



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Legislative Analysis

Board of County Commissioners

September 1, 2009
9:30 AM
Commission Chamber

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Miami, Florida 33128
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**Miami-Dade County Board of County Commissioners
Office of the Commission Auditor**

**Board of County Commissioners
Meeting Agenda**

September 1, 2009

Item(s)

5(E)
7(A)
7(C)
7(E)
7(F)
7(H)
7(I)
7(J)
7(M)
8(K)1(A)
12(A)1

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

Acknowledgements--Analyses prepared by:
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**MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR**



Legislative Notes

Agenda Item: 5(E)

File Number: 091979

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: August 28, 2009

Type of Item: Resolution Authorizing Sale of County Owned Properties

Summary

This resolution recommends the sale of nine (9) County owned single family residential properties suitable for affordable housing.

Property Appraiser Information on the Documentary Surtax Funded Homes

	FY2008 Assessed Value	FY2009 Assessed Value	Sale Amount
1960 NW 58 St, Miami 33142	\$149,928	\$141,460	\$62,000
3595 NW 187 St, Miami 33169	\$143,115	\$115,556	\$47,000
1290 NE 119 St, 4-A, Miami 33167	\$112,170	\$95,340	\$49,000
1823 NW 73 St, Miami 33147	\$130,055	\$130,055	\$44,000
15011 Fillmore St, Miami 33176	\$100,153	\$138,358	\$98,000

Property Appraiser Information on the Federally Funded Homesⁱ

	FY2008 Assessed Value	FY2009 Assessed Value	Sale Amount
10230 SW 173 Terr., Miami 33157	\$186,820	\$133,091	\$12,000
10356 SW 173 Terr., Miami 33157	\$180,965	\$133,091	\$2.5 M
17585 SW 105 Ave., Miami 33157	\$186,081	\$150,972	\$2.5 M
17602 SW 105 Ave., Miami 33157	\$212,283	\$172,298	\$2.5 M

The nine properties will be sold as affordable housing to qualified low income and moderate income buyers.

Prepared By: Mia B. Marin

ⁱ The four (4) above-mentioned properties were acquired by the County as a result of an exchange agreement under R-692-08. As part of the agreement in R-692-08, the four homes were conveyed to the County.

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



Legislative Notes

Agenda Item: 7(A)
File Number: 092175
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: August 25, 2009
Type of Item: Ordinance
Prime Sponsor: Vice-Chairman Jose "Pepe" Diaz
Co-Sponsors: Commissioners Audrey M. Edmonson and Barbara J. Jordan

Summary

This ordinance amends the Code of Miami-Dade County to create contracting preferences for local certified Service-Disabled Veteran Business Enterprises (VBE). The business must be certified as a VBE by the Florida Department of Management Services pursuant to Sec. 295.187, F.S.

VBEs which submit proposals in response to a Request for Proposals (RFP), Request for Qualifications (RFQ), Request for Information (RFI), or a Notice to Professional Consultants that assign weights to the evaluation criteria would receive *an additional* 5% of the evaluation points scored on the technical portion of the bidder's proposal.

The ordinance also requires a VBE to affirm in writing its compliance with the state VBE requirements when the VBE submits a bid or proposal.

The proposal also allows the County to enter into interlocal agreements with the neighboring counties of Broward, Monroe and Palm Beach to extend local VBE preferences to businesses registered as VBEs in those counties, only if those counties make similar VBE contracting preferences.

Background and Relevant Legislation

The Department of Management Services (DMS) is responsible for the certification of a business as a certified minority business enterprise under chapter 287, F.S., and Secs. 288.702-.706, F.S., or as a certified service-disabled veteran business enterprise under Sec. 295.187, F.S.

Section 295.187, F.S., defines a "Service-disabled Veteran Business Enterprise" as an independently owned and operated business that:

1. Employs 200 or fewer permanent full-time employees;

2. Together with its affiliates has a net worth of \$5 million or less or, if a sole proprietorship, has a net worth of \$5 million or less including both personal and business investments;
3. Is organized to engage in commercial transactions;
4. Is domiciled in this state;
5. Is at least 51% owned by one or more service-disabled veterans; and
6. The management and daily business operations of which are controlled by one or more service-disabled veterans or, for a service-disabled veteran with a permanent and total disability, by the spouse or permanent caregiver of the veteran.

Policy Change and Implication

This item would create County contracting preferences for local VBEs certified by the State. Currently, Sec. 2-8.5 of the Code of Miami-Dade County provides for preferences to local businesses in County contracts.

A survey of Broward, Palm Beach and Monroe Counties conducted by the Office of the Commission Auditor found that none of these counties currently provides a preference for VBEs in their respective county contracting processes.

Prepared By: Jason T. Smith

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



Legislative Notes

Agenda Item: 7(C)

File Number: 091905

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: August 28, 2009

Type of Item: Ordinance

**Sponsor: Prime Sponsor Commissioner Audrey M. Edmonson and
Co-Sponsor Barbara J. Jordan**

Summary

This ordinance amends Article 48 of the County Code relating to the Metro-Miami Action Plan (MMAP) Trust to include the following:

- Rename MMAP to “Miami-Dade Economic Advocacy” (MDA);
- MDA is to seek and apply for alternative funding sources;
- Advocate for and provide the economic conditions and economic development initiatives in Miami-Dade County;
- Submit an annual scorecard reflecting the performance of entities charged with and funded to improve conditions in designated areas; and
- Conduct a disparity study reflecting the current economic conditions of Blacks in Miami-Dade County.

Background and Relevant Legislation

The Miami-Dade County Proposed Budget for FY2009-2010 recommends that the Teen Court Program (currently under the direction of MMAP) be transferred to the Juvenile Services Department.

The State of Florida Department of Juvenile Justice (DJJ) created the Teen Court program in 1996 to be administered by MMAP. The program provides for teenage student volunteers to decide sentences of juveniles who have admitted to breaking the law and offers an opportunity for the juvenile offender to avoid having a delinquency record if all sanctions are honored.

The Board of County Commissioners adopted Ordinance 98-185 that allows the courts to impose a three (\$3.00) dollar court cost upon every person who pleads guilty or nolo contendere, or is convicted of, regardless of adjudication, a violation of a state criminal statute or municipal ordinance or county ordinance or who pays a fine or civil penalty.

The Clerk of the Courts collects the \$3.00 assessments for court costs established and shall remit the same to the Teen Court monthly, less five (5%) percent as a fee income.

Budgetary Impact

The Teen Court Program receives no County funds for its operations.

Teen Court Revenue Summary

	FY2007-2008 (dollars in thousands)	FY2008-2009 (dollars in thousands)
Teen Court Fees	1,331	1,200

Teen Court Budget

FY2007-2008	FY2008-2009 (dollars in thousands)
1,874	2,334

Prepared By: Mia B. Marin

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



Legislative Notes

Agenda Item: 7(E)
File Number: 091564
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: August 28, 2009
Type of Item: Code Amendment
Prime Sponsor: Commissioner Sally A. Heyman
Co-Sponsor: Commissioner Rebeca Sosa

Summary

This ordinance amends the Miami-Dade County Code (Code), increasing the court's surcharge on civil and criminal traffic infractions and violations from \$15 to \$30, to fund court facilities and debt service. In addition, this ordinance waives the court surcharges for indigent individuals.

Background and Relevant Legislation

Legislative History

Florida Statutes §318.18(13), authorizes counties to impose a fifteen dollar (\$15.00) surcharge upon every civil traffic infraction and upon every criminal traffic violation issued in Miami-Dade County. All proceeds from this surcharge shall be used to fund state court facilities as required by general law.

On June 8, 2004, the Board of County Commissioners passed Ordinance Nos. 4-116 and 4-117, pledging the revenue for outstanding court facility bonds. Any revenue collected in excess of that which is necessary for annual debt service payments will be used either towards the outstanding bonds or for annual court facility needs.

Policy Change and Implication

This ordinance amends §11-12, 11-13, and 11-14 of the Code to allowing the following:

- Increase the surcharge on civil and criminal traffic infractions from \$15 to \$30;
- Use the additional revenue for costs associated with the Children's Courthouse; and
- Waive surcharges for indigent individuals.

Comments

Currently, the court surcharge generates \$6.5 million annually for Miami-Dade County.

Although the surcharge is increasing from \$15 to \$30, OSBM is estimating it will only generate approximately \$6.2 million annually due to the collection process and a deteriorating economy. Currently, the collection rate for the surcharge fee is about 60 to 70 percent annually. According to OSBM, people enter into payment plans, so the rate reported is lower than actual collection because ultimately the charge is collected, it just may not be in the same year. If people don't pay or enter into a payment plan, they could get a steeper fine by the court. With the increase in the surcharge, there may be a slight reduction in collections.

In addition, waving the surcharges for indigent individuals is estimated to reduce County revenue by \$420,000.

Prepared by: Elizabeth N. Owens

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



Legislative Notes

Agenda Item: 092226
File Number: 7(F)
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: August 28, 2009
Type of Item: Code Amendment
Prime Sponsor: Commissioner Barbara J. Jordan

Summary

This ordinance creates §33-313.1, Deletion or Modification of Covenants, of the Miami-Dade County Code (Code), modifying the voting requirements for the members present at the Board of County Commissioners (BCC) to delete or modify declarations of restrictive covenants (covenants) submitted in connection with approved zoning applications.

On July 14, 2009, at the Budget, Planning & Sustainability (BPS) Committee meeting, this item was amended to provide the following:

- ***The supermajority vote requirement only applies to zoning applications that are heard by the BCC and result in an increase in density or intensity; and***
- ***Modifications or deletions of covenants on properties in an urban center or urban area district remain subject to a simple majority vote.***

Background and Relevant Legislation

Current Code

Presently, to delete or amend a covenant submitted in connection with a prior zoning application, the Code requires a majority vote of the members of the BCC and/or the CZAB present at the hearing.

Covenant Modifications / Deletions Chart (Attachment A)

Since January 1, 2004, the BCC approved a total of 34 modifications and deletions to previously approved zoning applications (see Attachment A). A review of the 34 modifications and deletions found the following findings:

- Charter Schools, with eight (8) approved applications had the majority.
- Community urban center districts followed closely with a total of seven (7). Princeton Community Urban Center District had three (3), Naranja Community Urban Center District had three (3), and Perrine Community Urban Center District had one (1).

Policy Change and Implication

This ordinance requires a two-thirds vote (a supermajority vote) from the members present at the BCC hearings to delete or modify any covenant that was submitted in connection with an approved zoning application. **This requirement for a supermajority vote only applies to the deletion or modification of covenants that result in an increase in density or intensity, and to properties that are not in urban centers or urban area districts.**

Prepared by: Elizabeth N. Owens

BOARD OF COUNTY COMMISSIONERS¹
APPROVED COVENANT MODIFICATION / DELETIONS
January 1, 2004 to Present

NO.	HEARING DATE	FILE NO.	APPLICANT	CONVENANT MODIFICATION/DELETION REQUEST	RESULTS	DISTRICT NO.
1.	01/22/2004	01-397	LIGHTSPEED AT BEACON TRADEPORT LLC, ET AL.	Modification of a portion of Paragraph #1 of a the Third Amendment to the Declaration of Restrictive Covenants in Lieu of Unity of Title to include a Proposed Master Plan to previously submitted plans.	Approved per DIC recommendation (Resolution No. Z-1-04).	12
2.	04/15/04	03-195	149 BIRD, LLC	To remove a Declaration of Restricts from the site limiting development as a commercial shopping center in order to allow a residential development on Parcel "A" and a commercial development on Parcel "B".	Approved with additional conditions (Resolution No. Z-12-04).	11
3.	06/24/2004	03-369	WEST KENDALL HOLDINGS LLC	The modification request was to include a new site plan and to include an alternative Senior Residential Building as the only allowed residences to be developed on the property.	Approved as per recommendation of the DIC and CZAB (Resolution No. Z-26-04).	11
4.	11/04/2004	04-127	FLAGLER PARK LLC	The modification request to remove dancing halls or academies and schools from the list of prohibited uses on the property that were part of the Owner voluntarily covenant.	Approved as modified to prohibit private school K-12 (Resolution No. Z-38-04).	6
5.	10/06/05	04-365	BELL SOUTH TELECOMMUNICATIONS,	The request was to delete the Declaration of Restrictions is to remove	Approved (Resolution No. Z-21-05).	1

¹ This Chart does not include covenant modifications or deletion requests approved by the Community Zoning Appeal Boards (CZAB).

ATTACHMENT A

NO.	HEARING DATE	FILE NO.	APPLICANT	CONVENANT MODIFICATION/DELETION REQUEST	RESULTS	DISTRICT NO.
			INC.	a requirement that the property be developed in accordance with a site plan for an industrial development, to allow the applicant to build in accordance with the proposed zoning and the present zoning on the remainder of the parcel.		
6.	12/22/05	01-397	LIGHTSPEED AT BEACON TRADEPORT LLC, ET AL.	The modification request was to update the Proposed Master Plan to previously submitted plans. The restrictive covenant states that the property should be developed substantially in accordance with the plans previously submitted for the hearing.	Approved (Resolution No. Z-33-05).	12
7.	03/25/06	05-252	UNITED AT KENDALL LAKES, INC.	Deletion of a paragraph that stated, "In the event shall the residential density of the Senior Housing Parcel exceed 240 units. The use shall be limited to very low, low, and/or moderate income housing for older persons as defined by the Fair Housing Act, 42U.S.C. §3607," from the Declaration of Restrictions.	Approved with a provision that ten (10) units be priced at \$225,00.00 (Resolution No. Z-13-06).	11
8.	05/25/06	05-245	SILVER PALM HOLDINGS OF HOMESTEAD LLC	Amendment or release of a covenant pertaining to the school site subject to public hearing approval, and to require the opening of the charter school for 800 students prior to the first school year after the completion of the 400th residence and for the additional 300 students prior to the 800th residence.	Approved (Resolution No. Z-20-06).	8
9.	04/27/06	05-357	PRINCETON PARK HOMES	The purpose of the request was to	Approved (Resolution No.	8

ATTACHMENT A

NO.	HEARING DATE	FILE NO.	APPLICANT	CONVENANT MODIFICATION/DELETION REQUEST	RESULTS	DISTRICT NO.
			LLC	remove an agreement restricting the property to development as a restaurant, mini warehouse and recreational vehicle storage in order to develop the property within regulations of the newly adopted Princeton Urban Center District.	Z-17-06).	
10.	08/24/06	05-190	GRACE OF GOD COMMUNITY REHABILITATION CENTER (CDC), INC.	The request was to delete a covenant that previously approved residential development and to submit revised plans showing a religious facility and charter school on the subject property.	Approved (Resolution No. Z-29-06).	8
11.	09/14/06	06-54	VALENCIA SCHOOL DEVELOPMENT, LLC	The applicant requested deletion of two covenant modifications tying the previously approved charter school to the number of students and Certificate of Occupancy, preserving the original covenant which required the site to be developed with a 3-acre charter school; a modification of a condition of a covenant to allow the applicant to increase the number and grade levels of students for the previously approved charter school.	Approved. Modification to 706 for 06-07 school year, then down to 600 students. K-8 approved (Resolution No. Z-30-06).	8
12.	09/14/06	06-55	ARCHIMEDEAN PROPERTIES LLC	The applicant is requesting modifications of conditions paragraphs of a covenant, and deletions of a paragraph of a covenant, to allow the applicant to submit revised plans for the previously approved charter school, to increase the number of students, and to have no limit on the	Approved Modified to allow 80 students (06-07) and 60 every year until 800 are reached (Resolution No. Z-31-06).	10

ATTACHMENT A

NO.	HEARING DATE	FILE NO.	APPLICANT	CONVENANT MODIFICATION/DELETION REQUEST	RESULTS	DISTRICT NO.
				number of night functions that could occur at the school.		
13.	09/14/06	05-367	WRC PROPERTIES INC.	The purpose of modification was to allow the applicant to decrease the required landscape buffer along the north property line and submit new plans showing an office development and parking garages.	Approved (Resolution No. Z-34-06).	10
14.	12/07/06	06-79	RAMDA DEVELOPMENT CORP.	Deletion of a covenant as accepted pursuant to a resolution to allow the applicant to delete the covenant which restricted the development of the site to a previously approved residential development; in order to allow the applicant to develop the property in compliance with the Princeton Community Urban Center district (PCUC) zoning regulations.	Approved (Resolution No. Z-43-06).	8
15.	05/24/07	06-306	HOMESTEAD AUTO CENTER	Modification of a paragraph of a covenant to allow the applicant to submit new plans showing a third building for an automobile repair center & to show 2 structures setback less than required from property lines.	Approved (Resolution No. Z-10-07).	8
16.	07/12/07	07-156	VALENCIA SCHOOL DEVELOPMENT, LLC	Modifications of conditions of a previous resolution and of paragraphs of covenants and deletions of conditions of a previous resolution and of paragraphs of a covenant to delete the conditions limiting the number of students enrollment during a certain school year, which will allow the	Approved (Resolution No. Z-26-07), on a modified basis of 700 children.	8

ATTACHMENT A

NO.	HEARING DATE	FILE NO.	APPLICANT	CONVENANT MODIFICATION/DELETION REQUEST	RESULTS	DISTRICT NO.
				applicant to continue serving the number of students currently enrolled at the charter school, on this site.		
17.	07/12/07	07-157	NORTHWESTERN GRANT, LLC	Modification of a condition of a previous resolution and of a paragraph of a covenant to increase the grade levels of the previously approved charter school, to include middle school and 10th grade.	Approved (Resolution No. Z-27-07).	12
18.	12/06/07	07-304	MIAMI-DADE COUNTY PARK AND RECREATION DEPARTMENT	Modification of a paragraph of a covenant to allow the applicant to utilize the existing south golf course as a public park with ancillary recreation activities.	Approved (Resolution No. Z-55-07).	13
19.	01/24/08	07-69	MERRINECK ESTATES, LLC & MEDICO INTERNATIONAL REALTY HOLDINGS LLC	Appeal of the decision of Community Zoning Appeals Board #12, which denied without prejudice among other request the following: to delete a covenant to remove a restriction requiring the property to be used only as an architect's office, florist, sod and nursery business, to allow the development of the site in accordance with the proposed zoning, and to permit an accompanying request(s).	Approved in Part (Resolution No. Z-01-08).	7
20.	04/24/08	07-263	R & E AT PALM VISTA II, INC.	Deletion of a covenant tying the development of the property to a site plan and a specific number of dwelling units in order to allow the applicant to build in accordance with the Princeton Community Urban Center (PCUC) district zoning regulations.	Approved.	8

ATTACHMENT A

NO.	HEARING DATE	FILE NO.	APPLICANT	CONVENANT MODIFICATION/DELETION REQUEST	RESULTS	DISTRICT NO.
21.	05/22/08	07-342	ASPIRA OF FLORIDA, INC.	Modifications of a paragraph of a covenant to allow the applicant to submit new plans showing a reduction in the size of the charter school site due to a canal right-of-way. Also requesting to permit the charter School's setback to be less than required from property line, and to permit less landscape open space than required, on this site.	Approved per staff's recommendation (Resolution No. Z-14-08).	2
22.	06/05/08	07-413	CUSTOM BUILDERS OF MIAMI LLC	Deletion of a declaration of restrictions tying the site to plans for a townhouse development and to allow the applicant to develop the site in accordance with the Naranja Community Urban Center District zoning regulations.	Approved per recommendation (Resolution No. Z-16-08).	8
23.	07/03/08	(06-220)	KENDALL GREENS PROPERTY, LLC	Modification of paragraphs of a covenant to allow the applicant to submit new plans indicating an expansion to an existing charter school by increasing the number of students from 600 to 800, allowing the applicant to comply with a new Public Works Department memorandum and changing start and dismissal times.	Modified approved of request for 150 students increase only and with condition to change start time 7:00 - 8:30 (Resolution No. Z-18-08).	11
24.	07/03/08	07-294	UNITED AT KENDALL LAKES, INC.	Modifications of a covenant to allow the applicant to submit revised plans for a previously approved multi-family apartment development showing fewer units, a new building configuration, filling of a portion of the	Approved as per staff recommendation (Resolution No. Z-19-08)	11

ATTACHMENT A

NO.	HEARING DATE	FILE NO.	APPLICANT	CONVENANT MODIFICATION/DELETION REQUEST	RESULTS	DISTRICT NO.
				lake and providing a new condition for workforce housing. Also requesting an unusual use to permit a partial filling of an existing lake, on this site.		
25.	07/17/08	07-20	AMB CODINA BEACON LAKES, LLC	Modification of a paragraph of a covenant to allow the applicant to submit new site plans for a commercial development consisting of retail and restaurant uses, and accompanying requests, on this site.	Approved per DIC recommendation (Resolution No. Z-20-08).	12
26.	07/17/08	07-303	SOUTHWESTERN GRANT, LLC	Modifications of paragraphs of covenants and of conditions of a previous resolution to allow the applicant to increase the number of students for a previously approved charter school. Also requesting to permit an accompanying request(s), on this site.	Approved with conditions (Resolution No. Z-22-08).	8
27.	07/17/08	07-318	SOUTHWESTERN GRANT, LLC	Modifications of paragraphs of covenants and of conditions of a previous resolution to allow the applicant to submit revised site plans indicating an increase in the number of students and to show parcel "B" to be used for parking only for a previously approved charter school.	Approved with conditions subject to acceptance of covenant (Resolution No. Z-23-08).	8
28.	07/17/08	08-38	SUMMERVILLE CHARTER SCHOOL, INC.	Modifications of conditions of a previous resolution, and of paragraphs of a covenant to allow the applicant to increase the amount of students, to increase the grades, and to modify the schedule for the charter school.	Approved with conditions (Resolution No. Z-24-08).	8

ATTACHMENT A

NO.	HEARING DATE	FILE NO.	APPLICANT	CONVENANT MODIFICATION/DELETION REQUEST	RESULTS	DISTRICT NO.
29.	02/19/09	07-208	KENDALLGATE CENTER ASSOCIATES, LTD.	Modification of a portion of a paragraph of a covenant to permit the Applicant to modify a covenant for a commercial development that limited the site to specific uses to allow additional uses, on this site.	Approved (Resolution No. Z-4-09).	10
30.	02/19/09	08-169	TRANSORDEV, LLC	Deletion of a covenant which tied the site to a site plan for a restaurant use, in order to allow development of the site in accordance with the Perrine Community Urban Center (PECUC) District zoning regulations.	Approved (Resolution No. Z-5-09).	9
31.	03/05/09	(08-205)	THE DEPARTMENT OF PLANNING & ZONING	Deletion of a covenant tying the site to low income elderly housing and a Park and Ride facility; to allow the applicant to develop the site in accordance with the underlying zoning district regulations, on this site.	Approved per staff's recommendation (Resolution No. Z-6-09).	10
32.	03/19/09	08-204	DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING	Deletion of a covenant to remove a previously recorded agreement that required the property to be developed with 6 residences in order to permit the site to be developed with a public library and park.	Approved per staff recommendations (Resolution No. Z-7-09).	8
33.	05/21/09	09-012	COUNTRY VIEW, LLC AND RAM LAND INVESTMENTS, LLC	Deletion of a covenant tying this site to a specific plan and creating a buffer zone between the light industrial manufacturing district (IU) and agricultural (AU) zones on the subject property in order to develop the property in accordance with the Naranja Community Urban Center	Approved per staff recommendation (Resolution No. Z-16-09).	8

ATTACHMENT A

NO.	HEARING DATE	FILE NO.	APPLICANT	CONVENANT MODIFICATION/DELETION REQUEST	RESULTS	DISTRICT NO.
				(NCUC) zoning regulations.		
34.	06/04/09	08-052	PINEAPPLE TRACE LLC	Deletion of a covenant which restricts the development of the site to 36 residential units and a specific site plan in order to allow the development of this site in accordance with the underlying Naranja Community Urban Center (NCUC) district zoning regulations.	Approved (Resolution No. Z-19-09).	8

Prepared by: Elizabeth N. Owens and Tiandra Sullivan

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

Agenda Item: 7(H)
File Number: 092140
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: August 28, 2009
Type of Item: Code Amendment
Prime Sponsor: Commissioner Joe A. Martinez

Summary

This ordinance amends the Code of Miami-Dade County (Code) to provide for permanent donation collection bins on improved property owned by a charity, providing for buffering, setbacks, and permit requirements.

Background and Relevant Legislation

Current Code

Presently under § 33-19 of the Code, donation collection bins are prohibited. A donation collection bin is defined as a receptacle designed with a door, slot or other opening which is intended to accept and store donation items. This definition does not include non-motorized vehicles which are permitted as a special exception.

Policy Change and Implication

The proposed additions to the Code define the parameters in which permanent donation collection bins are allowable in Miami-Dade County.

Comparison to Other Jurisdictions

Other jurisdictions which require collection bins to be permitted or registered include Chicago, IL, Woodbridge, NJ, Huntington, NY, Nashville, TN, and Milwaukee, WI.

A cursory review of other jurisdictions, found the following subject matters being addressed in their Code:

- The placement of the collection bin could constitute a health or safety hazard. Such hazards include, but are not limited to, the placement of a collection bin in parking spaces, in any area that interferes

with pedestrian or vehicular traffic, landscaping, or within 100 yards of any place which stores or sells large amounts of fuel or other flammable liquids/gases, or is likely to attract vermin or litter (sources: Borough of Edgewater Ordinance No. 1403-2009; Township of Bernards Ordinance No. 2042);

- Specify the number of collection bins allowed on the property;
- Mandate that all donations must be fully enclosed in the collection bin. Donations that are not fully enclosed in the collection bin are considered a public nuisance and subject to removal at the owner's expense (Milwaukee Code § 33.02); and
- Specify the material the collection bins can be composed of (ex. metal, steel, plastic).

In addition, this ordinance addresses common issues experienced in Miami Dade County and other jurisdictions, such as for-profit organizations setting up collection bins and the proliferation of unregulated collection bins.

According to the Office of Neighborhood Compliance, from January 2008 to August 2009, they conducted a total of 32 investigations regarding illegal collection bins. Of the 32 cases, there have been 24 warning letters issued for the removal of collection bins and 3 notices of violation served. Only one case remains open.

Prepared by: Elizabeth N. Owens

**MIAMI-DADE COUNTY
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Legislative Notes

Agenda Item: 7(I)
File Number: 092227
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: August 28, 2009
Type of Item: Modification of Zoning Procedures
Prime Sponsor: Commissioner Natacha Seijas

Summary

This ordinance modifies the notice requirements and procedures for applications to extend expiration dates, build-out dates and phasing deadlines for certain previously approved Development of Regional Impact (DRI) development orders and the related zoning actions.

Background and Relevant Legislation

Florida Statutes

According to §380.06(19)(b)(14)(c), Substantial Deviations, in recognition of the 2007 real estate market conditions, all phase, buildout, and expiration dates for projects that are DRI and under active construction on July 1, 2007, are extended for 3 years regardless of any prior extension. The 3-year extension is not a substantial deviation, is not subject to further DRI review, and may not be considered when determining whether a subsequent extension is a substantial deviation.

Active DRI Projects

Application	Buildout Dates	Has a 3-year extension been requested through Public Hearing
Dadeland Mall	December 29, 2009	No
Blue Lagoon	December 30, 2009	Upcoming
Kendall Town and Country	n/a	No
Miami International Airport	December 29, 2009	Yes
American Bankers Life Insurance	n/a	No
Beacon Lakes	December 30, 2011	Yes
Dolphin Center	October 11, 2007	Yes
Beacon Tradeport	March 18, 2009	No

Kendall Town Center	December 31, 2011	No
Seaquarium	September 12, 2010	Yes
Flagler Station	December 14, 2011	No
Metro Zoo	December 31, 2021	Yes

Source: Department of Planning and Zoning

Current policy requires a substantial deviation determination and a public hearing to extend certain expiration dates, build-out dates and phasing deadlines dates.

Policy Change and Implication

This ordinance modifies current zoning procedures and does the following:

- Provides for DRI development orders that were under active construction on July 1, 2007 to extend the project's buildout date, expiration date and/or the phasing deadline for three years or less without applying for a substantial deviation determination;
- Allows the Miami-Dade County Code (Code) to be consistent with state statutory regulations regarding DRI phasing, buildout, and expiration dates;
- Implements an expedited process by directing the Department of Planning and Zoning (DPZ) Director to file the applications requesting the extensions;
- Furthermore, by the DPZ Director filing the application, the Applicant no longer carries the burden of filing fees;
- Eliminates the review requirement by the Development Impact Committee (DIC) and Community Zoning Appeals Board (CZAB);
- Specifies that the Applicant is responsible for the advertising fees; and
- Decreases the mail notice provision from 1 mile to 1500 feet.

Budgetary Impact

According to the County Manager's memo, there is no fiscal impact on Miami-Dade County.

Comments

According to the County Attorney's Office, this item would not preclude the DIC from requiring certain changes on the application.

Prepared by: Elizabeth N. Owens

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



Legislative Notes

Agenda Item: 7(J)

File Number: 091734

Committee(s) of Reference: BCC

Date of Analysis: August 28, 2009

Type of Item: Ordinance Regarding Business Classification System

Prime Sponsor: Commissioner Natacha Seijas

Summary

This proposed ordinance creates a new County Code provision which incorporates the North American Industry Classification System (NAICS), a standard used by federal statistical agencies which groups and classifies businesses by product or industries for purposes of gathering and analyzing data which reflect the composition of the US' economy. The proposed ordinance will require County departments to secure an assigned classification code from businesses which conduct business with the County for purposes of enabling County departments to share and coordinate information among departments.

The proposed provision specifically requires all county departments to:

- (1) Require businesses to provide the North American Industry Classification System (NAICS) code whenever information is collected for contracts, procurement, permits, licenses, taxes, enforcement actions and all other purposes for which information is collected by county departments from businesses; and
- (2) Use NAICS codes for any business classification system that county departments use except where prohibited by federal or state law. In cases where the use of NAICS codes is prohibited by federal or state law, county departments shall maintain NAICS code information for individual businesses in a format in which individual businesses can be sorted by NAICS codes.

Background and Relevant Information

NAICS uses a six-digit hierarchical coding system to classify all economic activity into twenty industry sectors. Five of the twenty sectors are goods-producing sectors, and fifteen sectors are services-producing sectors. (Source: US Dept of Labor, Bureau of Labor Statistics' website).

Budgetary Impact

Minimal, if any, fiscal impact may be incurred as a result of increased staff man-hours.

Prepared by: Lauren Young-Allen

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



Legislative Notes

Agenda Item: 7(M)

File Number: 091854

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: August 28, 2009

Type of Item: Municipal Utility Tax on Electricity Exemption

Summary

This ordinance recommends granting a fifty (50%) percent exemption on the Municipal Utility Tax on Electricity to RSJ Investment, Inc (RSJ).

Background and Relevant Legislation

In April 2006, Miami-Dade County adopted Ordinance No. 06-54 that established an incentive program that provides fifty (50) percent exemption, per year for five (5) years, on the municipal utility tax on electricity to new and expanded businesses that are located within the unincorporated areas of the County's Enterprise Zone.

This incentive program is modeled after the State of Florida Sales Tax Exemption for Electrical Energy Program (SFTEEEP) which provides 50 to 100 percent exemption on sales tax on electricity depending on the percentage of Enterprise Zone employees (employees living within the enterprise zone).

The eligibility criteria for the Miami Dade County Municipality Utility Tax Exemption Program (MDCUTEPE) is as follows:

- The applicant must occupy a new structure with no previous electrical service or occupy a renovated structure with no previous electrical service; and
- Obtain a State of Florida refund of sales tax for building materials.

RSJ qualifies for this exemption since it occupies a rehabilitated/renovated structure with no previous electrical service.

Budgetary Impact

Annual revenue that the County will lose is \$3,840 if exemption is granted. The total estimated impact to the County for the five (5) year period is estimated at \$19,200.

Prepared By: Mia B. Marin

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



Legislative Notes

Agenda Item: 8(K)1(A)

File Number: 091978

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: August 29, 2009

Type of Item: Resolution Approving Funding Recommendations for FY 2009

Summary

This resolution approves funding recommendations for the FY 2009 Mid-Year Request for Applications (RFA) to allocate \$23,196,180 in Documentary Surtax (Surtax) funds for the construction and rehabilitation of affordable rental housing as part of the FY 2009 Mid-Year Funding Cycle.

Background and Relevant Legislation

On March 17, 2009, the Board of County Commissioners (BCC) adopted Resolution 289-09 approving an advertisement of the Mid-Year Request for Applications (RFA) process for the allocation of up to \$24.5 million in Documentary Stamp Surtax funds for the construction of rental housing.

The resolution also suspended the BCC's policy of evenly splitting the combination of available Surtax and State Housing Initiatives Partnership (SHIP) program funds between homeownership and rental development. The Office of Community and Economic Development (OCED) requested the change in the Surtax recommendation due to the drastic reduction in Surtax revenues and concerns that sufficient funding will may not be available to cover all prior year commitments. During the February 11, 2009, Housing and Community Development Committee meeting, administration stated that the FY 2008-09 budget assumed \$22 million in new Surtax funds. However, due to the downturn in the market, staff is projecting only \$10 million.

The Mid-Year process will allocate funding in two categories:

- **Category 1**-threshold applicants who will apply for 2009 Florida Housing Finance Corporation (FHFC) Housing Credits and require a minimum local contribution of \$300,000 to qualify; and
- **Category 2**-applicants with state subsidy tax credits who received County and/or other public funding, but still require gap funding to ensure completion of the development.

Florida State Statutes Section 125.0167 provides how the discretionary surtax on documents revenue should be applied:

- The county shall use the revenues only to help finance the construction, rehabilitation, or purchase of housing for low-income families and moderate income families;
- To pay necessary costs of collection and enforcement of the surtax and to fund any local matching contributions required pursuant to federal law;
- Provide funds for first and second mortgages and acquiring property for the purpose of forming housing cooperatives; and
- No more than 50 percent of the revenue collected each year pursuant of this section may be used to help finance new construction and the proceeds of the surtax should not be used for rent subsidies or grants.

According to the memorandum to the RFA that was approved in March, it is expected that all developers submitting an application for the minimum local government contributions (Category 1) will receive a commitment from the County. Those applicants will receive a commitment letter from the County to include in their Universal Cycle application with the State. Understanding that in order for a developer to receive tax credits, they must score 100 percent on their application to the State and then, compete in a lottery. Miami-Dade County expects no more than five developments will receive tax credits, all firms not receiving tax credits will have their County minimum contribution recaptured.

Comments

The March 17, 2009 cover memorandum also lists a timeline that included that the Universal Cycle application process would take place between May 5 -21, 2009.

However, according to the Florida Housing Finance Corporation (FHFC) website, a proposed rule challenge was filed April 27, 2009 which effectively stops and prevents the opening of the 2009 Universal Application Cycle. It also stated that the FHFC intends to litigate this rule challenge as expeditiously as possible. Due to the rule challenge, the 2009 Application Workshops scheduled for May 11 and May 12, 2009 were cancelled. (Source: www.floridahousing.org). Once the rule challenge is settled, a new timeline, a new cycle and new closing dates will be established to continue the process.

Policy Change and Implication

This resolution awards \$23,196,810 from Surtax funds for the construction and rehabilitation of affordable rental housing as part of the FY 2009 Mid-Year Funding Cycle. Only \$21,696,810 (of the \$23,196,810) is allocated to Category 2 applicants since the available funding is exhausted.

Budgetary Impact

N/A

Prepared By: Tiandra Sullivan

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



Legislative Notes

Agenda Item: 12(A)(1)
File Number: 092128
Committee(s) of Reference: BCC
Date of Analysis: August 28, 2009
Type of Item: User Fees; Health Department
Sponsor/ Requestor: County Manager

Summary

This proposed resolution amends the schedule of environmental health fees collected by the County's Health Department for Health & Safety Inspections and Food Preparation Area Inspections. Fees collected from Child Care centers will be amended to reflect the number of children the center is licensed to accommodate. Fees levied for inspecting food preparation areas remain the same. However, the proposed resolution clarifies that the fee will be levied on an annual basis, and not per inspection. If adopted, the new fee schedule may become effective this calendar year if passed within the normal legislative cycle.

Background and Relevant Legislation

In December 2008, the Board of County Commissioners passed Resolution R-1411-08 which established user fees for various services provided or regulated by the Miami-Dade Health Department. Among the various health-related services regulated by the County's Health Department are child care centers. There are 1001 licensed child care centers within the county. Of this number, 77 centers are licensed to accommodate 25 children or fewer, 218 centers are licensed to accommodate 26 to 50 children, and 706 are licensed to accommodate 51 or more children.

Under the proposed amended fee schedule, the current inspection fee will be reduced from \$100 to \$50 for centers with 25 children or less, and from \$100 to \$75 for centers with greater than 25 children. Therefore, the new fee will be based on the number of children served, instead of the centers' classification.

OCA staff (Office of Commissioner Auditor) posed the following questions to the Administration and the Health Department regarding the proposed new fee schedule.

- Why is the proposed new fee for inspecting child care centers being based on the number of children served, instead of the centers' classification?

- How was the new fee schedule for child care center inspections determined? Is it based on other counties? If so, which counties?

This information was not provided at printing deadline.

Budgetary Impact

Data initially forwarded to OCA by the Administration computes the reduction in revenue, due to the proposed reduction in child care inspection fees, to total \$9,300. However, in subsequent correspondence, the revenue loss is being recalculated. At printing deadline, no figure was provided.

Prepared by: Lauren Young-Allen