County to the lender? *Per the cash flow, and based on the estimated interest rate and terms, the total debt obligation would be $8,228,492, over the eleven-year term, an average of just over $748,000 per year. With respect to the phrase "estimated debt obligation payment," note that a tax-exempt lease-purchase agreement does <u>not</u> constitute a long-term debt obligation because of non-appropriation language that is written into the agreement. This language limits the payment obligation to the organization's current operating budget period. Therefore, if for some reason future funds are not appropriated, the equipment is returned to the lender, and the repayment obligation is terminated at the end of the current operating period without placing any obligation on future budgets.*

- Does the County anticipate any Annual Excess Savings that exceeds total annual contract payments to FPL Services? *Yes, per the cash flow, and based on the estimated interest rate and terms, the annual excess savings would be $1,000 per year on years 1 through 10, and $580,133 in Year 11.*

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[3] State of Florida Department of Management Services
[4] Section 489.145(4), F.S.

- Why can't Miami-Dade Aviation staff perform the work based of FPL's audit submitted in September 2008? *Legally, they can do so. In most cases, however, participating departments find it significantly more beneficial to utilize the ESCO's services. Primary reasons include:*

    1. *No departmental capital, grant or loaned funds are required in order to perform the work, thus freeing those dollars – if they exist – to be used for other types of projects.*
    2. *Operating dollars are generally NOT viable funding sources unless the payback on a particular improvement is less than one year; otherwise, the cost will exceed whatever amount is budgeted for the electricity and maintenance related to the particular improvement.*
    3. *The sheer magnitude of this project – over 18,000 fixtures – exceeds the capacity of departmental resources to perform the work.*
    4. *The ESCO is guaranteeing the savings. If the County performs the work, there is no such guarantee.*

- Can the energy performance contract help the Miami-Dade Aviation Department earn an ENERGY STAR or LEED certification? *There is no specific Energy Star category for Airports. Moreover, because of the complex layout and variety of uses within an older airport facility such as Miami International Airport (MIA), it is highly unlikely that MIA could earn an Energy Star rating in other more traditional building categories. The improvements made under this performance contract will contribute to LEED-EB certification, if sought, although it should be noted that such certification requires substantial contributing actions in other operating and maintenance areas, such as improvements in commuter transportation, heat island reduction, renewable energy production, water efficiency improvements, etc.*

- Provide the most recent improvements in MIA terminals for which is being proposed to replace the lighting fixtures through this contract. *The recent improvements accomplished by this contract (phase 1 pre-security) are completely independent of the proposed effort (phase 2 post-security). No modifications or changes are planned to any work accomplished under phase 1 as part of the proposed phase 2 work. Phase 1 work entailed re-lamping approximately 1.75 million square feet of pre-security terminal, approximately 50,000 units. Phase 2 entails the remainder work to complete this Central Terminal effort by re-lamping approximately 2 million square feet of post-security terminal or approximately 38,000 units.*

- How may this contract increase the enplaned passenger cost? *This is a performance based contract. No capital investment is required of MDAD. Instead, the capital cost is paid for (over a period of time) with the energy savings attained by the re-lamping. We are not required to pay any more than we pay now for energy, therefore, this arrangement does not increase the cost per enplaned passenger (CEP).*

Additional Notes

During the June 9, 2009, GO Committee meeting, the County Attorney's Office mentioned that the item should reflect Commission District 6; not District 5. Also, the formula for calculating lighting energy and demand savings on handwritten page 77 was not simplified. The Chairman of the GO committee requested that the formula be simplified.

> *According to GSA staff, the Commission District designation will be corrected on the record.*
>
> *GSA staff interpreted the Chair's request to mean that the formula needed to be clarified or explained. A sentence was added to the section in that effort. The formula itself is a required contractual provision and a standard reference in the performance contract industry used to define to the parties – in a more precise way than can generally be achieved by narrative text – that the total Kilowatt-Hours saved is measured or determined by the aggregate value of all the differences between the "before" and the "after" energy usage of each group of fixtures in the retrofit. Each fixture group is made up of lamps of the same "before" and "after" lamp type and number of lamps in the fixture, and same number of operating hours. Since there are roughly 60 different fixture groupings, all of which have individual "before" and "after" values, the formula would require about 60 iterations to cover without the Sigma or summation sign ("Σ").*

Prepared by: Michael Amador-Gil

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

Legislative Notes

Agenda Item:	8(F)(1)(E)
File Number:	092313
Committee(s) of Reference:	Board of County Commissioners
Date of Analysis:	September 27, 2009
Type of Item:	Exchange of County Owned Property
Commission District:	3

Summary
This resolution authorizes the exchange of County-owned property located at 1785 N.W. 47 Street, Miami, Florida for property owned by Fernando S. Ruiz, located at 1871 N.W. 41 Street, Miami, Florida through the County's Infill Housing Initiative[1]; and authorizes the Mayor to execute a County Deed for such purpose. Pursuant to the City of Miami's[2] tree protection provisions, any trees on the land owned by Fernando Ruiz located at 1871 N.W. 41 Street may not be removed unless they are replaced by a significant amount of smaller trees. **Lot No. 5 was purchased on May 11, 2004.**

If approved, the land currently owned by Fernando Ruiz may: (1) enter the County's inventory of excess properties (2) be disposed by the County by offering the land to the City of Miami for a park;

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[1]The Infill Housing Initiative is administered by the General Services Administration (GSA) through its Infill Housing Program. The purpose of the Infill Housing Initiative is to increase the availability of affordable homes for low and moderate income families; maintain a stock of affordable housing; redevelop urban neighborhoods by eliminating the blight of vacant, dilapidated or abandoned properties; equitably distribute homeownership opportunities within the Infill Target Areas; and generate payment of ad valorem taxes. The Infill Housing Initiative provides incentives to encourage developers to build affordable housing.

[2] The following municipalities have enacted their own tree protection provisions: City of Miami; City of Coral Gables; City of Miami Springs; City of North Miami; City of North Miami Beach; City of South Miami; City of Homestead; and Pinecrest**. Chapter 24-49 of the Miami-Dade County Code has countywide jurisdiction except for municipalities that have enacted their own tree protection provisions that are at least as stringent as Ch. 24-49.**

and (3) sell the property to the adjacent property owner since it cannot be developed because of the conditions set by the City of Miami mentioned above.

Background and Relevant Legislation

On May 2, 2000, the Board of County Commissioners (BCC), through Resolution R-432-00, authorized the County Manager to establish and implement actions and processes necessary to more efficiently administer Miami-Dade County's Infill Housing Initiative. This included the authorization to transfer ownership of County-owned lots to not-for-profit development corporations that are ready, willing, and able to develop housing units as prescribed by the County Code. In addition, the BCC approved Chapter 17, Article VII of the County Code, which created a methodology for handling infill housing, including identification of property and adjacent property, acquisition of property, transfer and sale of property, reversion of title to the County in the event of non-performance, forgiveness of liens, and construction and rehabilitation loan provisions.

According to the Deed accompanying the resolution, the property will be developed for affordable housing in accordance with the requirements of the Infill Housing Initiative and its guidelines. The Deed further mentions that the affordable housing developed on 1785 N.W. 47 Street will be sold **to a low or moderate income household** (12 or less of median income) and under no circumstances will the sale price of the home exceed $205,000.00. **On December 2, 2008, the maximum sales price of $205,000 was set by the BCC. (See File No. 090353; resolution no. not available)**

Question: Why weren't the conditions set by the City of Miami presented earlier?

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GSA is applying the 2008 Assessed Value figures provided by the Property Appraisers Department for both properties because the 2009 Assessed Value figures were not available when the item was prepared.

Median Household Income FY 2008[3]

Jurisdiction	Area Median Income
Miami-Dade	**$49,200**
Broward County	$64,000
West Palm Beach County	$66,000
Cape Coral-Fort Myers	$59,900
Deltona-Daytona Beach-Ormond Beach, Fl	$52,300
Jacksonville, Fl	$63,900
Tampa-St Petersburg-Clearwater, Fl	$56,500
Florida	**$57,200**
United States	**$61,500**

HUD 2008 50%, 80% and 120% of Area Median Income threshold by Household Size for Miami-Dade[4]

% of AMI	1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons	7 Persons	8 Persons
50%	21,100	24,100	27,150	30,150	32,550	34,950	37,400	39,800
80%	33,800	38,600	43,450	48,250	52,100	55,950	59,850	63,700
100%	50,650	57,900	65,100	72,350	78,150	83,950	89,750	95,500

Prepared by: Michael Amador-Gil

[3] US Department of Housing and Urban Development

[4] Huduser.org/publications/commdevl/nsp.html

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

Legislative Notes

Agenda Item:	**8(I)(1)(A)**
File Number:	**092641**
Committee(s) of Reference:	**BCC**
Date of Analysis:	**October 2, 2009**
Type of Item:	**Intergovernmental Cooperation Agreement; Pittsburgh, Pennsylvania's Police Bureau**
Sponsor/ Requester:	**Miami-Dade Police Department**

Summary

This proposed resolution retroactively authorizes the execution of an intergovernmental agreement between the City of Pittsburgh, Pennsylvania's Police Bureau and Miami-Dade County. Under the cooperative agreement, the County's Police Department agreed to provide security services prior to and during the G20 Summit which was held on September 24-25, 2009 in Pittsburgh.

Background and Relevant Legislation

Two weeks ago, the City of Pittsburgh, Pennsylvania hosted the G20 Summit, an international financial summit attended by the heads-of-state of 20 member countries. The Pittsburgh Police Department requested Miami-Dade's Police Department to assist in providing security during the days leading up to the conference and during the week of the conference for persons attending the Summit. In light of the potential of thousands of protesters, the attendance by dignitaries and the size and significance of the event, the summit was classified as a National Special Security Event. Security was coordinated by the United States Secret Service working in conjunction with the Pittsburgh Police. Miami-Dade was among the several jurisdictions which agreed to commit several police officers to assist with security. In particular, the County committed a total of 70 law enforcement personnel consisting of lieutenants, sergeants, officers, logistic personnel, captains and videographers.

Policy Change and Implication

The Board of County Commissioners (BCC) has previously approved intergovernmental agreements between the County and other jurisdictions regarding law enforcement measures, and has previously retroactively authorized the execution of interlocal agreements pertaining to matters other than law enforcement. (See R-71-05: An Intergovernmental Agreement Between Miami-Dade County and The Florida Department of Law Enforcement (FDLE); see also File No. 070277: Retroactively Authorizing

Execution of A Training Agreement With Miami-Dade County Public Schools.) Therefore, ratification of the pending intergovernmental agreement is consistent with prior BCC practices.

OCA Staff Notation

Police staff reports that the delay in presenting the Intergovernmental Agreement to the BCC for approval (thereby requiring retroactive authorization) was attributable to contract negotiations which were not finalized until days before the Summit. The particulars of the negotiations were not disclosed to OCA staff (Office of Commission Auditor) although requested. Police staff is prepared to address this matter at the BCC meeting.

The following specific questions were posed by OCA staff to Police Staff:

(1) Given the nature of the boilerplate contract provisions, why were contractual negotiations protracted?

(2) Given that G20 Summits are scheduled at least several months in advance of the event date, why were negotiations settled just days before the event?

(3) If funding, training and equipment for the event are administered by the host Police Department and the Secret Service, what issues were raised during negotiations?

Police staff declined to respond to the questions posed.

Budgetary Impact

Under the terms of the agreement, the City of Pittsburgh is obligated to reimburse the County for personnel salaries, overtime, and transportation in the amount of $214,080.59.

Prepared by: Lauren Young-Allen

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

Legislative Notes

Agenda Item: 8(J)1(B)

File Number: 092340

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: October 2, 2009

Type of Item: Rejecting Proposals for a Transit Project

Summary

This resolution approves the rejection of all proposals related to the South Miami-Dade Bus Maintenance Facility project. Based on the continuous reduction in bus revenue miles, the Transit Agency will no longer need to construct this bus maintenance facility.

Background and Relevant Legislation

In 2007, the Board of County Commissioners (BCC) approved authorized Miami-Dade Transit Agency to solicit proposals for the design of the South Miami-Bus Maintenance Facility to be built at the Homestead Air Reserve Base (File No. 071426). The Administration subsequently entered into unsuccessful negotiations with the first ranked, then the second ranked bidders on the project in 2007. The project was estimated to cost $1,045,000.

During the course of negotiations, the Department determined that it would not need the bus maintenance facility due to the decrease in bus revenue miles. Since this project was proposed, the Transit Agency has decreased from 38 million revenue miles to the current 30.5 million revenue miles. The adopted budget for FY 2009-10 budget reduces revenue miles to 28.5 million. The department currently has approximately 900 buses in service and new buses which are slated for procurement will replace existing buses.

Policy Change and Implication

This rejection of proposals has the implication of cancelling a transit-related capital improvement project which the department has deemed unnecessary.

Budgetary Impact

This project had an estimated cost of $1,045,000.

Prepared By: Jason T. Smith

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

Legislative Notes

Agenda Items:	**8(K)(1)(A) and 8(K)(1)(B)**
File Numbers:	**092404 and 092403**
Committee(s) of Reference:	**Board of County Commissioners**
Date of Analysis:	**October 2, 2009**
Type of Item:	**Community Development Block Grant (CDBG) Funds**

Summary

These resolutions authorize the County Mayor or his designee to amend the 2005 Disaster Recovery Initiative (DRI) Action Plan to reflect the following:

- **Item 8K1A -** The recapture and reallocation of $1 million of the Florida Department of Community Affairs (DCA), FY 2005 DRI Florida Round 1 Program (DRI Round 1), Florida Small Cities CDBG Program; and
- **Item 8K1B -** The recapture and reallocation of $6.5 million of the DCA FY 2005 DRI Round 2 Program Florida Small Cities CDBG Program.

Furthermore, these resolutions authorize the County Mayor or his designee to receive and expend grant funds, execute such contracts and amendments as required; apply for, receive, and expend additional funds; and file and execute any necessary amendments, modifications, renewals, cancellations, and termination provisions of any resulting contracts and/or agreements upon approval from the County Attorney (CA).

Background and Relevant Legislation

Due to the impacts of Hurricane Katrina and Wilma, Congress appropriated $11.5 billion of CDBG funding, in the Military Construction Appropriations and Emergency Hurricane Supplemental Appropriation Act, to five states for disaster relief, long term recovery, and the restoration of infrastructure related to these storms. Florida's allocation from the United States Department of Housing and Urban Development (US HUD) is $82.9 million.

<u>DRI Round 1 – Item 8(K)(1)(A)</u>

In June 2006, DCA awarded Miami-Dade County an initial funding allotment of $16.1 million. Under Resolution No. 1292-06, the Board of County Commissioners approved 9 projects that encompassed Miami-Dade County and its local jurisdictions to be included in the application submitted to DCA. Under

the application, Miami-Dade County would be awarded $7,208,629 for countywide single-family unit residential rehabilitation project.

Item 8(K)(1)(A) allows for the recapture of $1 million from the Miami-Dade County (MDC), Countywide Rehab Work Project and reallocates it to the MDC, Single-family Unit Residential Rehabilitation Project (Habitat for Humanity).

The Chart below provides the recapture and reallocation of these funds (see chart below).

Miami-Dade County Breakdown of DRI Round 1 Funds						
District No.	**Project Title**	**Original Award (R-1296-06)**	**Additional Award (R-645-08)**	**Current Award Total**	**Reallocation (this item)**	**Adjusted Award Amount**
Ctywide	MDC, Single-family Unit Residential Rehabilitation Project (Habitat for Humanity)	$750,000	$1,000,000	$1,750,000	$1,000,000	$2,750,000
4	City of North Miami, Single-family Unit Residential Rehabilitation Project	$840,000	$750,000	$1,590,000	$0	n/a
5	Housing Authority of the City of Miami Beach, Multi-unit Residential Rehab. Project	$1,201,280	$150,000	$1,351,280	$0	n/a
1	City of Miami Gardens, Single-family Unit Residential Rehabilitation Project	$375,000	$700,000	$1,075,000	$0	n/a
Ctywide	Miami-Dade County, Countywide Rehab Work		$4,392,370	$4,392,370	($1,000,000)	$3,392,370

<u>DRI Round 2 – Item 8(K)(1)(B)</u>

In August 2007, Miami-Dade County was advised that US HUD and DCA made available a second round of CDBG disaster related funds through a supplemental appropriation addressing Hurricane Wilma totaling more than $22 million for the Miami-Dade County area. Nineteen projects were submitted to DCA for the DRI Round 2 Program funding, including $6.5 million to the Miami-Dade County Countywide Single-family Unit Repair/Rehabilitation and Harding Project through Resolution No. R-1260-07.

Item 8(K)(1)(B) allows for the recapture of $6.5 million from the MDC, Countywide Single-family Unit Repair/Rehabilitation and Hardening Project and reallocates it between the following projects:

- MDC, Office of Community and Economic Development (OCED) Section 8 New Construction and Market Properties;
- Housing Authority of the City of Miami Beach, Multi-unit Residential Rehabilitation Project;
- City of North Miami, Single-family Unit Repair/Rehabilitation and Hardening Project; and
- Florida City Infrastructure Repair/Improvement Project.

The Chart below provides the recapture and reallocation of these funds (see chart below).

District No.	Project Title	Original Award (R-1260-07)	Reallocation (this item)	Adjusted Award Amount
Ctywide	MDC, Countywide Single-family Unit Repair/Rehabilitation and Hardening Project	$6,500,000	($6,500,000)	$0
Multi-District	MDC, Office of Community and Economic Development (OCED) Section 8 New Construction and Market Properties	$0	$2,500,000	$2,500,000
4	Housing Authority of the City of Miami Beach, Multi-unit Residential Rehab. Project	$1,201,280	$150,000	$1,351,280
9	City of North Miami, Single-family Unit Repair/Rehabilitation and Hardening Project	$712,500	$3,000,000	$3,712,500
Ctywide	Florida City Infrastructure Repair/Improvement Project	$2,523,035	$1,000,000	$3,523,035

Budgetary Impact

No County matching funds are required to receive these funds.

Question / Comments:

Item 8(K)(1)(B) - Round 2 DRI funds:

- Who is the contractor for the projects?
- By what process were the funds reallocated - competitively or administratively?
- How did Administration determine which projects to reallocate the funds to?

Prepared by: Elizabeth N. Owens

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

Legislative Notes

Agenda Item: 8(M)1(A)

File Number: 092304

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: September 28, 2009

Type of Item: Resolution

Summary

This resolution ratifies the submission of twenty (20) grant applications to the 2009 Safe Neighborhood Parks (SNP) Bond Grant Program totaling $3,849,500.

Background and Relevant Legislation

The Safe Neighborhood Parks Citizen's Oversight Committee (SNPCOC) has awarded $200 million from Bond proceeds, plus an additional $11.4 million in Bond interest earnings and recaptured funds to more than 40 municipalities, not-for-profit agencies and Miami-Dade County.

On May 14, 2009, the SNPCOC set the following timetable for RFP SNP0809 as follows:

June 15, 2009	RFP Available
June 25, 2009	Pre-proposal Conference
July 20, 2009	Application Deadline to the Clerk of the Board
August 13, 2009	SNPCOC Review Applications
August 20, 2009	Present SNPCOC Recommendations to the Manager
October 2009	Recreation, Culture & Tourism Committee
November 2009	Board of County Commissioners

The original timetable for grant application submittals was July 20, 2009, but an amendment to the grant application rules extended the deadline to July 24, 2009 to allow Park and Recreation Department (PRD) to submit its applications.

According to the Office of Capital Improvements, an amendment can be made to the grant application rules via addendum to be approved by SNPCOC.

On June 9, 2009, the County Manager issued a memo informing the Board of County Commissioners that the Office of Capital Improvements will be advertising a Request for Proposals (RFP) SNP0809 on June 12, 2009 which will provide $6 million (interest earnings) in funding for land acquisitions and capital development of public parks.

According to PRD, over seventy (70) applications were received for the above-mentioned RFP submitted by municipalities, not-for-profits and Miami-Dade County.

Of the twenty (20) grant applications submitted by the PRD (valued at $3,849,500), the SNPCOC only approved eleven (11) projects (valued at $1,282,500).

The eleven grant applications approved by SNPCOC (SNP0809) is as follows:

District	Project	SNP Request	Total Project Cost	Matching Funds
2	Little River Park	$100,000	$200,000	CDBG
7	Sunkist Park	$175,000	$350,000	QNIP
9	Ben Shavis Park	$100,000	$200,000	CDBG
9	Naranja Park	$110,000	$221,000	QNIP
10	Ruben Dario Park	$72,800	$145,600	GOB
10	McMillian Park	$191,600	$383,200	GOB
10	Blue Lakes Park	$140,600	$281,200	QNIP
11	Millers Pond Park	$155,000	$310,000	QNIP
11	Westwind Lakes Park	$45,000	$90,000	QNIP
11	Lago mar Park	$96,000	$192,000	QNIP
11	Hammocks Community Park	$96,000	$192,000	QNIP

Budgetary Impact

The grant application will only contribute $3,849,500 toward the estimated total project cost of$7,699,000. The remaining project costs will be provided from various sources to include QNIP, CDBG, Impact Fees and GOB funds.

According to the Office of Capital Improvements latest SNP Quarterly Status Report (June 2009), the following values can be derived from the report to include:

- 32 SNP Projects remaining in various stages of progress from design, construction, completion;
- Total value of active contracts $29,851,431;
- Amount paid on total value $7,243,364;
- Total value of contracts remaining to be paid $22,608,067.

The project listed in the above-mentioned quarterly report does not include SNP projects to be awarded by the BCC from the latest SNP RFP SNP0809. The total funds available to be awarded through RFP SNP0809 are $5,954,908.

Prepared By: Mia B. Marin

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

Legislative Notes

Agenda Item: 8(O)1(A)

File Number: 092412

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: October 2, 2009

Type of Item: Contract Award

Summary

This item approves the contract award to PMG Associates, Inc., for $235,800 over five years for quarterly bus operator performance monitoring services.

Background and Relevant Legislation

The contract for bus operator performance monitoring services will be funded from Miami-Dade Transit operating funds, and the recommended vendor is PMG Associates, Inc., the highest ranked responsive bidder.

The vendor will randomly monitor bus operators and evaluate the drivers' compliance with federal and state laws regarding common carriers, including adherence to the American with Disabilities Act, fare collection, passenger relations, and on-time service. The drivers will not be told in advance of the date of the random evaluations.

Conducting these "secret shopper-like" evaluations is required by the Federal Transit Administration (FTA). The FTA requires that independent firms conduct these evaluations.

PMG Associates, Inc. is a registered corporation in good standing with the Florida Department of State, Division of Corporations. The company principal is Kathleen Gonot, 4171 West Hillsboro Blvd., Suite 8, Coconut Creek, Florida.

Policy Change and Implication

This item does not represent a change in policy. The evaluations conducted under this contract are meant to ensure that the County is adhering to federal, state and local policies.

Prepared By: Jason T. Smith

Questions

- What happens to a bus operator if s/he is not in compliance and receives a low evaluation from one of the performance monitors?
- What sanctions will MDT face if it gets low evaluations from the performance monitors?

Budgetary Impact

This contract award is for $253,000 over a five-year period.

Prepared By: Jason T. Smith

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

Legislative Notes

Agenda Item:	**8(O)(1)(B)**
File Number:	**092594**
Committee(s) of Reference:	**Board of County Commissioners**
Date of Analysis:	**October 2, 2009**
Type of Item:	**Option-to-Renew Period for Competitively Bid Contracts**

Summary

This procurement package includes a total of eight (8) competitively bid contracts containing options-to-renew (OTR) clauses which, if exercised, would bring the cumulative value of each contract in excess of $1 million.

Background and Relevant Legislation

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

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

Policy Change and Implication / Budgetary Impact

Item No. 1 – Integrated Pest Control for Miami-Dade Aviation Department

This item authorizes the County Mayor or his designee to exercise the final OTR period to purchase pest control services for the Miami-Dade Aviation Department (MDAD).

The original contract, executed on November 1, 2005, provided pest control services for the following MDAD facilities: Miami International Airport (MIA), Homestead General Aviation Airport, Opa-Locka Airport, Tamiami, and TNT. Supplemental Agreement No. 1, executed in 2006, added the south terminal construction site, and the north terminal construction site, trailers and gate to the contract. Supplemental Agreement No. 2, executed in 2007, added additional areas at MIA, revising the cost of the contract.

The vendor, Steritech Group, Inc., is a non-local vendor with headquarters located in Charlotte, North Carolina. The following individuals serve as principals: John Whitley (ECOB), David MacKenzie (D), Michael Lynch (St), and Mark Jarvis (CEO).

Comments / Questions

According to the County Manager's memo, this contract will be transitioned into the County's Integrated Pest Management Pool contract (Pool Contract). The Pool Contract expires on February 28, 2010.

- Will there be at a cost savings to the County and if so, what is the estimated cost savings?
- Why was this contract not merged into the Pool Contract sooner?

DOLLAR AMOUNT EXPENDED UNDER CONTRACT		
	Blanket Purchase Order (BPO)	**Total Releases**
Initial Term	$183,004.00	$170,171.37
First OTR	$257,104.00	$231,970.49
Second OTR	$281,104.00	$249,518.04
Third OTR	$278,000.00	$214,446.70
• **TOTAL**	**$999,212.00**	**$866,106.60**

Information provided by DPM

Item No.	Initial Contract and Expended Amount	Request to Exercise and Funding Source	Amount of OTRs and Expended Amounts	Previous Contract Amount per year
1	Terms and Amount: 11/01/05 - 10/31/07 $183,004.00 Total Releases: $170,171.37	The last remaining OTR with a one-year term. Funding Source: Proprietary Revenue	1st OTR - $258,000 2nd - $282,000* 3rd - $278,000* 4th - $260,000 Cumulative Value of Contract with OTRs = $1,262,000.	• The Steritech Group, Inc. (non-local vendor) There are no performance or compliance issues with this firm.

*****Modifications were made to accommodate an increased demand for pest control services at MDAD facilities. The modifications totaled $98,100.

Item No. 2 – Printed Case File Folders

This item authorizes the County Mayor or his designee to exercise the three remaining OTR periods to purchase printed case file folders for the Clerk of Courts.

The initial allocation amount was for $178,000; however, due to the increase in the number of foreclosure filings, the contract amount was modified, increasing the initial amount.

The vendor, Advanced Filing System Inc., is local vendor with the following principals: Jan and David Stoutamire.

Comments/Questions:

DOLLAR AMOUNT EXPENDED UNDER CONTRACT		
	Blanket Purchase Order (BPO)	**Total Releases**
Initial Term	$327,715.99	$209,401.56
First OTR	$343,774.08	$217,890.97
• **TOTAL**	**$671,490.07**	**$427,292.53**

Information provided by DPM

Item No.	Initial Contract Term & Amount	Request to Exercise and Funding Source	Amount of OTRs	Previous Contract Amount per year
2	11/28/07 to 11/27/08 $328,000	The 3 remaining OTRs, each with a one-year term. <u>Funding Source:</u> Clerk's Revenue	2nd - $344,000 3rd - $344,000 4th - $344,000 Cumulative Value of Contract with OTRs = $1,704,000.	• Advance Filing System, Inc. No performance or compliance issues this firm.

<u>Item No. 3 – Financial Advisory Services (Aviation Segment)</u>

This item authorizes the County Mayor or his designee to exercise the two remaining OTR periods to provide financial advisory services for the Finance Department to support Miami-Dade Aviation Department's (MDAD) financial requirements.

This is a joint vendor contract. The primary vendor, First Southwest Company, is a non-local vendor with headquarters in Dallas, Texas. The following individuals serve as principals of First Southwest Company: Hill A. Feinberg (CDP), Michael G. Bartolotta (D), David A. Commons (V), Nancy A. Thomas (S), Michael J. Marz (D), and Paul M. Bass (D). The secondary vendor, Frasca & Associates, is a non-local vendor with headquarters in New York, New York. The following individuals serve as principals of Frasca & Associates: Doreen M. Frasca (MGR)and Kenneth J. Cushine (MGR).

Comments/Questions:

The two remaining OTR amounts represent a significant reduction in comparison to the initial contract.

- Why are the OTRs less?

Item No.	Initial Contract Term & Amount	Request to Exercise and Funding Source	Amount of OTRs	Previous Contract Amount per year
3	11/02/06 to 11/01/09 $850,000	The two (2) remaining OTRs, each with a two-year term. <u>Funding Source:</u> Bond Proceeds and Bond Administration Funds	1st - $567,000 2nd - $567,000 Cumulative Value of Contract with OTRs = $1,984,000	• First Southwest Company (non-local vendor) • Frasca & Associates, LLC (non-local vendor) There are no performance

				or compliance issues with either firm.

Item No. 4 – Financial Advisory Services (General Segment)

This item authorizes the County Mayor or his designee to exercise the two remaining OTR periods to provide financial advisory services for the Finance Department for those departments that are not covered under the Aviation and Enterprise Segment agreements.

The vendor, Public Financial Management, Inc., is a non-local vendor with headquarters in Philadelphia, Pennsylvania. The following individuals serve as principals: John F. White (PCEO), Marty Margolis (VPT), Barbara Bisgaier (S), Glen Williard (MD), Keith Curry (MD).

Questions/Comments

The two remaining OTR amounts represent a significant reduction in comparison to the initial contract.

- Why are the OTRs less?

Item No.	Initial Contract Term & Amount	Request to Exercise and Funding Source	Amount of OTRs	Previous Contract Amount per year
4	11/02/06 to 11/01/09 $850,000	The two (2) remaining OTRs, each with a two-year term. Funding Source: Bond Proceeds and Bond Administration Funds	1st - $567,000 2nd - $567,000 Cumulative Value of Contract with OTRs = $1,984,000	• Public Financial Management There are no performance or compliance issues with this firm.

Item No. 5 – Financial Advisory Services (Enterprise Segment)

This item authorizes the County Mayor or his designee to exercise the two remaining OTR periods to provide financial advisory services for the Finance Department to assist the Seaport, Solid Waste, Transit, and Water and Sewer departments.

The vendor, Public Resource Advisory Group, Inc. is a non-local vendor with headquarters in St. Petersburg, Florida. The following individuals serve as principals: William W. Cobbs (P), Wesley C. Hough (VP), and Steven Peyser (ST).

Comments/Questions:

The two remaining OTR amounts represent a significant reduction in comparison to the initial contract.

- Why are the OTRs less?

Item No.	Initial Contract Term & Amount	Request to Exercise and Funding Source	Amount of OTRs	Previous Contract Amount per year
5	11/02/06 to 11/01/09	The two (2) remaining OTRs, each with a two-year term.	1st - $567,000 2nd - $567,000	• Public Resource Advisory Group, Inc.

	$850,000	Funding Source: Bond Proceeds and Bond Administration Funds	Cumulative Value of Contract with OTRs = $1,984,000	There is no performance or compliance issues with this firm.

Item No. 6 – Towing Services (County Vehicles)

This item authorizes the County Mayor or his designee to exercise the five remaining OTR periods to purchase towing services for several County departments including Aviation, Fire Rescue, GSA, Housing, Police, Park and Recreation, Transit, and Water and Sewer.

The eight (8) vendors are all local and do not have compliance issues. They include the following companies:

- Westbrook Motors, Inc.
  - Principals include Raul Suarez (PD), Raul Suarez Jr. (VPD), and Gretel Gonzalez (ST).
  - **Performance Issues**
    - During this contract's current term, this company had performance issues regarding their invoicing procedures.
    - On RFQ 97, Towing Services for the Miami-Dade Police Department (MDPD), this firm did not have sufficient inside storage space.
    - Both issues have been resolved.
- Blanco Towing, Inc.
  - Principals include Zeida Blanco (PS), Mario Blanco (T), and Manuel Blanco (V).
- Banos Towing Services
  - Principals include Domingo Banos (PTD) and Emelia Banos (SD).
- Excalibur Towing Services
  - Principals include Ramon Crego (P) and Maria C. Crego (S/T).
  - **Performance Issues**
    - During this contract's current term, this company had performance issues regarding their invoicing procedures.
    - This issue has been resolved.
- Kauff's of Miami, Inc.
  - Principals include Francis G. Russell (PD) and Monica D. Russell (STD).
  - **Performance Issue**
    - On RFQ 97, Towing Services for MDPD, this firm was overcharging citizens for towing services and failed to follow notification procedures.
    - This issue has been resolved.
- Midtown Towing of Miami
  - Principals include Lauraine Lichtman (PTD).
  - **Performance Issues**
    - During this contract's current term, this company had performance issues regarding their invoicing procedures.
    - This issue has been resolved.
- A-1 Redland Economy Tow
  - Principals include Sandra L. Vanderford (DPT) and Hollis R. Vanderford (DS).
  - **Performance Issue**

        - On RFQ 97, Towing Services for MDPD, this firm was overcharging citizens for towing services.
        - This issue has been resolved.
- Southwest Transport, Inc.
    - Principals include Peter F. Hernandez (P) and Robert J. Muriedas (VP).

Comments/Questions:
The unallocated amount of $169,000 may be used to supplement department allocations in order to satisfy service requirements.

Did any of the performance issues result in any citations to the company or to the company's driver?

DOLLAR AMOUNT EXPENDED UNDER CONTRACT		
	Blanket Purchase Order (BPO)	**Total Releases**
Initial Term	$1,465,005.00	$498,140.88
• **TOTAL**	**$1,465,005.00**	**$498,140.88**

Information provided by DPM

Item No.	Initial Contract Term & Amount	Request to Exercise and Funding Source	Amount of OTRs	Vendor (s) / Performance Record
6	12/15/08 to 11/30/09 $1,467,000	Five (5) remaining OTR periods, each with a one-year term. <u>Funding Source(s):</u> Proprietary Revenue, Fire District Fund, Internal Service Funds, Federal Funds, General Fund, and MDT Operating Fund.	1st - $1,467,000 2nd - $1,467,000 3rd - $1,467,000 4th - $1,467,000 5th - $1,467,000 Cumulative Value of Contract with OTRs = $8,802,000	• Westbrook Motors, Inc. • Blanco Towing, Inc. • Banos Towing Services • Excalibur Towing Service • Kauff's of Miami, Inc. • Midtown Towing of Miami • A-1 Redland Economy Tow • Southwest Transport, Inc. Several vendors had performance issues (see above); however, none had compliance issues.

<u>Item No. 7 – Bell Joint and Pipe Repair Clamps and Couplings</u>
This item authorizes the County Mayor or his designee to exercise the two remaining OTR periods to purchase bell joint and pipe repair clamps and couplings for the Miami Dade Water and Sewer Department (WASD).

The three (3) vendors are local vendors and do not have any performance or compliance issues. The vendors include:

- Corcel Corp
  - Principals include Rafael L. Corona (PTD) and Ray L. Corona (VPSD).
- Ferguson Enterprises, Inc.
  - Principals include Terry E. Hall (VPS), David L. Keltner (CFOT), John A. Stegeman (PD), Frank W. Roach (CD), James A. Feltman (VP), and Lonnie A. Byrd (VP).
- Giralt Enterprises, Inc.
  - Principals include Pedro P. Giralt (PD) and Vicia Giralt (DS).

Comments/Questions:

DOLLAR AMOUNT EXPENDED UNDER CONTRACT		
	Blanket Purchase Order (BPO)	**Total Releases**
Initial Term	$450,000.00	$215,479.22
First OTR	$450,000.00	$206,795.86
Third OTR	$450,000.00	$349,023.74
• **TOTAL**	**$1,350,000.00**	**$771,298.82**

Item No.	Initial Contract Term & Amount	Request to Exercise and Funding Source	Amount of OTRs	Previous Contract Amount per year
7	11/16/06 to 11/15/07 $450,000	The two (2) remaining OTR periods, each with a one-year term. <u>Funding Source:</u> Proprietary Revenue	1st - $450,000 2nd - $450,000 3rd - $450,000 4th - $450,000 Cumulative Value of Contract with OTRs = $2,250,000	• Corcel Corp. • Ferguson Enterprises, Inc. • Giralt Enterprises, Inc. There are no performance or compliance issues with these firms.

<u>Item No. 8 – Refrigerant Gasses (Prequalification)</u>

This item authorizes the County Mayor or his designee to exercise the two remaining OTR periods to purchase refrigerant gases for various departments including Aviation, Corrections, Fire Rescue, GSA, Housing, Transit, Police, Park and Recreation, Seaport, Water This contract establishes a pre-qualified pool of bidders that allow for spot market competitions for purchases.

The five (5) vendors are all non-local vendors and do not have any performance or compliance issues. The vendors include:

- Coolgas, Inc.
    - Principals include Jesse Combs.
- American Refrigerants, Inc.
    - Principals include Wayne K. Murray (D).
- Airgas Refrigerants, Inc.
    - Principals include Chuck Broadus (PD), Emmanuel Dupree (VCFO), Thomas M. Smyth (VP/D), and Robert H. Young Jr. (Sec).
- Trane US, Inc.
    - Principals include John W. Conover IV (P), David R. Pannier (VP), David S. Kuhl (T), Barbara A. Santoro (S), Michael W. Lamach (VP), and Robert S. Smolen (AT).
- W.W. Grainger, Inc.
    - Principals include Chris J. Bellmore (AS), Cristen Kogl (S), Ronald L. Jadin (CFO), Philip M. West (T), Richard L. Keyser (D), and James T. Ryan (CEO).

Comments/Questions:

DOLLAR AMOUNT EXPENDED UNDER CONTRACT		
	Blanket Purchase Order (BPO)	**Total Releases**
Initial Term	$938,300.00	$518,431.21
First OTR	$469,150.00	$297,505.14
• **TOTAL**	**$1,407,405.00**	**$815,936.35**

Information provided by DPM

Item No.	Initial Contract Term & Amount	Request to Exercise and Funding Source	Amount of OTRs	Previous Contract Amount per year
8	12/01/06 to 11/30/08 $939,000	The two (2) remaining OTR periods, each with one-year term. <u>Funding Source(s):</u> Proprietary Revenue, General Funds, Fire District Funds, Internal Service Funds, Federal Funds, MDT Operating Fund, General Funds, and Proprietary Revenue.	1st - $470,000 2nd - $410,000 3rd - $410,000 Cumulative Value of Contract with OTRs = $2,229,000	• Coolgas, Inc. • American Refrigerants, Inc. • Airgas Refrigerants, Inc. • Trane US, Inc. • W.W. Grainger, Inc. There are no performance or compliance issues with these firms.

Prepared By: Elizabeth N. Owens

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

Legislative Notes

Agenda Item: **8(O)(1)(C)**

File Number: **092630**

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

Date of Analysis: **October 6, 2009**

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

Summary

This procurement package includes a total of three (3) non-competitively bid contracts containing options-to-renew (OTR) clauses which, if exercised, would bring the cumulative value of each contract in excess of $100,000.

Background and Relevant Legislation

Pursuant to Section 2-8.1 of the Code and Master Procurement Administrative Order AO 3-38, the Board of County Commissioners' (Board) authorization is required to direct the County Mayor or his designee to award contracts and to exercise options-to-renew (OTR) clauses which if exercised would bring the cumulative value of the contract in excess of $100,000.

The Administration notes the following: (1) prior to this request to exercise the options period, market research was conducted to ensure that pricing and quality are competitive; and (2) the allocation represents the maximum spending authority based on past usage.

Policy Change and Implication / Budgetary Impact

Item No.	Contract Title	Initial Contract Term & Amount	Request to Exercise	Amount of OTRs	Vendor(s) / Performance Record
1	Transched Software Maintenance/Support Agreement	10/11/07 to 10/10/08 $47,000	4 remaining OTRs. Each for one-year terms.	1st - $40,000 2nd - $48,000 3rd - $58,000 4th - $69,000 Cumulative	• Transched Systems, LLC (non-local vendor) There are no performance or

Item No.	Contract Title	Initial Contract Term & Amount	Request to Exercise	Amount of OTRs	Vendor(s) / Performance Record
				Value of Contract with OTRs = $262,000	compliance issues with this firm.
2	Water and Sewer Billing System Professional Support Services	11/02/07 to 10/31/09 $98,000	3 remaining OTRs. Each with a one-year term.	1st - $51,000 2nd - $52,000 3rd - $53,000 Cumulative Value of Contract with OTRs = $254,000.	• Pitney Bowes Software, Inc. (non-local vendor). No performance or compliance issues this firm.
3	KeySecure 3 System <u>Question:</u> This represents a significant reduction in comparison to the 1st and 2nd OTRs, why the decrease? What was the actual expenditure under the initial OTRs?	02/01/08 to 01/31/10 $74,000	3 remaining OTRs. Each with a one-year term.	1st - $39,000 2nd - $41,000 3rd - $43,000 Cumulative Value of Contract with OTRs = $197,000	• Knox Associates, Inc. (Non-local vendor) There are no performance or compliance issues with either firm.

Prepared by: Elizabeth N. Owens

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

Legislative Notes

Agenda Item: 8(P)(1)(E)

File Number: 092276

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: September 27, 2009

Type of Item: Construction and Maintenance Agreement

Commission District: 12

Summary

This resolution authorizes the execution of a Preemption Interconnection Construction and Maintenance Agreement among Miami-Dade County (County), CSX Transportation, Inc., (CSX) and Beacon Lakes Community Development District (Developer) for the synchronization of railroad crossing devices and traffic signals at the intersection of NW 137 Avenue and NW 12 Street.

Legislative History

On April 17, 2009, the Board of County Commissioners, through Resolution 315-09, authorized the execution of a Construction Agreement among Miami-Dade County, CSX Transportation, Inc. (CSX) and Beacon Lakes Community Development District (Developer) in the amount of $1,573 for the yearly maintenance for new crossing protective devices located at N.W. 137 Avenue, in the vicinity of N.W. 12 Street.

CSX Corporation, based in Jacksonville, Florida, is a transportation company providing rail, intermodal and rail-to-truck transload services. CSX will perform the work to remove the existing railroad system and install the new railroad tracks and devices.

The Construction Agreement provided the following:

- The County and the Developer propose to construct the widening of 137th Avenue at-grade crossing to include the installation of full width concrete crossing surface and installation of automatic warning devices;
- **Secondary Gas Tax will be used to fund the yearly maintenance fee;**
- The Developer will pay the other 50% of yearly maintenance fees of the highway-rail grade crossing traffic control devices; and
- The County will not be responsible for any of the construction costs.

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: 092337

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: September 27, 2009

Type of Item: Agreement

Commission District: 12

Summary

This resolution authorizes the execution of an Agreement between Miami-Dade County, the City of Hialeah (City) and AMB I-75 LLC (AMB) located west of the I-75 Extension, North of N.W. 170 Street, and Southeast of the Florida Turnpike Extension. The Agreement provides for the **temporary release** of a portion of Miami-Dade Water and Sewer Department's (MDWASD) water and sewer service areas to the City of Hialeah to provide water and sewer service for AMB's proposed project. The MDWASD does not have the infrastructure installed to service the AMB property.

Once AMB completes the water and sewer infrastructure for the area, AMB will convey portions of the finished and inspected infrastructure to the City and the County, pursuant to the Agreement.

AMB requires water and sewer services by December 2009.

Agreement highlights:

- AMB at its sole cost and expense will install the water and sewer infrastructure from the existing City water and sewer mains to temporarily serve the AMB property and other adjacent properties.
- **The City will be responsible for reading the meter, billing and collecting applicable charges from AMB for retail water and sewer services for the duration of the temporary release.**
- The design and construction of all water sewer facilities to be installed within the temporarily released area must conform to the MDWASD general standards and be approved by the MDWASD.
- AMB will install a private collection system and private pump station which will be maintained by AMB.
- **Once the MDWASD installs the water and sanitary sewer infrastructure with sufficient capacity, the contract will terminate.**

AMB Business Portfolio

AMB Property Corporation, a Maryland corporation, organized in 1997, owns, acquires, develops and operates industrial properties in key distribution markets tied to global trade in the Americas, Europe and Asia. AMB's global headquarters are located at Pier 1, Bay 1, San Francisco, California 94111. Other principal office locations are in Amsterdam, Boston, Chicago, Los Angeles, Mexico City, Shanghai, Singapore and Tokyo. As of December 31, 2008, AMB employed 645 individuals: 171 in San Francisco headquarters, 46 in the Boston office, 54 in the Tokyo office, 58 in Amsterdam office, 64 in Mexico City office and the remainder in other offices.

As of June 30, 2009, AMB owned, or had investments in, on a consolidated basis or through unconsolidated joint ventures, properties and development projects expected to total approximately 156.9 million square feet (14.6 million square meters) in 48 markets within 14 countries.

Prepared by: Michael Amador-Gil

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

Legislative Notes

Agenda Item: 8(R)(1)(B)

File Number: 092342

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: September 27, 2009

Type of Item: Contract

Commission District: 12

Summary

This resolution approves the execution of a contract with the City of Hialeah Gardens (City) for the provision of wholesale sewage disposal service by the Miami-Dade Water and Sewer Department (MDWASD) to the City for a twenty-year period. The City has requested an additional point of connection at County Pump Station No. 418. The pump station is located at 3330 West 76 Street.

The item provides the sewage disposal revenue received by MDWASD in FY 2008; however, the item does not include the combined revenues to MDWASD from the two (2) current sewage collection systems and the new sewage collection system at Pump Station No. 418.

Contract highlights:

- The City will bear the cost and expense of establishing the connections, easements, and provide necessary labor and materials.
- The City will supply meters and transfer ownership to the County.
- The operation and maintenance of all facilities on the City's side of the force main will be the sole responsibility of the City.
- Within 90 days following the execution of this Contract and before January 1 thereafter, the City will submit projected annual capacity demands.
- The City will pay the County a monthly charge for transmission, treatment, including reclamation, and any other disposal methods of all sewage received.
- The County reserves the right to revise or modify the service rate and method of calculation from time to time as may be approved by the Board of County Commissioners.

The following questions were answered by MDWASD staff:

Does MDWASD anticipate raising these fees in the next five years? *Yes, MDWASD anticipates raising the fees.*[1]

Does MDWASD charge the City a surcharge for future capital improvement projects? *No*

Which MDWASD plant will be servicing the City? Please include the plants longevity and capacity to service this area? *All of MDWASD's plants are interconnected; however, these flows are designated to the North District Wastewater Plant. FY 2008 - the* ***capacity*** *of the County's three wastewater treatment plants = 375 MGD,* ***permitted*** *at 368 MGD and actual flows =* ***296*** *MGD.*

Overall operations and FY 2009-10 Proposed Budget

The MDWASD serves more than 418,000 retail water customers and 336,000 retail wastewater customers and provides wholesale water service to 13 municipalities and wholesale wastewater service to 11 municipalities. The FY 2009-10 Proposed Budget includes additional resources for the department to prepare master plans and transmission systems models, to implement new systems to asset management allowing for decreased response time to emergencies and improved monitoring, to implement the Pump Station Optimization Program, to operate the High Level Disinfection expansion at the South District Wastewater Treatment Plant, and to repair and maintain both the existing system and the expanded facilities. Additional funding will be transferred to the renewal and repair funds for delayed or postponed capital projects ($15.757 million). An additional 146 positions will be added to the department to support these efforts. (See Volume 1, Page 27)

MDWASD Sustainable Initiatives FY 2009-10 Adopted Budget, Volume 1, Page 164

- In FY 2009-10, MDWASD will continue implementation of wastewater system capital projects ($337.5 million in FY 2009-10, $4.7 billion all years), including but not limited to BBC Bond Program projects ($7.4 million in FY 2009-10, $94.6 million all years);
- Major wastewater system projects include Wastewater Treatment Plants-Effluent Reuse ($33.9 million in FY 2009-10, $1.3 billion all years);
- South District Wastewater Treatment Plant- High Level Disinfection ($147.6 million in FY 2009-10, $591.1 million all years);
- Peak Flow Management Facilities ($16 million in FY 2009-10, $1.1 billion all years);
- Sanitary Sewer Systems Extension ($21.3 million in FY 2009-10, $140.6 million all years);
- Outfall Legislation ($1 million in FY 2009-2010, $475 million in all years);

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[1] **The FY 2009-10 Adopted Budget mentions that the water and wastewater rates are being increased by 18 percent for residential water and sewer and 17 percent for wholesale water, 14.6 percent for Hialeah wholesale water, and 21 percent for wholesale sewer.** The retail adjustment represents a six percent increase for the maintenance index determined by the United States Department of Labor, Bureau of Labor Statistics, 2008 Consumer Price Index (CPI), All Urban Consumers, Water and Sewerage Maintenance, US City Average and another 12 percent to cover the cost of additional capital and debt service obligations. For the average residential customer who uses 6,750 gallons per month, the annual increase is $77.16 or $6.43 per month. Wholesale rates are calculated on a cost basis and represent the increased cost of the provision of regional services. The municipalities and other wholesale customers have been informed of this rate increase and the adjustments have been reviewed with their representatives at a meeting held in June. (See Volume 1 , Page 20)

- North District Wastewater Treatment Plant ($3.3 million in FY 2009-2010; $118 million in all years); and
- Central District Wastewater Treatment Plant ($12.3 million in FY 2009-2010, $101 million in all years)

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:	092272
Committee(s) of Reference:	Board of County Commissioners
Date of Analysis:	September 27, 2009
Type of Item:	Extending Emergency Relief
Commission District:	Countywide

Summary
This resolution extends the authority of Miami-Dade Building officials to extend stop work orders from October 1, 2006 through December 31, 2009 for suspended, abandoned construction or work that has not commenced as a result of the current economic crisis in new residential and commercial construction.

On January 22, 2009, the Board of County Commissioners (BCC), through Ordinance 09-10, approved emergency relief for construction projects in economic crisis for valid permits issued for the first time on October 1, 2006 with an end date on or before June 1, 2009. Ordinance 09-10 provides the following: (1) a stop work order suspends the work for a six (6) month period (relief period) and temporarily prevents the expiration of permits; (2) allows the Building Department (Building) to extend the period of abatement beyond the six month period; and (3) establishes the absence of credit as cause of economic hardship for the issuance of a stop work order may be justified.

- The resolution encompasses any new residential or commercial construction with a valid permit issued for the first time on October 1, 2006 or thereafter with an expiration dated on or before December 31, 2009.
- Once the relief period expires, the permitee may be reinstated with Building by submitting a reinstatement application and paying **$78.71** for a permit extension fee.
- Permit holders will not be allowed to apply for an extension after December 31, 2009.
- Extended stop work orders will expire on or before June 30, 2010.
- During the relief period, any construction requiring a material change to the building plans or new evaluation, analysis or load calculations will require the issuance of a new permit.
- If the permit goes beyond the stop work order without being re-instated the permit will expire and all the provisions, penalties and fees associated to expired permits will come into effect.

According to the Building Department Annual Permits Issued Report, during FY 2006-07 there were a total of 70,681 permits issued. Of the 70,681, 8, 410 permits expired. When compared to FY 2007-08,

the number of permits issued decreased to 53,754. Of the 53,754, 6,128 permits expired. For FY 2009-08 through July 2009 there were a total of 34,530 permits issued. Of the 34,530, 3,776 permits expired through the end of June 2009.

Background and Relevant Legislation

The expiration of a building permit is costly and this provides temporary relief to the permitee; however, once the relief period expires, the revised Building fees and Florida Building Code provisions will apply. Building implemented a revised fee schedule on October 1, 2008, which increased fees by 25 percent.

On May 5, 2008, the County Manager provided the BCC with a report highlighting the current national economic conditions and the potential local economic impacts. The report revealed that activity in the residential construction and real estate sectors has been contracting for some time now with no signs of a turnaround. Specifically, residential construction authorized by permits was down by 86 percent in the fourth quarter of 2007 when compared to 2006.

According to the Beacon Council's August 21, 2009 – July 2009 Unemployment Figures, Miami-Dade County's unemployment rate for July 2009 was 11.6 percent. This is the same as June 2009 and an increase of 5.7 percent compared to July 2008. This is the first time this year that the unemployment rate did not increase compared to the previous month. **The construction sector continues to be of major concern. It experienced a decrease in employment of 7,300 jobs between July 2008 and July 2009.**

National Trend

According to the Associated General Contractors of America:

- Construction unemployment is 16.5 percent, nearly double the national average.
- More than 1 million construction workers are unemployed.
- Construction spending may decline by $193 billion in 2009, an 18 percent drop.
- At 8 percent of the Gross Domestic Product, construction hurts the broader U.S. economy.

Prepared by: Michael Amador-Gil

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

Legislative Notes

Agenda Item:	9(A)2
File Number:	092425
Committee(s) of Reference:	Board of County Commissioners
Date of Analysis:	September 27, 2009
Type of Item:	Grant from the United States Election Assistance Commission
Commission District:	Countywide

Summary
This resolution retroactively authorizes the Mayor's action in applying for, receiving, and expending federal funds for the High School Mock Election Program (Program) through the U.S. Election Assistance Commission (EAC)[1]. If approved by the EAC, the grant period would be from October 1, 2009 through September 30, 2011 and it would support the Miami-Dade Elections Department (Elections) with up to $75,000. An additional $37,287 would be made available by Elections through in-kind contributions (i.e. staff allocation, usage of equipment, ballot creation, and indirect costs to support the Program).

The short turnaround time imposed by the application deadline of June 30, 2009, did not allow sufficient time for the processing of the resolution and its submission to the Board of County Commissioners prior to the submission of the application.

[1] The EAC was established by HAVA. EAC is an independent, bipartisan commission charged with developing guidance to meet HAVA requirements, adopting voluntary voting system guidelines, and serving as a national clearinghouse of information about election administration. EAC also accredits testing laboratories and certifies voting systems, as well as audits the use of HAVA funds. Other responsibilities include maintaining the national mail voter registration form developed in accordance with the National Voter Registration Act of 1993. HAVA established the Standards Board and the Board of Advisors to advise EAC. The law also established the Technical Guidelines Development Committee to assist EAC in the development of voluntary voting system guidelines. The four EAC commissioners are appointed by the president and confirmed by the U.S. Senate. EAC is required to submit an annual report to Congress as well as testify periodically about HAVA progress and related issues. The commission also holds public meetings and hearings to inform the public about its progress and activities.

The Program grants are authorized under Section 295 of the Help America Vote Act of 2002 (HAVA). The Omnibus Appropriations Act for Fiscal Year 2009 (Public Law 111-8) provides funds for EAC to award competitive grants for operating a program of simulated elections for students in secondary education programs. The EAC awarded $597,220 to organizations under this program in 2004, 2005 and 2008.[2]

According to staff,

- Optical scan voting machines will be used throughout the term of the Program, as this is the state-mandated method of voting.
- The FY 2009-10 proposed budget includes an estimate from General Services Administration for design and printing for the promotional brochures.
- The mock elections will be scheduled in accordance with the elections calendars to avoid any significant impacts on staffing. The FY 2009-10 proposed budget includes partial reimbursement of the salaries for staff involvement.
- The Miami-Dade School Board is expected to contribute
  personnel.
- This is a new program developed by the EAC, but Elections has conducted mock elections in high schools in years past, when the voting equipment was different.
- **All ballots, brochures, and election related materials must be printed in all three languages.**
- Training locations will be coordinated with the School system, and has not yet been determined.

Background and Relevant Legislation

According to the National Student/Parent Mock Election (NSPME) website, the program began as part of another project, the NBC Parent Participation TV Workshop, which sought to use television dramas to open communication between parents and children. NSPME soon discovered that the elections were a national event that could enable parents and children to talk about domestic issues. The first National Student/Parent Mock Election, in 1980, was run as part of the Parent Participation TV Workshop Project. In 1982, the National Student/Parent Mock Election was as a separate nonprofit, nonpartisan organization devoted to voter education. In 1982, 250,000 participated, in 1994, 2 million, in 1988, 3.5 million, in 1992, 5 million. In 1996 and 2000, a combined total of 10 million votes were cast. The largest number of Internet votes (over one million) cast in history was cast in the 2000 Mock Election. In 2004, over 4 million voted.

Miami-Dade Schools identified by Elections

Educational Institution (High School)	High School Students Enrolled (FY 08-09)	School Board District	BCC District	Municipality or Unincorporated
American Senior High School/Adult Education Center	2,256	4	13	Unincorporated MDC
Barbara Goleman Senior High School	2,983	4	13	Miami Lakes

[2] EAC website

Booker T. Washington Senior High School	1,216	2	3	Miami
Coral Gables Senior High School/Adult Education Center	3,343	6	7	Coral Gables
Coral Reef Senior High School	3,027	9	9	Unincorporated MDC
Dr. Michael Krop Senior High School	3,690	3	1	Unincorporated MDC
Felix Varela Senior High School	3,361	7	11	Unincorporated MDC
G. Holmes Braddock Senior High School	3,617	8	11	Unincorporated MDC
Hialeah-Miami Lakes Senior High School/Adult Education Center	2,276	4	13	Hialeah
Hialeah Senior High School/Adult Education Center	3,440	4	13	Hialeah
Homestead Senior High School	2,135	9	9	Homestead
John A. Ferguson Senior High School	4,151	7	11	Unincorporated MDC
Mater Academy Charter High School	1,457	4	12	Hialeah Gardens
Miami Beach Senior High School/Adult Education Center	2,023	3	4	Miami Beach
Miami Carol City Senior High School	2,091	1	1	Miami Gardens
Miami Central Senior High School	1,785	2	2	Unincorporated MDC
Miami Coral Park Senior High School/Adult Education Center	3,406	8	10	Unincorporated MDC
Miami Edison Senior High School	1,035	2	3	Miami
Miami Jackson Senior High School/Adult Education Center	1,475	2	3	Miami
Miami Killian Senior High School	3,305	6	8	Unincorporated MDC
Miami Lakes Educational Center	1,617	4	13	Miami Lakes
Miami Norland Senior High School	1,725	1	1	Miami Gardens
Miami Northwestern Senior High School	2,094	2	2	Unincorporated MDC
Miami Palmetto Senior High School/Adult Education Center	3,167	9	8	Pinecrest
Miami Senior High School/Adult Education Center	2,897	6	5	Miami
Miami Southridge Senior High	3,062	9	9	Unincorporated

School				MDC
Miami Springs Senior High School/Adult Education Center	2,199	5	6	Miami Springs
Miami Sunset Senior High School/Adult Education Center	2,771	8	10	Unincorporated MDC
North Miami Beach Senior High School	2,721	3	4	Unincorporated MDC
North Miami Senior High School/Adult Education Center	2,674	1	2	North Miami
Robert Morgan Education Center	2,379	7	9	Unincorporated MDC
Ronald W. Reagan Doral Senior High School	1,999	5	12	Doral
South Dade Senior High School/Adult Education Center	2,956	9	8	Unincorporated MDC
South Miami Senior High School	2,510	8	7	Unincorporated MDC
Southwest Miami Senior High School/Adult Education Center	2,843	8	10	Unincorporated MDC
Westland Hialeah Senior High School	1,259	4	13	Hialeah
William H. Turner Tech	1,745	2	2	Unincorporated MDC
TBD	TBD		TBD	
TBD	TBD		TBD	
TBD	TBD		TBD	
Potential Students Outreach Total	**92,690**			

Prepared by: Michael Amador-Gil

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

Legislative Notes

Agenda Item:	**9(A)(4)**
File Number:	**092465**
Committee(s) of Reference:	**BCC**
Date of Analysis:	**October 2, 2009**
Type of Item:	**Resolution Authorizing Additional Fire Services to the Eastern Shores Region of North Miami Beach**
Sponsor/ Requester:	**Miami Dade Fire & Rescue Department**
Commission District:	**District 4**

Summary

Under this proposed resolution, the Board of County Commissioners (BCC) is authorizing the execution of an interlocal agreement between the City of North Miami Beach and the County which will allow the County's Fire & Rescue Department to provide additional fire and rescue services beyond the normal scope of services currently provided to the Eastern Shores district of North Miami Beach.

Background and Relevant Legislation

Through the enactment of a city ordinance and subsequent approval by the BCC, the City of North Miami Beach opted to join the County's Fire District. The level of service provided by the Fire District to North Miami Beach consists of a "uniform standard level of fire and rescue services" traditionally provided throughout the District and as delineated in the firefighters' collective bargaining agreements. Under the County Code, municipalities which have opted to join the Fire District may contract with the County for additional fire and rescue services which are beyond the normal scope of services currently provided.

In this instance, the City of North Miami Beach is requesting the County's Fire & Rescue Department to dedicate a Fire Rescue Squad within a pre-existing fire facility based in the city's Eastern Shores district and located in the Intracoastal Mall. Under the terms and conditions proposed in the interlocal agreement, the County's rescue squad will replace American Medical Response, a privately-operated ambulance company which provides Basic Life Support services and medical transport services to the Eastern Shores district. The County's Fire & Rescue Department will dedicate 2 firefighters consisting of a Paramedic Firefighter and a Paramedic Officer who will staff the fire station 7 days a week, 24 hours a

day. The County's rescue squad will provide Basic Life Support services (BLS) and Advanced Life Support services (ALS) to the region.

Policy Change and Implication

Fire staff reports that the City of North Miami Beach is the first municipality to seek additional services pursuant to Chapter 18, Art. II, §18-31 of the County Code. Under prior interlocal agreements, in which municipal fire departments contracted to opt-in the Fire District, the agreement was for purposes of permitting the County to absorb and replace the municipality's fire department. Under such interlocal agreements, the County conducted its own studies to determine the geographical location of the fire station and the personnel to staff the station. Under the pending proposed interlocal agreement, the County will be providing additional rescue services beyond the rescue services already provided at a pre-existing site.

Budgetary Impact

The Administration reports that the City of North Miami Beach will be responsible for reimbursing the County for personnel costs incurred for providing a rescue squad in the amount of $137,180 per fiscal year. However, the County will be responsible for routine maintenance and utilities incurred at the fire station, but not the rent. Maintenance and utilities costs will be computed based on the square footage of the fire station.

Prepared by: Lauren Young-Allen

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

Legislative Notes

Agenda Items: 9(A)5, 9(A)6 ,9(A)7 & Substitutes

File Number: 092524, 092525, 092526, and Substitute Items 9A5, 9A6, & 9A7

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: September 27, 2009

Type of Item: Resolution of Impasse

Commission District: Countywide

Summary

Items 9(A)5, 9(A)6 and 9(A)7 resolve an impasse between the Board of County Commissioners (BCC) and the American Federation of State, County and Municipal Employees, Local 199, General Employees; American Federation of State, County and Municipal Employees, Local 1542, Solid Waste Employees; and American Federation of State, County and Municipal Employees, Local 3292, Aviation Employees, pursuant to Fla. Stat. 447.403, *Resolution of Impasse*. **The bargaining units mentioned above waived the appointment of a special magistrate, and proceeded directly to resolve the impasse.** [1]

This resolution provides that Local 199, Local 1542, and Local 3292 will:

- Accept any freeze or suspension of merit increases and longevity bonuses in FY 2009.
- Accept wage increase of one (1) percent in FY 2010.
- Accept wage increase of two (2) percent in FY 2011.
- Accept suspension of progression from any one pay step to the next pay step.

Substitute Items

Substitute items 9A5, 9A6, and 9A7 reflect the need to enact the elimination of flex dollar benefits[2] and the $50 biweekly pay supplement prior to the end of the first fiscal year of the successor agreement.

If the collective bargaining agreements are not ratified by the bargaining units mentioned above, pursuant to the provisions of section 447.403, the action taken in these resolutions will take effect as of the date of the resolutions and will be effective for the first fiscal year that was the subject of negotiations (October 1, 2008 to September 30, 2009).

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[1]Nothing in Fla. Stat. 447.403 precludes the parties from using the services of a mediator at any time during the conduct of collective bargaining.

[2] The County's Group Medical Insurance will include a Point of Service Manages Health Care Group Insurance Plan versus the current language which mentions will be a POS.

Background and Relevant Legislation

On July 23, 2009, the Board of County Commissioners Special Meeting approved two (2) Collective Bargaining Agreements (CBAs) resulting in new three-year agreements effective October 1, 2008 through September 30, 2011.[3]

The following unions have not agreed to waive a hearing before a special magistrate:

- Transit Workers United Local 291
- AFSCME, Local 121, Water and Sewer
- Police Benevolent Association Rank and File
- Law Enforcement Supervisory

The International Association of Fire Fighters (IAFF), Local 1403 has not been resolved.

National Trends

In October 2008, the National Association of Counties (NACo) conducted a survey[4] of 17 counties, all with populations above 500,000 to determine the impact of the downturn on their budgets as well as the actions they are taking in response. The results of the survey reveal that local governments are making some tough decisions about how they will be running their governments.

- Of the 17 counties with populations of more than 500,000 that were interviewed for the survey, all but one reported that the current economic crisis was having a negative effect on their budgets, with 87 percent anticipating revenue shortfalls and 27 percent expecting increased expenses. **Also, while only five counties said they planned to implement layoffs or furlough employees in response to this fiscal year's budget shortfalls, that number doubled for respondents saying they would have to take those steps next fiscal year, and three other counties said they would renegotiate their labor contracts.**

Which of the following actions has your county taken to address its revenue shortfalls?			
No.	**Answer**	**Response**	**%**
1	Service delivery cutbacks	8	73%
2	Budget cuts	10	91%
3	Employment freezes	10	91%
4	Salary freezes	4	36%
5	**Labor contract renegotiations**	3	27%
6	Furloughs	3	27%
7	Layoffs	7	64%

In June 2009, NACo conducted another survey[5] of nearly 300 counties, all with a population above 100,000 to determine the impact of the economy on their budgets and actions they are taking. Of the 300, 59 counties responded.

Fiscal Year Begins January –June

Which of the following actions has your county taken to address its revenue shortfalls?

[3] See Resolutions 1062-09 and 1063-09.

[4] National Association of Counties, State of the County Economy Survey-October 2008

[5] How are Counties Doing? An Economic Survey, July 2009. NACo

No.	Answer	Response	%
1	Increased property taxes	4	18%
2	Increased local option sales tax rate	0	0%
3	Increased borrowing	1	5%
4	Employee travel restrictions	10	45%
5	Service delivery/availability cutbacks	8	36%
6	County fleet reorganization	4	18%
7	Hiring freeze	12	55%
8	Salary/pay freeze	8	36%
9	Benefits cutbacks	3	14%
10	Four day work week	2	9%
11	Furloughs of employees	3	14%
12	Layoffs of employees	6	27%
13	**Labor contract renegotiations**	1	5%
14	Other (please explain)	10	45%

Fiscal Year Begins July –December

Which of the following actions has your county taken to address its revenue shortfalls? # Re%			
No.	**Answer**	**Response**	**%**
1	Increased property taxes	3	8%
2	Increased local option sales tax rate	1	3%
3	Increased borrowing	2	6%
4	Employee travel restrictions	27	75%
5	Service delivery/availability cutbacks	18	50%
6	County fleet reorganization	8	22%
7	Hiring freeze	24	67%
8	Salary/pay freeze	26	72%
9	Benefits cutbacks	8	22%
10	Four day work week	4	11%
11	Furloughs of employees	5	14%
12	Layoffs of employees	11	31%
13	**Labor contract renegotiations**	10	28%
14	Other (please explain)	6	17%

Other surveys conducted on a national level reveal the following:
According to a survey conducted by the National League of Cities[6], cities are facing a national economic recession driven by declining housing values, restrictive credit markets, slowed consumer spending and rising unemployment. Overall, the fiscal condition of the nation's cities continues to weaken in 2009.

[6] The City Fiscal Conditions Survey is a national mail survey of finance officers in U.S. cities. Surveys were mailed to a sample of 1,055 cities, including all cities with populations greater than 50,000 and, using established sampling techniques, to a randomly generated sample of cities with populations between 10,000 and 50,000. The survey was conducted from April to June 2009. The 2009 survey data are drawn from 379 responding cities, for a response rate of 36.0 percent. Also see *Cities Look for Ways to Cut Cost.*

Among the findings in the annual survey of city finance officers are:

- Nearly nine in 10 (88 percent) city finance officers report that their cities are less able to meet fiscal needs in 2009 than in the previous year;
- Property tax revenues increased by 6.2 percent in 2008, reflecting rising housing values in previous years, but are predicted to slow to 1.6 percent growth by the close of 2009;
- City sales tax revenues (-3.8 percent) and income tax revenues (-1.3 percent) are predicted to decline through to end of 2009;
- **To cover budget shortfalls and balance annual budgets, cities are instituting hiring freezes and laying off personnel, as well as delaying or cancelling planned infrastructure projects.**
- Orlando, Florida, 88 employees in the mayor's office will take a one-week unpaid furlough. The city's appointed officials are also subject to a salary freeze;
- Dallas, Texas, the city has implemented a mandatory furlough program in response to significant reductions in the city's revenue as a result of the nation's economic downturn. To maximize the energy and personnel cost savings, the city has scheduled furlough days to coincide with holiday weekends. The furloughs, which close all city offices, are expected to save the city $2.6 million in the current fiscal year;
- **City of Seattle has proposed to the Coalition of City Unions a 10-day furlough program aimed at reducing the number of layoffs required in 2010. If approved by union membership, the city would extend the same program to non-represented city employees; and**
- **Anchorage, Alaska, the union representing about 640 municipal office workers approved wage concessions in the form of 56 hours of unpaid furlough.**

Federal Legislation[7]

On January 9, 2009, the Public Safety Employer-Employer Cooperation Act of 2009 **(H.R. 413)** was introduced by Dale Kildee, U.S. Representative, Michigan's 5th District. H.R. 413 would force states and localities to enter into collective bargaining agreements with their public safety officers, regardless of state and local laws.

On August 6, 2009, the Public Safety Employer-Employee Cooperation Act of 2009 **(S.1611)** was also introduced by Senator Judd Gregg, U.S. Senator, New Hampshire.

According to NACo and the National League of Cities:

- H.R. 413 and S. 1611 will place the federal government in charge of establishing the rules and procedures governing the terms and conditions of public safety employment at the municipal level.

- Under H.R. 413, the Federal Labor Relations Authority would develop regulations and criteria for state and local governments to permit public safety employees to form, join unions, and bargain over salaries, terms and conditions of employment. This legislation has a fiscal impact on counties because no funding is provided for state or local implementation.

- Currently, 35 states and the District of Columbia allow some form of collective bargaining, and fifteen states have chosen not to mandate it.

[7] NACo Legislative Priorities and National League of Cities Federal Relations

Bill Status: These bills are in the first step in the legislative process. Introduced bills and resolutions first go to committees that deliberate, investigate, and revise them before they go to general debate.

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: 092260

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: September 27, 2009

Commission District: Countywide

Prime Sponsor: Chairman Dennis C. Moss

Type of Item: Directive to the Mayor or Designee

Summary

This resolution sets as policy that there will be an annual transportation meeting to discuss transit issues impacting Miami-Dade County. The County Mayor or his designee will be directed to work with the chairperson of the Transit, Infrastructure and Roads Committee (TIRC) to schedule the meetings and invite "interested parties" to participate.

Legislative History

On April 4, 2009, the Board of County Commissioners (BCC), through Resolution 379-09, set policy requiring that there be semi-annual transportation meetings be conducted to discuss transit issues impacting Miami-Dade County.

Background

On November 15, 2008, more than 700 people attended the transportation summit regarding the People's Transportation Plan (PTP). Held at the Miami Mart Hotel, the summit was organized by the BCC and the County Mayor. The public was given an opportunity to voice concerns regarding the use of the sales surtax for transit, and officials from around the County gave their input on the state of transit and the future use of the sales surtax. State, local and federal officials were among the invitees to the transit summit. Since the transit summit, the BCC has adopted changes to the way PTP funds are spent (R-222-09), allowing for PTP funds to be spent on new projects as well as on the existing transit system.

Prepared by: Jason T. Smith and Michael Amador-Gil

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

Legislative Notes

Agenda Item:	**11(A)(21)**
File Number:	**092652**
Committee(s) of Reference:	**BCC**
Date of Analysis:	**October 2, 2009**
Type of Item:	**Directive to Fund the Independent Review Panel**
Sponsor:	**Commissioner Barbara J. Jordan**

Summary

This proposed resolution directs the County Mayor to identify available funds in an amount equal to $450,000 to fund the Independent Review Panel and 4 budgeted positions for Fiscal Year 2009 – 2010, and to present a report detailing possible funding sources within 30 days from the effective date of the proposed resolution.

Background and Relevant Legislation

Under the Mayor's Proposed Budget for FY 2010, the Independent Review Panel was eliminated for cost containing purposes. (FY 2010 Proposed Budget, "Budget Message-Reorganizations," Vol. I, p. 22-23). The Mayor's recommendation was submitted to the Board of County Commissioners (BCC) on July 15, 2009 for implementation by October 1, 2009. The BCC did not restore funding as of September 18, 2009, the date the annual budget was approved. In view of that action, the proposed resolution directs the Mayor to identify funds which will restore the Panel's budget and budgeted positions.

The Independent Review Panel (IRP) was established in 1980, by ordinance, to address complaints regarding County law enforcement officers, County employees or County departments. The Panel operates as an autonomous civilian oversight agency to review questionable police and administrative practices or policies. The panel also serves as an impartial citizen dispute resolution mechanism.

The Panel members, consisting of local citizens who are impartial and independent of County government, serve without compensation. Following an investigation and review of complaints, the IRP convenes public hearings, renders findings of fact and conclusions of law, and issues recommendations to the appropriate county authorities regarding revision of policies and procedures, and employee conduct.

Staff to the Panel are Conflict Resolution Specialists that mediate less serious complaints and provide Conflict Resolution training workshops for government employees and the public.

Other Jurisdictions

Other Florida jurisdictions which have civilian oversight agencies are:

- Miami, Florida - Civilian Investigative Panel
- St. Petersburg, Florida - Civilian Police Review Committee
- Key West, Florida - Citizen Review Board
- Orange County, Florida - Citizen Review Board

The above listed oversight agencies only review police misconduct complaints. Miami Dade County's Independent Review Panel is the only Florida panel that investigates county practices and polices involving civilian government employees, in addition to grievances filed against law enforcement personnel. The Miami-Dade Independent Review Panel's scope of authority is more comprehensive and sweeping than the oversight agencies listed above.

Policy Change and Implication

The directive to identify available funds to fund the Independent Review Panel, subsequent to the passage of the annual budget, is consistent with prior policies and practices of the BCC. Under the Charter, the BCC has the authority to introduce legislation which amends any ordinance including the budget ordinance and the authority to issue supplemental appropriations. (Art. 1, §1.02 (A); Art. 5, §5.3(B), Home Rule & Charter, as amended, 2007).

Budgetary Impact

Under the proposed resolution, the Mayor is directed to consider using the Countywide Contingency Reserve Fund, which the County Mayor, in his Budget Message, has referred to as an "undesignated reserve."

The Mayor is also directed to consider any other legally available funds which will restore the Independent Review Panel to an amount equal to $450,000, and which will restore 4 budgeted positions for Fiscal Year 2009 – 2010.

Prepared by: Lauren Young-Allen

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

Legislative Notes

Agenda Item: 12(A)2

File Number: 092551

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: October 2, 2009

Type of Item: Settlement Agreement

Summary
This resolution approves the Settlement Agreement with Coreland Construction Corporation (Coreland) relating to the roof replacement and waterproofing at Building 845 at Miami International Airport (MIA) RPQ No. 0207-597751R.

Background
Coreland was awarded the contract in the amount of $1,434,397 with 120 days to complete the project. According to the memorandum, unforeseen conditions resulted in extra work being issued in the amount of $204,003 bringing the contract total to $1,638,400.19.

- What were the unforeseen conditions?
- Was there a change order approving the additional work in the amount of $204,003?

The notice to proceed was issued on September 2, 2005. Although Coreland partially completed the project, a dispute arose between the County, Coreland, and the Architect (Rodriguez, Peterson & Porras) regarding the design of the roofing system. After numerous meetings were held to verify the specified roofing system would work as designed, a consensus could not be reached by the parties and the project did not move ahead. Additionally, the manufacturer, Sarnafil, stated that if the roofs were not installed as per the specifications, no warranties would be issued.

- When did the dispute arise?

The issue could not be resolved and MDAD issued a Stop Work Order on February 23, 2007 and on May 18, 2007 issued a letter terminating the contract for convenience. Coreland had been paid $1,322,002.75 for work performed up to that date.

- If the original contract award was for 120 days and the notice to proceed was issued on 9/2/05, then the work should have been completed on or around 12/05. Why did it take so long for a stop work order to be issued?

A new contract was awarded in the amount of $458,000 to complete the remaining punchlist items and remove and replace the disputed four terrace roof areas. Although this caused MDAD to spend $380,511 more than the original award to Coreland, not correcting the deficient roof work could have potentially caused liability claims from the existing tenants.

- Who was the new contract awarded to?
- Was the new contract publicly bid?
- How is there a balance remaining under the contract, as stated on the first page of the memorandum, if the new contract caused MDAD to spend $380,511 more than the original award to Coreland?

In response to the Termination for Convenience, Coreland submitted an invoice on July 5, 2007 in the amount of $246,889 which was rejected because it lacked required documentation. Coreland proceeded to file suit on November 16, 2007.

Budgetary Impact

This settlement agreement in the amount of $238,909 resolves the dispute between Miami-Dade County and Coreland and releases the County from any further actions.

The County will pay to Coreland $221,889.20, the amount due for work completed as of the Stop Work Order issued and $17,020.00 for attorney's fees and costs that Coreland has expended in litigating this matter.

Prepared by: Bia Marsellos

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

Legislative Notes

Agenda Item: 18(A)3

File Number: 092430

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: September 28, 2009

Type of Item: Resolution Amending Miami Dade County Local Housing Assistance Plan

Summary

This resolution amends the Miami-Dade County Local Housing Assistance Plan (LHAP) to incorporate the Florida Homebuyer Opportunity Program (FL HOP).

Background

On April 24, 2007, the Board of County Commissioners approved the State Housing Initiative Partnership (SHIP) Local Housing Assistance Plan (LHAP) for FY2007-08; 2008-09; and 2009-10 (R-406-07). The SHIP program provides housing opportunities for very low, low and moderate income persons by encouraging the creation and rehabilitation of affordable housing units. The program provides funding to minimize costs of land and acquisition, site development, new construction, rehabilitation or other costs associated with the development of single-family homeownership and affordable rental housing units. The SHIP program provides construction loans to developers and provides soft second and third mortgages to homebuyers and rehabilitation loans to homeowners.

SHIP allocations for the last three years include the following:

FY2006-07	$9,675,017
FY2007-08	$8,959,848
FY2008-09	$9,641,033
FY2009-10	$732,282

FL HOP was created during the 2009 regular State legislative session that provides $30 million in financial assistance to first time homebuyers eligible to receive the federal first time homebuyer tax credit established through the American Recovery and Reinvestment Act of 2009.

Miami-Dade County is slated to receive $732,282 of the $30 million from FL HOP. The State of Florida requires FL HOP activity to be administered through the SHIP program. Therefore, Miami-Dade County must amend its LHAP to reflect FL HOP activity funded by SHIP.

The FL HOP program will be administered through the State Housing Initiatives Partnership (SHIP) program offices located in all 67 counties and 53 Community Development Block Grant (CDBG) entitlement cities. The Miami-Dade County Office of Economic Development will administer this program.

The cost of administering the program may not exceed ten percent of the local housing distribution plus five percent of program income deposited into the trust fund. The SHIP allocation of $732,282 less 10% amounts to $73,000 in administering the program leaving $660,000 in remaining funds.

Eligible FL HOP applicants can receive up to $8,000 in purchase assistance, which is expected to be repaid by the applicant upon receipt of his/her federal tax refund. According to the Office of Economic Development the amount of allocated funds for this year through FL HOP can yield around 80 loans.

Questions

What precautions are made by the Department to ensure that applicants who receive assistance will repay the loan (as required)? *According to the Office of Economic Development, list of applicants who receive funds are maintained, the loans are recorded in the mortgage and the Departments loan services division runs a check after eighteen (18) months from closing and applicants are notified they must pay. If the applicant demonstrates inability to repay, hardship loans are provided that allows deferred payments of those loans.*

Prepared By: Mia B. Marin