



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Legislative Analysis

Budget, Planning & Sustainability
Committee

July 14, 2009

2:00 P.M.

Commission Chamber

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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 14, 2009

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

Item Number(s)

2(A)	4(J)
2(D)	4(L)
2(E)	4(M)
2(F)	4(N)
2(J)	4(P)
3(T)	4(Q)
4(I)	5(A)
5(B)	

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
Lauren Young-Allen, Legislative Analyst
Bia Marsellos, Legislative Analyst, Supervisor
Jason T. Smith, Senior Legislative Analyst

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



Legislative Notes

Agenda Item: 2(A)
File Number: 091856
Committee(s) of Reference: Budget, Planning & Sustainability
Date of Analysis: July 10, 2009
Type of Item: Ordinance
Prime Sponsor: Vice-Chairman Jose "Pepe" Diaz
Co-Sponsors: Commissioners Audrey M. Edmonson and Barbara J. Jordan

Summary

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

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

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

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

Background and Relevant Legislation

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

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

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

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

Policy Change and Implication

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

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

Prepared By: Jason T. Smith

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



Legislative Notes

Agenda Item: 091887
File Number: 2(D)
Committee(s) of Reference: Budget, Planning and Sustainability Committee
Date of Analysis: July 10, 2009
Type of Item: Code Amendment
Sponsor: Commissioner Barbara J. Jordan

Summary

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

Background and Relevant Legislation

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

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

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

Policy Change and Implication

This ordinance requires a two-thirds vote from the members present at either the BCC or the CZAB hearings to delete or modify any covenant that was submitted in connection with an approved zoning application.

Prepared by: Elizabeth N. Owens

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

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

ATTACHMENT A

				developed in accordance with a site plan for an industrial development, to allow the applicant to build in accordance with the proposed zoning and the present zoning on the remainder of the parcel.		
6.	12/22/05	01-397	LIGHTSPEED AT BEACON TRADEPORT LLC, ET AL.	The modification request was to update the Proposed Master Plan to previously submitted plans. The restrictive covenant states that the property should be developed substantially in accordance with the plans previously submitted for the hearing.	Approved (Resolution No. Z-33-05).	12
7.	03/25/06	05-252	UNITED AT KENDALL LAKES, INC.	Deletion of a paragraph that stated, "In the event shall the residential density of the Senior Housing Parcel exceed 240 units. The use shall be limited to very low, low, and/or moderate income housing for older persons as defined by the Fair Housing Act, 42U.S.C. §3607," from the Declaration of Restrictions.	Approved with a provision that ten (10) units be priced at \$225,00.00 (Resolution No. Z-13-06).	11
8.	05/25/06	05-245	SILVER PALM HOLDINGS OF HOMESTEAD LLC	Amendment or release of a covenant pertaining to the school site subject to public hearing approval, and to require the opening of the charter school for 800 students prior to the first school year after the completion of the 400th residence and for the additional 300 students prior to the 800th residence.	Approved (Resolution No. Z-20-06).	8
9.	04/27/06	05-357	PRINCETON PARK HOMES LLC	The purpose of the request was to remove an agreement restricting the property to development as a restaurant, mini warehouse and	Approved (Resolution No. Z-17-06).	8

ATTACHMENT A

				recreational vehicle storage in order to develop the property within regulations of the newly adopted Princeton Urban Center District.		
10.	08/24/06	05-190	GRACE OF GOD COMMUNITY REHABILITATION CENTER (CDC), INC.	The request was to delete a covenant that previously approved residential development and to submit revised plans showing a religious facility and charter school on the subject property.	Approved (Resolution No. Z-29-06).	8
11.	09/14/06	06-54	VALENCIA SCHOOL DEVELOPMENT, LLC	The applicant requested deletion of two covenant modifications tying the previously approved charter school to the number of students and Certificate of Occupancy, preserving the original covenant which required the site to be developed with a 3-acre charter school; a modification of a condition of a covenant to allow the applicant to increase the number and grade levels of students for the previously approved charter school.	Approved. Modification to 706 for 06-07 school year, then down to 600 students. K-8 approved (Resolution No. Z-30-06).	8
12.	09/14/06	06-55	ARCHIMEDEAN PROPERTIES LLC	The applicant is requesting modifications of conditions paragraphs of a covenant, and deletions of a paragraph of a covenant, to allow the applicant to submit revised plans for the previously approved charter school, to increase the number of students, and to have no limit on the number of night functions that could occur at the school.	Approved Modified to allow 80 students (06-07) and 60 every year until 800 are reached (Resolution No. Z-31-06).	10
13.	09/14/06	05-367	WRC PROPERTIES INC.	The purpose of modification was to allow the applicant to decrease the required landscape buffer along the	Approved (Resolution No. Z-34-06).	10

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				north property line and submit new plans showing an office development and parking garages.		
14.	12/07/06	06-79	RAMDA DEVELOPMENT CORP.	Deletion of a covenant as accepted pursuant to a resolution to allow the applicant to delete the covenant which restricted the development of the site to a previously approved residential development; in order to allow the applicant to develop the property in compliance with the Princeton Community Urban Center district (PCUC) zoning regulations.	Approved (Resolution No. Z-43-06).	8
15.	05/24/07	06-306	HOMESTEAD AUTO CENTER	Modification of a paragraph of a covenant to allow the applicant to submit new plans showing a third building for an automobile repair center & to show 2 structures setback less than required from property lines.	Approved (Resolution No. Z-10-07).	8
16.	07/12/07	07-156	VALENCIA SCHOOL DEVELOPMENT, LLC	Modifications of conditions of a previous resolution and of paragraphs of covenants and deletions of conditions of a previous resolution and of paragraphs of a covenant to delete the conditions limiting the number of students enrollment during a certain school year, which will allow the applicant to continue serving the number of students currently enrolled at the charter school, on this site.	Approved (Resolution No. Z-26-07), on a modified basis of 700 children.	8
17.	07/12/07	07-157	NORTHWESTERN GRANT, LLC	Modification of a condition of a previous resolution and of a paragraph of a covenant to increase the grade levels of the previously approved	Approved (Resolution No. Z-27-07).	12

ATTACHMENT A

				charter school, to include middle school and 10th grade.		
18.	12/06/07	07-304	MIAMI-DADE COUNTY PARK AND RECREATION DEPARTMENT	Modification of a paragraph of a covenant to allow the applicant to utilize the existing south golf course as a public park with ancillary recreation activities.	Approved (Resolution No. Z-55-07).	13
19.	01/24/08	07-69	MERRINECK ESTATES, LLC & MEDICO INTERNATIONAL REALTY HOLDINGS LLC	Appeal of the decision of Community Zoning Appeals Board #12, which denied without prejudice among other request the following: to delete a covenant to remove a restriction requiring the property to be used only as an architect's office, florist, sod and nursery business, to allow the development of the site in accordance with the proposed zoning, and to permit an accompanying request(s).	Approved in Part (Resolution No. Z-01-08).	7
20.	04/24/08	07-263	R & E AT PALM VISTA II, INC.	Deletion of a covenant tying the development of the property to a site plan and a specific number of dwelling units in order to allow the applicant to build in accordance with the Princeton Community Urban Center (PCUC) district zoning regulations.	Approved.	8
21.	05/22/08	07-342	ASPIRA OF FLORIDA, INC.	Modifications of a paragraph of a covenant to allow the applicant to submit new plans showing a reduction in the size of the charter school site due to a canal right-of-way. Also requesting to permit the charter School's setback to be less than required from property line, and to permit less landscape open space than	Approved per staff's recommendation (Resolution No. Z-14-08).	2

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				required, on this site.		
22.	06/05/08	07-413	CUSTOM BUILDERS OF MIAMI LLC	Deletion of a declaration of restrictions tying the site to plans for a townhouse development and to allow the applicant to develop the site in accordance with the Naranja Community Urban Center District zoning regulations.	Approved per recommendation (Resolution No. Z-16-08).	8
23.	07/03/08	(06-220)	KENDALL GREENS PROPERTY, LLC	Modification of paragraphs of a covenant to allow the applicant to submit new plans indicating an expansion to an existing charter school by increasing the number of students from 600 to 800, allowing the applicant to comply with a new Public Works Department memorandum and changing start and dismissal times.	Modified approved of request for 150 students increase only and with condition to change start time 7:00 - 8:30 (Resolution No. Z-18-08).	11
24.	07/03/08	07-294	UNITED AT KENDALL LAKES, INC.	Modifications of a covenant to allow the applicant to submit revised plans for a previously approved multi-family apartment development showing fewer units, a new building configuration, filling of a portion of the lake and providing a new condition for workforce housing. Also requesting an unusual use to permit a partial filling of an existing lake, on this site.	Approved as per staff recommendation (Resolution No. Z-19-08)	11
25.	07/17/08	07-20	AMB CODINA BEACON LAKES, LLC	Modification of a paragraph of a covenant to allow the applicant to submit new site plans for a commercial development consisting of retail and restaurant uses, and accompanying requests, on this site.	Approved per DIC recommendation (Resolution No. Z-20-08).	12
26.	07/17/08	07-303	SOUTHWESTERN GRANT,	Modifications of paragraphs of	Approved with conditions	8

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			LLC	covenants and of conditions of a previous resolution to allow the applicant to increase the number of students for a previously approved charter school. Also requesting to permit an accompanying request(s), on this site.	(Resolution No. Z-22-08).	
27.	07/17/08	07-318	SOUTHWESTERN GRANT, LLC	Modifications of paragraphs of covenants and of conditions of a previous resolution to allow the applicant to submit revised site plans indicating an increase in the number of students and to show parcel "B" to be used for parking only for a previously approved charter school.	Approved with conditions subject to acceptance of covenant (Resolution No. Z-23-08).	8
28.	07/17/08	08-38	SUMMERVILLE CHARTER SCHOOL, INC.	Modifications of conditions of a previous resolution, and of paragraphs of a covenant to allow the applicant to increase the amount of students, to increase the grades, and to modify the schedule for the charter school.	Approved with conditions (Resolution No. Z-24-08).	8
29.	02/19/09	07-208	KENDALLGATE CENTER ASSOCIATES, LTD.	Modification of a portion of a paragraph of a covenant to permit the Applicant to modify a covenant for a commercial development that limited the site to specific uses to allow additional uses, on this site.	Approved (Resolution No. Z-4-09).	10
30.	02/19/09	08-169	TRANSORDEV, LLC	Deletion of a covenant which tied the site to a site plan for a restaurant use, in order to allow development of the site in accordance with the Perrine Community Urban Center (PECUC) District zoning regulations.	Approved (Resolution No. Z-5-09).	9
31.	03/05/09	(08-205)	THE DEPARTMENT OF	Deletion of a covenant tying the site to	Approved per staff's	10

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			PLANNING & ZONING	low income elderly housing and a Park and Ride facility; to allow the applicant to develop the site in accordance with the underlying zoning district regulations, on this site.	recommendation (Resolution No. Z-6-09).	
32.	03/19/09	08-204	DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING	Deletion of a covenant to remove a previously recorded agreement that required the property to be developed with 6 residences in order to permit the site to be developed with a public library and park.	Approved per staff recommendations (Resolution No. Z-7-09).	8
33.	05/21/09	09-012	COUNTRY VIEW, LLC AND RAM LAND INVESTMENTS, LLC	Deletion of a covenant tying this site to a specific plan and creating a buffer zone between the light industrial manufacturing district (IU) and agricultural (AU) zones on the subject property in order to develop the property in accordance with the Naranja Community Urban Center (NCUC) zoning regulations.	Approved per staff recommendation (Resolution No. Z-16-09).	8
34.	06/04/09	08-052	PINEAPPLE TRACE LLC	Deletion of a covenant which restricts the development of the site to 36 residential units and a specific site plan in order to allow the development of this site in accordance with the underlying Naranja Community Urban Center (NCUC) district zoning regulations.	Approved (Resolution No. Z-19-09).	8

Prepared by: Elizabeth N. Owens and Tiandra Sullivan

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



Legislative Notes

Agenda Item: 2(E) and 2(E) Substitute
File Number: 090795 and 092056
Committee(s) of Reference: Budget, Planning and Sustainability Committee
Date of Analysis: July 13, 2009
Type of Item: Code Amendment
Prime Sponsor: Commissioner Joe A. Martinez

Summary

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

The substitute contains the following changes and clarifications from the original item:

- *The organization of the item has been modified;*
- *Proceeds from the collection donation boxes must be used in accordance with the charitable organizations charter to benefit persons within the boundaries of Miami-Dade County or to provide emergency relief for victims of natural, man-made or economic disasters outside of Miami-Dade County;*
- *The collection bins must be operated by the charitable organization and not by a licensee;*
- *The collection bins must be shown on site plans which are required by the Code to be submitted for approval at public hearing or by administrative site plan review; and*
- *A declaration of use must be submitted annually with the renewal of the certificate of use and occupancy.*

Background and Relevant Legislation

Current Code

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

Policy Change and Implication

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

Comparison to Other Jurisdictions

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

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

- The placement of the collection bin could constitute a health or safety hazard. Such hazards include, but are not limited to, the placement of a collection bin in parking spaces, in any area that interferes with pedestrian or vehicular traffic, landscaping, or within 100 yards of any place which stores or sells large amounts of fuel or other flammable liquids/gases, or is likely to attract vermin or litter (sources: Borough of Edgewater Ordinance No. 1403-2009; Township of Bernards Ordinance No. 2042);
- Specify the number of collection bins allowed on the property;
- Mandate that all donations must be fully enclosed in the collection bin. Donations that are not fully enclosed in the collection bin are considered a public nuisance and subject to removal at the owner's expense (Milwaukee Code § 33.02); and
- Specify the material the collection bins can be composed of (ex. metal, steel, plastic).

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

According to the Office of Neighborhood Compliance, from January 2008 to April 2, 2009, they conducted a total of 32 investigations regarding illegal collection bins. Of the 32 cases, there have been 24 warning letters issued for the removal of collection bins and 3 notices of violation served. Two cases remain open.

Prepared By: Elizabeth N. Owens

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



Legislative Notes

Agenda Item: 2(F)

File Number: 091734

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

Date of Analysis: July 10, 2009

Type of Item: Ordinance Regarding Business Classification System

Sponsor: Commissioner Natacha Seijas

Summary

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

The proposed provision specifically requires all county departments to:

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

Background and Relevant Information

The NAICS classification system was established to serve as the standard federal classification to be used by the Office of Management and Budget. It was developed in cooperation with the statistical agencies of Canada and Mexico. Thus, the classification system is a 3-country standard, which enables all 3 countries to compare business statistics.

The classification system is designed to reflect the emergence and growth of various business sectors such as the service sector, and businesses that produce new and advanced technologies; in addition to

the manufacturing industry and agriculture. It also designed to measure productivity, unit labor costs, and capital production; and estimating employment; among other things.

In order to track the above-noted industries, NAICS uses a six-digit hierarchical coding system to classify all economic activity into 20 industry sectors. Five sectors are mainly goods-producing sectors and 15 are entirely service-producing sectors. The six-digit hierarchical coding system is based on a top-down structure in which each lower level provides more detailed information of the business sectors.

(Source: US Dept of Labor, Bureau of Labor Statistics' website).

Budgetary Impact

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

Prepared by: Lauren Young-Allen

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



Legislative Notes

Agenda Item: 2(J)
File Number: 091641
Committee(s) of Reference: Budget, Planning & Sustainability
Date of Analysis: July 10, 2009
Type of Item: Annexation Application
Sponsor/ Requester: Office of Strategic Business Management
District: 7

Summary

This item is an annexation application submitted by the Village of Pinecrest which is seeking permission to expand its boundary lines by annexing 20 acres (or 0.03 square miles) of land bounded on the south by the Snapper Creek Canal, on the east by SW 67th Avenue (Ludlam Road) and on the west by South Dixie Highway (US1). The annexation area is fully developed and is contiguous to the northernmost boundary of the Village.

The Administration recommends denial of the application based on the findings and recommendations of the Planning Advisory Board which cites the annexation criteria set forth in Chapter 20 of the County Code. In general, the Administration bases its recommendation on “concerns of eroding the County’s tax base, dividing the Dadeland Regional Activity Center, creation of an enclave and the cherry picking of commercial areas.” Among the specific reasons cited for denial, the Administration notes the following:

- The proposed annexation may result in a net revenue loss to the USMA budget of approximately \$77,000
- The annexation would divide the Glenvar Heights Census Designated Place, which is a historically recognized community
- The annexation would result in the creation of an enclave in unincorporated Miami-Dade County
- The Snapper Creek Canal would act as a major barrier between the proposed annexation area and the Village of Pinecrest
- The compact urban form called for under the County’s Master Plan of the annexation renders the proposed area less compatible with the low density and intensity of the land use and zoning that prevail in the Village of Pinecrest given its mostly suburban nature
- The annexation would split the County’s designated Downtown Kendall Metropolitan Urban Center District, and on the east side of US 1, the Dadeland Regional Activity Center

- The school attendance boundaries for the Village of Pinecrest are not the same as the proposed annexation area.

Background and Relevant Legislation

Based on prior Board of County Commissioners' (BCC) deliberations, analyzing the appropriateness of a petition for boundary change, the BCC has considered, in general, the fiscal impact, growth management and service related impact of annexation. "Staff Reports for the Proposed Annexation," drafted by the Administration's staff, have served as a guideline. In this case, the staff report discloses the following information regarding the impact of the proposed annexation on County-provided services. The report reports: (1) there are no capital and infrastructure requirements, (2) there is no impact on the delivery of fire services or response time, (3) the Village of Pinecrest will provide police services, resulting in only a negligible reduction in County police services (4) the annexation will have no impact on Water & Sewer's ability to provide services to the remaining USMA area, (5) there is no immediate impact on the County's waste collection services, (6) the proposed area is within the County's water service area and existing water mains serve the area, (7) the proposed area is within the County's sewer service area, (8) DERM will continue to oversee and regulate stormwater runoff and residential flooding, (9) there are no parks within the proposed annexation area and therefore there is no impact to the Park & Recreation Department.

The above-listed factors suggest that the proposed annexation is compatible with existing land uses and the county's regulatory authority, even though the annexation application received a negative recommendation from the Planning Advisory Board.

Policy Change and Implication

Pursuant to Article 1, §20-7(B) of the County Code, "the County Commission, in the exercise of its discretion, may deny the requested boundary change." Accordingly, if the BCC elects to deny the annexation application, this would not constitute a change in policy.

Budgetary Impact

The Administration reports that if the annexation application is approved, the annexation may result in a net revenue loss to the USMA budget of approximately \$77,000 since the revenues attributable to the proposed annexed area will be retained by the Village of Pinecrest.

Prepared By: Lauren Young-Allen

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



Legislative Notes

Agenda Item: 3(T)

File Number: 091933

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

Date of Analysis: July 10, 2009

Type of Item: Resolution directing County Mayor to Negotiate Collective Bargaining

Prime Sponsor: Commissioner Barbara J. Jordan

Summary

This resolution directs the County Mayor and the County Manager to propose in the Collective Bargaining negotiations the addition of two pay steps to the beginning of the pay range for each County Classification and a five percent cap on individual annual salary increases based on merit raises and cost of living raises combined.

Background and Relevant Legislation

Miami-Dade County's 2009-10 budget is estimated to have a \$350-\$400 million shortfall.

Jurisdictions such as Clark County, Nevada were faced with the task of balancing a budget with \$114 million less than the year before. Workers in the County's largest union approved reducing annual pay raises enough to save taxpayers an estimated \$9.6 million a year through mid-2011. Members of Service Employees International Union Local 1107 voted to trim cost-of-living raises to 1 percent from 3 percent and to cap merit pay increases at 4 percent instead of 5 percent. On the opposing side, the Clark County Firefighters' union chose not to give up cost-of-living raises. This decision led to job cuts in the department.

Miami-Dade County is currently in the process of negotiating all of the collective bargaining agreements with unions:

- AFSCME 121 Water and Sewer Employees
- AFSCME 199 General Employees
- AFSCME 1452 Aviation Employees
- AFSCME 3292 Waste Employees
- GSAF Professional
- GSAF Supervisory
- IAFF 1403 Fire Fighter Employees
- PBA Law Enforcement Supervisory

- PBA Rank & File
- TWU Local 291 Transit Employees

Policy Change and Implication

N/A

Budgetary Impact

N/A

Prepared By: Tiandra D. Sullivan

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

Agenda Item: 4(I)
File Number: 091822
Committee(s) of Reference: Budget, Planning & Sustainability
Date of Analysis: July 10, 2009
Type of Item: Inter-local Agreement; Hialeah
Sponsor/ Requester: DERM

Summary

This resolution authorizes the execution of a 5-year, inter-local agreement with the City of Hialeah in which the County will provide water quality sampling and analysis at 6 Surface Water Quality stations in and adjacent to the City.

Background and Relevant Legislation

The Department of Environmental Resources Management (DERM) has been delegated the authority to conduct surface water quality sampling, which is a requirement of the County's National Pollutant Discharge Elimination System (NPDES) permit. The permit program controls water pollution by regulating the direct discharge of wastewater to surface waters. Under this program, industrial facilities and publicly owned treatment works must receive a NPDES permit before discharging wastewater directly to surface waters. The permits require compliance with all federal standards and may also require additional controls based on regional conditions. This permit limits the amount of pollutants the sewage treatment plant may discharge. If the concentration of pollutants is too high, or if its discharges endanger public health or the environment, the facility violates its permit and can be fined and/or forced to upgrade its operation.

In this instance, the permit program requires the assessment of water in primary canals countywide, including locations in and around the City of Hialeah. The City of Hialeah has requested the County, via DERM staff, to collect and analyze, on a quarterly basis, the water quality at 6 sites in and adjacent to the City; as well as to provide an annual report of the data collected. The Interlocal Agreement prescribes the specific locations, parameters, methods of sampling and associated costs for conducting the sampling activities.

Policy Change and Implication

None

Budgetary Impact

Under the terms of the agreement, the City of Hialeah will pay the County \$104,048.99 over a 5-year period for costs associated with conducting water sampling, analyzing data, and providing annual reports. Costs identified under the agreement include laboratory expenses, capital equipment, operating supplies, vehicle expenses, and salaries.

Prepared By: Lauren Young-Allen

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



Legislative Notes

Agenda Item: 4(J)
File Number: 091824
Committee(s) of Reference: Budget, Planning & Sustainability
Date of Analysis: July 10, 2009
Type of Item: Biscayne Bay Monitoring Agreement
Sponsor/ Requester: DERM
Commission Districts: 2 through 13

Summary

This resolution authorizes the County Mayor to execute a 5-year cooperative agreement with the South Florida Water Management District (SFWMD) in which the County will agree to continue to monitor, on a monthly basis, the quality of the surface water throughout Biscayne Bay and its watershed tributaries; and SFWMD will agree to pay, over a 5-year period, \$1,148,395 to the County for the services provided.

Background and Relevant Legislation

On July 18, 2006, the Board of County Commissioners (BCC) approved Resolution No. R-866-06 authorizing the execution of a similar agreement with the SFWMD. Under that Agreement, SFWMD agreed to pay the County \$640,000 over a 3-year period in exchange for the County's monitoring of the quality of surface water in Biscayne Bay and its watershed canals. That Agreement will expire on September 30, 2009. The present resolution, pending before the BCC, extends the services provided under the expiring agreement by establishing a 5- year term and compensation exceeding \$1 million.

Pursuant to the terms of the proposed new agreement, "the District and the County [have] initiated and maintained a monitoring program to identify areas of ecological concern and to provide a clear understanding of baseline conditions using both systemic and investigative monitoring. . . . An objective is to maintain long-term data for characterization of water quality through various climatic cycles, events, and watershed changes. [Given] the County data is used to address Miami-Dade County water quality permitting issues . . . as such, the focus of the County's sampling is in canals and receiving waters in Biscayne Bay." (Cooperative Agreement, Exhibit A §2.0).

Essentially, the principal objective of the cooperative agreement is to monitor year-round the water quality of Biscayne Bay and its tributaries in order to detect long term trends. An additional objective is

to develop comprehensive pollution control measures regarding stormwater discharge and run-offs in general. The proposed 5-year agreement enables these objectives to be achieved.

Policy Change and Implication

None

Budgetary Impact

Under the Agreement, the County will be paid \$1,148,395 over a 5-year period in accordance with the payment schedule set forth in the agreement. However, the County will also be required to provide equal matching funding, in the form of in-kind services, or from the Stormwater Utility fund. (Source – Cooperative Agreement, ¶ 5).

Prepared By: Lauren Young-Allen

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



Legislative Notes

Agenda Item: 4(L)
File Number: 091407
Committee(s) of Reference: Budget, Planning & Sustainability
Date of Analysis: July 10, 2009
Type of Item: Replacement Contract; Bond Counsel Pool
Sponsor/ Requestor: Department of Procurement Management

Summary

This resolution would authorize the below pools of law firms, comprised of nationally recognized "Red Book" listed senior firms and local minority junior firms with gross annual revenues of \$5 million or less, to be appointed as the County's Bond Counsel, Authority Counsel and Disclosure Counsel for a 7-year period.

The following law firm pools have been ranked as the top proposers meeting the required qualifications and are recommended for the Board of County Commissioners' (BCC) approval.

Bond Counsel

- Squire, Saunders & Dempsey, LLP as senior KnoxSeaton d/b/a Y3K Holdings, Inc. as associate
- Greenberg Traurig, P.A. as senior Edwards & Associates, P.A. as associate
- Hogan & Hartson, LLP as senior Law Offices of Steve E. Bullock, P.A. as associate

Authority Counsel

- Bryant Miller Olive, P.A. as senior Manuel Alonso-Poch, P.A. as associate
- Foley & Lardner, LLP as senior Richard Kuper, P.A. as associate
- Akerman Senterfitt as senior Law Offices of Michael Diaz as associate

Disclosure Counsel

- Hunton & Williams, LLP as senior Law Offices of Thomas H. Williams, Jr. P.L. as associate
- Nabors, Giblin & Nickerson, P.A. as senior Liebler, Gonzalez & Portuondo, P.A. as associate
- Edwards Angel Palmer Dodge, LLP as senior Rasco Reininger Perez Esquenazi & Vigil P.L. - associate

Factors considered for selection consisted of: the methodology and management approach, qualifications and experience of principals and staff, financial stability, proposer's past performances of

similar scope and size, proposers' detailed plan of each task and activity, proposer's previous experience with the County, and a cost/revenue report.

Background and Relevant Legislation

In prior legislation adopted by the Board of County Commissioners (BCC) on January 22, 2009, the BCC authorized the Administration to extend for 6 months or less its contract with three pools of law firms which serve as the County's Bond Counsel, Authority Counsel and Disclosure Counsel. The existing pools were established pursuant to resolution R-1324-03 on February 3, 2004. The term of their contract was to expire in February 2009. However, due to a delay in finalizing and publishing the RFQ for each new pool, the selection process was not completed until April, 2009. This resolution awards the replacement contract.

This resolution also complies with the concerns expressed by members of the Budget, Planning & Sustainability committee on February 10, 2009, regarding substitution of counsel. At the February committee meeting, Item 2DD was presented which would have allowed the Administration to waive the competitive process governing the appointment of Bond Counsel in order to select a substitute senior firm to join an existing associate junior firm. The law firm of Holland & Knight, a senior firm, withdrew its services before the end of the contract period. As a result, the associated junior law firm was no longer eligible to serve as a member of the County's pool. The junior firm, however, had demonstrated that the termination of the contract was due to events beyond its control. Relying on County policy, the Administration, at its discretion, recommended replacing the senior law firm and allowing the existing junior law firm to enter into a new joint venture with the substitute senior firm. The committee, however, noted the contract would soon expire, and decided not to waive the competitive process for purposes of protecting the integrity of the process, among other things. Accordingly, this resolution, which is the replacement contract, is consistent with the committee's recommendation.

BCC Action

At the May 12, 2009 Budget, Planning & Sustainability Committee meeting, the Committee voted to defer this item pending further information from the Administration regarding the selection process. In particular, questions were raised regarding the filing deadline for submitting certain documentation (such as the vendors' registration forms), and whether all selected law firms' submissions were timely filed. Questions were also raised as to the methodology for applying the local preference score, and the composition of the selection committees. The Administration is to provide documentation verifying the actual filing dates of firms' submissions at the upcoming Budget, Planning & Sustainability Committee meeting.

At the subsequent June 9, 2009 Committee meeting, the Committee again voted to defer this item pending clarification on parliamentary procedure and conflict of interest disclosure.

Budgetary Impact

The recommended pools of bond counsel will earn or be allocated the following fees:

- Bond Counsel pool - \$7 million
- Authority Bond Counsel Pool - \$4.2 million
- Disclosure Counsel Pool - \$4.9 million

Prepared by: Lauren Young-Allen

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



Legislative Notes

Agenda Item: 091680
File Number: 4(M)
Committee(s) of Reference: Budget, Planning and Sustainability Committee
Date of Analysis: July 13, 2009
Type of Item: Employee Group Dental Insurance Program

Summary

This resolution authorizes the County Mayor or his designee to reject proposals received for the Request for Proposals to obtain Employee Group Dental Insurance Program (the Program), RFP No. 673.

RFP No. 673 solicited a voluntary multi-option, fully-insured Program utilizing both prepaid and indemnity plan designs. Under this RFP, employees and retirees of Miami-Dade County, Public Health Trust/Jackson Health System, Industrial Development, Miami-Dade Expressway Authority, and the Town of Miami Lakes receive group dental insurance with competitive rates, professional plan administration and the flexibility to select a host of participating dental providers.

The terms of the proposed RFP are as follows:

- 3 years with 3, one-year options to renew (OTR); and
- \$22 million per year depending upon enrollment.
 - \$5.6 million from Public Health Trust / Jackson Health System; and
 - \$16 million from Miami-Dade County.
 - County - \$8 million
 - Employees/Retirees - \$8 million

A full and open competitive RFP was utilized to solicit proposals. On February 18, 2009, the Review Committee recommended no measures for this contract as the funding source includes employee contributions.

In essence, this resolution does the following:

- **Rejects all the proposals for the Program;**
- **Authorizes an extension of the current agreements for the Program to continue the dental insurance coverage for one year at the current rates offered under Plan Year 2009; and**

- **Allows the County, in light of so many proposals being deemed non-responsive, to re-design the procurement process for this solicitation.**

Background and Relevant Legislation

Pursuant to the Department of Procurement Management (DPM) Guidelines, a bid may be rejected when adverse conditions exist such as the proposal not conforming to the specifications and/or solicitation documents, insufficient financial resources, technical ability, physical capacity and/or skill of the vendor, unfair and unreasonable pricing, insufficient competition and for any other cause in the best interest of the County.

Policy Change and Implication

This item provides a summary along with attachments of the opinions from the County Attorney's Office (CAO), deeming several of the proposals as non-responsive.

Prior Program Awards

On September 21, 2004, under Resolution No. 1154-04, the BCC authorized the execution of the present Program, offering Miami-Dade County and Public Health Trust employees and retirees dental plans. The current providers include Metropolitan Life Insurance Company for the indemnity plan (Contract No. RFP421c) and Compbenefits Corporation for the two prepaid plans (Contract Nos. RFP421a and RFP421b, respectively). The current terms are for three (3) years with two (2), one-year OTRs, at approximately \$19 million per year depending upon enrollment. This Program was awarded under a competitive RFP process.

Prior to the 2004 agreements, the BCC authorized the execution of agreements for Contract Nos. 210a, 210b, and 210c with Metropolitan Life Insurance Company, Oral Health Services, Inc. and Compdent/American Dental Plan, Inc. (Resolution No. 1023-99 adopted on September 15, 1999). These contracts were also awarded under a competitive RFP process.

Metropolitan Life Insurance Company and Compbenefits Corporation has provided written agreements to extend the contract for one year at the current rates, granting the County the additional time to re-design the procurement process for this solicitation.

Comments and Questions

If the two prior agreements were also RFPs, thereby establishing a historical framework for the current procurement process, why did the County experience so many difficulties in this solicitation process, having so many proposals being deemed non-responsive?

Current Providers Proposals

Metropolitan Life Insurance Company provided a bid under both categories. However, as the CAO's memorandum dated May 17, 2009 notes, both proposals were deemed non-responsive.

Combenefits parent company, Humana, submitted proposals under both categories. The prepaid plan design proposal was deemed non-responsive.

Prepared by: Elizabeth N. Owens

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



Legislative Notes

Agenda Item: 4(N)
File Number: 091908
Committee(s) of Reference: Budget, Planning and Sustainability Committee
Date of Analysis: July 10, 2009
Type of Item: Interlocal Agreement

Summary

This resolution authorizes extending the Interlocal Agreement between Miami-Dade County and Broward County for reciprocity of Local Preference, for two (2) additional years, through September 30, 2011.

Background and Relevant Legislation

The Board of County Commissioners (BCC) adopted R-514-02 on May 21, 2002 authorizing the Interlocal Agreement with Broward County for reciprocity in the extension of local preference to County vendors, through September 30, 2005 and has authorized additional extensions through the following resolutions:

- R-1024-05 on September 8, 2005- one (1) year extension through September 30, 2006
- R-1066-06 on September 26, 2006- a one (1) year extension through September 30, 2007
- R-1092-07 on October 10, 2007- a two (2) year extension through September 30, 2009

Miami-Dade County Code Section 2-8.5, Procedure to provide preference to local business in county contracts and Broward County Code Section 1-74, Bidding Preference for Local Vendors, outline the definitions, procedure, waiver, reciprocity and exemption of certain contracts which are substantially the same for both counties.

Pursuant to Section 2-8.5(6) of the Code, Miami-Dade County may enter into interlocal agreements with Palm Beach or Monroe Counties, in the event that they extend preference to local businesses.

The Department of Procurement Management (DPM) is responsible for the administration of the Local Preference Ordinance and the implementation of the Interlocal Agreement with Broward County. The results of the reciprocity program are reported on a bi-annual basis.

Policy Change and Implication

There is no policy change.

Budgetary Impact

Although the memorandum states that eight (8) contracts were awarded to Broward vendors, only seven (7) contracts have actually been awarded due to reciprocity. According to DPM, one contract was counted twice.

The following information was provided by DPM with regards to the amount of contracts awarded due to reciprocity.

Dates	Miami-Dade Vendors Awarded Broward Contracts	Broward Vendors Awarded Miami-Dade Contracts
09/2002-03/2003	0	N/A
03/2003-09/2003	0	0
09/2003-03/2004	2	0
03/2004-09/2004	0	0
09/2004-03/2005	0	0
03/2005-09/2005	0	0
09/2005-03/2006	0	1
03/2006-09/2006	0	1
09/2006-03/2007	0	0
03/2007-09/2007	0	1
09/2007-03/2008	0	0
03/2008-09/2008	1	4
09/2008-03/2009	0	0
Totals	3	7

Miami-Dade Contracts awarded to Broward Vendors- detail

Name/Number	Total Contract Value	Comments
IB2912-AV Sign Materials	\$18,026	Broward firm name is Spring Sign Supply, Inc.
M0938-1/06 Brushes, Brooms, Mops and Buckets	\$453,500	One Broward firm awarded two line items in the contract. Broward firm name is Reliable Custodial Maintenance & Supplies.
IB7812-4/10 High Security Banking Supplies	\$60,000	Broward Firm awarded Group 4 of the contract. Broward firm name is Hanna Marketing, Inc.
8755-1/14 Recycling Services for White Goods	Revenue Generating	Broward firm name is Sunrise Recycling.
5380-6/14 Mobile Equipment Manufacturer Replacement Parts and Services	\$7,728,232	Three Broward firms were awarded three different line items in the contract as primary, secondary or tertiary vendors. Broward firm names are Environmental Products of Florida, Palm Truck Centers and Kenworth of South Florida.

Broward Contracts awarded to Miami-Dade Vendors- detail

Name/Number	Total Contract Value	Comments
Infrared Audio Assistive Listening System	Approx. \$59,050	Broward Contract values are approximate. Miami-Dade firm name is MAVCO.
North Regional Water Treatment Plant Update	Approx. \$21,591,285	Broward Contract values are approximate. Miami-Dade firm name is The Poole and Kent Company.
H108031FF- Dump Trucks, Dump Trailers, and Tractor Truck	Approx. \$95,000 for Item #4	Broward Contract values are approximate. One Miami-Dade vendor awarded Item 4 of the contract. Miami-Dade firm is Rochtion International Trucks.

Prepared by: Bia Marsellos

**MIAMI-DADE COUNTY
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Legislative Notes

Agenda Item: 4P
File Number: 091997
Committee(s) of Reference: Budget, Planning & Sustainability
Date of Analysis: July 10, 2009
Type of Item: Waiver of Formal Bid Procedures
Sponsor/ Requester: Procurement Management Department

Summary

The Administration is seeking the Board of County Commissioners' (BCC) authorization to waive the formal bidding procedures for the below listed contracts. If approved, the BCC will be specifically granting the Administration the authority to (1) exceed the original contract allocations of 3 non-competitive contracts, and (2) confirm an emergency purchase for healthcare masks for the Department of Corrections and Rehabilitation.

Emergency Purchase - Healthcare Masks for the Department of Corrections and Rehabilitation

Item No.	Contract Title	Emergency Contract Date & Amount	Vendor/ Performance Record	Existing Contract, Term & Amount	Emergency Purchase & Justification
1.1	Safety Equipment & Supplies	May 1, 2009 \$139,500	WW Grainger, Inc. / No performance or compliance issues.	ITB 4119-04/10-3 4/1/2009 – 3/31/2010 \$1,149,000	Healthcare masks for staff and inmates / Influenza (swine flu)

Non-Competitive Contracts

Item No.	Contract Title	Initial Contract Term & Amount	Modified /Extended Term	Increased Allocation / Funding Source	Vendor / Performance Record
2.1	NICE Digital Video Recording Systems (providing additional spending authority to	4/1/2008-3/31/2013 \$8,676,674	Term unchanged	\$2,311,400/ • General Fund	NICE Systems, Inc. / No performance or compliance issues

	Police and providing Seaport access to support services, repairs, parts, software upgrades and training for digital video and audio recording security camera system, currently used by Aviation, Police, Fire and Transit)			<ul style="list-style-type: none"> • Grants • Seaport's Operating Revenue and Homeland Security Grants 	
2.2	Educational Brochures (to allow the Dept. of Emergency Management to purchase educational brochures and to exercise 3 remaining Options To Renew periods)	12/15/2008-12/14/2009 \$100,000	1 st option-to-renew=\$126,000 12/15/2009-12/14/2010 2 nd option-to-renew=\$126,000 12/15/2010-12/14/2011 3 rd option-to-renew=\$126,000 12/15/2011-12/14/2012	\$26,000 (for brochures) \$378,000 (for renewal periods) <ul style="list-style-type: none"> • Grants • General Fund 	Channing Bete Co., Inc./ No performance or compliance issues
2.3	Medical Transport Billing & Collection Services (to allow Fire Rescue to purchase medical billing and collection services)	09/22/2005-09/21/2009 \$2,880,000	Adding 6 months (09/21/2009 – 03/21/2010)	\$600,000 Fire District Funds	Advanced Data Processing, Inc./ No performance or compliance issues

Prepared By: Lauren Young-Allen

**MIAMI-DADE COUNTY
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Legislative Notes

Agenda Item: 091998
File Number: 4(Q)
Committee(s) of Reference: Budget, Planning and Sustainability Committee
Date of Analysis: July 13, 2009
Type of Item: Competitive Contract Package

Summary

This Competitive Contracts Package includes a total of eight (8) procurement actions with a total of \$13,594,600 in award allocations including subsequent options-to-renew.

Policy Change and Implication / Budgetary Impact

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

Item 1.1 – Liquid Sodium Silicate

This item awards a contract to Occidental Chemical Corporation to purchase liquid sodium silicate for the Miami-Dade Water and Sewer Department (WASD). This contract is for a one-year term in the amount of \$542,000 with four, one-year OTRs in the amount of \$2,168,000 for a cumulative total of \$2,710,000.

Comments

- This contract is \$35,282.65 less per year than the current contract.
- Occidental Chemical Corporation is the current vendor.
- Thatcher Chemical of Florida, a non-local vendor was not recommended for award of this contract. They are located in Deland, Florida.

Item No.	Contract Term & Amount	Amount per year	Previous Contract Term & Amount	Previous Contract Amount per year
1.1	\$542,000 for 1 year with 4 one-year OTRs.	\$542,000	\$865,924 for 18 months	\$577,282.65

Item 1.2 – Fertilizers

This item awards a contract to Diamond R. Fertilizer and Lesco, Inc. (both non-local vendors), to provide custom fertilizers for the following County departments: Aviation, Park and Recreation, Public Works, and Vizcaya. This contract is for a five-year term in the amount of \$4,016,000 with one, five-year OTR in the amount of \$4,016,000 for a cumulative total of \$8,032,000.

Comments

- Diamond R. Fertilizer Company, Inc., Gold Ventures Inc., Lesco Inc., and Pancar Industrial Supply Corporation are the current vendors.
- This contract is \$251,700 more per year than the current contract which represents a 69% increase from the current contract. According to the Department of Procurement Management (DPM), this is due to a significant increase in the current market price of fertilizers, as well as the change in scope requiring a five-year projection.
- According to DPM, accessing another government entity's contract has been considered, but none has been identified. Some government municipalities and private firms have had to re-bid or re-negotiate prices to adjust to raw material pricing increases in 2008. Most companies are utilizing pre-qualifications (spot market) contract types to obtain the best current market price.
- The figures reflect the purchase of the same amount of fertilizer purchased during the past six months.
- This item provides fertilizer for landscaping in and around a total of 11 new construction projects including:
 - Installation of Wifi at 4 additional parks: Country Club of Miami Community Center, Ives Estates, Larry and Penny Thompson, & North Trail Parks;
 - Development of Old Cutler Trail and Greenway;
 - Haulover Marina - Dockmaster Building;
 - Maintenance Services at newly acquired Fountainbleau Lake West Park;
 - Chapman Field Park - Phase 1 development. Maintenance of parking, canoe launch, trails, and bridge;
 - Upgrade additional lights at Tamiami Pool;
 - Addition of a dog park at Tropical Park;
 - Lago Mar Park - Addition of Recreation Center, parking lot, and (2) lighted basketball courts;
 - Miller Pond Park - New Small Recreation Center and related utilities;
 - Eden Lakes - Concrete walkways, bench pad, bike pad, picnic table pad, parking lot (18 spaces), entry plaza, park sign, sodding (8.25 acres), access control (635 linear feet), landscaping (245 new trees), grading and drainage; and
 - Lakes by the Bay - (3) irrigated soccer fields, (2) irrigated baseball fields, concrete sidewalk, unpaved parking (200 spaces), irrigation, sodding, and utilities.

Item No.	Contract Term & Amount	Amount per year	Previous Contract Term & Amount	Previous Contract Amount per year
1.2	\$4,016,000 for 5 years with 1 five-year OTR.	\$803,200	\$551,500 for 1 year	\$551,500

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

Item No.	Contract Title and Modification Reason	Initial Contract Term & Amount	Modified / Extended Term	Increased Allocation	Record of Vendors' Performance
2.1	<p>Electrical Test Equipment Repair Services (Pre-qualification)</p> <p><u>Reason:</u> Additional spending authority to allow the Miami-Dade Transit Department (MDT) to access this contract to purchase repair services for electrical equipment.</p> <p><u>Comment:</u> PTP funds are utilized as part of MDT's Operating Funds.</p>	\$250,000 for 5 years.	No Change	\$250,000	No Compliance / Performance Issues reported for Kimball Electronic Laboratory Inc. and Newark Corp.
2.2	<p>Mixed Paper Recycling and Office Document Shredding</p> <p><u>Reason:</u> Additional spending authority to allow MDT to purchase document shredding services.</p> <p><u>Comment:</u> PTP funds are utilized as part of MDT's Operating Funds.</p>	\$289,928 for 2 years.	No Change	\$10,000	No Compliance / Performance Issues reported for Shred-It USA Inc.
2.3	<p>Towing Services (County Vehicles)</p> <p><u>Reason:</u> Additional spending authority to allow MDT to purchase towing services for County owned vehicles.</p>	\$725,005 for one 1 year.	No Change	\$740,000	No Compliance / Performance Issues reported for A-1 Redland Economy Towing of Homestead Inc.,

	<p><u>Question / Comment:</u> What are MDT's actual expenditures for towing services?</p> <p>PTP funds are utilized as part of MDT's Operating Funds.</p>				<p>Banos Towing Services Corp., Blanco Towing Inc., Kauff's of Miami Inc., Midtown Towing of Miami Inc., Southwest Transport Inc., and Westbrook Motors Inc.</p>
2.4	<p>Rental of Trailers, Trucks and Vans (Pre-qualification)</p> <p><u>Reason:</u> Additional spending authority to the Miami-Dade Elections Department to purchase truck and trailer rental services.</p>	\$696,000 for 5 years	No Change	\$1,800,000	<p>No Compliance / Performance Issues reported for Tropical Trailer Leasing LLC, Budget Truck Rental LLC, Ryder Truck Rental Inc., and Enterprise Leasing Co.</p>

- **Two (2) Purchases Made Under Competitively Awarded Contracts of Other Governmental Entities:**

Item No.	Contract Title and Modification Reason	Initial Contract Term & Amount	Modified / Extended Term	Increased Allocation	Record of Vendors' Performance
3.1	<p>Multifunctional Devices, Copying Equipment, Service and Supplies</p> <p><u>Reason:</u> Modification to authorize the use of PTP Funds by the Citizen's Independent Transportation Trust to access this contract for the lease of copying equipment.</p> <p><u>Comment</u> According to DPM, the remaining unallocated funds (\$627,961) will be distributed on an as needed basis. The funding source will be determined at the time of the department's request. DPM has projected the needed funds for the next 12 – 15 months based on expiring leases.</p>	\$2,502,000 for 1 year.	No Change.	\$34,000	No Compliance / Performance Issues reported for Barlop, Inc., Docutek Imaging Solutions Inc., IKON Office Solutions Inc., and Sharp Electronics Corp.
3.2	<p>Pharmaceutical Supplies</p> <p><u>Reason:</u> Additional spending authority and time for the Miami-Dade Fire Rescue Department (MDFR) to purchase pharmaceutical supplies.</p>	\$2,209,000 for 33 months.	3 months	\$186,000	No Compliance / Performance Issues reported for Cardinal Health 110 Inc.

Prepared by: Elizabeth N. Owens

**MIAMI-DADE COUNTY
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Legislative Notes

Agenda Item: 5A
File Number: 091546
Committee(s) of Reference: Budget, Planning & Sustainability
Date of Analysis: July 10, 2009
Type of Item: Fire Suppression Special Assessment
Sponsor/ Requester: County Manager

Summary

This proposed ordinance authorizes the imposition and collection of a special fire assessment as an additional fire funding mechanism. (Article II, § 2.01(A) of Proposed Ordinance, handwritten page 15). It also serves as a legislative declaration that the County's fire services provide a special benefit to properties located within the Fire District, thereby warranting the imposition of a special fire assessment. (Article I, § 1.04 of Proposed Ordinance, handwritten page 14).

The proposed ordinance also establishes the manner and standards for administering a special fire assessment to fund fire protection services, facilities and programs; and the method of notice required when imposing an annual special fire assessment. (Article I, § 1.02(D) of Proposed Ordinance, handwritten page 12).

Other noteworthy provisions, which will effectuate the collection of the fire assessment, address:

- the adoption of an Initial Assessment Resolution which will determine the assessed costs to be assessed, describe the method for computing the assessment for specific properties, establish a maximum assessment rate, and publish notice;
- the preparation of a preliminary assessment roll;
- notification by newspaper and by mail of public hearings regarding the adoption of the Final Assessment Resolution which will establish the assessment rate and assessment roll;
- the adoption of the Final Assessment Resolution which shall (1) confirm, modify, or repeal the Initial Assessment Resolution with such amendments, if any, as may be deemed appropriate by the County Commission; (2) establish the rate of assessment to be imposed in the upcoming Fiscal Year; (3) establish a Maximum Assessment Rate that may be imposed in the event such rate was adopted; (4) approve the preliminary Assessment Roll, with such amendments as it deems just; and (5) determine the method of collection;
- the re-imposition of an annual Fire Protection Special Assessment for the upcoming Fiscal Year;

- the imposition of an interim Fire Protection Special Assessment against all property for which a Certificate of Occupancy is issued; and
- the procedure and method for collecting the non ad valorem special assessment by using the existing tax bill collection method .

Background, Relevant Legislation, and Procedural Posture

As noted in the County Manager's memo, the County has been contemplating for some time as to whether to implement a non-ad valorem fire protection assessment against properties within the boundaries of the Miami-Dade Fire and Rescue Service District. See Resolution R-359-97, a 1997 resolution ratifying the County Manager's action in executing an agreement with the team of Government Services Group, Inc., David M. Griffith and Associates, Ltd., and Nabors, Giblin and Nickerson, P.A. to provide specialized professional services for the development of non-ad valorem special assessments to fund Metro-Dade Fire Rescue Services and facilities within the County. See also the County Manager's 2008 report entitled "Miami-Dade County Fire Rescue Department current financial conditions, future fiscal challenges, and impact of municipalities opting out of the Fire District" – issued 6/26/2008; File #082060.

Most recently, the BCC adopted Resolution R-50-09 (on 1/29/09) authorizing the County to once again contract with Government Services Group, Inc. to provide consulting services for the development of a fire suppression assessment. The consultant's analysis and review will serve as an initial assessment of the feasibility and logistics of imposing a fire protection special assessment. As of this writing, the consultant's study has not been completed.

In addition, on February 17, 2009, the BCC adopted R-109-09, a resolution of legislative intent authorizing "the use of the uniform method for collection of non-ad valorem special assessments levied and imposed for the cost of providing fire suppression services to property within the boundaries of the Miami-Dade Fire and Rescue Service District." During deliberations of that item, several BCC members expressly construed the resolution as enabling legislation which narrowly authorizes the County to consider imposing a fire assessment, but does not authorize the actual implementation of the fee. Therefore, passage of the resolution was merely to allow the County to pursue an assessment option if the BCC chose to do so under future legislation. Accordingly, the amount of the assessment will be determined under a separate rates resolution to be adopted by the BCC provided an actual enabling ordinance is passed.

Presently pending before the BCC is the enabling ordinance that provides the actual authority to impose the special assessment, i.e., the next step towards implementation.

Policy Change and Implication

While many of the proposed ordinance's provisions prescribe the mechanics of administering a special assessment in accordance with the County's home rule and statutory authority, the proposed ordinance, more importantly, includes provisions which, in effect, authorize the imposition and collection of a special fire assessment as an additional fire funding mechanism. The proposed ordinance also includes provisions governing certain legislative declarations and legislative findings regarding the special benefits bestowed upon the properties within the Fire District. If adopted, the BCC is essentially confirming that certain special benefits exist, and accordingly the benefited properties should be charged for these special fire services.

It should be noted that to initiate the collection of the special assessment, other subsequent legislative action is required, i.e., passage of the Initial Assessment Resolution which sets the rate schedules and the method for apportioning rates. If these subsequent legislative matters are not approved, then the authority to impose the special assessment remains in effect unless repealed or amended by the BCC.

It should also be noted that other jurisdictions have been challenged as to their charter authority to impose an assessment fee in which the computation of the fee is based on the value of the property and not a flat fee. It has been contended that the method for computing the fee creates an unfair and non-uniform rate, unfairly based on an individualized benefit even though the benefit is a general benefit to the public. The Administration writes in its report issued in 2008: "The courts have also held that such fees are not a legal mechanism for providing emergency medical services, since such services are provided to all people in a district (including tourists and other non-residents simply traveling through a service area to home, work or school), and therefore, there is no special benefit to property owners." (See: "Miami Dade County Fire Rescue Department Current Financial Conditions, Future Fiscal Challenges, and Impact of Municipalities Opting Out of The Fire District;" issued 6/26/2008; File #082060). In light of these contentions, the method prescribed for assessing the assessment may be subject to legal challenges.

Budgetary Impact

Administrative costs and an estimate of the total assessment that might be collected is unknown at this time. However, the Administration initially anticipates collecting the assessment on the tax bill in November of 2009. Under the Administration's proposal, the non-ad valorem assessment will be a recurring annual special assessment.

Prepared By: Lauren Young-Allen

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



Legislative Notes

Agenda Item: 5B

File Number: 092055

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

Date of Analysis: July 10, 2009

Type of Item: Amendments to the Purchase of Development Rights Program

Sponsor/ Requester: County Manager

Summary

This resolution amends the County's Purchase of Development Rights Program under which the County purchases the development rights of private, agricultural, property owners and acquires/ assumes a conservation easement facilitating the preservation of agricultural land.

Specifically, this resolution requires the conservation easement to exist in perpetuity; thereby abolishing the concept of less-than-perpetuity easements as ostensibly implied in the existing legislation.

Background and Relevant Legislation

As currently written under the terms and conditions of the conservation easement program, the duration of the easement may be restricted. For instance, upon the expiration of 10 years, the owner or successor-in-interest to the property, subject to the easement, may petition the County for extinguishment of the easement in exchange for the conveyance of another easement on a different property. Also, upon the expiration of 25 years, the owner or successor may petition the County to extinguish the easement in its entirety. Under the proposed amendment, the text of those provisions will include the following added text: "easement duration may be perpetual in nature . . ." The Administration notes that the proposed change will make the County's program compliant with state and federal land protection grant programs since a grant prerequisite is easements be held in perpetuity.

Policy Change and Implication

In essence, this resolution expressly incorporates "in perpetuity" language to diminish any conception that the landowner's options to exchange or release the easements (under specified conditions), as set forth in the existing legislation, are an automatic right; or the easement conveyed will be less than permanent.

Budgetary Impact

None

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