



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Legislative Analysis

Budget, Planning & Sustainability
Committee

November 9, 2010
2:00 P.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
Budget, Planning & Sustainability Committee
Meeting Agenda**

November 9, 2010

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

Item Number(s)

1(E)4
2(I)
3(E)

Written fiscal analysis for the below listed item is also attached for your consideration:

Item Number(s)

3(C)

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
Ines Beecher, Chief Budget Analyst

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



Legislative Notes

Agenda Item: 1(E)4
File Number: 102123
Committee(s) of Reference: Budget, Planning and Sustainability
Date of Analysis: November 8, 2010
Type of Item: Zoning Regulations
Prime Sponsor: Chairman Dennis C. Moss

Summary

This ordinance amends §33-11 of the Code of Miami-Dade County (Code), revising the regulations pertaining to the appearance and maintenance of walls and fences in all zoning districts.

Section 33-11 of the Code addresses the regulation of fences, walls, bus shelters and hedges.

Background and Relevant Legislation

Currently, §33-11(b) the Code, Exterior Finish of Walls, provides the following regulations:

- Each side of a CBS (Concrete, Block and Stucco) wall is to be completely finished with stucco and paint;
- Each side of a decorative masonry wall is to be completely painted; and
- Regulations for erecting a wall on shared property line.

Policy Change and Implications

In addition to the current regulations in §33-11(b) the Code (see section above), this ordinance will provide the following:

Subject	Amendment	Policy Change and Implications
Uniform Materials and Colors	All fences and walls shall be constructed and maintained with uniform materials and color.	Provides that fences and walls within a neighborhood are conforming to one another through the utilization of similar colors and materials.
Exterior Side of Fence	All fences shall have the finished side facing the neighboring property or street (outward)	Mandates that the exterior side of all fences throughout the County be finished.

Fences with Both Sides Visible	When a fence is located in a manner that both sides are visible from a public street or open space, both sides of the fence shall be finished.	Provides the regulation under which both sides of the fence will be finished – when both sides are visible from a public street or open space.
Continuous Walls/Fences	A continuous wall or fence that is owned by multiple property owners or held in common ownership shall be constructed and maintained with uniform color and materials for the entire length of said wall or fence.	Ensures that uniformity is also maintained for continuous walls and fences owned by multiple property owners, such as condos and townhouses.
Decorative Brick and Natural Stone Walls	Walls comprised of decorative brick and natural stone may be left unpainted provided the cement and grout are finished on both sides.	Provides exclusion from this amendment for walls composed of decorative brick or natural stone walls.

Comments

During the October 12, 2010, Budget, Planning and Sustainability Committee meeting, Administration stated that this amendment would apply to the future construction of walls and fences; however, several Commissioners expressed concern that this would indeed impact existing walls and fences due to the requirement for uniformity and maintenance. Further concerns were that current owners would bear some cost burdens, especially those sharing a continuous wall.

Prepared by: Elizabeth N. Owens

**MIAMI-DADE COUNTY
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Legislative Notes

Agenda Item: 2(I)
File Number: 102564
Committee(s) of Reference: Budget, Planning and Sustainability
Date of Analysis: November 8, 2010
Type of Item: FY 2009-10 Unallocated General Fund Carryover
Prime Sponsor: Commissioner Bruno A. Barreiro

Summary

This resolution establishes the County policy that the unallocated general fund carryover from FY 2009-10 will be set aside in the amount of \$4,685,000 to fund the Save Our Seniors Homeowners' Relief Fund for FY 2010-11.

In addition, this resolution directs the County Mayor or his designee to prepare an appropriate budget amendment to the FY 2010-11 County budget.

Policy Change and Implication

In addition to this item, there are two other proposals requesting funding from the \$8,234,000 in unallocated general fund carryover from FY 2009-10. They include the following:

- Community Periodical Program - \$750,000 (Resolution No. 1116-10)
- NRSAs - \$2,604,000 (Item No. 2A on the November 11, 2010 HCDC agenda)

If all three proposals are funded, the amount of the FY 2009-10 unallocated general fund carryover will be \$195,000 (see attachments).

Prepared by: Ines Beecher and Elizabeth N. Owens

BCC CARRYOVER-THREE YEARS (CUMMULATIVE)

	FY 2007-08	FY 2008-09	FY 2009-10
District	EOY Balance	EOY Balance	EOY Balance
1	0	0	45,000
2	87,000	58,000	76,000
3	279,000	111,000	104,000
4	925,000	864,000	804,000
5	563,000	479,000	361,000
6	393,000	336,000	286,000
7	207,000	135,000	143,000
8	260,000	354,000	163,000
9	0	148,000	354,000
10	100,000	96,000	55,000
11	248,000	222,000	171,000
12	469,000	638,000	461,000
13	285,000	434,000	451,000
Subtotal	3,816,000	3,875,000	3,474,000
Chair's Office	208,000	483,000	96,000
Subtotal	4,024,000	4,358,000	3,570,000
BCC Support Staff	48,000	48,000	125,000
Commission Auditor	141,000	269,000	156,000
OIA	32,000	53,000	125,000
Grand Total	\$ 4,245,000	\$ 4,728,000	\$ 3,976,000

Notes:

1-FY 09-10 carryover is unaudited

2-FY 09-10 carryover does not include the Chair's Pool

FY 09-10 UNALLOCATED GENERAL FUND CARRYOVER

BASED ON COUNTY MANAGER MEMO DATED OCTOBER 15, 2010

<u>Revenue</u>	
-BCC Carryover	2,799,000
-Additional Carryover	<u>5,435,000</u>
	8,234,000
<u>Proposed Expenses</u>	
-Save Our Seniors-Homeowners Relief Fund	(4,685,000)
-Community Periodical Program	(750,000)
-NRSAs	<u>0</u>
	(5,435,000)
Revenue-Expense	2,799,000

BASED ON BCC AGENDA, NOVEMBER 4, 2010

<u>Revenue</u>	
-BCC Carryover-corrected on floor	3,973,000
-Additional Carryover	<u>4,261,000</u>
	8,234,000
<u>Proposed Expenses</u>	
-Save Our Seniors-Homeowners Relief Fund	0
-Community Periodical Program	(750,000) (11A17)-Approved
-NRSAs	<u>0</u> (11A21)-Deferred
	(750,000)
Revenue-Expense	7,484,000

BASED ON BCC APPROVED ITEM AND VARIOUS SPENDING PROPOSALS

<u>Revenue</u>	
-BCC Carryover-corrected on floor	3,973,000
-Additional Carryover	<u>4,261,000</u>
	8,234,000
<u>Proposed Expenses</u>	
-Save Our Seniors-Homeowners Relief Fund	(4,685,000) (on BPSC agenda 11/9/10-item 2I)
-Community Periodical Program	(750,000) Approved 11/4/10
-NRSAs	<u>(2,604,000)</u> (on HCDC agenda 11/10/10-item 2A)
	(8,039,000)
Revenue-Expense	195,000

Note: September 23, 2010, Information for Second Budget Hearing-FY 2010-11 Proposed Budget, page 11, Low Income Senior Assistance Program, stated, "In the event this program is approved it is recommended that disbursements be supported by the general fund tax equalization reserve or contingency reserve and that this appropriation be finalized by means of a mid-year amendment."

MIAMI-DADE COUNTY
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FISCAL IMPACT ANALYSIS

Agenda Item: 3C

File Number: 102608

Type of Item: Resolution Authorizing the Acceptance of Ten (10) Environmentally Endangered Lands Covenants in Miami-Dade County

Committee(s)

of Reference: Budget, Planning, and Sustainability

Date of Analysis: 11/09/10

Funding Request:

<p>Operating <input 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 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

The attached table was provided by the Department of Environmental Resources, through the Property Appraiser's Office.

Prepared by: Ines Beecher

LANDOWNER	ACRES	2010 TAXABLE	LESS EEL REDUCTION	PRELIMINARY 2011 TAX
Thomas J. Blakley	3.07 acres	\$55,243	\$30,243*	\$25,000
Donald F. and Marjorie Davis	3.820 acres	\$189,840	\$122,280	\$67,560
Donald F. and Marjorie Davis	4.333 acres	\$80,812	\$24,513*	\$55,669
Todd and Jill Hardwick	1.029 acres	\$138,197	\$277	\$138,474
JMC Groves, LLC	8.753 acres	\$612,300	\$512,051	\$100,249
JMC Groves, LLC	0.532 acres	\$70,350	\$50,274	\$20,076
Nesbitt Goulds, LLC	2.763 acres	\$191,412	\$98,870	\$92,542
Jason & Charlotte Springer	4.104 acres	\$271,163	\$101,141*	\$170,022
Colleen H. Tietig	15.863 acres	\$450,573	\$216,432*	\$667,005
L.A. and Marta S. Weeks	7.162 acres	\$1,418,279	\$72,264*	\$1,346,015
Total:	51.429 acres	\$3,478,169	\$1,228,345	\$2,682,612

*Homestead CAP varies amount.

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Legislative Notes

Agenda Item: 3(E)
File Number: 102519
Committee(s) of Reference: Budget, Planning and Sustainability
Date of Analysis: November 8, 2010
Type of Item: Bid Waiver Package

Summary

This resolution waives formal bid procedures for specified purchases, authorizing the County Mayor or his designee to award such contracts, with authority to exercise subsequent options-to-renew (OTR). This Bid Waiver Package is comprised of four (4) contracts authorizing a total of \$27,076,990 including subsequent OTRs.

Background and Relevant Legislation

Pursuant to § 2-8.1 of the Miami-Dade County Code and § 5.03(D) of the Home Rule Charter, the Board of County Commissioner's (BCC) approval is required to award these contracts.

Policy Change and Implication / Budgetary Impact

- **Two (2) Bid Waivers**

Item 1.1: Internet Access, Colocation, and Managed Router Services

This contract waives the formal bid procedures and awards a contract to Terremark North America, Inc. for the Enterprise Technology Services Department (ETSD) to obtain Internet access, colocation¹ and managed router services. The cumulative contract total, including subsequent options-to-renew (OTRs) is \$3.939 million.

According to the County Manager's memo, a bid waiver is requested because the connectivity provided through Terremark at the Network Access Point (NAP) of the Americas NAP data center facility cannot

¹ Colocation is the sharing of the facilities of a hosting center with other Internet clients (Encarta Dictionary).

be assumed by another vendor without severe service disruptions and additional infrastructure costs to the County.

Questions / Comments

This contract is \$4,792 less per month than the previous contract; however, a further review of the scope of the previous contract is necessary to conclude that this contract is more favorable to the County than the previous contract.

Item No.	Contract Term & Amount	Amount per Month	Previous Contract Term & Amount	Previous Contract Amount per Month
1.1	\$1,313,000 for 2 years with 2, 2-year OTR.	\$54,708	\$892,500 for 15 months.	\$59,500

Item 1.2: Maintenance Services for Automatic Doors

This contract waives the formal bid procedures and awards a contract to Dash Door & Closer Service, Inc. (Dash Door) for maintenance services for automatic doors for several departments. The cumulative contract total, including subsequent OTRs is \$19.438 million.

According to the County Manager’s memo, a bid waiver is requested because the automatic controllers installed in the doors are hydraulic integrated systems with a proprietary patent and the maintenance and support in the South Florida area is only available by Dash Door.

Questions / Comments

Item No.	Contract Term & Amount	Amount per Year	Previous Contract Term & Amount	Previous Contract Amount per Year
1.2	\$9,719,000 for 5 years with 5, 1-year OTR.	\$1,943,800	\$3,325,500 for 2 years with 3, 1 year OTR ² .	\$1,662,750

Previous Contract

This contract is \$281,050 more per year than the previous contract. The previous contract, Contract No. 7580-3/09-3, was modified three times, providing for additional spending authority in the amount of \$1,238,150.50 and an additional time of 12 months. The reasons given for these modifications include allowing for ample time to ensure continuity of services while a successor contract is established and time to conduct additional market research. The chart below summarizes these modifications.

² Information According to the authorizing resolution, Resolution No. 1386-04.

Previous Contract Modifications			
Vendor: Dash Door & Closer Service, Inc.			
#	Date Approved (DPM/CM ³ or BCC)	Time Extended	Amount
1	October 7, 2009, by DPM/CM	3 months until March 31, 2010	\$441,150.50
2	January 24, 2010 by DPM/CM	3 months until June 30, 2010	\$0.00
3	June 3, 2010 by BCC (Reslution No. 612-10)	6 months until December 31, 2010	\$797,000.00
	TOTAL	12 months	\$1,238,150.50

- **(1) Emergency Purchase:**

Item 3.1 – Ferric Chloride and Ferrous Sulfate

This contract waives formal bid procedures and ratifies an emergency contract awarded on March 5, 2010 for the purchase of ferric chloride and ferrous sulfate for the Miami-Dade Water and Sewer Department’s Central District Wastewater Treatment Plant (CDWWTP).

Item No.	Contract Title	Contract Term & Amount	Vendor’s Performance Record
3.1	Ferric Chloride and Ferrous Sulfate	Contract term is upon completion, remediating the conditions and allowing CDWWTP processes to return to permit compliance. Total Contract Amount = \$499,990	There are no performance / compliance issues with Kemira Water Solutions, Inc., a non-local vendor.

- **One (1) Non-Competitive Contract Modifications**

Item 4.1 – SCADA Process Control System

Item No.	Contract Title and Modification Reason	Initial Contract Amount	Modified / Extended Term	Increased Allocation	Record of Vendors’ Performance
4.1	SCADA Process Control System <u>Reason:</u> Additional spending authority to allow Miami-	\$1,581,000	No change.	\$3,200,000 Proprietary Funds	There are no compliance or performance issues reported for Bristol Emerson Process Management, Inc. (non-

³ DPM/CMO – Department of Procurement Management/County Manager

<p>Dade Water and Sewer Department (WASD) to upgrade to the new generation of Remote Terminal Transmitting Units (RTU), which is considered “green technology”; and to purchase related software maintenance support services.</p>				<p>local vendor). Bristol Emerson Process Management, Inc. is the sole proprietor of the SCADA System.</p>
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Comments / Questions

WASD has an existing allocation in the amount of \$1,481,000. This additional allocation at \$3,200,000 is more than twice the amount of the existing allocation.

According to the County Manger’s memo, these upgrades, utilizing proprietary funds, are to comply with the mandates and agreement requirements issued by Federal Consent Decrees, the Florida Department of Environmental Protection, and the South Florida Water Management District. Nevertheless, taking into consideration the County’s current financial status, can this upgrade be delayed to a later date?

Prepared by: Elizabeth N. Owens