



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

**Legislative Analysis**

**Budget, Planning & Sustainability**  
**Committee**

July 13, 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**

**July 13, 2010**

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

**Item Number(s)**

1(F)1	1(F)1 Supp. No. 2
1(F)1 Supp. No. 1	3(P)

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

**Item Number(s)**

3(D)	3(J)
3(E)	3(N)
3(F)	

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

Pamela Y. Williams, Budget Analyst

Norma Roig, Budget Analyst

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



Legislative Notes

**Agenda Item:** 1(F)1, 1(F)1 Supplement No. 1, and 1(F)1 Supplement No. 2

**File Number:** 100448, 101668, and 101761

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

**Date of Analysis:** July 9, 2010

**Type of Items:** Mobile Home Parks

### Summary

**Item No. 1(F)1** 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).

**Supplement No. 1** provides the information that the temporary moratorium will be placed on the September 9, 2010 BCC agenda – the same time that Item No. 1(F)1 would go for second reading if approved at the July 13<sup>th</sup> Committee meeting. At that time the BCC will determine whether or not to continue the temporary moratorium.

**Supplement No. 2**, provides the Attorney General's opinion. It is the Attorney General's opinion that the County cannot adopt an ordinance imposing additional conditions to the vacation of a mobile home park where the owner of the park has followed the mandated of Chapter 723, Florida Statutes.

**As currently drafted, Item No. 1(F)1 includes language regarding the 2 year look back provision. Taking into consideration the Attorney General's opinion, the Budget, Planning and Sustainability Committee at the July 13<sup>th</sup> meeting can make one of the following decisions:**

- 1. Amend Item No. 1(F)1, removing the 2 year look back provision from the item; or**
- 2. Leave the item as it is, allowing the 2 year look back provision to remain.**

### Background and Relevant Legislation

At the February 9, 2010, BPS Committee 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, BCC 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 regarding the two (2) year look back provision.

At the April 13, 2010, BPS Committee meeting, this item was deferred because an opinion from the Attorney General's office had not been received.

<b><u>LEGISLATIVE HISTORY OF MOBILE HOME PARKS MORITORIUM</u></b>
<b>Resolution No. 1161-07 adopted October 16, 2007</b>
<p>Temporary moratorium imposed for 120 days.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>
<b>Resolution No. 167-08 adopted February 19, 2008</b>
<p>Extended moratorium for an additional 90 days.</p> <p>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:</p> <ul style="list-style-type: none"> <li>• Reauthorize and lift the cap on Sadowski Housing Trust Fund;</li> </ul>

- 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.rocosa.org](http://www.rocosa.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.
<b>Resolution No. 647-09 adopted June 2, 2009</b>
Extended moratorium for five (5) months.
On this date, the Board requested an analysis of potential land use/rezoning of the mobile home sites.
<b>Resolution No. 1230-09 adopted November 3, 2009</b>
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:
<ul style="list-style-type: none"> <li>• No. 28 – Tract 3, Lil Abner Mobile Home Park in District 12;</li> <li>• No. 10, Colonial Acres Mobile Home Park in District 2, with the acceptance of a proffered covenant;</li> <li>• No. 14, Tradewinds Trailer Park in District 2, with the acceptance of a proffered covenant,</li> <li>• No. 3, Landmark Plaza and Trailer in District 4;</li> <li>• No. 5, Coe’s Trailer Court in District 4; and</li> <li>• No. 8, Palm Trailer Park in District 4.</li> </ul>

**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.

**Prepared by:** Elizabeth N. Owens

MIAMI-DADE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
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FISCAL IMPACT ANALYSIS

Agenda Item: 3D

File Number: 101585

Type of Item: Resolution

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

Date of Analysis: July 12, 2010

Funding Request: \$301,760

<p>Operating</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 checked="" type="checkbox"/> The City of Miami will contribute a maximum \$171,351 with the remaining \$301,760 contribution coming from Miami-Dade County</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  \$ 301,760 % 63.8

No

ISSUES/COMMENTS None

DERM was contacted by to verify why the energy cost for Little Arch Creek canal was not included. This information should be available for review during the next Board of County Commissioners meeting.

Prepared by: Pamela Y. Williams

MIAMI-DADE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
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FISCAL IMPACT ANALYSIS

Agenda Item: 3E

File Number: 101590

Type of Item: Resolution

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

Date of Analysis: July 12, 2010

Funding Request: \$71,765

<p>Operating</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 checked="" type="checkbox"/> The Town of Medley will contribute a Maximum \$159,735 with the remaining \$71,765 contribution coming from Miami-Dade County</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  \$ 71,765 % 31

No

ISSUES/COMMENTS None

DERM was contacted by OCA to determine why the Medley portion of the 58<sup>th</sup> Street canal was not included in the agreement as stated in 3B and why the mechanical harvest cost was not included in the summary of costs. Awaiting DERM's responses on these issues.

Prepared by: Pamela Y. Williams

MIAMI-DADE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
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FISCAL IMPACT ANALYSIS

Agenda Item: 3F

File Number: 101660

Type of Item: Resolution

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

Date of Analysis: July 12, 2010

Funding Request: EST: \$100,000.

<p>Operating</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

OCA requested a budget breakdown of expenses for the event. DERM forwarded the Hialeah Adopt-A-Tree program budget as a sample. The Hialeah event spent an estimated \$88,000. in 2009.

Tree Purchases: \$37,000.  
Tree Supplies: \$ 4,800.  
Salary and Fringes: \$19,000.  
Other Expenditures: \$27,200.  
\$88,000.

Prepared by: Pamela Y. Williams

MIAMI-DADE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
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FISCAL IMPACT ANALYSIS

Agenda Item: 3J

File Number: 101654

Type of Item: Resolution

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

Date of Analysis: July 12, 2010

Funding Request: Unknown

<p>Operating</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

The funding source(s) for one new position and expenses are not identified in the documentation for this activity. Information on this issue is pending from the Department of Small Business Development.

Prepared by: Pamela Y. Williams

MIAMI-DADE COUNTY  
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FISCAL IMPACT ANALYSIS

Agenda Item: 3N

File Number: 101756

Type of Item: Resolution

Committee(s)

of Reference: Budget, Planning and Sustainability Committee

Date of Analysis: July 12, 2010

Funding Request: \$1,546,000 (various funds)

<p>Operating <input checked="" type="checkbox"/></p> <p>Operating Funding Source(s):</p> <p>General Fund <input checked="" 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><u>Issue does not address proprietary funds.</u></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  (General Segment)

The General Fund portion of this increase to the External Audit contract (\$867,000) is allocated as a Non-Departmental expense. In FY 09-10 \$1.2 million is allocated for this activity with \$604,000 remaining as of June 30, 2010 (\$1,200,000 – 596,000). In the proposed FY 10-11 budget the allocation is \$1.3 million for the same activity.

Prepared by: Norma Roig

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

**Agenda Item:** 3(P)  
**File Number:** 101697  
**Committee(s) of Reference:** Budget, Planning and Sustainability  
**Date of Analysis:** July 12, 2010  
**Type of Item:** Competitive Contract Package

**Summary**

This Competitive Contracts Package includes a total of nine (9) procurement actions totaling over \$36.8 million.

**Policy Change and Implication / Budgetary Impact**

- **Two (2) Competitive Contracts:**

**Item 1.1 – Pesticides and Weed Killers (Pre-qualification)**

This contract establishes a pool of pre-qualified vendors to supply pesticides and weed killers to various County departments. The cumulative contract total, including subsequent options to renew (OTRs) is \$29,632,000.

**Questions / Comments**

This contract is \$741,800 per year less than the previous contract (see below).

Item No.	Contract Term & Amount	Amount per year	Previous Contract Term & Amount	Previous Contract Amount per year
1.1	\$14,816,000 for 5 years with 1, 5-year OTR.	\$2,963,200	\$7,410,000 for 2 years with 3, 1-year OTRs.	\$3,705,000

The County Manager’s memo states that the vendors awarded under the existing contract requested significant increases despite the current reduction in prices experienced in the chemical commodities and that attempts to negotiate did not yield the desired results. The Office of the Commission Auditor conducted a review of the annual allocations under the previous and proposed contracts and found that almost every department indicated a decrease in the amount allocated under the proposed contract. Only Parks and Receptions and Solid Waste Management indicate an increase in their allocations.

Please note that a comprehensive comparison of the previous and proposed allocation could not be conducted. The proposed contract establishes a pool of pre-qualified bidders to participate in spot market competitions, and the previous contract was awarded to the lowest bidder. Under the proposed contract, the actual price of the product is determined at the time that the lowest responsive and responsible bidder is awarded the contract.

Departments	Previous Allocation per Year	Proposed Allocation per Year	Difference in allocations
Aviation	\$300,000	\$95,000	\$205,000
Corrections & Rehabilitation	\$15,000	n/a	n/a
Fire	\$45,000	\$2,000	\$43,000
GSA	\$60,000	n/a	\$60,000
Transit	\$40,000	\$15,000	\$25,000
Parks & Recreation	\$900,000	\$1,000,000	-\$100,000
Public Housing	n/a	\$50,000	n/a
Public Works	\$2,105,000	\$1,737,000	\$368,000
Seaport	\$30,000	\$4,000	\$26,000
Solid Waste	\$10,000	\$12,000	-2,000
Water and Sewer	\$100,000	\$46,000	\$54,000
Vizcaya	n/a	\$2,200	n/a
Contingency	\$100,000	n/a	n/a
<b>TOTAL</b>	<b>\$3,705,000</b>	<b>\$2,963,2000</b>	<b>\$741,800</b>

Furthermore, on March 2, 2010, under Resolution No. 222-10, the Board of County Commissioners ratified the unauthorized purchase of \$125,311.31 in aerial spraying for mosquito control services for the Public Works Department (PWD). At the time, the Office of the Commission Auditor expressed concern that this decreased FY 2009-10 mosquito control funds from \$160,000 to \$35,000 putting at risk the County's ability to handle aerial spraying if it became necessary prior to the end of the fiscal year.

- *Does the PWD allocation under the proposed contract include any adjustments to make up for the funding decreases in aerial spraying for mosquito control services?*

**Item 1.2 – Original Equipment Manufacturers (OEM) to Supply Major Component Replacement Parts and Services (Prequalification)**

This contract establishes a pool of prequalified vendors to supply OEM major component replacement parts and service for the Miami-Dade Fire Rescue Department (MDFR) and the Miami-Dade Aviation Department (Aviation). The cumulative contract total, including subsequent OTRs is \$4,900,000.

**Questions / Comments**

The previous contract did not include an allocation for Aviation. Furthermore, the proposed allocation is \$460,000 less annually than the previous allocation per year. **This reduction is reflected in the proposed contract amount being 51% less per year than the previous contract (see below).**

Item No.	Contract Term & Amount	Amount per year	Previous Contract Term & Amount	Previous Contract Amount per year
1.2	\$2,450,000 for 5 years with 1, 5-year OTR.	\$490,000	\$950,000 for 1 year with 4, 1-year OTRs.	\$950,000

• **Seven (7) Contract Modifications:**

Item No.	Contract Title and Modification Reason	Initial Contract Amount	Modified / Extended Term	Increased Allocation	Record of Vendors' Performance
3.1	<p><b>UPS Systems, Maintenance, and Repair (Pre-qualification)</b></p> <p><u>Reason:</u> Additional spending authority to allow Miami-Dade Transit Department (Transit) to utilize Surtax funds to purchase UPS Systems and related maintenance and support services.</p>	\$818,000	No change.	\$50,000	<p>There are no compliance or performance issues reported for the following vendors:</p> <ul style="list-style-type: none"> <li>• A C Engineering, Inc</li> <li>• DC Group, Inc.</li> <li>• Electronic Environments Corp.</li> <li>• Fakouri Electrical Engineering</li> <li>• Gruber Technical, Inc.</li> <li>• Jantech Services, Inc.</li> <li>• JT Packard &amp; Assoc., Inc.</li> <li>• National Power Corp.</li> <li>• Precision Environment, Inc.</li> <li>• Presidio Networked Solutions, Inc.</li> <li>• Thomas &amp; Betts Power Solutions, LLC</li> <li>• U S Tech, Inc.</li> </ul>
3.2	<p><b>Casters and Industrial Wheels (Pre-qualification)</b></p> <p><u>Reason:</u> Additional spending authority to allow Transit to</p>	\$86,000	No change.	\$15,000	<p>There are no compliance or performance issues reported for W W Grainger, Inc.</p>

	utilize Surtax funds to purchase casters and industrial wheels.				
3.3	<p><b>Bridge Crane &amp; Hoist (Maintenance, Inspection &amp; Repair)</b></p> <p><u>Reason:</u> Additional spending authority to allow Transit to utilize Surtax funds to provide bridge crane and hoist maintenance, inspection and repair.</p>	\$271,000	No change.	\$75,000	<p>There are no compliance or performance issues with the following vendors:</p> <ul style="list-style-type: none"> <li>• Sunshine Hoist &amp; Steel Erectors, Inc.</li> <li>• Equipment Inspection Services, Inc.</li> <li>• Advanced Overhead Systems, Inc.</li> </ul>
3.4	<p><b>Electrical Power Generation &amp; Pumping Stations &amp; Diesel, Natural Gas, Methane &amp; Bio-Gas-Powered Engine Systems</b></p> <p><u>Reason:</u> Additional spending authority and time to allow Water and Sewer and Aviation continuity of services until a successor contract is established. The current contract expires September 30, 2010.</p>	\$2,904,000	6 months.	\$915,000	<p>There are no compliance or performance issues reported for the following vendors:</p> <ul style="list-style-type: none"> <li>• Pantropic Power Inc., and</li> <li>• Engine Systems, Inc.</li> </ul>
3.5	<p><b>Wireless (Cellular) Devices and Services</b></p> <p><u>Reason:</u> Additional spending authority to allow Water and Sewer, Enterprise Technology Services, MDR, and Police to pay for wireless services attributed to an increase in participation under this contract and expansion of workforce mobility.</p>	\$7,714,000	No Change.	\$750,000	There are no compliance or performance issues reported for AT&T Mobility National Accounts, LLC.
3.6	<p><b>Frozen Convenience Foods</b></p> <p><u>Reason:</u> Additional spending</p>	\$1,175,000	3 months.	\$171,000	There are no compliance or performance issues reported for Construction

	authority and time to allow DHS Elderly Program continuity of services until a successor contract is established. The current contract expires September 30, 2010.				Catering.
3.7	<p><b>Food Catering Services</b></p> <p><u>Reason:</u> Additional spending authority and time to allow DHS Elderly Services continuity of services until a successor contract is established. The current contract expires September 30, 2010.</p>	\$1,592,000	3 months.	\$301,000	There are no compliance or performance issues reported for Construction Catering.

**Prepared by:** Elizabeth N. Owens