



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

**Legislative Analysis**

**Board of County Commissioners**

September 10, 2010  
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**

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

**September 10, 2010**

Written analyses and notes for the below listed items are attached for your consideration:

**Item Number(s)**

7(A)
8(I)1(A)
8(I)1(B)
8(L)1(A)
8(O)1(C)
8(O)1(D)
11(A)6
11(A)7

Written fiscal analyses for the below listed items are also attached for your consideration:

**Item Number(s)**

8(P)1(I)
9(A)1

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

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



Legislative Notes

**Agenda Item:** 101360 & 101669  
**File Number:** 7(A) & 8(l)1(B)  
**Committee(s) of Reference:** Board of County Commissioners  
**Date of Analysis:** September 1, 2010  
**Prime Sponsor:** Commissioner Sally A. Heyman  
**Department:** Miami-Dade Police Department

**Summary**

Item 7(A): This ordinance amends Section 7-3, 8A-172, 8A-276(B), 8CC (10), 21-28, 21-31.2(B)(1) and (2), 21-31.4(B), 26-1 of the Code of Miami-Dade County; including additional penalties; and creating Section 8CC-5.1 of the Code of Miami-Dade County.

Item 8(l)1(B): Creates **Implementing Order (IO)** 2-12 relative to the Miami-Dade County Diversion Program.

The IO establishes the following procedure for civil and criminal violations:

- Pursuant to Miami-Dade County Code Section 8CC-5, when someone is issued a **Civil Violation Notice**, he/she must either pay the civil penalty or request an administrative hearing within twenty days from the day of the violation. The Diversion Program allows the violator to elect to enter the program and select from options including paying a fee, completing community hours, or a combination, instead of requesting an administrative hearing or paying a civil penalty.
- Pursuant to the Florida Rules of **Criminal** Procedure, when someone is arrested for an ordinance violation, he/she is entitled to a first appearance, arraignment and trial. Also, in some instances, the violator may qualify for a private diversion program; however, usually diversion programs are for first time offenders. This IO provides that anyone arrested or given a Notice to Appear for one of the Miami-Dade violations listed in the IO (Eligibility Section) can voluntarily participate in the Diversion Program, regardless of his/her criminal past.

*The IO provides that criminal violators have the option of performing community service hours or converting their hours into a monetary amount. The conditions of the Diversion Program may be completed by registering by mail and submitting payment to Miami-Dade Police Department's (MDPD), Community and Intergovernmental Affairs Bureau. However, Volume Two (2) Page 94 of the FY 2010-11 Proposed Resource Allocation Plan states that the MDPD Community and Intergovernmental Affairs Bureau will be eliminated. Certain services and programs provided by this bureau will be provided by personnel out of the districts.*

**Question:** If the MDPD Community and Intergovernmental Affairs Bureau is eliminated, how would the diversion program be impacted?

### **Background and Relevant Legislation**

On June 11, 2009, the Honorable Samuel Sloan, Administrative Judge for the Criminal Division of County Court, appeared before the Health, Public Safety and Intergovernmental Committee and suggested the Board of County Commissioners (BCC) consider changing the status for violation of County ordinances (i.e. noise ordinances, open-air concerts, panhandling, commercial markings on vehicles, being in the parks after hours, etc.) from criminal to a non-criminal violation. Judge Sloan noted these infractions were of a non-violent nature and processing them as criminal violations was not an efficient use of the County's and the Courts' resources.

- On June 30, 2009, the BCC, through Resolution 868-09, directed the Mayor or his designee to study whether cost savings can be achieved through de-criminalizing certain County ordinance violations.
- On December 10, 2009, members from the Office of Strategic Business Management (OSBM) appeared before the Health, Public Safety and Intergovernmental Committee. OSBM staff mentioned they had worked with representatives from the following departments and entities: Miami-Dade Police Department (MDPD), the Miami-Dade Corrections and Rehabilitation Department, the Eleventh Judicial Circuit, the Clerk of Courts, the Administrative Office of the Courts, the State Attorney's and the Public Defender's Office. OSBM noted that these entities would be impacted financially and operationally if the proposal to decriminalize certain County ordinances was adopted.
  - Members from MDPD appeared before the Committee and noted that the MDPD's recommendation was to retain the criminal aspect of the ordinances pending further review by staff of the minor offenses that could be decriminalized and the establishment of the Pre- Arraignment Diversion Pilot Program to mitigate compliance rather than punishment.
- On July 15, 2010, members of the Health, Public Safety and Intergovernmental Committee forwarded this item favorably to the Board of County Commissioners.

### **Other Jurisdictions<sup>1</sup>**

North Carolina Court System's Office of Indigent Defense Services (IDS)<sup>2</sup> is studying data related to the disposition of seventeen types of **misdemeanor charges** during the 2009 fiscal year to determine whether decriminalization of these offenses might be an appropriate way to reduce the cost to the state for providing appointed counsel.

The seventeen misdemeanor charges are:

- |                      |  |
|----------------------|--|
| 1. G.S. 14-168.4     | Failure to return property rented with purchase option       |
| 2. G.S. 14-107(d)(1) | Simple worthless check                                       |
| 3. G.S. 20-34        | Allow unlicensed person to drive                             |
| 4. G.S. 20-111(1)    | Driving or allowing another to drive an unregistered vehicle |

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<sup>1</sup> Decriminalizing Certain Offenses to Reduce Appointed Counsel Costs, Shea Denning, University of North Carolina School of Government.

<sup>2</sup> In August 2000, the North Carolina General Assembly passed the Indigent Defense Services Act of 2000, creating the Office of Indigent Defense Services and charging it with the responsibility of overseeing the provision of legal representation to indigent defendants and others entitled to counsel under North Carolina law.

5. G.S. 20-28(a)	Driving while license revoked (Not based on DWI)
6. G.S. 20-111(2)	Expired registration card/tag
7. G.S. 20-7(e)	Failure to comply with license restriction
8. G.S. 20-7.1	Failure to notify DMV of an address change
9. G.S. 20-57(c)	Failure to sign registration card
10. G.S. 20-111(2)	Fictitious/canceled/revoked registration card/tag
11. G.S. 20-7(a)	License not in possession
12. G.S. 20-7(a):	No operator's license
13. G.S. 20-57(c):	No registration card
14. G.S. 20-313(a):	Operate vehicle no insurance
15. G.S. 20-141(j1):	Speeding more than 15 mph over limit or over 80 mph
16. G.S. 20-127(d):	Window tinting violation
17. G.S. 113-270.1B(A):	Fishing without a license

- Two (2) of these offenses, driving while license revoked and operating a vehicle with no insurance, are Class 1 misdemeanors, punishable by up to 120 days imprisonment.
- The rest are Class 2 misdemeanors, with the exception of a first offense of fishing without a license, which is a Class 3 misdemeanor.
- Ten of the above offenses are included on the traffic waiver list, and the fishing offense appears on the hunting, fishing, and boating waiver list. A defendant may resolve a waiver offense without having to appear in court by paying court costs and a designated penalty. Offenses for which court appearances may be waived generally are considered less serious than offenses for which a court appearance is required.

Court appearance is required for the following offenses:

- failure to return rental property;
- simple worthless check;
- driving while license revoked;
- display or possession of a fictitious registration card or tag;
- operating a vehicle without insurance; and
- speeding more than 80 miles per hour or more than 15 mph over the speed limit while driving more than 55 mph.

The offenses above will be studied to determine which may be decriminalized. A proposal from this study would recommend designating certain offenses as infractions, defined under G.S. 14-3.1 as noncriminal violations of the law.

The Office of the Commission Auditor will monitor and follow-up with IDS once the study is complete.

**Attachments:**

- Summary of Number of Arrests for Violations of County Ordinances Under Consideration for Decriminalization

**Prepared by:** Michael Amador-Gil

**Summary of Number of Arrests for Violations of County Ordinances Under  
Consideration for Decriminalization**

<b>Ordinances</b>	<b>Estimated Number of Arrests During 2008</b>
Section 8A-172: Doing business without a local business tax receipt	<b>1,140</b>
Section 21-28: Making unnecessary and excessive noise	<b>186</b>
Section 21-31.2: Consumption or possession of alcoholic beverages in open containers near designated locations	<b>4,551</b>
Section 21-31.4: Aggressive or obstructive panhandling	<b>1,062</b>
Section 26-1: Remaining in parks after they have closed	<b>1,038</b>
Section 8A-276: Using a vehicle for commercial purposes without appropriately identifying it as a commercial vehicle	<b>3,353</b>
Section 7-3: Swimming or fishing from designated road bridges	<b>172</b>
<b>Total</b>	<b>11,502</b>

Source: OSBM

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



Legislative Notes

**Agenda Item:** 101573  
**File Number:** 8(I)1(A)  
**Committee(s) of Reference:** Board of County Commissioners  
**Date of Analysis:** September 1, 2010  
**Department:** Miami-Dade Police Department  
**Type of Item:** Application for Federal Funding

**Summary**

This resolution authorizes the County Mayor and/or County Mayor's designee to apply for, receive, and expend federal funds in the amount of \$847,976 for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program from the U.S. Department of Justice, Office of Justice Programs' Bureau of Justice Assistance to support the Miami-Dade Police Department (**MDPD**). The grant period for this grant is from October 1, 2010 through September 30, 2013, and **does not require any matching local or in-kind funds.**

**Background and Relevant Legislation**

The JAG funding is awarded annually to MDPD. According to the U.S. Department of Justice, JAG program/funding allows states, tribes, and local governments to support a broad range of activities to prevent and control crime based on their own local needs and conditions. JAG blends the previous Byrne Formula and Local Law Enforcement Block Grant (LLEBG) Programs to provide agencies with the flexibility to prioritize and place justice funds where they are needed most.

The grant allows MDPD the opportunity to identify department improvement and enhancement priorities based on the changing crime situation, public and officer safety.

**Proposed and Past Grant Usage by MDPD<sup>1</sup>**

**2010 JAG (\$847,976)**

The Byrne JAG Program will provide support for **mission critical technology solutions.** According to the MDPD Chief Financial Officer, technology solutions remain unfunded in the MDPD operating budget. These technology solutions support the full complement of sworn personnel and facilitate effective day-to-day investigations, enforcement operations, uniform patrol, civilian support, and also ensure compliance with sheriff statutory requirements. Funds will support three components:

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<sup>1</sup> MAPD staff from the Police Legal Bureau/Legislative Affairs and Grants

1) Ten new LiveScan station to capture fingerprints automatically and will ensure that the MDPD complies with statutory mandates. *Seven (7) Livescan stations will be deployed to Corrections (four (4) located at the main jail and three (3) to be located at Turner Guilford Knight Center), two (2) to the Juvenile Assessment Center, and one (1) to the MDPD headquarters;*

2) MDPD's Network (infrastructure) for on-site storage in compliance with law enforcement security and retention requirements, and other statutory mandates. *The network infrastructure on-site storage will be stationed at the MDPD headquarters.*

3) Replacement of computers, both desktops and laptops. *The replacement of computers will be determined once the budget process is completed. MDPD staff may need to revise their Information Technology Plan due to any budget adjustments.*

**2009 JAG – Mission Critical Equipment (\$922,029)**

JAG funds provided operational support to protect its officers, equipment for effective investigations, and other specialized equipment.

**2008 JAG – A Violent Crime Initiative (\$290,029)**

JAG funds supported the Miami-Dade Police Department Robbery Bureau, for investigation, identification and apprehension of violent offenders who committed murders, sexual crimes, and kidnappings along with robberies. JAG funds supported sophisticated technology solutions to track criminals who use technology in committing violent crimes. The grant-funded solutions promoted collaboration with partnering agencies at the federal, state and local levels, resulting in arrests, prosecution, and incarceration.

**2007 JAG - A Telecommunication Enhancement Project (\$983,038)**

JAG funds supported an electronic communication solution that had an impact on the entire criminal justice system at federal, state, and local levels.

System enhancements impacted real-time access for over 1,000 community policing patrol officers using laptops in as many marked police vehicles, sharing of information on sexual predators with local agency partners (public schools, municipal police departments, state and federal agencies), emergency communication for disaster response and recovery, such as with recent hurricanes (Ike, Fay), emailing DNA matches to expedite investigations with state and federal agencies (FDLE, FBI), and securing the public's help via the local crime tip line, Crime Stoppers, for immediate information sharing to help solve crimes.

**Prepared by:** Michael Amador-Gil

**MIAMI-DADE COUNTY  
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Legislative Notes

**Agenda Item:** 8(L)1(A)

**File Number:** 101587

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

**Date of Analysis:** September 2, 2010

**Type of Item:** Resolution Approving FY2009-10 Budget for the North Miami Community Redevelopment Agency

**Summary**

This resolution approves the FY2009-10 budget for the North Miami Community Redevelopment Area (NMCRA) in the amount of \$10,859,999.

**Background**

At the February 2, 2010, Housing and Community Development (HCD) Committee meeting, the NMCRA requested approval for an amendment to its interlocal agreement with the County that would permit TIF refund payment to the City of North Miami in the amount of \$2,849,730. This request by the NMCRA to the members of the HCD Committee was denied.

As a result of the denial for request of TIF refund payments, the proposed revised adopted NMCRA budget for FY2009-10 reflects an amendment designating \$2,849,730 for specific redevelopment projects, programs and activities to be undertaken by the City of North Miami (categorized under Expenditures/City of North Miami Departmental Supplemental).

**Pending Legislation**

Currently, there is a legislative item #102115 approving a loan for the NMCRA in an amount not to exceed \$27,000,000 to be secured by tax increment revenues to fund certain projects consistent with the NMCRA Redevelopment Plan. Item #102115 is tentatively scheduled to be heard at the HCD Committee on September 15, 2010.

Approval of item #102115 will do the following:

- extend the life of the CRA from the current expiration date of October 1, 2016 until June 7, 2035;
- extend obligations of the County and City to make annual tax increment payments to the year 2035;

- not hold the County liable for making payments on the loan if NMRCA is unable to make payments; and
- place a first-lien pledge of tax increment revenues reducing the County refund for the area west of Biscayne Boulevard if there is insufficient funding in the trust fund for the CRA to pay the County and make loan payments.

**Budget Information**

The NMCRA budget approvals for the last three years are as follows:

Approval Date	Item Number	Fiscal Year	Resolution Number	Budget Amount
1/22/2009	083480	FY2008-09	R-38-09	\$14,290,323
2/19/2008	080365	FY2007-08	R-185-08	\$14,253,424
12/19/2006	063204	FY2006-07	R-1426-06	\$9,155,314

*On November, 16, 2009, the County Manager issued a report relating to Community Redevelopment Agencies and availability of net surplus TIF revenues for FY2009-10 and FY2010-11. According to this report, NMCRA has approximately \$5.678 million in obligations for FY2009-10 and \$5.860 million in FY2010-11. Additionally, the report estimates an amount of \$558,000 for FY2009-10 and \$545,000 for FY2010-11 in uncommitted County TIF funds. The above-mentioned estimates have not been confirmed by the CRA and the County will not know what funds in the FY2009-10 budget will be obligated until the submission of the FY2009-10 has been reviewed for such. **What are the NMCRA obligations and net surpluses estimates now that NMCRA has submitted the proposed revised budget for FY2009/10 for Board approval on this agenda?***

**Comments**

On May 14, 2010, the South Florida Business Journal reported that an affordable housing developer, Urban Residential Development Group (URDG) is suing the NMCRA for more than \$1.5 million and that NMCRA offered to pay URDG a \$250,000 settlement, but that deal was rejected.

**Prepared by:** Mia B. Marin

**MIAMI-DADE COUNTY  
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Legislative Notes

**Agenda Item:** 8(O)1(C)  
**File Number:** 101857  
**Committee(s) of Reference:** Board of County Commissioners  
**Date of Analysis:** September 10, 2010  
**Type of Item:** Governmental Representation and Consulting Services

**Summary**

This resolution authorizes the County Mayor or his designee to execute agreements to obtain governmental representation and consulting services in Washington, D.C. by authorizing the following contracts: RFQ685a to Alcalde & Fay, RFQ685b to Patton Boggs, LLP, RFQ685c to Greenberg Traurig, P.A., and RFQ685d to Akerman, Senterfitt & Eidson P.A.

In addition, this resolution waives the competitive bidding process and bid protest procedures in order to award RFQ685d to Akerman, Senterfitt & Eidson P.A.

The following firms were not recommended for award: Cardenas Partners, LLC; Venable LLP, Foley & Lardner, LLP; Dutko Worldwide; Sandler, Travis & Rosenberg, P.A.; James Lee Witt Associates; The Ferguson Group, LLC; BGR Government Affairs, LLC; Akin Gump Strauss Hauer & Feld; and EOP Group, Inc.

**Background**

November 2, 2009 Resolution No. 1286-09 The Board of County Commissioners (BCC) authorized the Administration to advertise a Request for Qualifications (RFQ) to obtain proposals to provide representation and consulting services on behalf of the County before the executive and legislative branches of the federal government. Greenberg Traurig, P.A., Alcade & Fay, and Tew Cardenas, LLP served as the County's federal lobbyists and consultants. The three contracts expired on February 5, 2010. The County had already exercised the 3 one-year options-to-renew.  
*(see report under File No. 091872)*

January 21, 2010      Resolution No. 31-10

BCC extended the three contracts for Greenberg Traurig, P.A., Alcade & Fay, and Tew Cardenas, LLP for six (6) months until August 5, 2010 on a month-to-month basis in order to complete the solicitation process for the successor contracts. In addition, this resolution allocated \$100,000 to each firm as compensation for continuing to provide consulting services and governmental representation in Washington, D.C. beyond the contracts' termination dates.

June 10, 2010

During the Health, Public Safety and Intergovernmental Committee (HPSI) meeting, it was recommended that the successor contracts be amended to include the following:

- Award up to five (5) firms instead of three (3);
- Requires the Mayor's recommendation to include a bid waiver (requires a two-thirds vote of the BCC);
- Directs the Department of Procurement Management (DPM) to negotiate the contract amount in an amount not to exceed \$190,000 per contract per year with the additional firms to be added to this contract award; and
- Directs DPM staff to locate additional funding necessary and if not successful then renegotiate with all five firms equally.

July 20, 2010

At the July 20, 2010 BCC meeting, this item was 4-day ruled.

### Comments / Questions

Jackson Health System / Public Health Trust have the following State and Federal Lobbying contracts<sup>1</sup> in place totaling \$529,000:

#### State Lobbying Contracts Totaling \$382,000

- **Akerman Senterfitt = \$136,000 per year**
  - Term: January 2007 to January 2010 for 3 years with 2 OTRs.
    - Currently in 1<sup>st</sup> OTR period.
  - Effective November 1, 2009, Akerman Senterfitt accepted a 15% fee reduction, modifying contract from \$160,000 to \$136,000.

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<sup>1</sup> Information provided by Jackson Health System Governmental Relations unit.

- **Ron Book = \$136,000 per year**
  - Term: December 2006 to December 2009 for 3 years with 2 OTRs.
    - Currently in 1<sup>st</sup> OTR period.
  - Effective November 1, 2009, Ron Book accepted a 15% fee reduction, modifying contract from \$160,000 to \$136,000.
  
- **V.B. and Associates = \$60,000 per year**
  - Term: April 2009 to April 2010, 1 year.
  
- **Renier Diaz de la Portilla = \$50,000 per year**
  - Term: August 2009 to August 2010, 1 year.
    - On August 25, 2009, this contract was transferred from Gray Robinson to Renier de la Portilla.

Federal Lobbying Contracts Totaling \$147,000

- **Akerman Senterfitt \$147,000 per year**
  - Term: February 2008 to January 2009 for 1 year with 2 OTRs
    - Currently in 2<sup>nd</sup> OTR period.
  - Effective November 1, 2009, Akerman Senterfitt accepted a 15% fee reduction, modifying contract from \$172,500 to \$147,000.

**Prepared by:** Elizabeth N. Owens

**MIAMI-DADE COUNTY  
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Legislative Notes

**Agenda Item:** 8(O)1(D)  
**File Number:** 102133  
**Committee(s) of Reference:** Board of County Commissioners  
**Date of Analysis:** September 10, 2010  
**Type of Item:** Procurement of Heavy Duty Hybrid Buses

**Summary**

This resolution ratifies the expedited purchase of five (5) heavy duty transit buses with hybrid diesel-electric propulsion systems (hybrid buses).

**Background and Relevant Legislation**

On July 17, 2008, the Board of County Commissioners (BCC) adopted Ordinance No. 08-92, the Economic Stimulus Plan (ESP), creating an expedited process for certain capital projects to stimulate economic development and delegating authority to the Mayor or his designee to advertise and award construction contracts and professional service agreements subject to the Board ratification.

Subsequently, on June 30, 2009, the BCC approved Ordinance No. 09-60, amending the ESP to provide the following:

- Extended the sunset provision to July 1, 2011; and
- Allowed the acquisition of goods and services funded through the American Recovery and Reinvestment Act (ARRA) to be included under the ESP.

On January 22, 2010, the County Mayor or his designee expedited the purchase of services funded by ARRA to access a contract awarded by Central Florida Regional Transportation Authority (LYNX) to purchase five (5) hybrid buses for Miami-Dade Transit Department (MDT). Contract No. 09-C05 was awarded to Gillig LLC for a five (5) year term, expiring on December 10, 2013. The term of the contract follows the same cycle as the access contract awarded through LYNX, from December 11, 2008 to December 10, 2013.

**Budgetary Impact / Comments**

The total cost of the five (5) hybrid buses is \$3,254,904, with a cost per bus of \$650,981. The National Clean Diesel Funding Assistance Program is providing \$731,850 in grant funds. This is the total maximum reimbursement for all five (5) buses. Pursuant to EPA, the grant contribution is up to 24.6% of the cost of each bus, not to exceed the total funding of \$731,850. If each hybrid bus receives \$146,370 in grant funding that amounts to 22% of the purchase cost.

According to MDT, the purchase of these five (5) hybrid buses was previously anticipated as part of the bus replacement plan. The ARRA grant provides only part of the funding source. The remaining funding amount of \$2,523,054 is from MDT operating funds.

On April 7, 2009 under Resolution No. 350-09, BCC approved the purchase of 13 hybrid buses for the cost of \$544,549 per bus, for a total cost of \$7,079,137. The acquisition under Resolution No. 350-09 was awarded as a bid waiver. Broward County issued an Invitation for Bid resulting in a competitive award to the low bidder; nevertheless, **that acquisition is \$106,432 less per bus than this ratification.**

According to MDT, these buses are similar but have significant differences. The engines of the Gillig buses must meet the more stringent EPA 2010 emission standards which increases the cost. The 2009 hybrid bus purchase did not have to meet this requirement. Also, the body construction has improved materials in the structure (Gillig uses stainless steel and aluminum compared to carbon steel used by NABI). Additional improvements to the buses were the inclusion of the “mini” hybrid engine cooling package, brake monitoring system, electric A/C, advanced power management system and composite flooring. These improvements along with the cost for the 2010 EPA engine and other modifications increased the price of the Gillig buses. In addition, the Gillig contract includes maintenance, training and operator orientation – items that are not included in the 2009 NABI contract.

**Prepared by:** Elizabeth N. Owens

**MIAMI-DADE COUNTY  
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Legislative Notes

**Agenda Item:** 11(A)6  
**File Number:** 101711  
**Committee(s)  
of Reference:** Board of County Commissioners  
**Date of Analysis:** September 7, 2010.  
**Prime Sponsor:** Commissioner Katy Sorenson  
**Type of Item:** Resolution

**Summary**

This item approves a resolution directing the County Mayor or designee to prepare a request for proposals (RFP) for the allocation of the remaining \$6 million to historic preservation properties that qualify for funding pursuant to General Obligation Bond Project 293 and to submit the RFP for approval before publication.

**Background and Relevant Legislation**

The Historic Preservation Fund (HPF) is a program funded under the Building Better Communities General Obligation Bond (BBC-GOB) listed under project 293 with an original allocation of \$10 million (R-919-04). The HPF is intended to provide matching funds to private property owners, private non-profit organization, and municipal government agencies for the acquisition, relocation and rehabilitation of designated historic properties, or properties eligible for designation as a historic property or as a contributing historic property within Miami-Dade County.

The BBC-GOB Program as created by Ordinance 05-47, is administratively governed by the Building Better Communities Administrative Rules (Page 2, Building Better Communities Administrative Rules Rev. 1/07). These administrative rules have been prepared to address the administration and allocation of funds for the projects and programs identified in the BBC-GOB Program. In addition to the funding of projects listed in the BBC-GOB program, eligible projects may be funded through the application process described in the administrative rules with monies from four (4) funds. The four (4) funds are as follows:

- Historical Preservation Fund (HPF);
- Economic Development Fund (EDF);
- Not-for-Profit Community Organization Capital Fund (NFPCF); and
- Primary Health Care Facilities Fund (PHCFF)

At the June 9, 2010, Transit, Infrastructure & Roads Committee, the Director of the Office of Capital Improvements responded to Committee member concerns about the lack of a competitive process as it related to the issuance of HPF. The Director of Capital Improvements noted to members of the Committee that an RFP competitive process was initiated and advertised to issue a portion of the \$10 million of HPF. However, due to the difficulties encountered in the competitive process relating to private homeownership and the limited bonding capacity of the BBC-GOB, a decision was made not to move forward with the RFP.

On June 15, 2010, the Board approved Resolution R-668-10, which included amendments to the Administrative Rules governing the BBC-GOB Program. According to the amended Administrative Rules, recipients of HPF must apply for funding during a funding submission period or a funding allocation may be awarded to a recipient by the Board on a case by case basis (page 6, Building Better Communities Administrative Rules, Rev. 04/2010). Additionally, HPF was amended to provide the funding allocation administration and reimbursement policy to require title to land acquired with BBC-GOB Program funds or facilities constructed/developed with BBC-GOB funds will vest with a Public Agency, or legally incorporated 501(c)(3) not-for-profit Community Based Organization, or an active and duly registered Florida for-profit corporation or other recognized business entity (page 21, Building Better Communities Administrative Rules, Rev. 04/2010).

On July 11, 2010, the County Manager issued a memo to include a list of projects considered for the upcoming BBC-GOB bond sale and it does not include funding for BBC-GOB Project 293.

The Board has approved two significant modifications to Project 293 to include the following:

- Resolution R-328-10 approved \$3 million of HPF to the Miami Marine Stadium; and
- Resolution R-707-10 approved \$1 million to the restoration of the Curtiss Mansion.

Currently, there is a legislative item #101719, a resolution seeking to approve \$1.2 million in HPF to rehabilitate the Historic Hampton House building; it was deferred to no time certain at the Transit, Infrastructure & Roads Committee on June 14, 2010.

**Prepared by:** Mia B. Marin



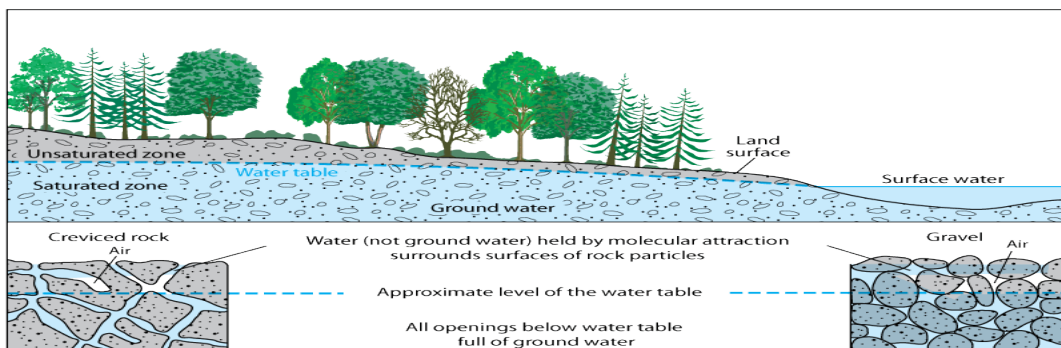
**Agenda Item:** 101642  
**File Number:** 11(A)7  
**Committee(s) of Reference:** Board of County Commissioners  
**Date of Analysis:** September 1, 2010  
**Sponsor:** Commissioner Katy Sorenson  
**So-Sponsor:** Commissioner Rebecca Sosa  
**Type of Item:** Resolution

### Summary

This resolution directs the County Mayor to create and implement in cooperation with the County Health Department a program to educate residents who have or use provide drinking wells of the available testing programs and need for testing of well water used for drinking water. Private and Public wells may be constructed and utilized by Miami-Dade County residents and businesses for a variety of purposes. These can include: irrigation, fire suppression systems, monitoring wells, test wells, and even domestic supply wells where public water is not available.

### Background and Relevant Legislation

According to the U.S. Center for Disease Control and Prevention, over 15 million U.S. households rely on private, household wells for drinking water. The U.S. Environmental Protection Agency (EPA) provides that a **public water system** or private water well is a system servicing 25 or more people per day. Although most U.S. households are connected to a **public water system**, a U.S. Geological Survey report, *Estimated Use of Water in the United States in 2005*, estimates that 14% of United States residents rely on private wells that are not regulated by the EPA Safe Drinking Water Act.



## State of Florida

According to the Florida Department of Health, the majority of Florida residents are served by public water systems covered by the Federal and State Safe Drinking Water Acts. The other 20% receive their water from "limited-use" public water systems and private wells. Private well owners are responsible for testing their own water supply.

According to the Florida Department of Environmental Protection Agency (FEPA):

"Florida's ground water resources are vulnerable to contamination because large areas are characterized by well-drained sandy soils overlying porous limestone. Human activities result in the production of a large number and variety of contaminants, including those associated with urban stormwater runoff and agricultural activity."

- From 1962 to mid 1983, for example, the Florida Department of Agriculture and Consumer Services applied a soil fumigant, ethylene dibromide (EDB), to control nematodes in citrus groves;
- EDB was also used on golf courses and crops;
- EDB has the potential to produce adverse health effects from prolonged consumption; and<sup>1</sup>
- The primary drinking water standard for EDB is 0.02 micrograms per liter (parts per billion).

In 1983, the discovery of EDB in other states triggered Florida state officials to test drinking wells. Over 2,400 drinking water wells across Florida have been identified as being contaminated with EDB.

As a result of the findings above, 1988 Florida Legislature directed the FEPA to implement water well construction and water testing standards within known contamination sites.

## Miami-Dade County

According to Miami-Dade County's Department of Environmental Resources Management (DERM) staff, DERM does not regulate private water wells. In fact, other than a construction permit being required, there is no regulation of private wells. Additionally, the County has no inventory of homes on private drinking water wells. DERM recently began surveying all such properties in the County. So far, approximately 12,000 homes/residential units have been identified. Approximately 8,700 of those are within the Miami-Dade Water and Sewer Department Service Area and approximately 3,300 cannot be served by WASD. **The survey will be completed by October 1, 2010.**<sup>2</sup>

According to the Miami-Dade Health Department, **several Miami-Dade homes located 132<sup>nd</sup> Street and Southwest 99<sup>th</sup> Court**, have high levels of dieldrin.

## Results for Wells Contaminated with Dieldrin at 132<sup>nd</sup> Street and 99 Court<sup>3</sup>

- Of the 42 wells sampled, 23 wells exceeded the Florida Department of Health (FDOH) 0.002 limit
- Nine (9) wells were below the FDOH
- None of the wells exceeded the EPA limit set at 0.2
- Ten wells were pending lab results

**Attachments:** Dieldrin Sampling at Caribbean Estates

**Prepared by:** Michael Amador-Gil

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<sup>1</sup> U.S. Environmental Protection Agency

<sup>2</sup> Department of Environmental Resource Management

<sup>3</sup> Miami-Dade Health Department



**Legend**

- NOC Notification of connection sent
- ANC City water available, but not connected
- Water Lines
- Connected to City Water
- Above HAL
- Below HAL

### DIELDRIN SAMPLING AT CARIBBEAN ESTATES

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



FISCAL IMPACT ANALYSIS

Agenda Item: 8P11

File Number: 101729

Type of Item: Resolution

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

Date of Analysis: 9/07/2010

Funding Request: \$168,880

<p>Operating <input checked="" type="checkbox"/></p> <p>Operating Funding Source(s):</p> <p>General Fund <input type="checkbox"/></p> <p>Federal <input type="checkbox"/></p> <p>State <input checked="" type="checkbox"/></p> <p>Proprietary <input type="checkbox"/></p> <p>Other (explain) <input type="checkbox"/></p> <p>_____</p> <p>_____</p>	<p>Capital <input type="checkbox"/> CIP page number _____</p> <p>Recurring Estimated Operating Cost \$ _____</p> <p>Capital Funding Source(s):</p>
--	--

County Match required:

Yes  \$ \_\_\_\_\_ % \_\_\_\_\_

No

ISSUES/COMMENTS None

The BCC approved an original Joint Participation Agreement (JPA) with FDOT, (R-1106-07) then extended the JPA (R-360-09) until June 30, 2012, adding \$500,000 to bring the total to \$1.9 million. This resolution grants \$168,880 to the City of Miami Gardens through this JPA with FDOT for landscape.

The current fund balance in the JPA is \$215,193 per OSBM.

Prepared by: Keith Connor/Ines Beecher

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



FISCAL IMPACT ANALYSIS

Agenda Item: 9A1

File Number: 101614

Type of Item: Resolution

Committee(s) Budget, Planning and Sustainability Committee  
of Reference:

Date of Analysis: 9/07/2010

Funding Request: \$75,000

<p>Operating <input checked="" type="checkbox"/></p> <p>Operating Funding Source(s):</p> <p>General Fund <input type="checkbox"/></p> <p>Federal <input type="checkbox"/></p> <p>State <input type="checkbox"/></p> <p>Proprietary <input checked="" type="checkbox"/></p> <p>Other (explain) <input type="checkbox"/></p> <p>_____</p> <p>_____</p>	<p>Capital <input type="checkbox"/> CIP page number _____</p> <p>Recurring Estimated Operating Cost \$ _____</p> <p>Capital Funding Source(s):</p>
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County Match required:

Yes  \$ \_\_\_\_\_ % \_\_\_\_\_

No

ISSUES/COMMENTS None

Implementing Order (IO 3-54) referenced in the resolution calls for the addition of a new position "to manage complaint intake, coordinate administrative hearings, enforcement and reporting functions for the anticipated volume of complaints..." at a total annual cost of \$75,000 per fiscal year.

In our correspondence with OSBM, we were informed that the responsibility was to "properly support the function" and that the existing resources will have to cover the new responsibilities because there were insufficient funds to add a new position, and it was going to continue to be a problem in the future.

Prepared by: Pamela Y. Williams