



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Board of County Commissioners

Supplemental
Legislative Analysis

July 19, 2011
9:30 A.M.
Commission Chamber

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

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

**Miami-Dade County Board of County Commissioners
Meeting Agenda**

**Supplemental
Legislative Analysis**

July 19, 2011

These analyses are in addition to those attached to the BCC agenda kit.

Item Number(s)

5(G)
5(H)
5(I)
7(B)
7(C)
10(A)1
13(A)1

Acknowledgements:

Bia Marsellos, Legislative Supervisor
Michael Amador-Gil, Senior Legislative Analyst
Jason T. Smith, Senior Legislative Analyst
Mia Marin, Legislative Analyst
Elizabeth Owens, Legislative Analyst

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



Legislative Notes

Agenda Item: 5(G)

File Number: 111284

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: July 14, 2011

Type of Item: Issuance and Sale of Florida Transit System Bond Anticipation Notes

Summary

This ordinance seeks authorization to issue the Transit System Bond Anticipation Notes¹ (BANs), Series 2011, in an amount not to exceed \$100 million in order to generate sufficient proceeds to fund the Transit Department's 2011 Capital Improvement Program (CIP) Projects² through September 2011. The BANs will serve as interim financing to pay or reimburse costs of certain transportation and/or Transit projects in anticipation of issuance of Miami-Dade County, Florida Transit System Sales Surtax Revenue Bonds (Surtax Bonds).

This ordinance authorizes the County Mayor or his designee, within certain parameters to do the following:

- Award the Series 2011 BANs to Citibank N.A. provided that the initial True Interest Cost (TIC) does not exceed 1.35%;
- Execute, deliver and issue the Series 2011 BANs Approval Form, Note Purchase Agreement and the Continuing Covenants Agreement (Provided in the Agenda Item as Exhibits A, B, and C);
- Issue additional bonds in an amount not to exceed \$120 million in order to repay the Series 2011 BANs (a subsequent series resolution will be submitted to the BCC for approval); and
- Authorize the County officials to do all things necessary to issue the Series 2011 BANs.

Background

On September 9, 2002, under Resolution No. 02-116, the BCC approved the levy of a one-half of one percent (0.5%) discretionary sales surtax for transportation and transit related projects. In addition, the BCC approved the following:

¹ Bond Anticipation Notes - A short-term municipal security that has its principal repaid from the proceeds of a long-term municipal bond issue that is sold at a later date. Essentially, BANs represent debt that is used until long-term funding is available. Website: financial-dictionary.thefreedictionary.com/Bond+Anticipation+Note

² The CIP Projects have been previously approved by the Board of County Commissioners (BCC) under Ordinance No. 02-116.

- The list of planned improvements;
- The expansion of the Golden Passport program, providing free fare on Metromover; and
- The setting aside 20% of Surtax revenues to the original participating municipalities.

On November 5, 2002, Miami-Dade County voters approved a ½ penny increase in the sales tax to support the PTP³, and the Citizens' Independent Transportation Trust (the CITT or Trust) to oversee the proceeds of the Surtax and the implementation of the People's Transportation Plan.

In 2003, an amendment to the PTP approved the use of Surtax funds to support 24 additional miscellaneous capital projects (estimated at \$397 million) for improvements and expansion of the County's transportation systems.

In 2009, the Unification amendment was approved that created a Capital Expansion Reserve Fund and allowed the use of Surtax funds for operation and maintenance of the entire or unified transit system.

Five Year Implementation Plan

The PTP 2010-11 Five Year Implementation Plan and Recommendations Memorandum dated May 26, 2011 states that, ***MDT and the County will face a critical issue as PTP funds currently used to support transit operations will be required for bond debt service; the estimated MDT operating budget shortfall in 2014 will be \$48 million annually.*** For FY 2010-11 the total PTP funding established during the budget process was \$91.969 million which is approximately 24% of MDT's total operating budget (Resolution No. 1179-10).

Relevant Legislation

In September 2010, the County Manager informed the BCC of the impending FTA freeze of federal grants. In response to the concerns voiced by the BCC members, the County Manager stated that the freeze did not result in a fiscal emergency and that the Miami-Dade Transit (MDT) would recover. Relying on the assertions from the County Manager, the BCC approved projects utilizing PTP funds. The question remains, if the BCC had been properly informed of the critical nature of the MDT freeze, would this item be necessary.

Temporary Suspension of Federal Funds

In a memo dated June 30, 2011, addressing the Federal Transit Administration (FTA) temporary suspension of federal funds, the Chairman of the BCC provides confirmation of the release of \$62.5 million in reimbursement to MDT. Furthermore, the memo confirms that all eight concerns originally outlined by the FTA have been addressed and that once the FY 2010 and FY2011 expenditures have been validated, FTA will allow another drawdown of an additional \$75 million in currently unobligated grant funds, bringing the total reimbursement to \$133.5 million (See Attachment A for a summary of the correspondence between Miami-Dade County and the FTA).

³ The PTP is a publicly-supported transportation improvement program established to develop an integrated mass transportation network and to complete roadway improvements in Miami-Dade County and its municipalities. The PTP required that the proceeds from the Surtax be overseen by the Trust and that the funding be used for transit and transportation projects only.

Fiscal Impact

The County Manager's memo states that there will be no immediate fiscal impact as the closing is anticipated for September 2011, with respect to the principal on the Series 2011 BANs since the repayment of the principal is due at maturity in 14 months. Prior to the maturity of the Series 2011 BANs, the principal will be repaid in full from the Additional Bonds. However, there will be a fiscal impact and the item provides for estimated costs for interest payments, issuance costs, and estimated savings.

- ***How does the proposed budget millage rate affect this item?***

Questions / Comments (responses provided by the Finance Department)

Are the estimated proceeds mentioned under the Fiscal Impact from the sale of the Series 2011 BANs \$20 million (the Additional Bonds in \$120 million - the \$100 million of the Series 2011 BANs)? And are these proceeds going towards the payment and/or reimbursement of the County and the Transit Department?

According to the Finance department, the Bonds will be issued to pay for: 1) the refunding of the \$100 million of BANs; 2) cost of issuing the Bonds; 3) a reserve fund for the Bonds; and 4) if necessary, capitalized interest on the Bonds for a period of up to two years.

How does this plan impact the County's debt service and capitalized debt?

According to the Finance Department, the County has two options:

Option 1 would be to issue 30 year bonds as originally planned. The County's Financial Advisor notified the County that to issue bonds, while the FTA review and suspension of FTA grants was on-going, could result in higher interest rates paid on the bonds. Ultimately, the County would have to pay these higher interest rates for a period of 30 years.

Option 2 would be to issue the BANs and then issue long term debt to pay off the BANs when market conditions are better. Choosing Option 2 at this point saves us at least \$5.5 million in debt service when compared to the interest rate we could currently get in the long-term market. That is a conservative estimate and covers only the first year of interest. When we do go to market, we may well get even better interest rates and thus save even more over the long term. We do not know at this time whether or not we will be capitalizing interest when we do our long-term financing.

Why do we have a maturity date of up to 14 months when the final sale is expected in September 2011 and a BAN is usually only 12 months?

The reason for the 14 month period is the time frame requested in the RFP, which should be enough time to settle the FTA review and go to market with the financing for the refunding.

What is the meaning of the statement, "All things necessary in connection with the issuance and sale of this bond and/or what may be considered in connection?" Is this standard language?

This is standard language and means County Staff has the authority to close the transaction, provided the transaction meets the parameters established in the Ordinance and Resolution.

Of the CIP Projects in the item, are the amounts listed the costs of the whole project or is it the unfunded portion of the projects? If the latter, how much has been spent to date on each project?

The amounts listed are the amounts that the BANs will fund of the project. In each case, the total project cost is more than the amount listed. See chart below:

<u>Project</u>	<u>Total Cost of the Project</u>	<u>Project Funded with PTP</u>	<u>Bonds Issued to Date</u>	<u>Funding Needs thru 9/30/11</u>
Orange Line Phase 1 – MIC/Earlington Heights Project	\$506,529,000	\$406,529,000	\$256,424,653	\$84,205,788
Central Control	\$31,780,000	\$29,096,000	\$20,789,352	\$6,312,428
Rail Vehicle Replacement	\$375,786,000	\$375,786,000	\$35,269,162	\$5,950,000
IRP	\$603,507,000	\$27,080,000	0	\$3,500,000
TOTAL = \$99,968,216				

- See Attachment B for a list of BCC approved items utilizing Surtax Funds from September 2010 to Present.

Additional Questions (*responses not provided prior to the printing of this item*)

- What happens if BCC does not approve this item?
- Handwritten pg. 1 under Fiscal Impact/Funding Source, 3rd paragraph states that the cost of issuance is approximately \$346,000 and then on handwritten pg. 3, 1st paragraph it states that there is no cost other than the \$40,000 in legal fees. Please explain?
 - Furthermore, is there the possibility that the costs may be covered by general funds?
- When was the BCC informed that Public Resource Management Group, the County's Financial Advisor for Transit, advised the County that it should not proceed with a bond financing until the FTA review is complete?
- What happens if the BANs cannot be paid in 14 months?
- If the outstanding County Transit Surtax bonds are downgraded (handwritten pg. 3), and the interest rate is higher for the BANs, will this impact the Transit Capital Program?
- On handwritten pages 133 and 134 of the CITT Five Year Implementation Plan, the Pro Forma does not show the BANs. Would they be noted on this document or any other Pro Forma?
- This item contains several important components that are "anticipated" or "expected". What happens if all of the assumptions do not occur as predicated?

- Is it that the interest payments will be either the anticipated Fixed Interest Rate of 0.80% or the Maximum True Interest Cost of 1.35%? Or is the Maximum TIC the real interest payment?

Prepared by: Elizabeth N. Owens and Michael Amador

Date	Federal Funding for Miami-Dade Transit Correspondence
11/24/10	<i>The memo from the County Manager to the Chairman and BCC indicates that a suspension of payments by the Federal Transit Administration (FTA) has not occurred; however, the federal government simply changed the method in which Miami-Dade County obtains its federal funds through a manual process on a reimbursement basis.</i>
12/3/10	<i>The memo from the County Manager to the Chairman and BCC states that the FTA's regional administrator verbally notified the County that reimbursement request will not be processed at this time. According to the memo, a high-level MDT employee and one other employee were dismissed because they were delinquent in their management.</i>
01/10/11	<i>The memo from the County Manager to the Chairman and BCC provided the FTA's Draft Audit to Miami-Dade Transit. The FTA ordered an Internal Control Environment audit review which concentrated on procedures in managing grants and other fiscal transactions.</i>
02/04/11	<i>Miami-Dade Transit responds to the FTA's findings with a 7-page letter detailing the corrective actions the County has implemented since originally learning of the preliminary audit findings.</i>
03/31/11	<i>The memo from the County Manager to the Chairman and BCC shows the team of high-level executives evaluating and participating in three overlapping elements of the FTA's review, which are: Financial Managerial Overview; Procurement Systems Review; and Agreed-Upon Procedures.</i>
04/11/11	<i>The memo from the County Manager to the Chairman and BCC provides two letters received Friday, April 8, 2011, indicating that the FTA has decided to suspend the ongoing reviews. The first letter expresses reservations about the work that had been conducted over the past few months, seemingly because of the FTA's belief that they are unable to establish a baseline from which to compare subsequent reviews. The second letter outlines eight (8) areas for corrective action.</i>
04/26/11	<i>The memo from the County Manager to the Chairman and BCC states that Harpal Kapoor will retire from County service, and Assistant County Manager Ysela Llort will assume all operational decision-making on a day-to day basis at Miami-Transit, including the formulation of the department's budget proposal.</i>
05/13/11	<i>The memo from the County Manager to the Chairman and BCC indicates that the FTA's Acting Regional Administrator, Linda Gehrke, sent a request for extensive documentation regarding Miami-Dade-Transit's finances, cash flow, operating procedures and economic projections.</i>
Not Dated	<i>The letter from the Chairman of the BCC to elected officials in Washington provides Miami-Dade Transit's Corrective Action Plan an supporting documents addressing the eight items raised by Dr. Yvett Taylor in a letter dated April 8,2011, and additional financial information requested by Linda Gehrke, FTA's Acting Regional Administrator</i>
6/9/11	<i>The memo from the County Attorney to the Chairman of the BCC responds to a request pertaining to the "FTA Drawdown Certification." The letter provides a draft drawdown certification form for the Mayor and Mayor's designee, and a draw down form for the Chairman. According to the County Attorney's opinion it would not be realistic for you or the County Manager to state under penalty of perjury that the information submitted is "true and correct."</i>

Date	Federal Funding for Miami-Dade Transit Correspondence
6/29/11	<p><i>The letter from Peter Rogoff, Federal Transit Administrator to the Chairman of the BCC details the steps necessary for the Miami-Dade Transit to come into better standing with the FTA and restore public trust and confidence.</i></p> <p><i>According to the letter, the FTA cannot predict the exact timing of when the suspension will be removed, but will consider reinstating Miami-Dade Transit on a restricted draw down basis using the phased approach outlined in the letter</i></p> <p><i>Furthermore, the FTA will make available \$62.5 million for previous FY 2010 Preventive Maintenance expenses. The \$62.5 million reimbursement represents 34 percent of the available \$184 million federal funding that is currently under suspension.</i></p>
6/30/11	<p><i>The memo from the Chairman to the BCC states that the FTA's confirmation to release the \$62.5 million.</i></p> <p><i>According to the memo, all eight concerns originally outlined by the FTA mentioned above have been addressed. Once the FY 2010 and FY 2011 expenditures have been validated they will allow another drawdown of an additional \$75 million in currently unobligated grant funds, bringing the total reimbursement to \$135.5 million</i></p>

BCC APPROVED ITEMS UTILIZING SURTAX FUNDS From September 2010 to Present		
Date	Resolution Number and Title	Fiscal Impact / Funding Source
11/4/10	<u>Resolution No. 1090-10</u> EXECUTION OF A JOINT PARTICIPATION AGREEMENT (JPA) BETWEEN MIAMI-DADE COUNTY AND THE CITY OF MIAMI TO PROVIDE FUNDING IN THE AMOUNT OF \$450,000 FOR THE DESIGN OF ROADWAY IMPROVEMENTS ALONG SOUTH BAYSHORE DRIVE, FROM DARWIN STREET TO MERCY WAY	\$450,000 from Surtax funds. This is a site-specific project listed in the PTP Ordinance under Board Requested Major Roadway and Neighborhood Improvement Projects in Commission District 7. Construction of the project is only partially funded. When the remainder of the construction funding becomes available is dependent on future revenues, most likely from Road Impact Fee (RIF) District 2.
11/4/10	<u>Resolution No. 1089-10</u> CONTRACT AWARD RECOMMENDATION IN THE AMOUNT OF \$432,979.01 BETWEEN QUALITY PAVING CORP. AND MIAMI-DADE COUNTY FOR THE PTP PROJECT ENTITLED ROADWAY IMPROVEMENTS ALONG SW 157 AVENUE, FROM SW 12 TERRACE TO SW 10 LANE (PROJECT – MISCELLANEOUS CONSTRUCTION CONTRACTING (MCC) 7040 PLAN, REQUEST FOR PRICE QUOTATION (RPQ) NO. 20100613)	Approximately \$432,979.01 funded from Surtax funds. Specific funding for this project will be provided from Commission District 11 yearly PTP allocations. The estimated annual maintenance cost is approximately \$979.19 and will be funded through the Department's General Fund allocation. There is no operation costs associated with this contract.
12/7/10	<u>Resolution No. 1184-10</u> CONTRACT AWARD RECOMMENDATION IN THE AMOUNT OF \$3,103,781.35 BETWEEN WILLIAMS PAVING CO., INC. AND MIAMI-DADE COUNTY FOR THE PEOPLE'S TRANSPORTATION PLAN (PTP) PROJECT ENTITLED CONSTRUCTION OF NW 138 STREET BRIDGE OVER THE MIAMI RIVER CANAL, LOCATED WITHIN COMMISSION DISTRICT 12 (PROJECT NO. 20090024)	PTP revenues, including but not limited to the Surtax funds. This site-specific project is included in the PTP Ordinance under the Board Requested Projects in District 12. Any other applicable funding sources may subsidize this contract. A JPA between Miami-Dade County and FDOT in the amount of \$113,202.00 has been approved (R-504-08) to fund construction of intersection and drainage improvements at Okeechobee Road/ SR 25 and NW 138 Street.
3/1/11	<u>Resolution No. 156-11</u> CONTRACT FOR SALE AND PURCHASE OF DESIGNATED PROPERTY KNOWN AS PARCEL 6 IN THE AMOUNT OF \$228,500 WITH MIAMI-DADE COUNTY AS PURCHASER AND THE GROVE CLUB CONDOMINIUM ASSOCIATION, INC. AS SELLER, FOR RIGHT-OF-WAY NEEDED FOR THE PEOPLE'S TRANSPORTATION PLAN (PTP) PROJECT ENTITLED ROADWAY EXPANSION AND IMPROVEMENTS TO SW 27 AVENUE FROM US 1 TO SOUTH BAYSHORE DRIVE	Funding for the right-of-way acquisition and construction of this project is funded from Surtax Proceeds. The Purchase and Sale Contract is \$228,500 and includes all expert fees, costs, and attorneys' fees. This project was specifically listed in the PTP as one of the Board requested improvement projects for Commission District 7; however, this project will be of benefit Countywide. Once the project is finalized, annual maintenance and operational costs of approximately \$13,012 and \$4,911 respectively are anticipated.
4/4/11	<u>Resolution No. 245-11</u> CONTRACT AWARD RECOMMENDATION IN THE AMOUNT OF \$103,764.58 BETWEEN LEYRAM CONSTRUCTION, INC. AND MIAMI-DADE COUNTY FOR THE PTP PROJECT ENTITLED AMERICAN WITH DISABILITIES ACT (ADA) RAMPS AND CONNECTORS CONTRACT, LOCATED WITHIN COMMISSION DISTRICT 3 (PROJECT MCC 7040 PLAN – CICC 7040-0/07, REQUEST FOR PRICE QUOTATION (RPQ) NO. 20100694)	The fiscal impact will be approximately \$103,764.58 and will be funded from the Surtax. The proposed improvements qualify under the allowable work categories included in the PTP Neighborhood Improvements Section. Specific funding for this project will be allocated from the respective Commission District PTP yearly allocations.
5/3/11	<u>Resolution No. 335-11</u> CONTRACT AWARD RECOMMENDATION IN THE AMOUNT OF \$235,360.18 BETWEEN MAGESCO, INC. AND MIAMI-DADE COUNTY FOR THE PTP PROJECT ENTITLED INTERNALLY ILLUMINATED STREET NAME SIGN CONTRACT - COUNTYWIDE (PROJECT MCC 7040 PLAN – CICC 7040-0/07, REQUEST FOR PRICE QUOTATION (RPQ) NO. 20110011)	The fiscal impact will be approximately \$235,360.18 and will be funded from the Surtax. The proposed improvements qualify under the allowable work categories included in the PTP Neighborhood Improvements Section. Specific funding for traffic signs is included under Traffic Signals and Signs Operations in the PTP Countywide Neighborhood Improvements.

5/3/11	<u>Resolution No. 334-11</u> CONTRACT AWARD RECOMMENDATION IN THE AMOUNT OF \$299,033.10 BETWEEN P & J STRIPING, INC. AND MIAMI-DADE COUNTY FOR THE PTP PROJECT ENTITLED PAVEMENT MARKINGS INSTALLATION CONTRACT - COUNTYWIDE (PROJECT MCC 7040 PLAN - CICC 7040-0/07, REQUEST FOR PRICE QUOTATION (RPQ) NO. 20100742)	<p>The fiscal impact will be approximately \$299,033.10 and will be funded from the Surtax.</p> <p>The proposed improvements qualify under the allowable work categories included in the PTP Neighborhood Improvements Section.</p>
5/3/11	<u>Resolution No. 333-11</u> CONTRACT AWARD RECOMMENDATION IN THE AMOUNT OF \$230,810.40 BETWEEN BRAILLY ELECTRIC CORP. AND MIAMI-DADE COUNTY FOR THE PTP PROJECT ENTITLED INTERNALLY ILLUMINATED STREET NAME SIGN CONTRACT - COUNTYWIDE (PROJECT MCC 7040 PLAN - CICC 7040-0/07, REQUEST FOR PRICE QUOTATION (RPQ) NO. 20110010)	<p>The fiscal impact will be approximately \$230,810.40 and will be funded from the Surtax.</p> <p>The proposed improvements qualify under the allowable work categories included in the PTP Neighborhood Improvements Section. Specific funding for traffic signs is included under Traffic Signals and Signs Operations in the PTP Countywide Neighborhood Improvements.</p>
5/3/11	<u>Resolution No. 332-11</u> CONTRACT AWARD RECOMMENDATION IN THE AMOUNT OF \$244,513.60 BETWEEN A. BERNAL SERVICES CORP. AND MIAMI-DADE COUNTY FOR THE PTP PROJECT ENTITLED INTERNALLY ILLUMINATED STREET NAME SIGN CONTRACT - COUNTYWIDE (PROJECT MCC 7040 PLAN - CICC 7040-0/07, REQUEST FOR PRICE QUOTATION (RPQ) NO. 20110012)	<p>The fiscal impact will be approximately \$244,513.60 and will be funded from the Surtax.</p> <p>The proposed improvements qualify under the allowable work categories included in the PTP Neighborhood Improvements Section. Specific funding for traffic signs is included under Traffic Signals and Signs Operations in the PTP Countywide Neighborhood Improvements.</p>
5/3/11	<u>Resolution No. 332-11</u> CONTRACT AWARD RECOMMENDATION IN THE AMOUNT OF \$244,513.60 BETWEEN A. BERNAL SERVICES CORP. AND MIAMI-DADE COUNTY FOR THE PTP PROJECT ENTITLED INTERNALLY ILLUMINATED STREET NAME SIGN CONTRACT - COUNTYWIDE (PROJECT MCC 7040 PLAN - CICC 7040-0/07, REQUEST FOR PRICE QUOTATION (RPQ) NO. 20110012)	<p>The fiscal impact will be approximately \$244,513.60 and will be funded from the Surtax.</p> <p>The proposed improvements qualify under the allowable work categories included in the PTP Neighborhood Improvements Section. Specific funding for traffic signs is included under Traffic Signals and Signs Operations in the PTP Countywide Neighborhood Improvements.</p>
5/3/11	<u>Resolution No. 331-11</u> PAYMENT OF REASONABLE ATTORNEY'S FEES AND COSTS PURSUANT TO CHAPTERS 73.091 AND 73.092, FLORIDA STATUTES; AND APPROVING THE CONTRACT FOR SALE AND PURCHASE OF DESIGNATED PROPERTY KNOWN AS PARCEL 16 IN THE AMOUNT OF \$207,750 WITH MIAMI-DADE COUNTY AS PURCHASER AND 3031 S.W. 27TH AVE., INC. AS SELLER, FOR RIGHT-OF-WAY NEEDED FOR THE PTP PROJECT ENTITLED ROADWAY EXPANSION AND IMPROVEMENTS TO SW 27 AVENUE FROM US 1 TO SOUTH BAYSHORE DRIVE	<p>Funding for the right-of-way acquisition and construction of this project is funded from Surtax Bond Proceeds. The Purchase and Sale Contract is in the amount of \$207,750 and includes all expert fees, costs, and attorneys' fees.</p> <p>This project was specifically listed in the PTP as one of the Board requested improvement projects for Commission District 7; however, this project will be of benefit Countywide.</p>
5/3/11	<u>Resolution No. 340-11</u> PAYMENT OF REASONABLE ATTORNEY'S FEES AND COSTS PURSUANT TO CHAPTERS 73.091 AND 73.092, FLORIDA STATUTES; AND APPROVING THE CONTRACT FOR SALE AND PURCHASE OF DESIGNATED PROPERTY KNOWN AS PARCEL 31 IN THE AMOUNT OF \$528,000 WITH MIAMI-DADE COUNTY AS PURCHASER AND ANDMAR ENTERPRISES, INC. AS SELLER, FOR RIGHT-OF-WAY NEEDED FOR THE PTP PROJECT ENTITLED ROADWAY EXPANSION AND IMPROVEMENTS TO SW 27 AVENUE FROM US 1 TO SOUTH BAYSHORE DRIVE	<p>Funding for the right-of-way acquisition and construction of this project is funded from Surtax Bond Proceeds.</p> <p>The Purchase and Sale Contract is in the amount of \$528,000 and includes all expert fees, costs, and attorneys' fees. This project was specifically listed in the PTP as one of the Board requested improvement projects for Commission District 7; however, this project will be of benefit Countywide.</p>
5/3/11	<u>Resolution No. 339-11</u> PAYMENT OF REASONABLE ATTORNEY'S FEES AND COSTS PURSUANT TO CHAPTERS 73.091 AND 73.092, FLORIDA STATUTES; AND APPROVING THE CONTRACT FOR SALE AND PURCHASE OF DESIGNATED PROPERTY KNOWN AS PARCEL	<p>Funding for the right-of-way acquisition and construction of this project is funded from Surtax Bond Proceeds. The attached Purchase and Sale Contract is in the amount of \$75,600 and includes all expert fees, costs, and attorneys' fees.</p>

	35 IN THE AMOUNT OF \$75,600 WITH MIAMI-DADE COUNTY AS PURCHASER AND GROVE GATE CONDOMINIUM ASSOCIATION, INC. AS SELLER, FOR RIGHT-OF-WAY NEEDED FOR THE PTP PROJECT ENTITLED ROADWAY EXPANSION AND IMPROVEMENTS TO SW 27 AVENUE FROM US 1 TO SOUTH BAYSHORE DRIVE	This project was specifically listed in the PTP as one of the Board requested improvement projects for Commission District 7; however, this project will be of benefit Countywide.
5/3/11	<u>Resolution No. 314-11</u> EXECUTION OF A JOINT PARTICIPATION AGREEMENT JPA WITH FDOT TO PROVIDE STATE FUNDING IN THE AMOUNT OF \$1,000,000 FOR CONSTRUCTION OF A PEDESTRIAN OVERPASS AT THE UNIVERSITY METRORAIL STATION; AUTHORIZING THE RECEIPT AND EXPENDITURE OF FUNDS AS SPECIFIED IN THE JPA; AUTHORIZING THE USE AND EXPENDITURE OF ANY ADDITIONAL FUNDS SHOULD THEY BECOME AVAILABLE AS SPECIFIED IN THE JPA	This JPA will provide \$1,000,000 in State funding for the University Pedestrian Overpass project. Bond proceeds from the Surtax will provide the \$1,000,000 local match for a total JPA amount of \$2,000,000.
6/7/11	<u>Resolution No. 452-11</u> CONTRACT AWARD RECOMMENDATION IN THE AMOUNT OF \$526,320.48 BETWEEN FLORIDA ENGINEERING AND DEVELOPMENT CORP. AND MIAMI-DADE COUNTY FOR THE PTP PROJECT ENTITLED ROADWAY IMPROVEMENTS ALONG CARIBBEAN BOULEVARD, FROM SW 110 COURT TO BUSWAY, LOCATED WITHIN COMMISSION DISTRICT 9 (PROJECT MCC 7360 PLAN – CICC 7360-0/08, REQUEST FOR PRICE QUOTATION (RPQ) NO. 20100669)	<p>The fiscal impact will be approximately \$526,320.48 and will be funded from Surtax 2010 Bond Proceeds.</p> <p>The proposed improvements qualify under the allowable work categories included in the PTP Neighborhood Improvements Section.</p>
6/7/11	<u>Resolution N. 440-11</u> FILING OF A GRANT APPLICATION FOR FISCAL YEAR 2011 SECTION 5307 CONGESTION MITIGATION AIR QUALITY (CMAQ) FLEXIBLE FUNDING WITH THE UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL TRANSIT ADMINISTRATION (FTA) IN THE AMOUNT OF \$3,862,000, FOR COSTS RELATED TO THE CONSTRUCTION OF A PEDESTRIAN OVERPASS AT THE UNIVERSITY METRORAIL STATION OVER US-1 (SR 5); AUTHORIZING THE EXECUTION OF THE GRANT AGREEMENT PURSUANT TO SUCH APPLICATION; AUTHORIZING THE RECEIPT AND EXPENDITURE OF FUNDS PURSUANT TO SUCH APPLICATION AND AGREEMENT; AND AUTHORIZING THE RECEIPT AND EXPENDITURE OF ANY ADDITIONAL AGREEMENTS FUNDS SHOULD THEY BECOME AVAILABLE	<p>This grant will provide \$3,862,000 in federal funding for the University Pedestrian Overpass project. There will be no negative impact to the County since the required local match of \$965,500 will be provided by the FDOT through the use of State Toll Revenue Credits (TRC), as a “soft match”.</p> <p>To date, Miami-Dade Transit (MDT) has used \$750,000 in Surtax funds to complete the planning phase under the National Environmental Policy Act (NEPA) with a Categorical Exclusion, the Pedestrian/Bicycle Overpass Study, a conceptual design report and 45% of the final design. Therefore, the \$5.862 million funding from this FTA grant and the aforementioned State JPA will be used to complete the University Pedestrian Overpass project and reimburse the Surtax \$345,000 of the \$750,000 spent on the aforementioned activities.</p>
6/7/11	<u>Resolution No. 455-11</u> CONTRACT AWARD RECOMMENDATION IN THE AMOUNT OF \$96,454.11 BETWEEN SOUTHEAST UNDERGROUND UTILITIES CORP. AND MIAMI-DADE COUNTY FOR THE PTP PROJECT ENTITLED GUARDRAIL INSTALLATION PROJECT, LOCATED WITHIN COMMISSION DISTRICT 11 (PROJECT MCC 7360 PLAN – CICC 7360-0/08, REQUEST FOR PRICE QUOTATION (RPQ) NO. 20110009)	The fiscal impact will be approximately \$96,454.11 from Surtax 2010 Bond Proceeds. The proposed improvements qualify under the allowable work categories included in the PTP Neighborhood Improvements Section.
7/7/11	<u>Resolution No. 548-11</u> CONTRACT AWARD RECOMMENDATION IN THE AMOUNT OF \$297,659.84 BETWEEN BRAILLY ELECTRIC CORP. AND MIAMI-DADE COUNTY FOR THE PTP PROJECT ENTITLED INTERNALLY ILLUMINATED STREET NAME SIGN CONTRACT - COUNTYWIDE (PROJECT MCC 7040 PLAN – CICC 7040-0/07, REQUEST FOR PRICE QUOTATION (RPQ) NO. 20110037)	<p>The fiscal impact will be approximately \$297,659.84 from Surtax funds.</p> <p>The proposed improvements qualify under the allowable work categories included in the PTP Neighborhood Improvements Section. Specific funding for traffic signs is included under Traffic Signals and Signs Operations in the PTP Countywide Neighborhood Improvements.</p>

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



Legislative Notes

Agenda Item: 5(H), 5(I) and 7(C)

File Number: 110860 , 111479 and 111476

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

Date of Analysis: July 7, 2011

Type of Item: Ordinance and Resolution

District: 2

Prime Sponsor: Commissioner Jean Monestime

Summary

These items approve the following:

- Item 7(C) - Legislative Item No. 111476 - Ordinance appointing the Board of Commissioners of the N.W. 79th Street Corridor Community Redevelopment Agency (CRA), designating terms of office, and delegating certain redevelopment powers;
- Item 5(I) - Legislative Item No. 111479 - Ordinance establishing the N.W. 79th Street Corridor CRA Community Redevelopment and Revitalization Trust Fund (Fund); and
- Item 5(H) - Legislative Item No. 110860 - Resolution approving the Redevelopment Plan (Plan) for the N.W. 79th Street Corridor Community Redevelopment Area.

Item 7(C) - Legislative Item No. 111476 - Provides for the following community redevelopment powers to be delegated to the N.W. 79th Street Corridor CRA:

- Initiate, prepare and adopt a redevelopment plan and amendments to that plan, but subject to subsequent review and approval by the Board of County Commissioners (BCC);
- CRA cannot commit itself or the County to any expenditure of funds without the specific approval of the BCC;
- Powers not specifically delegated to the agency are reserved exclusively by the BCC; and
- Names and appoints five candidates to serve as commissioners of the CRA, designates two of the five commissioners to serve as chair and vice-chair of the CRA and provides language requiring all future appointments (chairs, vice-chairs and members of CRA) will be made by resolution of the BCC.

Item 5(I) - Legislative Item No. 111479 - Provides for the establishment of the Fund to include the following:

- Sets forth the County and Unincorporated Municipal Service Area (UMSA) obligation to appropriate tax increment revenue to the Fund;
- Ninety-five (95) percent of the County's tax increment to be deposited in the Fund for an initial period of ten (10) years;

- County to review and authorize CRA bond indentures and other financing instruments.

Legislative Item No. 111433 (5H Supplement on this Agenda) provides Trust Fund projected revenues at a contribution rate of 95% TIF to total \$4,648,738 at the end of ten years. Subsequently, should the BCC approve to extend the life of the CRA up to thirty years the total Trust Fund projected revenues at a 95% rate would be \$90,783,774. The County has incurred reimbursable expenses in the amount of \$88,950 for the cost of the Redevelopment Plan and the Finding of Necessity, which it expects to have reimbursed back to the General Fund through the CRA Trust fund once it is established.

Item 5(H) - Legislative Item No. 110860 - Approves the Community Redevelopment Plan for the N.W. 79th Street Corridor Community Redevelopment Area that addresses the needs and overall redevelopment goals of the target area. The Community Redevelopment Plan identifies six catalytic project areas along with strategies that consider the surrounding community, the preservation of historical buildings, and community heritage. The six catalytic project areas include:

- Infill and replacement housing programs to include the attraction of private developers, owner home rehabilitations, replacement of sub-standard housing, promotion of mixed use and Transit Oriented Development (TOD) projects;
- Economic development programs to attract large tenants to industrial area, construct new retail/office facilities, attract and assist in the creation of TODs;
- Road Improvements to address congestion along N.W. 79th Street, N.W. 27th Avenue, N.W. 22 Avenue, N.W. 17th Avenue and N.W. 12th Avenue;
- Right-of-way and streetscape improvements along all major roads;
- Infrastructure and utility improvements to support new development; and
- Community policing, crime prevention and code enforcement officers.

Legislative item No's. 111476, 111479 and 110860, if approved by the BCC, would result in the creation of the N.W. 79th Street Community Redevelopment Agency (CRA).

Background

On May 5, 2009, the BCC approved R-566-09, which accepted the Finding of Necessity for the N.W. 79th Street Corridor Redevelopment Area.

The N.W. 79th Street Corridor Redevelopment Area consists of approximately 1,254 acres, and is generally bounded on the North by N.W. 87 Street, bounded on the East by N.W. 7th Avenue, bounded on the south by N.W. 62 Street, and bounded on the West by N.W. 37th Avenue.

Fiscal Impact

Approval of the Legislative Item No. 111479 will allow ninety-five (95) percent of County's TIF to be deposited in the Fund for an initial period of ten (10) years to total \$4,648,738. Subsequently, should the BCC approve to extend the life of the CRA up to thirty (30) years the total Trust Fund projected revenues would be \$90,783,774.

Additional Information

On April 4, 2011, the BCC approved Resolution R-223-11, which accepted the Finding of Necessity (FON) study for the expansion of the boundaries of the N.W. 7th Avenue Corridor Redevelopment Area. The CRA boundaries

of the N.W. 7th Avenue Corridor will be expanded once a new Redevelopment Plan is submitted to the BCC for adoption.

Currently, there are twelve (12) approved Community Redevelopment Agencies (CRA) in Miami-Dade County: 7th Avenue Corridor, Homestead, City Center, Southeast Overtown/Park West, Omni, Midtown Miami, North Miami, North Miami Beach, South Miami, Florida City, Naranja Lakes, and West Perrine.

Approval of the legislative item No. 111476, 111479 and 110860 will create the N.W. 79th Street Corridor CRA. If the above-mentioned items are approved, the only CRAs pending BCC approval is the Goulds/Cutler Ridge and the N.W. 7th Avenue Corridor Expansion.

Below is a list of the twelve approved CRAs and their TIF contribution rate:

CRA	TIF Contribution Rate
7 th Avenue Corridor	95%
Homestead	95%
City Center	95%
Southeast Overtown/Park West	95%
Omni	95%/County gets refund of 35% of the total TIF collected
Midtown Miami	95%
North Miami	95%/County gets a refund of all County TIF collected west of Biscayne Boulevard
North Miami Beach	95%
South Miami	50%
Florida City	95%
Naranja Lakes	95%
West Perrine	95%

Prepared by: Mia B. Marin

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



Legislative Notes

Agenda Item: 7B

File Number: 101665

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

Date of Analysis: July 12, 2011

Type of Item: Ordinance

Sponsor: Chairman Joe A. Martinez

Summary

This ordinance amends Chapter 31 of the Code of Miami-Dade County relating to taxicab for-hire motor vehicles.

Ordinance Overview

- Each *for-hire license holder* will enter into a written *chauffeur's agreement* with each chauffeur it allows to operate any for-hire vehicle. This is done for the protection of the chauffeur to clarify the amounts they pay, insurance, and deposits; extends the time period a lease can be terminated without cause from 30 to 90 days; and requires that security deposits be held in a certain way. (See handwritten pages 11, 12 and 13)
- For *fiscal year 2010-11*, the ordinance authorizes a *lottery* of four (4) medallions for chauffeurs with twenty (20) or more years at a price of \$5,000 each, and an *open-auction* of six (6) medallions. (See handwritten pages 16, 17, and 18)
 - The auction of six (6) medallions provides: two (2) wheelchair accessible medallions with a minimum bid price of \$100,000, and four (4) taxicab medallions with a minimum bid price of \$140,000.
- **All medallion holders above will have to have a security camera; outside warning lights; be connected to a dispatch system that is operated 24 hrs/365 days, dispatch system must have GPS within 18 months; credit card processing system; and upgraded taxi meters.**¹
- Participants above will be able to be held in a wholly-owned corporation (corporation where all the shares are held by a single natural person) and be transferable to a wholly-owned corporation. (Handwritten pages 24 and 25)
- Allows an existing *driver-owner* the option of transferring their medallion to a wholly-owned corporation. If they choose that option, *they must equip the taxicab with all of the above technology except the security camera*. (See handwritten pages 25,26,and 27)

¹ The license holder will pay for all the required equipment upgrades mentioned in this item. If costs are passed through, it could be in the form of higher lease rates, which CSD is prohibited from regulating.

- Changes the *gift provisions* by allowing medallions to be gifted to any natural person. The medallion can then be transferred at the option of the giftee to a wholly-owned corporation. If they choose that option, *they must equip the taxicab with all of the above technology except the security camera.* (See handwritten pages 28,29 and 30)
- Changes the *chauffeur agreement operating any for-hire vehicle for which the passenger service company provides passenger services.* This is done for the protection of the chauffeur to clarify the amounts they pay, insurance, and deposits; extends the time period a lease can be terminated without cause from 30 to 90 days; and requires that security deposits be held in a certain way. (See handwritten page 34, 35 and 36)
- Reduces CSD fees chauffeurs pay for a one-year period. (See handwritten page 37)

Request for Information and Recommendations

On October 12, 2010, the *Government Operations Committee (GOC)* members requested the following information and proposed alternatives: (1) County Attorney's Office research whether the County could require taxicab owners to absorb the costs of installing security cameras, GPS equipment and credit card processing systems within taxicabs; (2) option of taxicab owners sharing the cost of new technology with drivers; (3) industry recommend alternative safety measures; and (4) collect industry data to determine which model works best in terms of collecting the convenience fee and which cities had available credit card machines when this requirement was mandated on other jurisdictions.

Credit Card Requirements for Taxicabs Report

On November 9, 2010, a report was presented to the GOC members relating to the collection of industry data and available options.

The report highlights:

- Central Taxi Service (Miami-Dade) installed credit card and processing systems in all 220 of their vehicles.
- The report indicates that drivers in Miami-Dade have not accepted this system. Equipment has been sabotaged or otherwise made inoperable. However, according to the report, a representative of Central Taxi Service indicates that drivers are beginning to realize the financial benefits of the credit card system.

Other Municipalities with Credit Card Systems in Taxicabs

	Requires credit card and applies a passenger fee	Requires credit card and does not allow a passenger fee with over 1,000 taxicabs in the jurisdiction	Credit Cards are accepted but not required, and applies a passenger fee	Prohibits passenger fees, but certain cabs apply a fee at the airport	Taxicab company pays for the processing fees
Jurisdictions	Ottawa, Canada	Boston, MA; Dallas, TX; Chicago, IL; Detroit, MI; New Orleans, LA; New York, NY; Philadelphia, PA; and San Diego, CA	Las Vegas and Louisville	Houston	Broward

Source: Supplemental Report presented at the November 9, 2010, Government Operations Committee. See legislative File No. 102622

Background and Relevant Information²

The taxicab industry in Miami-Dade County has faced problems on many fronts including those related to customers, services and regulations. Since 1981, Miami-Dade County has been regulating the taxicab industry countywide. Historically, the County only regulated taxicabs in unincorporated areas, and municipalities regulated taxicabs in municipal areas. The electorate approved an amendment in 1976 to the Home Rule Charter to permit the County to regulate taxicabs throughout the County, and in 1981 an ordinance was adopted to effectuate countywide regulations.

Also, in July 9, 1998, the Board of County Commissioners (BCC), through Ordinance 98-105, enacted comprehensive regulatory reform changing the issuance, control, operation and regulation of taxicabs. It was at this point that the BCC sought to create a driver/owner system by restricting all transfers, assignments, sales, gifts, etc., to duly licensed chauffeurs only.

- Several mechanisms were implemented: (1) new taxicab medallions were to be issued by lottery only to taxicab chauffeurs who actually drive the vehicles; and (2) transfers of medallions were to be made only to taxicab chauffeurs who actually drive the vehicles, with certain gift exceptions.

Legislative Highlights After 1998

The BCC approved the following:

- 1999 Ordinance (Ord. 99-71) establishing a specially designated Underserved Area, bounded by NW 79 Street, North Miami Avenue, NW 27 Avenue, and NW 7 Street, with a separate lottery allocation.
- 2003 Ordinance (Ord. 03-45) requiring three percent (3%) of taxicabs to be wheelchair accessible by 2006.
- 2004 Ordinance (Ord. 04-103), as the first lottery series was about to expire, Ord. 04-103 continued a lottery through 2006. That same ordinance created a special South Miami-Dade Taxicab Service Area for the area of South Miami-Dade located south of SW 136 Street to address service issues in that area.

SunPass Legislation

Although SunPass transponders are not required, according to Consumer Services Department staff, Miami-Dade Expressway Authority (MDX) is converting all toll roads to cashless so to some extent the industry will be forced to resolve without county intervention and either vehicles or drivers will have sun pass or the vehicle owner will be billed with toll by plate. Some in the taxi industry would like an exemption for taxis, but that requires State law changes and that is doubtful that could pass as MDX opposes.

Industry Assessment

The taxi industry in Miami-Dade comprises the following participants: the medallion holder; the Passenger Service Companies (PSC); the vehicle leasing companies; chauffeurs/drivers; and CSD.

On January 14, 2007, Tennessee Transportation and Logistic Foundation released the *Taxicab Ridership Final Report on Miami-Dade* to devise an equitable formula for the introduction of additional taxi licenses as the community requires them.

Technology: The study indicates that very few of the PSC interviewed had computerized dispatching and ability to track calls by zone and keep records of dispatches by vehicle number. PSCs also lacked GPS technology, and many capabilities of other more sophisticated systems (electronic processing of credit cards, shortest route directions, immediate dispatch of police to the exact location in the event of an accident, dispatching of

² See Legislative File No. 062726. Report received at the Community Empowerment Economic Revitalization Committee, October 3, 2006.

accessible vehicles when required, electronic payment of corporate or voucher business, elimination of manual record keeping).

Imbalance of Services: Taxi industry practices overtime have created an imbalance of service demands in certain geographic areas of Miami-Dade while demand has increased in the central corridor between the airport and beaches. The study states that “there do not appear to be poor economic returns for taxi operators serving only the central corridor without radio services.” (See pages 16-19 of the Report)

- The collection of off-peak data indicates “a large segment of the taxi population work primarily the airport, and perhaps the beach, with no real radio service enabling them to service taxi call-in work. These drivers are idle much of the time and often inefficiently head back to the beach, airport, or hotel stand rather than work a radio. This is a classic example of inefficiency within the taxi industry.”
- Taxi operators working the central corridor during peak season admit to dropping service completely or affiliating with smaller PSCs with no radio call-in system. These practices are identified as a “spider network” (friends and other associates) that do not allow for a “dispatcher to follow-up with the customer, no credit cards system, and no way to really measure the day-to-day performance of such informal driver networks.”

Cash Business: Another issue is that the taxi industry has become purely a cash business with little record-keeping. The custom was that taxicab drivers would record all or most trips which would show origin and destinations. According to the study, “today, however, the vast majority of taxi companies no longer utilize employee or commissioned drivers, so keeping track of the fare revenues is not important.” (See pages 16-19 of the Report)

Overall, these practices (lack of technology, spider network, avoiding radio calls, cash business and affiliating with smaller PSCs) have contributed to market deficiencies and difficulty in tracking monthly revenues for drivers and PSCs.

According to the study:

“If this trend continues and/or if significantly more taxi medallion drivers choose to not work their radio dispatch, things will probably get much worse. Current taxi drivers will have to spend more hours to earn the same income or else leave the industry. Unhappy drivers will be even more likely to refuse calls that take them into lower density areas and even more will opt to leave the radio system as a means to cut their expenses. Deteriorating service levels result in fewer customers resulting in even more oversupply of the market, and the downward spiral of increasing rates, which only invites more competitors, continues.”

As shown in the chart below the owner/driver category has increased since 1998. Total number of medallions held by owners/drivers in 1998: 114

Estimated Number of Medallions in 2007		Current Breakdown (provided by CSD staff July 2011)	
Corporation	1,042	Corporation	1,027
Owner/Driver	599	Owner/Driver	623
Individual	439	Individual	455

Source: CSD staff; provided on July 7, 2011

Prepared by: Michael Amador-Gil

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



Legislative Notes

Agenda Item: 10A1
File Number: 111317
**Committee(s)
of Reference:** Board of County Commissioners
Date of Analysis: July 10, 2011
Type of Item: Resolution

Summary

This resolution authorizes the County Mayor or County Mayor's designee to apply for, receive, and expend funds from the State of Florida (State) through the Department of Children and Families (DCF), in an annual amount not to exceed \$100,000 under the State Challenge Grant. The funding will be used to provide match funding for community based organizations that provide homeless housing and supportive services.

This resolution also recommends that the Board of County Commissioners authorize the County Mayor or County Mayor's designee to negotiate and execute contracts with the state or their agents; to negotiate and execute subcontracts with one or more not-for-profit service providers selected through the Request for Application (RFA) process issued through the Miami-Dade County Homeless Trust.

Background and Relevant Information

According to DCF's website, the Challenge Grant was created in 2001; the homeless assistance Challenge Grant is available to assist in implementing the services and activities contained within local homeless continuums of care plans. This locally developed plan details the community vision for how to coordinate efforts to prevent homelessness; provide outreach to those who become homeless to direct them to services; to provide emergency sheltering; ensure the availability of supportive services to address health, education, employment, and family needs; and to make permanent housing available.

The grant can fund any activity that is contained within this continuum of care. The funding is available on an annual competitive application process. The designated lead agency of the local continuum of care effort is the eligible applicant. The lead agency may apply on behalf of any of the local providers of service or housing, consistent with their local plan.

The Homeless Trust has identified and approved the use of the State Challenge Grant for match funding to the homeless US HUD grants and serves as a pass-through for any funding that may result from this grant. The Homeless Trust does not retain any administrative fees under this program.

**Selection Committee Recommendations-
2011 State Challenge Grants Request for Applications**

A memo, dated June 29, 2011, from the Executive Director of the Homeless Trust to the County Manager states that the Selection Committee for the Request for Applications (RFA) for inclusion in the State of Florida, Department of Children & Families (DCF) Challenge Grant Application met on June 29, 2011, to evaluate and rank applications submitted in response to the RFA. A total of 21 applications were received.

The Selection Committee reviewed the applications within priority categories established by the RFA. Applications were evaluated and ranked based on the evaluation/selection criteria set forth in the RFA, focusing on but not limited to, performance and utilization. The total application to the State under the Challenge grant is anticipated to be \$130,131. Twenty one (21) applications were received.

According to the memo, the Selection Committee felt strongly that performance should be rewarded and only the highest scoring local applications should be recommended for funding in each of the lower tiers. As such, 19 of the applications submitted are recommended for funding under the \$100,000 level (18 fully funded and one partial to consume the balance), eleven (11) applications under the \$63,397 level (ten (10) fully and one partial to consume the balance).

See attached score sheet.

Additional Information

In response to questions posed by the Office of the Commission Auditor, Homeless Trust staff provided the following information:

- When did the Homeless Trust issue the RFA? *The RFA was issued on June 8, 2011. The State issued their RFP on June 10, 2011 and we issued our RFA in anticipation of their competitive process on June 8, 2011. The Trust's deadline was June 27, 2011. The Trust turned the RFA around in 21 days. The State was delayed this year as the Governor had eliminated all State homeless programs from the budget at the beginning of the legislative session. This program did maintain its funding. Due to various County's having to obtain Commission approval, the State has since extended their July 15, 2011 deadline to August 9, 2011.*
- How was the RFA advertised? *Through the Daily Business Review.*
- Was the advertisement issued in all three languages (English, Spanish and Creole)? If applicable, please include a copy in the three languages. *Since the use of these funds are limited to match for our Federal HUD grants, only CBO's that receive HUD Supportive Housing Funding through the Trust are eligible. All agencies were notified.*
- What is the anticipated impact to Miami-Dade County? *The funds, if awarded by the State, will provide match funding for CBO's for HUD homeless grants.*
- Which districts will benefit from these services? *County wide*

Prepared by: Michael Amador-Gil

Attachment: State Grants Score Sheet Challenge 2011 provided by the Office of the Homeless Trust

REQUEST FOR APPLICATIONS FOR THE HOMELESS CHALLENGE GRANT PROGRAM

CHALLENGE GRANT MATCH		DR - Chairperson	FO	MP	DS	JLF (Alternate)					
Name of Organization	Name of Program						Total Score	Avg. Score	Amount Requested	Amount Recommended \$100,000	Amount Recommended \$63,397
Jewish Community Services of South FL, Inc.	Project H.O.P.E.	110	110	110			330	110	\$ 17,619.00	\$ 17,619.00	\$ 17,619.00
Legal Services of Greater Miami, Inc.	Legal Services	110	110	110			330	110	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
Camillus House, Inc.	Mental Health Initiative	110	108	108			326	108.67	\$ 5,900.00	\$ 5,900.00	\$ 5,900.00
Camillus House, Inc.	Matt Talbot House	107	106	105			318	106	\$ 594.00	\$ 594.00	\$ 594.00
Citrus Health Network, Inc.	KIVA	110	104	104			318	106	\$ 9,657.00	\$ 9,657.00	\$ 9,657.00
New Hope C.O.R.P.S.	Regeneration	100	108	105			313	104.33	\$ 8,600.00	\$ 8,600.00	\$ 8,600.00
Camillus House, Inc.	Brother Mathias Place	100	105	102			307	102.33	\$ 990.00	\$ 990.00	\$ 990.00
Carrfour Supportive Housing	Harding Village-Permanent	100	100	100			300	100	\$ 6,515.00	\$ 6,515.00	\$ 6,515.00
Fellowship House	Coconut Grove I	100	100	100			300	100	\$ 2,937.00	\$ 2,937.00	\$ 2,937.00
Fellowship House	Coconut Grove II	100	100	100			300	100	\$ 876.00	\$ 876.00	\$ 876.00
Fellowship House	South Dade (Scattered Sites)	100	100	100			300	100	\$ 10,201.00	\$ 10,201.00	\$ 7,709.00
Carrfour Supportive Housing	Little River Bend	100	100	97			297	99	\$ 5,815.00	\$ 5,815.00	
Camillus House, Inc.	Brother Kelly Place I	90	95	95			280	93.333	\$ 1,738.00	\$ 1,738.00	
Camillus House, Inc.	Sommerville Residence	90	90	90			270	90	\$ 550.00	\$ 550.00	
Carrfour Supportive Housing	THOP	90	90	90			270	90	\$ 7,000.00	\$ 7,000.00	
Lutheran Services Florida	Partners for Home	90	90	90			270	90	\$ 6,184.00	\$ 6,184.00	
Lutheran Services Florida	Access Program	85	90	85			260	86.667	\$ 5,538.00	\$ 5,538.00	
Volunteers of America	Hogar 2	80	88	87			255	85	\$ 6,201.00	\$ 6,201.00	
Volunteers of America	Hogar 1	90	80	80			250	83.333	\$ 5,202.00	\$ 1,085.00	
Camillus Health Concern, Inc.	Project Dade Cares	80	80	80			240	80	\$ 23,000.00		
Lutheran Services Florida	New Beginnings	80	79	75			234	78	\$ 3,014.00		

Chairperson Signature

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



Legislative Notes

Agenda Item: 13(A)1

File Number: 111500

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

Date of Analysis: July 13, 2011

Type of Item: Settlement Agreement

Summary

This item approves a settlement agreement between the County and the owners of Fuggeddaboutit Pizzeria d/b/a Slice & Ice Gourmet restaurant along with the landowners of the property located at 3024 S.W. 27th Avenue in the total amount of \$1,010,210. Through this agreement, the County will acquire the property, known as Parcel 28, and utilize it as part of the on-going roadway project to improve S.W. 27th Avenue from U.S. 1 to South Bayshore Drive.

This parcel of land was originally one of 35 right-of-way parcels acquired by the Public Works Department (PWD) for the construction of the S.W. 27th Avenue roadway improvement project. The original acquisition only comprised a small portion of right-of-way on the property; however, the project required that the building on Parcel 28 be demolished which resulted in the elimination of the business located within the building. The County now seeks to purchase the entire parcel of land and compensate the business owners and landowners.

Funding for the original right-of-way acquisition and construction of the project was provided by the Charter County Transit Surtax (Section 29.121 of the Code of Miami-Dade County). The project was specifically listed in the People's Transportation Plan (PTP) as one of the Board requested improvement projects for District 7.

The ownership of the parcel is Fordlin Investment, Inc., and the business owner is Fuggeddaboutit Pizzeria d/b/a Slice & Ice Gourmet.

Background and Relevant Legislation

On Nov. 20, 2008, the Board of County Commissioners approved Resolution R-1205-08 which declared that the acquisition of the right-of-way for Parcel 28 was a public necessity and directed the County Mayor, his designee and the County Attorney to take any and all appropriate actions to acquire the

property in fee simple by donation, purchase, or by eminent domain proceedings, including a declaration of taking, if necessary.

This parcel was one of 35 separate parcels needed by the Public Works Department for the street improvement project along S.W. 27 Avenue, between U.S. 1 and South Bayshore Drive.

The project consists of the reconstruction and widening of an existing two-land undivided road to a three-lane roadway including a traffic circle, raised landscaped medians, left turn lanes, bicycle lands, on-street parking, sidewalks, curb and gutters, continuous storm drainage system, signalization, pavement markings and signing, and decorative roadway lighting. According to the PWD staff, the improvements will increase vehicular capacity, improve traffic mobility, provide ADA compliance and multiple modes of transportation, as well as serve as a beautification entrance corridor to Coconut Grove.

Budgetary Impact

Appraised Value 2010 (Property Appraiser)	Appraised Value (County via private appraisers)	Appraised Value (Owner via private appraisers)	Settlement Amount	Total Settlement*
\$472,500 (land)	\$650,000 (land)	\$735,000 (land)	\$675,000 (land)	\$1,010,210
\$5,000 (building)	\$199,000 (business)	\$350,000 (business)	\$215,000 (business)	*includes \$120,210 for statutory attorney's fees

The settlement amount will be funded by the PTP.

Questions

The following questions were posed by the Office of the Commission Auditor and answered by the Public Works Department.

What is the budget for this expansion project?

\$14.935 million

What is the project's expected completion date?

March 2013

Have all 35 separate parcels been acquired for this project?

There are 5 remaining parcels to be acquired. Four of the 5 have been filed as lawsuits and are scheduled for hearing on the acquisition in August. The one remaining parcel is a small parcel needed for a turning radius.

Where there any other problems associated with acquiring the other parcels of land?

Nothing out of the ordinary, although title questions have been raised by some of the owners regarding property adjacent to some of the parcels acquired.

What is the status of construction on this project?

Construction for Phase 1 (S. Bayshore Drive to Tigertail Ave. and US-1 to SW 28th Terrace) is scheduled to commence on July 18, 2011

If this project only required the acquisition of a portion of right of way of Parcel 28, what brought about the need for the demolition of the entire building located on the parcel?

The part acquired cut directly through the building, therefore requiring the demolition of the building, substantial damages, and a wipe out of the business located in the building even assuming a partial take. It was determined that the remainder served the public purpose of providing an area to stage and store equipment during the construction of the project, thus eliminating the need to stage on part of the roadway, and promoting the flow of traffic during the construction period.

What will the County do with the land once the entire roadway project is complete?

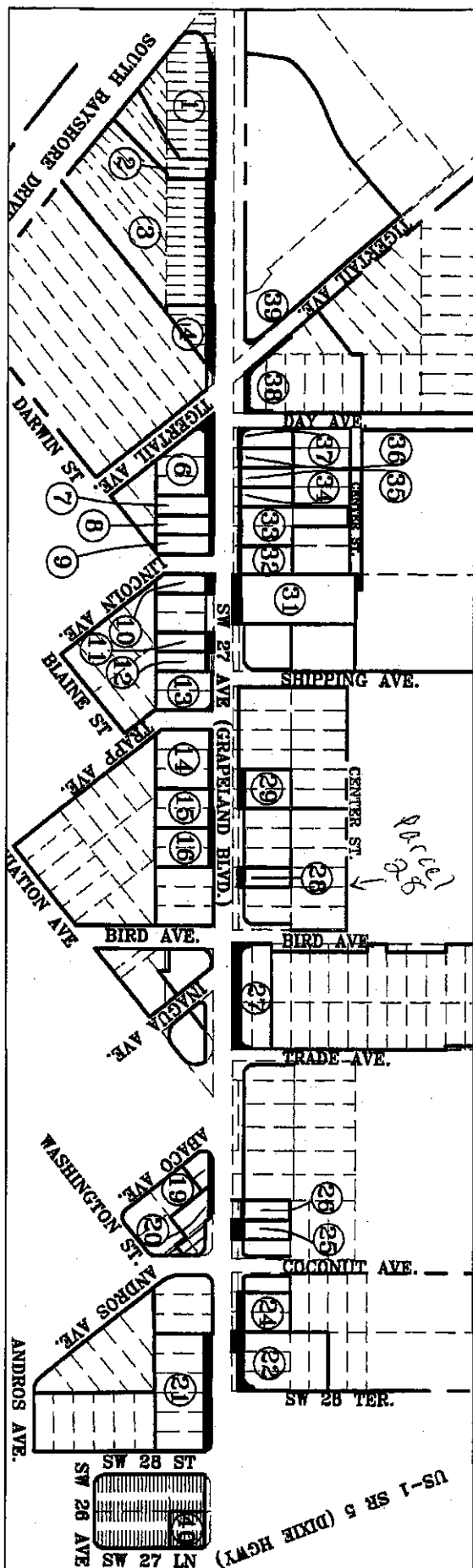
The County will either utilize the Property for a public purpose, or will surplus (sell) the vacant remainder property to recover acquisition costs.

Attachment

Attached is the location map showing the various parcels associated with this project and the location of Parcel 28, which is the subject of this item.

Prepared by: Jason T. Smith

LOCATION MAP



MIAMI-DADE COUNTY PUBLIC WORKS DEPT.
RIGHT OF WAY DIVISION
RIGHT OF WAY ENGINEERING SECTION

SW 27 Avenue
SR 5 (US-1) to S. BAYSHORE DRIVE

R/W to be acquired by the County

SCALE 1" = 400'
PROJECT 20040337
PREPARED BY: CDS
DATED: 08-29-05