



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Legislative Analysis

Budget, Planning & Sustainability
Committee

April 13, 2010

2:00 P.M.

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**

**Legislative Notes
Budget, Planning & Sustainability Committee
Meeting Agenda**

April 13, 2010

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

Item Number(s)

1(G)1
2(I)
3(J)

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

Acknowledgements--Analyses prepared by:
Elizabeth N. Owens, Legislative Analyst

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



Legislative Notes

Agenda Item: 1(G)1
File Number: 100448
Committee(s) of Reference: Budget, Planning and Sustainability Committee
Date of Analysis: April 9, 2010
Type of Items: Mobile Home Parks

Summary

This ordinance establishes regulatory criteria for protecting mobile home park unit owners and mobile home park owners through the creation of §33-1(70.1), §33-169.1, §33-169.2, §33-172.1, and §33-310.2; and the amendment of §33-166, §33-169, §33-171, §33-172, §33-191, §33-311 and §33-314 of the Miami-Dade County Code (Code).

At the February 9, 2010, Budget, Planning, and Sustainability Committee (BPS) meeting, this item was amended to require the following:

- Development permit applications in existing mobile home parks are subject to the same administrative review process as other zoning applications;
- A two (2) year look back provision to address mobile home parks that were closed prior to seeking zoning action or a development permit;
- **Forwarding this item to the Florida Department of Community Affairs for their review prior to final BCC approval;** and
- The correction of scrivener's errors.

Subsequently, at the March 2, 2010, Board of County Commissioners' meeting, this item was remanded back to the BPS Committee without recommendations. At this meeting, the Board also extended the moratorium for an additional 120 days and requested an opinion from the Attorney General's office.

Background and Relevant Legislation

LEGISLATIVE HISTORY OF MOBILE HOME PARKS MORITORIUM

Resolution No. 1161-07 adopted October 16, 2007

Temporary moratorium imposed for 120 days.

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

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

The moratorium allowed staff to review strategies and alternatives to provide housing for displaced residents and the moratorium prevented the issuance of building permits and temporarily halted the eviction of residents or the closure of 40 mobile home parks with an estimated total of 8,000 units.

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

Resolution No. 167-08 adopted February 19, 2008

Extended moratorium for an additional 90 days.

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

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

This resolution included an attachment which provided update of the County's 2009 State Legislative Package. At the state level, several bills were introduced but ultimately they failed to be adopted.

Resolution No. 567-08 adopted May 6, 2008

Extended moratorium for an additional 180 days.

On this date, the Board expounded on its directives, considering additional implementation strategies including the following:

- **Purchase of Mobile Home Parks in Miami-Dade County**
The Board expressed interest in the voluntary sale/purchase and ownership of mobile home parks to make sure that an adequate supply of mobile homes are maintained in the County.
- **Voluntary Restriction to Limit Use for Assessed Valuation**
This would impose a voluntary restrictive covenant limiting the use of the property to a Mobile Home

Park use for a period of 20 years in return for property tax assessment based primarily on restricted current use.

- **Development of Off-Site Alternatives**

The General Services Administration Department has initiated a pilot project to use several County owned single-family infill lots to be used to construct affordable housing using prefabricated homes.

- **Resident Owned Communities**

Staff is also recommending utilizing a non-profit organization called ROC USA; the organization provides loans to help homeowner groups purchase their manufactured home communities (Source: Organization Website www.rocusa.org).

- **Housing Assistance Grant and Amnesty Program Funding**

This program is intended to provide necessary assistance with capital improvements to park owners and residents in order to assist in upgrading existing conditions.

Resolution No. 1115-08 adopted October 21, 2008

Extended moratorium for an additional 120 days.

On this date, the Board directed the County Manager to continue reviewing zoning options for mobile home parks.

Resolution No. 144A-09 adopted February 17, 2009

Extended moratorium until June 2, 2009.

On this date, the Board requested an update report on the Mobile Home Zoning District, the Villa Development Zoning District, the Comprehensive Development Master Plan Amendment and the State Legislative Coordination. These concerns are all addressed in attachments and supplement items for this resolution.

Resolution No. 647-09 adopted June 2, 2009

Extended moratorium for five (5) months.

On this date, the Board requested an analysis of potential land use/rezoning of the mobile home sites.

Resolution No. 1230-09 adopted November 3, 2009

Extended moratorium for an additional 120 days.

On this date, the Board directed the Mayor or his designee to implement appropriate recommendations contained in the November 3, 2009 report.

The following mobile home park sites were released from the temporary moratorium:

- No. 28 – Tract 3, Lil Abner Mobile Home Park in District 12;
- No. 10, Colonial Acres Mobile Home Park in District 2, with the acceptance of a proffered covenant;
- No. 14, Tradewinds Trailer Park in District 2, with the acceptance of a proffered covenant,
- No. 3, Landmark Plaza and Trailer in District 4;
- No. 5, Coe’s Trailer Court in District 4; and

- No. 8, Palm Trailer Park in District 4.

Policy Change and Implication

This item incorporates within several sections of the Code the specific regulation of Chapter 723, Florida Statutes, mandating that no government agency will approve any application for rezoning, or take any other development action which results in the removal and/or relocation of mobile home owners residing in a mobile home park without first determining that adequate mobile home parks or other suitable facilities exist for the relocation of the mobile home owners. **This item applies the following changes to the Code:**

- Requires an annual certificate of use;
- Defines the scope of the certificate of use inspection;
- Specifies the requirements for existing mobile home park in submitting an application for a development action or order;
- Reduces the acreage requirement for a mobile home park to five (5) acres;
- Allows mobile home or manufactured homes up to two stories in height; and
- Provides for appeal provisions.

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Legislative Notes

Agenda Item: 2(I)
File Number: 100503
Committee(s) of Reference: Budget, Planning and Sustainability
Date of Analysis: March 8, 2010
Type of Item: Agenda Coordination
Prime Sponsors: Commissioner Carlos A. Gimenez
Co-Sponsor: Commissioner Bruno A. Barreiro

Summary

This resolution amends the Fiscal Year 2009-10 Countywide General Fund Budget and the Unincorporated Municipal Service Area Fund Budget. It removes the appropriated funding revenue and positions from the Office of the Agenda Coordination and appropriates the funding, revenue and positions to the Office of the Chair.

Survey of Other Jurisdictions

The Office of the Commission Auditor conducted a survey of five of the most populated jurisdictions (Los Angeles County, California; Cook County, Illinois; Harris County, Texas; Maricopa County, Arizona; and New York City, New York) in the United States to ascertain whether the executive/administration or the legislative body has purview over the agenda coordination functions and/or duties.

FINDINGS

Four of the five jurisdictions placed the agenda coordination functions under the Board of County Commissioners or its equivalent. Only Harris County, Texas placed the agenda coordination functions under the County Management Services which is equivalent to the County Manager. Note also that Harris County, with an agenda coordination operating expense of \$930,392, had the highest operating expense of the five jurisdictions surveyed.

New York City had the lowest agenda coordination operating expenditures and the least amount of staff. Although only three staff members are assigned to the agenda coordination functions, several other individuals within the Legislative Council perform some aspect of the agenda coordination duties, depending on the volume of work.

Furthermore, the operating expenses for New York City is only an estimate based on combining the salary and benefits of the three staff members whose primary duties are to prepare the agenda for the council members.

SURVEY OF AGENDA COORDINATION FUNCTIONS Fiscal year 2009-10			
Jurisdictions	Placement of Agenda Coordination Functions	Operating Expenditures	Number of Staff Positions
Los Angeles County, California	Executive Office which is an administrative arm of the Board of Supervisors	<i>Not available at the time of printing.</i>	6
Cook County, Illinois	Secretary of the Board of Commissioners which is an administrative arm of the Board of Commissioners. The Clerk of the Board also performs some duties; however, the Secretary of the Board oversees these functions. Otherwise, the Clerk reports to the Cook County Clerk which is an elected position.	Approximately \$600,000 to \$780,000 (50-65% of the \$1.2 million of the Secretary of the Board's budget). Some duties, like preparing and distributing the hardcopy of the agenda is done by the Clerk of the Board. It is estimated that these duties are approximately \$360,000 (40% of the \$900,000 Clerk's budget). Total = \$960,000	5 3 (Number of people in the Clerk's office who work on preparing and distributing the Agenda). Total = 8
Harris County, Texas	County Management Services (County Manager)	\$930,392	5
Maricopa County, Arizona	Board of Supervisors	\$650,000	9
Miami-Dade County, Florida	County Manager	\$745,000	5
New York City, New York ¹	Legislative Council which is an administrative arm of the Speaker's Office.	\$365,750 (estimated)	3

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¹ New York City presents a unique situation. The Legislative Council prepares the agenda for 51 council members who also sit on 40 committees and 20 subcommittees. The operating budget is arrived at by extrapolating the agenda coordination duties down to three key staff members and then estimating their salaries and benefits. The operating budget is not a true representation because it does not include the additional costs and/or staff that assist in generating and distributing the agenda.

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Legislative Notes

Agenda Item: 100774
File Number: 3(J)
Committee(s) of Reference: Budget, Planning and Sustainability
Date of Analysis: April 12, 2010
Type of Item: Competitive Contract Package

Summary

This Competitive Contracts Package includes a total of eight (8) procurement actions.

Policy Change and Implication / Budgetary Impact

- **Four (4) Competitive Contracts:**

Item 1.1 – Purchase of Recycling Services for White Goods

This contract is to allow Namco Metals Management Inc. and Nationwide Metals Recycling & Processing, Inc. to purchase recyclable materials from the Department of Solid Waste Management (DSWM). Examples of white goods include but are not limited to large appliances such as refrigerators, air conditioning units, washers, hot water heaters and dryers. **This is a revenue generating contract; therefore, no County funds are expended.**

Questions / Comments

This contract is estimated to generate \$150,000 per year more than the previous contract.

Item No.	Contract Estimated Revenue	Revenue per year	Previous Contract Revenue	Previous Contract Revenue per year
1.1	\$2,000,000 for 5 years	\$400,000	\$750,000 for 3 years	\$250,000

Item 1.2 – Annual Roadside Tractor Mowing Services

This contract is to provide annual roadside tractor mowing service for the Public Works Department (PW). The cumulative contract total, including subsequent options to renew (OTRs) is \$5,250,000.

Questions / Comments

According to the County Manager’s memo, this item not only reduces the number of cycles by half from eighteen (18) to nine (9), but also the number of acreage and lot/sites served due to budgetary constraints. **This reduction is reflected in the contract amount which is 59% less per year than the previous contract.**

Item No.	Contract Term & Amount	Amount per month	Previous Contract Term & Amount	Previous Contract Amount per month
1.2	\$1,050,000 for 1 year with 4, 1-year OTRs.	\$87,500	\$1,791,000 for 1 year	\$149,250

Item 1.3 – Elevator Maintenance Services and Modernization of Elevator Equipment

This contract is awarded to ThyssenKrupp Elevator Corporation to provide elevator maintenance services and modernization to six (6) County departments. The cumulative contract total, including the subsequent options to renew (OTR) period is \$6,376,000.

Questions / Comments

Item No.	Contract Term & Amount	Amount per year	Previous Contract Term & Amount	Previous Contract Amount per year
1.3	\$3,474,000 for 5 years with 5, one-year OTR.	\$694,800	\$2,446,000 for 24 months	\$1,223,000

Item 1.4 – Safety Shoes and Boots for Miami-Dade County

This contract establishes a pool of prequalified vendors for the purchase of safety shoes and boots for 27 County departments. The cumulative contract total is \$4,490,000.

Questions / Comments

On April 8, 2010, the Department of Procurement Management (DPM) approved a modification to the previous contract for an additional spending authority in the amount of \$70,412 bringing the previous contract total to \$1,546,188.

Without taking the April 8, 2010 modification under consideration, the previous contract amount is \$208,832 more than the proposed contract.

Item No.	Contract Term & Amount	Amount per year	Previous Contract Term & Amount	Previous Contract Amount per year
1.4	\$4,490,000 for 5 years.	\$898,000	\$1,475,776 for 16 months	\$1,106,832

- **Four (4) Contract Modifications:**

Item No.	Contract Title and Modification Reason	Initial Contract Amount	Modified / Extended Term	Increased Allocation	Record of Vendors' Performance
3.1	<p>Pharmaceutical Supplies</p> <p><u>Reason:</u> Additional spending authority for the Miami-Dade Fire Rescue (MDFR) to purchase pharmaceutical supplies.</p> <p>The existing allocation includes the \$400,000 modification used by MDFR's Urban Search and Rescue Team for Haiti rescue and release efforts.</p> <p><u><i>This contract is significantly more than the existing contract.</i></u></p>	\$900,000	No change.	\$1,170,000	There are no compliance or performance issues reported for Cardinal Health 110, Inc.
3.2	<p>ID Cards Supplies and Accessories</p> <p><u>Reason:</u> Additional spending authority to allow Miami-Dade Transit (MDT) to purchase ID cards and supplies.</p>	\$485,000	No change.	\$10,000	There are no compliance or performance issues reported for LRE Inc. d/b/a/ Lee Ryder Lamination.
3.3	<p>Refurbishing of Passenger Loading Bridges</p> <p><u>Reason:</u> Additional spending authority to allow Aviation to refurbish passenger loading bridges.</p>	\$1,390,000	No change.	\$610,000	<p>There are no compliance or performance issues with the six (6) awarded firms (see below):</p> <ul style="list-style-type: none"> • Oxford Electronics • American Steel Builders, LLC • Thyssenkrupp Airport Sytems, Inc. • Aero Bridgeworks, Inc. • Jetbridge Technology,

					Inc. <ul style="list-style-type: none"> • John Bean Technologies Corp.
3.4	Electrical Power Systems Installation, Pre-qualification <u>Reason:</u> Additional spending authority to allow the Miami-Dade Water and Sewer Department (WSD) to upgrade and provide services to the existing electrical power grid system.	\$17,050,000	No change.	\$14,760,000	There are no compliance or performance issues reported for the three (3) awarded firms (see below): <ul style="list-style-type: none"> • Eaton Corporation • Siemens Industry Inc. • TAW Miami Service Center

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