



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

**Board of County Commissioners**  
**Supplemental Legislative Analysis No. 2**

November 03, 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**

**November 03, 2009**

**Supplemental Item(s)**

5F & 8C1A
5I
8R1A

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

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



Legislative Notes

**Agenda Item:** 5(F) & 8(C)1(A)  
**File Number:** 092420 & 092422  
**Committee(s) of Reference:** Board of County Commissioners  
**Date of Analysis:** October 29, 2009  
**Type of Item:** Amendment

### Summary

Item 5(F) provides that:

- Posting of a sign by any rental car company in Miami-Dade County constitutes an alternative to obtaining the signed/initialed acknowledgment or waiver from a visitor.
- The sign will be two (2) feet in width by three (3) feet in length.
- The sign will be in English, Spanish, French, German, Portuguese and Italian.
- The \$250 fine remains the same under the current ordinance. New language is added to the existing for failure to obtain a signed or initial acknowledgment or to post sign.

Item 8(C)1(A) amends Implementing Order 10-4 (IO) relating to the standards for producing a Visitor information Map<sup>1</sup> and Safety Tips distributed by rental car companies. The cost associated with reviewing and approving the Visitor Information Maps by Consumer Services Department (CSD) staff is \$250.

- According to CSD staff, there are approximately between 40 and 45 car rental companies in Miami-Dade County.

**Question:** How will this IO be enforced?

### Background and Relevant Information

Section 8A-1.1 of the Code of Miami-Dade County currently requires car rental companies to obtain a signed acknowledgement that a visitor information map either was received or waived by a visitor.

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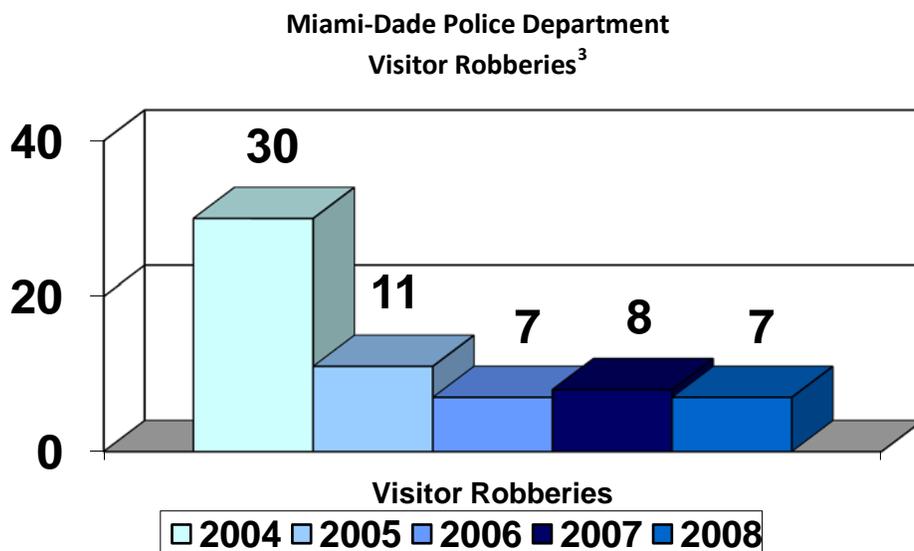
<sup>1</sup> Item 4(A) updates information regarding attractions, municipalities, and Safety Tips, incorporates information regarding the Sunpass program, reorganizes information under amended headings, and makes non-substantive corrections. The amendments were developed with input from the Greater Miami Convention and Visitors Bureau, Miami International Airport, Miami-Dade Police Department, and CSD.

Rental companies must comply with laws which:

1. Prohibit affixing Bumper Stickers or Insignia identifying a vehicle as a rental;
2. Require car fuel tanks to be at least 1/2 full upon delivery to a renter;
3. **Require provision of a Miami-Dade County approved Visitor information Map and Safety Tips<sup>2</sup> in six (6) languages (English, Spanish, Italian, German, Portuguese, French) and a signed or initialed acknowledgement form from each renter.**
4. Require federally approved child restraint seats to be available for rent, and a sign or a written disclosure stating the Florida law requires children 5 and under to be in a child restraint seat and that the car rental agency has seats available for rent.

The current Schedule of Penalties under Chapter 8CC-10 are:

8A-1.1(b)	<b>Failure to provide County approved visitor information map</b>	250.00
8A-1.1(e)	<b>Failure to obtain signed or initialed acknowledgment</b>	250.00
8A-1.1(e)	Failure to maintain records	250.00
8A-1.1(e)	Failure to provide records upon the Director's request	250.00
8A-1.1(f)	Improper alteration or modification of an approved visitor information map	250.00



(Source: Robbery Bureau / CAS)

Prepared by: Michael Amador-Gil

<sup>2</sup> The Visitor Information Map provides the following Safety Tips for visitors: vehicle safety; general safety; and safety precaution for the use of Automated Teller Machines or (ATMs).

<sup>3</sup> The graph above illustrates the Five Year Comparison 2007 to 2008 visitor robberies are down 13%; and 2004 to 2008 visitor robberies are down 77%.

**MIAMI-DADE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
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Legislative Notes

**Agenda Item:** 5(I)  
**File Number:** 092857  
**Committee(s) of Reference:** Board of County Commissioners  
**Date of Analysis:** November 3, 2009  
**Type of Item:** Temporary Moratorium

**Summary**

This resolution pertaining to the temporary moratorium for properties being utilized as mobile home parks in unincorporated Miami-Dade County provides for the following:

- Determines whether to continue the temporary moratorium for ninety (90) days or to dissolve it; and
- Considers the adoption of the proposed Villa Development Zoning District and the Mobile Home Resident Protection ordinances.

**Background and Relevant Legislation**

LEGISLATIVE HISTORY OF MOBILE HOME PARKS MORITORIUM

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

Temporary moratorium imposed for 120 days.

This resolution ordered a building moratorium for properties utilized as mobile home parks and directed the County Manager or his designee to do the following: (1) submit a report on the appropriateness of existing zoning districts and regulations, and (2) to recommend strategies to mitigate impacts of redevelopment.

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

The moratorium allowed staff to review strategies and alternatives to provide housing for displaced

residents and the moratorium prevented the issuance of building permits and temporarily halted the eviction of residents or the closure of 40 mobile home parks with an estimated total of 8,000 units.

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

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

Extended moratorium for an additional 90 days.

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

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

At the State level, several bills regarding Mobile Home Parks were introduced but ultimately failed to be enacted.

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

Extended moratorium for an additional 180 days.

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

- **Purchase of Mobile Home Parks in Miami-Dade County**  
The Board expressed interest in the voluntary sale/purchase and ownership of mobile home parks to make sure that an adequate supply of mobile homes are maintained in the County.
- **Voluntary Restriction to Limit Use for Assessed Valuation**  
A voluntary restrictive covenant would be imposed to limit the use of the property to a Mobile Home Park use for a period of 20 years in return for property tax assessment based primarily on restricted current use.
- **Development of Off-Site Alternatives**  
The General Services Administration Department initiated a pilot project to use several County owned single-family infill lots to be used to construct affordable housing using prefabricated homes.
- **Resident Owned Communities**  
The County would utilize a non-profit organization called ROC USA. This organization provides loans to help homeowner groups purchase their manufactured home communities (Source: Organization Website [www.rocusa.org](http://www.rocusa.org)).
- **Housing Assistance Grant and Amnesty Program Funding**  
This program would provide the necessary assistance with capital improvements to park owners and

residents in order to assist in upgrading existing conditions.
Resolution No. 1115-08 adopted October 21, 2008:
Extended moratorium for an additional 120 days.
On October 21, 2008, staff provided a report with additional recommendations. The Board directed the County Manager to continue reviewing zoning options for mobile home parks.
Resolution No. 144A-09 adopted February 17, 2009:
Extended moratorium until June 2, 2009.
On February 17, 2009, the Board requested an update report on the Mobile Home Zoning District, the Villa Development Zoning District, the Comprehensive Development Master Plan Amendment and the State Legislative Coordination. These concerns were addressed in attachments and a Supplement report.
Resolution No. 647-09 adopted June 2, 2009
Extended moratorium for an additional 5 months.
On June 2, 2009, the Board directed Administration to conduct an analysis of potential land use/rezoning of 40 existing mobile home parks.

### Policy Change and Implication

This item provides for an exit plan through the adoption and implementation of two Zoning Ordinances:

- Ordinance creating Article XIA Villa Development District, §33-163 through 33-163.13 of Code of Miami-Dade County (Attachment C).
  - **Attachment C creates the Zoning Code for the Villa Development District establishing a residential district where mobile home parks are permitted and allows for a mix of affordable housing types.**
- Ordinance creating §33-169.1, 33-310.2 and Chapter 19B, and amending §33-311, 33-314, and 8CC-10 of the Miami-Dade County Code (Code), as it relates to mobile homes and mobile home parks (Attachment D).
  - **Attachment D incorporates within several sections of the Code the specific regulation of Chapter 723, Florida Statutes, mandating that no government agency will approve any application for rezoning, or take any other development action which results in the removal and/or relocation of mobile home owners residing in a mobile home park without first determining that adequate mobile home parks or other suitable facilities exist for the relocation of the mobile home owners.**
  - Creates §33-169.1  
This new section specifies that any existing mobile home park submitting an application for a development action or order must demonstrate the following:
    - That approval of the development action or order will not result in the removal or relocation of mobile home owners residing in the mobile home park, or
    - That adequate mobile home parks or other suitable alternative facilities exist for the relocation of the mobile home owners.
  - Creates §33-310.2

This new section specifies the following requirements for an administrative application for a development action or order:

- Mailed written notice to all tenants within 30 days of the filing of the application.
- Decision of the DPZ Director published in a newspaper of general circulation within 15 days after the determination.
- The Director's decision can be appealed within 30 days after the date of newspaper publication.

○ Amends §33-311

This section, regarding the authority and duties of the Community Zoning Appeals Board (CZAB), is amended to include the following:

- Administrative determinations regarding development actions or orders are appealable to the BCC.
- Requires a demonstration that there is available affordable housing for eviction or relocation of mobile home tenants.
- Currently, this section of the Code does not address the demonstration of available affordable housing for the eviction or relocation of mobile home tenants.

○ Creates Chapter 19B-1

This section is created to mandate the filing of a written notice by the owner of a mobile home park to inform the DPZ Director that there is a vacancy rate of 20% or greater and the reasons for such vacancy rate. If the reason for the vacancy rate is because the owner intends to convert the mobile home park to another use, the Director of DPZ, upon being informed of the intended conversion, will immediately inform the owner of the requirements of this Chapter.

○ Amends §8CC-10

This section amends the civil penalty to include a \$1,000 penalty for failing to provide notice. Currently there are no civil penalties for failing to provide notice.

• **In addition, two sites are requesting to be released from the Moratorium:**

- Lil Abner Mobile Home Park (District 12), and
- Colonial Acres Mobile Home Park (District 2).

**Prepared by:** Elizabeth N. Owens

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Legislative Notes

**Agenda Item:** 8(R)(1)(A)  
**File Number:** 092873  
**Committee(s) of Reference:** Board of County Commissioners  
**Date of Analysis:** October 29, 2009  
**Commission District:** 8  
**Type of Item:** Contract Award

**Summary**

This resolution approves a contract award to Poole and Kent Company of Florida totaling **\$21,008,660** for the South District Wastewater Treatment Plant (**SDWWTP**) located at 23300 S.W. 88 Ave (Site No. 72870). This project is one (1) in a series of projects under the High Level Disinfection Program<sup>1</sup>. According to the Small Business Development Firm History Report from October 13, 2004 through October 13, 2009, Poole and Kent has received three (3) contracts totaling \$161,180,454.15.

Project Site	Contract Measures	Award Date	Award Amount
SDWWTP	Goal CSBE 12%	01/22/08	\$8,830,950
SDWWTP	Goal CSBE 11%	06/03/08	\$134,253,006.15
SDWWTP	Goal CSBE 10%	11/20/08	\$18,096,498
<b>Total</b>			<b>\$161,180,454.15</b>

**Background and Relevant Information**

On July 24, 2007, the Board of County Commissioners (BCC), through Ordinance 07-108 (Accelerated Ordinance), approved the creation of Section 2-8.2.11 of the Code of Miami-Dade County, which provided the County Mayor or his designee the authority to: (1) advertise and recommend Water and Sewer award contracts for design and construction improvements and exercise all contract terms including approval of contract time extensions; (2) waive liquidated damages; and (3) negotiate and settle claims and approve change orders.

The Accelerated Ordinance refers specifically to contracts associated with Alternative Water Supply Projects (required for the 20-Year Consumption Use Permit from the South Florida Water Management

<sup>1</sup> See Ordinance 08-132 Exhibit B High Level Disinfection Projects required by the Florida Department of Environmental Protection Consent Decree for South District Wastewater Treatment Plant

District) and the High Level Disinfection Projects (required by the Florida Department Environmental Protection Consent Decree).

On December 2, 2008, the BCC, through Ordinance 08-132, amended Section 2-8.2.11 to include any action executed by the Mayor or his designee which involves **waiving liquidated** damages as a result of rescheduling contract activities or internal milestones provided neither the total contract time inclusive of time allowances nor the total contract amount inclusive of contingency allowances is exceeded. Any such action will be included in a report submitted to the BCC on a quarterly basis.

The intent of the ordinance mentioned above was to institute procedures to accelerate specific projects in an effort to meet requirements for compliance with federal, state, and South Florida Water Management District consent orders, agreements, and executive orders.

- **Furthermore, all actions (with the exception of Contract Awards) executed by the Mayor or his designee for the specified projects will be submitted to the next GO Committee and be waived to the next scheduled BCC meeting for ratification. Change orders or amendments will not exceed \$500,000 in cumulative dollar amount and will not exceed 15 percent of the contract price in the cumulative percentage amount.**
- **Any contract recommended for award under this ordinance will be heard by the BCC without the need for prior approval by any committee.**

#### **Miami-Dade Water and Sewer (MDWAS) Business Plan 2009-10**

According to the Business Plan, on July 22, 2003, the BCC approved a new Consent Order (CO) with the Florida Department of Environmental Protection (FDEP), to address wastewater disposal at the SDWWTP. The CO required upgrades of the treatment process to meet the high level disinfection requirements in Chapter 62-600.440(5) Florida Administrative Code and provided expansion of the treatment and disposal capacity to meet future growth. The CO became effective on April 29, 2004. As of July 31, 2008, the MDWAS completed 306 milestones. The MDWAS continues to work with the FDEP to complete the required facilities at the SDWWTP.

- **On November 25, 2005, the United States Environmental Protection Agency published a new Underground Injection Control Program rule. This rule requires the construction of High Level Disinfection facilities by December 22, 2010. This schedule will not be met at the SDWWTP, since the anticipated completion of construction is in late 2013.**

#### **Legislative History**

On December 4, 2007, the BCC, through 1324-07, approved a Settlement Agreement with Poole and Kent totaling \$939,388.74. On July 28, 2005, Poole and Kent sued the County claiming that it had incurred over \$2 million in additional costs and damages as a result of substantial delays and additional work caused by MDWAS. MDWAS reviewed Poole and Kent's claims and engaged in settlement discussions to resolve all issues resulting in a settlement which includes waiving liquidated damages, payment of the retainage and the contract balance and an additional \$267,000, which is 3.7% above the original contract amount of \$7,214,000.

**Prepared By:** Michael Amador-Gil