



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Legislative Analysis

Board of County Commissioners

January 21, 2010
9:30 AM
Commission Chamber

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Commission Auditor
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Miami, Florida 33128
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**Miami-Dade County Board of County Commissioners
Office of the Commission Auditor**

**Board of County Commissioners
Meeting Agenda**

January 21, 2010

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

Acknowledgements--Analyses prepared by:
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**MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR**



Legislative Notes

Agenda Item: 5(B)

File Number: 093124

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: January 19, 2010

Type of Item: Resolution Approving Deletion and Addition of GOB Projects

Summary

This resolution approves the deletion of GOB Project Numbers 242, 244, 245, 246 and 248. The resolution also significantly modifies GOB Project Number 247 and adds two new GOB Projects 242.A and 244.A. These above-mentioned actions will be proposed additions to Project Information in Appendix A of R-918-04 and R-1154-08 respectively.

Background and Relevant Legislation

Resolution R-918-04 was approved by the Board of County Commissioners (BCC) on July 20, 2004 authorizing funding for projects to construct and improve housing for the elderly and working families. Furthermore, allow the County to issue General Obligation Bonds in an amount not to exceed \$194,997,000 to fund those housing improvements in the County. The resolution 918-04 also included as an attachment a list of projects identified for these public and affordable housing projects to include the following:

Project No.	Department	Allocation	Project
242	OCED	9,400,000	New Elderly Units at Joe Moretti
244	OCED	3,000,000	New Elderly Units at Dante Fascell at 2929 NW 18 Avenue
245	OCED	9,400,000	New Elderly Units at Three Round Towers
246	OCED	2,500,000	New Family Units at Annie Coleman
247	OCED	3,400,000	New Family Units at Lincoln Gardens

Project No.	Department	Allocation	Project
248	OCED	4,600,000	New Elderly Units at Elizabeth Virrick I
249	OCED	132,700,000	Preservation of Affordable Housing Units and Expansion of Home Ownership
327.1	HT	7,400,000	Land Acquisition for New Permanent Housing Projects
327.2	HT	7,600,000	Homestead Air Base - Permanent Housing Units Development
Transfer (from 249)	Hialeah	5,000,000	Transfer (Included in the \$10M for each district.)
341	Finance	9,997,000	Bond issuance Cost To Construct and Improve Housing For The Elderly And Families (Projection)
	Total	194,997,000	

There is an allocation of \$32.3 million for Miami Dade Public Housing Authority (MDPHA) for public housing projects in the GOB program that include the following projects:

Project No.	Allocation	Project
242	9,400,000	New Elderly Units at Joe Moretti
244	3,000,000	New Elderly Units at Dante Fascell at 2929 NW 18 Avenue
245	9,400,000	New Elderly Units at Three Round Towers
246	2,500,000	New Family Units at Annie Coleman
247	3,400,000	New Family Units at Lincoln Gardens
248	4,600,000	New Elderly Units at Elizabeth Virrick I
Total	32,300,000	

MDPHA has re-analyzed the above-listed projects and has made a determination to focus on the three most feasible GOB projects requiring projects numbers 242, 244, 245, 246, and 248 be deleted and to add to new project numbers 242.A and 244.A, and significantly modify project number 247.

These recommendations are reflected in an “Evaluations Report of G.O.B Projects” Report issued by MDPHA in July of 2009. MDPHA in coordination with the Office of Community and Economic Development (OCED) determined to focus on the three most feasible projects to ensure the most successful utilization of available funds in light of the substantial rise in construction costs. The GOB Citizens Advisory Committee (CAC) approved the recommendations set forth in the MDPHA Evaluations Report on April 27, 2009.

Budgetary Impact

There is no fiscal impact on the existing GOB Program allocation of \$32.3 million, it will remain the same. However, the number of units originally estimated with original six projects will decrease from 341 units down to 296 units.

Comments

A related item was approved at the Housing & Community Development Committee on December 9, 2009 which seeks to approve the demolition and disposition application to US HUD that may affect Virrick I project (GOB project 244).

Prepared By: Mia B. Marin

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



Legislative Notes

Agenda Item: 5(C) and 5(D)
File Number: 092000 and 093009
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: January 19, 2010
Type of Item: Finding of Necessity for Expanding the Boundaries and Approving the Redevelopment Plan of a Community Redevelopment Area
Commission District: 3 and 5

Summary

Item 5(C) is a resolution approving a Finding of Necessity for Expanding the Boundaries of the Omni Redevelopment Area to declare the following:

- Declares proposed expanded (approximately 257 acres) geographic areas as a slum or blighted area within the City of Miami; and
- Accepts the Finding of Necessity (FON) that recommends adding the identified expanded geographic areas to the existing boundaries within the City of Miami Omni Community Redevelopment Area (CRA).

Item 5(D) is a resolution approving the Amended Redevelopment Plan for the Omni Community Redevelopment Area that includes the following:

- A geographical area north and west of the existing CRA that was not included in the 2007 Interlocal Agreement (R-1372); and
- Exclusion of the geographical area of Watson Island, yet identifies the Port Tunnel (located in Watson Island) as a project to be funded with tax increment financing as reflected in the 2007 Interlocal Agreement.

On September 29, 2009, the City of Miami Board of Commissioners approved the Omni Redevelopment District Community Redevelopment Agency's Amended 2009 Omni Redevelopment Plan through Resolution CRA-R-09-0049. Resolution CRA-R-09-0049 includes the following:

- Accepts the new boundaries of the Omni CRA excluding the Watson Island area but also authorizes the expansion of the boundaries to the extent necessary to include the Watson Island area in accordance with the Omni Finding of Necessity;
- Directs the goal of 50% participation by residents and businesses from the Omni Redevelopment Area or the City of Miami to be implemented for the park component of the Museum Park Project; and
- Urges the City of Miami Administration to request a minimum of 10% participation by residents of the Omni Redevelopment Area in construction related positions necessary for the Port Tunnel Project (located in Watson Island) if negotiation of the Port Tunnel Project are reopened.

On November 9th, 2009, the Miami-Dade County Manager, issued a letter to the City of Miami, City Manager and to the Executive Director of the City of Miami Community Redevelopment Agency regarding the City of Miami's proposed OMNI Redevelopment Plan Amendment that does not include any portions of Watson Island. The County Manager's letter includes the following:

- **States that the Amended Redevelopment Plan does not include the Watson Island Area (as part of the proposed expanded boundaries) as contemplated in the 2007 Interlocal Agreement;**
- **Copies of two legal opinions obtained by the City of Miami from the State of Florida Attorney General and from Gray & Robinson Attorneys At Law (Counsel hired by the City of Miami) which provides opposing opinions relating to the use of OMNI CRA tax increment financing;**
- **States that any County approval of this amendment is not an opinion as to the legality of the use of TIF funds for the Port Tunnel Project (located in Watson Island); and**
- **States that the City of Miami is contractually obligated itself for its \$50 million share of the Port Tunnel project cost.**

According to the County Attorney's Office, whether or not the Miami-Dade County Board of County Commissioners (BCC) approve the amended CRA boundaries and Redevelopment Plan, the City of Miami is still obligated to contribute its share of the Port Tunnel projects cost.

Background and Relevant Legislation

The OMNI CRA is one of three Community Redevelopment Agencies (CRA) within the City of Miami. The other two CRA's are Southeast Overtown Park West (SEOPW) and Midtown. The Omni Area was declared a redevelopment area by the Board of County Commissioners on July 7, 1987 by Ordinance 87-47.

On December 18, 2007, the Board approved an interlocal agreement between the City of Miami, the SEOPW CRA and the Omni CRA through R-1372. Under this agreement, the Omni CRA will be required to do the following:

- Generate a Finding of Necessity (FON) to substantiate the expansion of boundaries of the OMNI CRA district to include areas such as Bicentennial Park and Watson Island;
- Approval of the new FON by the City of Miami and OMNI CRA. Subsequently, the City and CRA need to approve an amendment to the OMNI Community Redevelopment Plan (Plan

Amendment), after a public hearing is held, that would include the expansion of the boundaries (as detailed in the FON) and extension of the life of the OMNI CRA for an additional three years;

- The Plan Amendment must also include the Port Tunnel and Museum Park projects if they are to receive tax increment revenue support; and
- Upon receipt of the FON and Plan Amendment, County staff will review, comment, prepare, and recommend the FON and Plan Amendment for Board consideration.

The FON report assesses the conditions of the proposed CRA expansion area and concludes that slum and blight does exist. According to the City of Miami, the FON study was prepared by Olmedillo X5 Inc., who was awarded the FON contract by the City of Miami for a total price of \$17,500.

Fiscal Impact

Based on the preliminary tax rolls released by the Property Appraiser on July 1, 2009, and the adopted countywide millage, the new tax increment revenues will be the following:

The tax roll for the existing area is \$1,448,324,121 and the existing CRA will generate \$188.796 million in tax increment revenues through the current term of 2027. If the CRA area is extended through 2030 an additional \$52.363 million will be generated. If the CRA area is expanded, \$9.705 million will be generated through the current terms 2027, \$4.13 million additional revenues through 2030 term extension.

The 2007 Interlocal Agreement requires that the Omni CRA make annual payments (35% of the CRA total tax increment revenue) through the entire life of the CRA. The 35% payment to the County on the existing CRA is estimated to be \$157,484,000. If the expansion is approved the 35% payment to the County by the CRA is estimated to be \$7,939,000. If the life of the CRA is extended through 2030, the 35% payment to the County by the CRA will be an additional \$42,984,000 and \$3,390,000 if the expansion is approved.

Omni Redevelopment Area Projects

- **Biscayne Skate Park (*Parks/Public Places*)**
- **Women's Club 40 Year Recertification (*Historic Preservation*) - *in progress***
- **North Bayshore Drive Operational Improvements (*Infrastructure*) - *in progress***
- **North Bayshore Drive Draining Project (*Infrastructure*) - *in progress***
- **NW 14th Street Road Rebuild (*Infrastructure*) - *in progress***
- **Landscaping Project around the Arscht Center for the Performing Arts (*Public Places*) - completed**
- **Margaret Pace Park (*Parks/Public Places*) - completed**

Approved CRA's include:

- 7th Avenue Corridor
- City of Homestead

- City of Miami Beach-City Center/Convention Center
- City of Miami-SE Overtown /Park West and Omni Districts
- City of Miami-Midtown and district
- City of North Miami
- City of North Miami Beach
- City of South Miami and district
- Florida City and district
- Naranja lakes and district
- West Perrine and district

Proposed CRA's include:

- 79th Street Corridor
- Goulds/Cutler Ridge and district

The CRA process includes:

- Adopting the FON;
- Establish a CRA Board;
- CRA Board to develop Community Redevelopment Plan (CRD);
- CRA along with the local planning advisory boards approve CRP;
- Public Hearing;
- County approval; and
- Creation of Redevelopment Trust Fund (CRATF) to facilitate the increase in real property tax revenues back into the targeted area.

Prepared by: Mia B. Marin

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



Legislative Notes

Agenda Item: 7(A)
File Number: 093288
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: January 19, 2010
Type of Item: Ordinance; Predator Residency Restrictions; Preemption
Prime Sponsor: Vice-Chairman Jose "Pepe" Diaz
Commission District: Countywide

Summary

This ordinance amends the Miami-Dade County Sexual Offender and Sexual Predator Ordinance by: (1) repealing provisions which allowed municipalities to opt-out of the requirements set forth in the Miami-Dade County Code (Code), (2) repealing provisions which permitted municipalities to establish more restrictive requirements, (3) repealing all municipal ordinances which established residency restrictions, (4) establishing a "child safety zone" which prohibits loitering or prowling near school, parks and bus stops, and (5) expanding sexual offenses to include sexual acts transmitted over a computer.

This ordinance was amended at the December 10, 2009, Health, Public Safety and Intergovernmental Committee meeting. The amendment deletes language; thereby, allowing an individual to be exempt from the proposed requirements if he or she established a residence prior to this ordinance being enacted.

Background and Relevant Legislation

In November 2005, the Board of County Commissioners (BCC) enacted Ordinance No. 05-206 which prohibits sexual offenders and sexual predators from living within 2,500 feet of schools, and restricts their access to parks and child care facilities. The ordinance applies to incorporated and unincorporated areas, and permits municipalities to adopt more restrictive requirements, but not less restrictive requirements than established by the County. The ordinance also permits municipalities to opt-out of the requirements set forth in the County ordinance provided the option was exercised within 90 days of the effective date of the ordinance.

As set forth in the recitals of the proposed ordinance, approximately 24 municipalities have enacted ordinances which generally prohibit offenders from living within 2,500 feet of schools. However, certain

municipalities have enacted ordinances which prohibit offenders from living within 2,500 feet of other designated points such as bus stops, parks, daycare centers, playgrounds, and other locations where children congregate. By virtue of the more restrictive municipal provisions which extend the exclusionary zone to areas other than schools, offenders have in many instances been completely excluded from housing.

As of November 4, 2009, the following municipalities have enacted Sexual Predator Residency Ordinances: Aventura, Bal Harbour, Bal Harbour Island, Biscayne Park, Coral Gables, Doral, Florida City, Homestead, Medley, Miami, Miami Beach, Miami Gardens, Miami Lakes, Miami Shores, Miami Springs North Bay Village, North Miami, North Miami Beach, Opa-Locka, Palmetto Bay, Pinecrest, Sunny Isles Beach, Sweetwater, Virginia Gardens, and West Miami.

The current ordinance provides exceptions for sexual offenders who established a residency before the effective date of the ordinance, November 15, 2009; who were minors when they committed the offense; or who established a residence prior to a school being built within 2,500 feet of the residence.

For purposes of addressing the unintended consequences which have resulted from the “patchwork” of varying municipal residency ordinances governing sex offenders and predators, and for purposes of addressing “at a regional level” a “regional problem,” the proposed ordinance repeals all municipal ordinances which establish residency restrictions, and establishes comprehensive countywide sexual offenders and predators zoning regulations.

In particular, §21-279(b) of the proposed ordinance addresses the unintended consequences by adding the following text:

“All municipal ordinances in Miami-Dade County establishing sexual offender or predator residency restrictions are hereby preempted and shall stand repealed. “

To “address new threats and circumstances that may arise,” the proposed ordinance also creates a “child safety zone” which prohibits convicted offenders from loitering or prowling within 200 feet of schools or parks, and within 100 feet of school bus stops with the intent to make sexual remarks, sexual gestures or give gifts to a child. The proposed provision imposes, as a penalty, a \$500 fine and/or imprisonment up to 60 days.

Policy Change and Implication

The proposed ordinance constitutes a policy change by proposing a countywide regulatory framework which preempts municipal laws governing sexual offenders and predators’ residency.

The County may through its Home Rule Charter powers enact regulatory legislation which imposes uniform land regulations applicable to all municipalities within the county. Article 1, §§1.01(A)(5) and (12) of Miami-Dade County’s Charter provides the BCC with the authority to establish and enforce comprehensive plans for the development of the county and to establish, coordinate and enforce zoning regulations. The supremacy clause set forth in Article 9, § 9.04 of the Charter provides that the County Charter and County ordinances supersede all municipal ordinances and charters that conflict. Read together, the BCC has the authority to enact comprehensive countywide zoning laws which supersede and preempt conflicting municipal zoning laws. Therefore, Miami-Dade County, under its home rule powers, is vested with the authority to preempt municipal laws governing sexual offenders and predators’ residency which are inconsistent with the County’s residency laws.

Accordingly, the County's authority to enact uniform regulatory policies which preempts municipal ordinances does not constitute new policy. However, the proposed ordinance, establishing the authority to preempt residency restrictions, is a change in policy.

Challenge to the County's Sexual Predator Residency Ordinance

On September 23, 2009, the 11th Judicial Circuit Court handed down a final judgment in favor of the defendant, Miami-Dade County, Case No. 09-51205 CA 13. The plaintiffs, convicted sexual offenders, challenged the validity of the County's Sexual Predator Residency Ordinance, contending that by enacting various sexual offender and predator statutes, the Florida Legislature preempted the County's Ordinance. The final judgment in favor of the County was based of the finding that Florida Sexual Offender laws are not sufficiently pervasive to clearly indicate preemptive intent, and that Florida legislative history indicates no intention to preempt.

Budgetary Impact

Non-determinative at this time.

Prepared by: Lauren Young-Allen and Elizabeth N. Owens

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



Legislative Notes

Agenda Item: 7(B)
File Number: 093306
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: January 14, 2010
Type of Item: Ordinance
Prime Sponsor: Vice-Chairman Jose "Pepe" Diaz

Summary

The ordinance amends Chapter 20 Article IV and Chapter 33 Article XXXVI of the Code of Miami-Dade County as follows:

- Community Council members will be elected at large, and the Board of County Commissioners (BCC) will appoint members;
- The composition of elected and appointed members of the expanded nine-member board is left for determination by the BCC;¹
- Modify the number of community council boards to no more than four (4) versus the current configuration of ten (10);
- Each Community Council area will contain no more than six (6) subareas;
- The BCC will provide by resolution the initial boundaries of the subareas for each Community Council, may be amended from time to time, and will conform to the boundaries of the districts of the BCC;
- In the initial election of Community Council members pursuant to the revised community Council boundaries as set forth in the proposed ordinance, those members representing even-numbered subareas will serve a two-year term and those members representing odd-numbered subareas will serve a four-year term to create staggered terms;
- If there is an insufficient number of appointed positions on a Community Council to afford to the BCC an equal number of nominees, responsibility for nominations will be determined by lottery;and
- Modifying the number of community council members from seven (7) to nine (9).

According to Planning and Zoning staff, the reconfiguration of the boundaries was completed with the GIS Contiguous Commission District data.

¹ The original ordinance provided that all Council Members by appointed. The Government Operations Committee amended the proposed ordinance on November 9, 2009, retaining the election of Community Council members.

Highlights

Each member of BCC whose commission district comes within the boundaries of a Community Council (CC) area will nominate an equal number of CC members. The proposed ordinance mentions that in the event that an additional position remains on the CC after all BCC members have submitted their nominations to the BCC, the BCC member who has the responsibility for the remaining nomination will be determined by a lottery.

- The lottery scenario would apply only to Northeast CC 1, 2,3,4,5 and CC Central 10, 11.

Background and Relevant Information

Community Councils are generally understood to be groups of people that work with their local government and other public bodies to determine, coordinate, express and represent the views of the community it represents. Furthermore, CCs may consider several of the following factors when deciding on council-related matters: (1) constraints on the local economy and government budgets; (2) demands for greater government transparency and accountability; and (3) desires to involve communities (stakeholders and beneficiaries) in decisions, among many others factors.

CCs in Miami-Dade currently:

(1) make zoning and land use decisions;

(2) serve as advisory liaisons from their communities to the Board of County Commissioners (BCC) and County staff, relaying relevant information and recommendations on selected concerns of the council area; and

(3) make recommendations to the BCC on capital, programming and operational priorities for municipal services such as police, parks, fire and roadway maintenance in their area as well as relaying other concerns and needs of local residents.

CCs are comprised of six members elected by the community and one appointed by the BCC. All members must be registered voters and reside in the area that they represent.

CCs usually meet once a month to discuss zoning matters and every other month to address non-zoning issues. All meetings are advertised in the "Neighbors" section of the Miami Herald at least 7 days in advance. In addition, meeting notices are posted in the Miami-Dade County Calendar.

Legislative History

The BCC created sixteen community councils in September 1996, to serve as local Zoning Appeals Boards in the unincorporated areas of Miami-Dade County. Before the CCs began their zoning activity in February 1997, CC-1 was dissolved due to the pending incorporation of Sunny Isles Beach. Since then, five more CCs dissolved or are no longer functioning because of annexation or incorporation. There are ten functioning CCs remaining. **The BCC, on May 11, 2004, approved Ordinance 04-101, which modified the configuration and boundaries of these remaining CCs.**

Chapter 33 of the Code of Miami-Dade County (Code) establishes the zoning laws of the unincorporated sections of Miami-Dade County. Additionally, CCs may, at their option, take on a number of advisory (non zoning) responsibilities with respect to the unincorporated areas.²

According to Section 33-311 of the County Code of Miami-Dade County, the purpose of zoning regulations is to provide:

Comprehensive plan and design to lessen highway congestion; to secure safety from fire, panic and other dangers; to promote health, safety, morals, convenience and the general welfare; to provide light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements with the view of giving reasonable consideration, among other things, to the character of the district or area and its peculiar suitability for particular uses and with a view toward conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County.

The Home Rule Amendment of the Florida Constitution (Article VIII, Section 6) provides for Miami-Dade County's home rule authority. Further, Section 4.08 of the Miami-Dade County Home Rule Charter provides the BCC the authority to "provide a board to hear, consider and review appeals from the zoning regulations or decisions of an administrative official, and to take appropriate action." [Section 33-306(b) of the Miami-Dade County Code]

Growth Management Act

The Florida Legislature enacted the Local Government Comprehensive Planning and Land Development Regulation Act, F.S. 163.3161 (commonly known as the Growth Management Act) to regulate some local rules in zoning decisions. The purpose of the act was "to utilize and strengthen the existing role, processes, and powers of local governments in the establishment of comprehensive planning programs to guide and control future development." [F.S. 163.3 161(2)]

Under the Growth Management Act, each municipality is required to prepare and adopt a comprehensive plan to manage future growth and development and implement land development regulations to fulfill the goals and objectives stated in that municipality's adopted plan. Miami-Dade County adopted Ordinance No. 75-22, "Comprehensive Development Master Plan", on March 31, 1975. Updates to the Master Plan were adopted in 1988 and 1995. Local zoning action must be in conformity with the Comprehensive Development Master Plan. [F.S. 163.3 161(6)]³

The Office of the Commissioner Auditor conducted the following statewide survey to determine if other jurisdictions established a similar CC structure. The survey provides general information on the CCs membership duties and whether members are appointed or elected.

Jurisdiction	Duties	Appointed or Elected
Alachua County (Local Planning Agency)	Alachua considers their LPA a CC as this body prepares the Comprehensive Plan; reviews and	Appointed by the Board of County Commissioners and one (1) appointed by the School Board.

²OIG Review of Miami-Dade Community Councils Report, February 7, 2005

³ OIG Review of Miami-Dade Community Councils Report, February 7, 2005

Jurisdiction	Duties	Appointed or Elected
	make recommendations on Land Development Regulations, rezoning, zoning ordinance amendments, special use permits, temporary use permits and special exceptions for the County.	
Broward County (3 Neighborhood Councils)	The Neighborhood Council reviews and makes recommendation to the Broward County Commission on all proposed amendments to land use issues within their boundaries.	Elected by the Neighborhood Association members within the district boundaries.
Duval County (Citizens Planning Advisory Committee)	Jacksonville's more than 500 neighborhoods are divided into six (6) planning districts each with a Citizens Planning Advisory Committee or "CPAC". The primary purpose of the CPAC is to maintain open and effective communication between Jacksonville residents, businesses, neighborhoods, community organizations, educational institutions and city government. (Broad-based public involvement in planning, land use, zoning, transportation, community services, economic development, recreation, schools, police and public safety)	CPAC members are appointed by the Mayor. Members are nominated through a variety of community, civic, or government organizations located in their district. Eligibility for appointment is determined by the Director of the Housing and Neighborhoods Department. The Mayor appoints members for a two-year term.
Pinellas County (Local Planning Agency)	Pinellas considers the LPA their CC as their responsible for making <i>recommendations</i> to the Board of County Commissioners regarding development of, or changes to, the Comprehensive Plan. The LPA also reviews amendments to the Land Development Code (including zoning changes), and a variety of other items, to ensure that they are consistent with, and serve to implement, the Comprehensive Plan.	The LPA consists of <u>appointed</u> members selected from the community by the Board of County Commissioners.
Hillsborough County	Does not have a CC structure	
Palm Beach County	<p>Below is a list of all of the unincorporated community groups that may provide feedback to the BCC regarding land use amendments. The groups may attend public hearings if and when an amendment is proposed in their specific area. However, these groups do not serve in an official capacity and are not a recognized group in the Palm Beach County's Comprehensive Plan.</p> <ul style="list-style-type: none"> Coalition of Boynton West Residential Associations (COBWRA is the most active group with the largest unincorporated area), Deer Run Land 	

Jurisdiction	Duties	Appointed or Elected
	Owners Association, Acreage Landowners Association, Fox Trail Property Owners Association, Santa Rosa Groves Land Owners Association, Jupiter Farms Neighborhood Association, West Gun Club Road Property Owners Association, and a number of other home owners' associations.	

Prepared by: Michael Amador-Gil

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

Agenda Item: 7(C)
File Number: 100073
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: January 14, 2010
Type of Item: Ordinance
Prime Sponsor: Vice-Chairman Jose "Pepe" Diaz

Summary

This ordinance authorizes municipalities in Miami-Dade County to establish Municipal Ground Ambulance Rates (MGAR) within their service area. Municipal fire and/or rescue departments (City of Miami, City of Miami Beach, City of Coral Gables, City of Hialeah, and Village of Key Biscayne) will establish MGARs by resolution by each city commission and will not require approval by the Board of County Commissioners (BCC).

Private ambulance rates will remain uniform countywide set by the BCC.

Furthermore, any MGAR changes will become effective once they are filed with the Consumer Services Department.

The proposed ordinance was amended during the December 8, 2009, Government Operations Committee to reflect all ambulance rates charged by a municipal fire department in Miami-Dade County *versus* all ambulance rates charged by a municipality in Section 1, Subsection (d).

Legislative History

- In 2003, the BCC approved requests by the City of Miami, the City of Miami Beach and Miami-Dade to increase their fire rescue departments' emergency medical services rate schedule.
- In October 2006, the BCC approved a request by the Village of Key Biscayne fire rescue department to increase its emergency medical services rate schedule.
- Similarly, on July 24, 2007, the BCC approved a request by the City of Hialeah to establish the City's rates mirroring the Miami-Dade Fire Rescue rate schedule.¹

¹ See Resolution 921-07

**Fire Rescue Department-Miami-Dade County
Rate Schedule**

Fire Rescue Department	Basic Life Support Rates	Advanced Life Support Rates	Advanced Life Support 1 Rates	Advanced Life Support 2 Rates	Specialty Care Transport Rates
City of Miami (Approved by BCC on 07/22/03)	\$330	N/A	\$390	\$550	\$650
City of Miami Beach Fire Rescue (Approved by the BCC on 10/07/03)	\$330	N/A	\$380	\$490	N/A
City of Coral Gables	\$150	\$250	N/A	N/A	N/A
City of Hialeah (Approved by the BCC on 07/24/07)	\$358.67	N/A	\$425.93	\$616.47	\$600
MDFR (Approved by the BCC on 12/02/08. Resolution aligns rates to the Medicare allowable rates. Rates are adjusted every year in January)	\$358.67	N/A	\$425.93	\$616.47	\$600
Village of Key Biscayne (Approved by the BCC on 10/10/06)	\$330	N/A	\$390	\$550	\$650

Source: Consumer Services Department

Prepared by: Michael Amador-Gil

**MIAMI-DADE COUNTY
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Legislative Notes

Agenda Item: 7(H)
File Number: 092614
**Committee(s)
of Reference:** Board of County Commissioners
Date of Analysis: January 14, 2010
Commission District: Countywide
Type of Item: Ordinance

Summary

This amendment to Section 2-103.15 of the County Code will add an exception to the sign ordinance that will enable the Miami-Dade County Homeless Trust to place donation meters throughout the County once the Director of the Public Works Department (PWD) provides prior written authorization to the Trust regarding the number, location and placement of the County-owned and operated donation meters on County-maintained rights-of-way.

During the December 9, 2009, Transit, Infrastructure and Roads Committee, the proposed ordinance was amended to reflect a correction on the newly designed “help line” cards from “you could help change their life” to “you could help change their lives.”

Background and Relevant Information

- In June 2009, through Resolution 1023-09, the Board of County Commissioners approved a Homeless Public Awareness Campaign for Miami-Dade County. The campaign included the design, installation, and maintenance of collection devices throughout Miami-Dade County for individuals to contribute to Miami-Dade County Homeless Trust programs (MDHT).
- MDHT’s Meter Program is based on a successful donation meter program in Denver, Colorado. The Colorado donation meter program was implemented in March 2007 to increase awareness about Denver’s Ten-Year Plan to End Homelessness, and to redirect the money given to panhandlers into initiatives that provide meals, job training, substance abuse counseling, housing, and other programs for those in need. Coordinated groups in Denver collaborated in the meter program, meter design, decal messaging, printing and installation.
- Currently, the Denver Meter Program has eighty-six (86) meters, the project generates more than of \$100,000 per year through sponsorships and donations.¹

¹ *San Francisco Chronicle*, How homeless meters fare elsewhere, May, 2008, Heather Knight

- Other Homeless meter programs adopted by (local governments, nonprofits and business groups) cities in the United States include: Portland, Ore.; Baltimore, MD; Tempe, Ariz.; Chattanooga, Tenn.; and Marysville, California.
- Montreal, Canada installed 34 meters and Ottawa installed “Kindness Meters.”
- Baltimore’s nine meters have raised less than \$5,000 since they were installed in 2007.
- Portland’s meter program has only raised \$10,000 since its inception a few years ago.
- Denver’s program established in spring of 2007 has raised \$15,000 in change. That’s in addition to the nearly \$100,000 the city has brought in by allowing private donors and businesses to adopt a meter.

According to the July 2009 National Coalition for the Homeless² *Why are People Homeless*, two trends are largely responsible for the rise in homelessness over the past 20-25 years: (1) a growing shortage of affordable rental housing; and (2) a simultaneous increase in poverty.

Below is an overview of current poverty and housing statistics, as well as additional factors contributing to homelessness.

- **Foreclosure**

Recently, foreclosures have increased the number of people who experience homelessness. The report found that there was a 32% jump in the number of foreclosures between April 2008 and April 2009. Since the start of the recession, six million jobs have been lost. In May 2009, the official unemployment rate was 9.4%. The National Low Income Housing Coalition estimates that 40 percent of families facing eviction due to foreclosure are renters and 7 million households living on very low incomes (31 - 50 percent of Area Median Income) are *at risk* of foreclosure.

- **Poverty**

In 2007, 12.5% of the U.S. population, or 37, 300, 00 million people, lived in poverty. The official poverty rate in 2007 was not statistically different than 2006 (U.S. Bureau of the Census, 2007). Children are overrepresented, composing 35.7% of people in poverty while only being 24.8% of the total population. Two factors help account for increasing poverty: eroding employment opportunities for large segments of the workforce and the declining value and availability of public assistance.

- **Decline in Public Assistance**

The declining value and availability of public assistance is another source of increasing poverty and homelessness. Until its repeal in August 1996, the largest cash assistance program for poor families with children was the Aid to Families with Dependent Children (AFDC) program. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (the federal welfare reform law) repealed the AFDC program and replaced it with a block grant program called Temporary Assistance to Needy Families (TANF). In 2005, TANF helped a third of the children that AFDC helped reach above the 50% poverty line. Unfortunately, TANF has not been able to keep up with inflation. In 2006-2008, TANF case load has continued to decline while food stamp caseloads have increased.

² The National Coalition for the Homeless is a national network of people who are currently experiencing or who have experienced homelessness, activists and advocates, community-based and faith-based service providers, and others committed to a single mission.

- **People with disabilities**, too, must struggle to obtain and maintain stable housing. In 2006, on a national average, monthly rent for a one-bedroom apartment rose to \$715 per month which is a 113.1% of a person's on Supplemental Security Income (SSI) monthly income (Priced Out in 2006). For the first time, the national average rent for a studio apartment rose above the income of a person who relies only on SSI income. Recently, only nine percent of non-institutionalized people receiving SSI receive housing assistance (Consortium for Citizens with Disabilities, 2005).

- **Housing**

A lack of affordable housing and the limited scale of housing assistance programs have contributed to the current housing crisis and to homelessness. According to U.S. Housing and Urban Development (HUD), in recent years the shortages of affordable housing are most severe for units affordable to renters with extremely low incomes. Federal support for low-income housing has fallen 49% from 1980 to 2003 (National Low Income Housing Coalition, 2005). About 200,000 rental housing units are destroyed annually. Renting is one of the most viable options for low income people (Joint Center for Housing Studies).

- **Mental Illness**

Approximately 16% of the single adult homeless population suffers from some form of severe and persistent mental illness (U.S. Conference of Mayors, 2005). Despite the disproportionate number of severely mentally ill people among the homeless population, increases in homelessness are not attributable to the release of severely mentally ill people from institutions. Most patients were released from mental hospitals in the 1950s and 1960s, yet vast increases in homelessness did not occur until the 1980s, when incomes and housing options for those living on the margins began to diminish rapidly. According to the 2003 U.S. Department of Health and Human Services Report, most homeless persons with mental illness do not need to be institutionalized, but can live in the community with the appropriate supportive housing options (U.S. Department of Health and Human Services, 2003). However, many mentally ill homeless people are unable to obtain access to supportive housing and/or other treatment services. The mental health support services most needed include case management, housing, and treatment.

U.S. Housing and Urban Development Report on Homelessness 2009

The July 2009 Annual Assessment Report to the U.S. Congress conducted by HUD reveals that on a single night in January 2008, there were 664,414 sheltered and unsheltered homeless persons nationwide. Nearly 6 in 10 people who were homeless at a single point-in-time were in emergency shelters or transitional housing programs, while 42 % were unsheltered on the "street" or in other places not meant for human habitation.

About three-fifths of the people homeless on a single night were homeless as individuals (62 %), while two-fifths (38 %) were homeless as part of a family. Family members were much less likely than individuals to be unsheltered. About 27 % of all homeless family members were unsheltered on the night of the point-in-time count, while almost half of homeless individuals were unsheltered. One-day PIT counts of homelessness changed little between 2007 and 2008: the total number of homeless persons decreased by about 1 % or 7,500 people.

Changes in Point-In-Time Estimates of Homeless Population by State, 2007-2008

State	2008 Total Homeless Population	2007 Total Homeless Population	2008-2007 Total Change	2008-2007 Percent Change
Alabama	5,387	5,452	-65	-1.19%
Alaska	1,646	1,642	4	0.24%
Arizona	12,488	14,646	-2,158	-14.73%
Arkansas	3,255	3,836	-581	-15.15%
California	157,277	159,732	-2,455	-1.54%
Colorado	14,747	14,225	522	3.67%
Connecticut	4,627	4,482	145	3.24%
Delaware	933	1,061	-128	-12.06%
District of Columbia	6,044	5,320	724	13.61%
Florida	50,158	48,069	2,089	4.35%
Georgia	19,095	19,639	-544	-2.77%
Guam	725	725	0	0.00%
Hawaii	6,061	6,070	-9	-0.15%
Idaho	1,464	1,749	-285	-16.30%
Illinois	14,724	15,487	-763	-4.93%
Indiana	7,395	7,358	37	0.50%
Iowa	3,346	2,734	612	22.38%
Kansas	1,738	2,111	-373	-17.67%
Kentucky	8,137	8,061	76	0.94%
Louisiana	5,481	5,494	-13	-0.24%
Maine	2,632	2,638	-6	-0.23%
Maryland	9,219	9,628	-409	-4.25%
Massachusetts	14,506	15,127	-621	-4.11%
Michigan	28,248	28,295	-47	-0.17%
Minnesota	7,644	7,323	321	4.38%
Mississippi	1,961	1,377	584	42.41%
Missouri	7,687	6,247	1,440	23.05%
Montana	1,417	1,150	267	23.22%
Nebraska	3,985	3,531	454	12.86%
Nevada	12,610	12,526	84	0.67%
New Hampshire	2,019	2,248	-229	-10.19%
New Jersey	13,832	17,314	-3,482	-20.11%
New Mexico	3,015	3,015	0	0.00%
New York	61,125	62,601	-1,476	-2.36%
North Carolina	12,411	11,802	609	5.16%
North Dakota	615	636	-21	-3.30%

Ohio	12,912	11,264	1,648	14.63%
Oklahoma	3,846	4,221	-375	-8.88%
Oregon	20,653	17,590	3,063	17.41%
Pennsylvania	15,378	16,220	-842	-5.19%
Puerto Rico	3,012	4,309	-1,297	-30.10%
Rhode Island	1,196	1,372	-176	-12.83%
South Carolina	5,660	5,660	0	0.00%
South Dakota	579	579	0	0.00%

Source: HUD 2009 Annual Assessment Report

Prepared by: Michael Amador-Gil

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



Legislative Notes

Agenda Item: 8(A)1(A)
File Number: 092688
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: January 19, 2010
Type of Item: First Amendment to Professional Services Agreement

Summary

This resolution approves the First Amendment to the Professional Services Agreement (PSA) between Miami-Dade County and Brown & Brown Architects to increase the amount of the contract by \$802,000 to a new maximum of \$3,809,500. This Amendment includes a CBE goal of 20% of the \$800,000 increased amount, in addition to the 18% DBE goal assigned to the original Agreement.

- *According to MDAD, the increased amount is not obligating any budget or project budget to the contract. The budget for each project will be obligated by future service orders and not by the contract. The increase to the contract is for the extension.*

On May 11, 2004, the Board of County Commissioners (BCC) adopted, R-542-04, the **Project Specific Services Agreement** with Brown & Brown Architects, for MIA Terminal Security, Project No. A02-MDAD-01 at Miami International Airport in the amount of \$3,007,500 for a term of the later of (a) up to five (5) years, or (b) until all services orders issued during term are completed.

- This proposed resolution, the First Amendment refers to a Professional Services Agreement, however, the original award was for a Project Specific Services Agreement.
According to MDAD, the Office of Capital Improvements used to name the agreements "Project Specific" although they were not for one single project.

Brown & Brown was selected to provide architectural/engineering design and construction administration services for seven (7) projects. However, Miami-Dade Aviation Department (MDAD) re-evaluated its financial capacity and Capital Improvement Program (CIP) priorities in March 2008 and placed three (3) of the seven projects, J011A, J012A & G004A, on hold and identified Buildings 700, 704, 707, 845, 896, 3040 & 3050 as non-performing assets that offered rent-producing opportunities. By placing three projects on hold, those funds became available and the firm, Brown & Brown was authorized to produce design and construction documents for the non-performing assets listed above.

However, in June 2008, the three projects that were placed on hold in March 2008, were once again given a higher priority and were resumed.

The memorandum states that the term of this agreement is five years from May 11, 2004, with three one-year renewal options and that MDAD has authorized two one-year extensions for the current contract expiration date of May 11, 2011. The remaining one-year extension will be authorized only if necessary.

Although, there are no options to renew stated in the original award, Resolution R-542-04. On March 6, 2009, MDAD issued a letter to Brown & Brown exercising two one-year extensions pursuant to Article 8.2.1.4 of the contract.

However, Article 8.2.1.4 states the following:

“During the term of this Agreement, the Owner may, by authorized Service Order only, adjust the maximum rates of compensation for personnel as listed above, (excluding adjustments to the multiple) **to reflect the change in the Consumer Price Index (CPI) on a year by year basis for the five (5) year original term of this Agreement and up to three (3) one year extensions.** Such adjustment will be based on the cumulative change of the CPI for the Miami urban area since the beginning of the term of this Agreement; provided, however, the cumulative increase for the five (5) years and up to three (3) one year extensions shall not exceed an aggregate total of ten (10%).

- *This is the only reference to any option to renew in the contract.*

Background and Relevant Legislation

On November 18, 2002, the Department of Procurement Management (DPM) advertised two Architectural/Engineering solicitations for MDAD, Terminal, Landside and Associated Structure Security and Airfield/Cargo/Remote Structure Security Project.

The Department of Business Development (DBD) conducted a Pre-Qualification Certification compliance review and on March 5, 2003, determined that three firms were in non-compliance based solely on the non-submittal of the Technical Supplemental Form, which was additional documentation requested for the purpose of utilization by the Consultant Selection Committee to provide firm project information. Subsequently, DBD reviewed its Pre-Qualification Certification guidelines and determined that the Technical Supplemental Form would still be collected, however, it would not be a condition for obtaining certification. Upon review, DBD notified the Office of Capital Improvements Construction Coordination (CICC) on April 4, 2003, in the cases where the sole basis for disqualification was the missing Technical Supplemental Form, those firms should be deemed in compliance with respect to their Pre-Qualification Certification. As a result, some of the firms were no longer within the top three ranked firms due to the inclusion of the new responsive participants. Various proposers were dissatisfied with the revised compliance review.

On September 9, 2003, the BCC adopted Resolution R-977-03, to Waive the Short-Listing Requirements Established in Administrative Order 3-33 and Administrative Order 3-39.

- Administrative Order 3-33/3-39 provides for the consolidated Pre-Qualification process necessary for any architectural and engineering firm providing services to the County, which includes the submittal and approval of an affirmative action plan, technical certification and vendor registration.
- AO 3-33 stated that for Multiple Projects and Project Specific agreements to be awarded, a minimum of three respondents and a maximum of 15% of the total qualified list of participants received will advance from the First-Tier selection to the Second-Tier selection (short-listed).
- This criteria was amended by AO 3-39, which supersedes AO 3-33, establishing that a minimum of three (3) firms must be selected. The Consultant Selection Committee, by majority vote, may determine the maximum number of firms to advance from the First-Tier to the Second-Tier selection (short-listed).

Although, the original recommendation was to reject all proposals and re-solicit this project, the BCC, pursuant to the recommendation of MDAD and CICC, approved R-977-03, the Assistant County Attorney advised that the only way to resolve the matter was to amend the existing AO 3-33 by resolution, as there was no provision allowing a waiver. Therefore, R-977-03, waived the short-listing requirements to allow those firms who were short listed from both First-Tier meetings to proceed to the Second-Tier selection process and subsequently adopted R-542-04 on May 11, 2004 awarding the Project Specific Services Agreement to Brown & Brown.

Additional Information

At the January 14, 2010, Airport and Seaport Committee meeting a resolution was passed approving the contract award recommendation in the amount of \$4,452,919.58 between H&R Paving, Inc. and Miami-Dade County for the 1,000-foot westward extension and other related construction work to the Kendall-Tamiami Executive Airport (TMB) Runway 9R-27L, Project No. L141A.

Brown & Brown Architects, designed the extension of the TMB Runway 9R-27L, Project No. L141A.

Prepared by: Bia Marsellos

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



Legislative Notes

Agenda Item: 8(A)1(C)
File Number: 092924
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: January 19, 2010
Type of Item: First Amendments to twelve (12) Concession Agreements in South Terminal

Summary

This resolution approves Retroactive First Amendments to twelve (12) Lease and Concession Agreements relating to the South Terminal Area of Miami International Airport (MIA) and approves the relief package to the South Terminal Concessionaires that includes the following:

- Waiver of the Minimum Annual Guarantee (MAG) through to the end of the first year of operation;
- Adjusting and applying the MAG at the beginning of the second year to reflect the actual sales of the first full operating year; and
- Execution of waivers of claims by the Concessionaires.

According to the memorandum, each of the concessionaires experienced varying degrees of additional costs to build out their facilities as a result of the South Terminal completion delay. Miami Dade Aviation Department (MDAD) and the concessionaires made a number of assumptions relating to the volume of passengers and passenger traffic-flow patterns that have not materialized. The sales of the South Terminal have been severely impacted. MDAD, upon approval by the Board of County Commissioners (BCC), thought it prudent to waive MAGs paid before the opening of each facility.

- *According to MDAD, United Airlines was the terminal's primary tenant until they filed bankruptcy and the continuing decline in United's passengers from, two million in 2000, one million in 2003, five hundred thousand in 2006, and only two hundred thousand in 2008 severely impacted the traffic flow. Additionally, LAN Airlines would relocate to the North Terminal, upon its completion, along with 700,000 passengers representing an additional loss annually to South Terminal concessionaires.*

The memorandum states that, “MDAD has exercised its authority to offer these tenants another location in the North Terminal as long as they retain their struggling South Terminal retail-corridor stores.”

- *According to MDAD, the following South Terminal tenants were offered and have accepted North Terminal locations:*
 - Host (news/Café)*
 - Host (Miami To Go) ACDBE Subtenant*
 - Host (Sound Balance) ACDBE Subtenant*
 - Faber (L’Occitane)*
 - Air Sun JV (Sunglass Hut)*

The memorandum states that “the current layout of the South Terminal does not maximize the passengers potential to shop”. Another assumption stated in the memorandum, is regarding a central security checkpoint located in the middle of the South Terminal. However, there are additional, more convenient checkpoints closer to the concourses, one to Concourse J and another to Concourse H.

- Who designed the layout? Bermello
- When the assumption of the centralized security checkpoint was made, did the other two checkpoints exist? Yes; however, the initial programming had the central checkpoint being the primary entry.

MDAD is recommending these accommodations to ensure the continued presence of a concessions program for the traveling public.

- What are MDADs options if the Amendments are not approved by the BCC? The option would be to continue in the current manner with an increased risk of tenant default/closure. The contracts contain a provision of MAG Performance Bond equal to one year’s MAG payments.

Background and Relevant Legislation

Some of the issues raised during BCC and Committee meeting discussions during the award process of the various RFP Packages were the following:

- Whether businesses located in areas where construction was underway would be assessed the same as everyone else;
- Concerns with formula used to determine the Minimum Annual Guarantees (MAGs);
- Whether the MAGs were based on something tangible;
- Revenues for the total retail package anticipated at approximately \$26 million;
- Concerns with projected numbers based upon terminal openings and operations;
- Providing that concessions be located in visible areas that were readily accessible to passengers;
- The lack of contract awards to local businesses and DBE participation;
- Preference to local businesses;
- Bid protests ;
- Following and enforcing the RFP process;
- Contract language making penalties mandatory;

Budgetary Impact

Responses provided by MDAD

- If the BCC approves the Amendments, what is the financial impact to MDAD, for all twelve amendments collectively? **First year MAG would be reduced approximately \$1.01 million.**
- How much MAG revenue has been collected to date? **First year MAG collected \$6.12 million.**
- Will MDAD be refunding any MAG revenue received, upon approval of these amendments? No refunds will be provided, any adjustments will be in the form of rental credits.

Prepared by: Bia Marsellos

Item No.	Project/ RFP No.	Award/Concessionaire	Recommended Modification
1-1	Retail Concession Program RFP MDAD-05-05 Package Five	Air Sun JV- Resolution R-903-06 Adopted on:7/18/06 MAG: \$53,186.38	Amend Lease and Concession Agreement Sub-article 3.01, Minimum Annual Guarantee, to require payment of a percentage fee in lieu of MAG payments for the first year and to start that year on the day of beneficial occupancy rather than the lease effective date.
1-2	Food Service Concessions RFP MDAD-01-05 Package Two	Areas USA, Inc. n/k/a Areas USA MIA, LLC- Resolution R-196-06 Adopted on: 2/9/06 MAG: \$1,360,000	Amend Lease and Concession Agreement Sub-articles 3.01 Minimum Annual Guarantee and 3.06 Annual Rental to require payment of a percentage fee in lieu of MAG payments for the first year, to start that year on the date of beneficial occupancy rather than the lease effective date, and shall not be required to pay annual rent for specified locations until the first anniversary date of beneficial occupancy for such locations.
1-3	Retail Concession Program RFP MDAD-05-05 Package Six	Brookstone Stores, Inc. Resolution R-904-06 Adopted on:7/18/06 MAG: \$150,000	Amend Lease and Concession Agreement Sub-article 3.01, Minimum Annual Guarantee, to require payment of a percentage fee in lieu of MAG payments for the first year and to start that year on the day of beneficial occupancy rather than the lease effective date.
1-4	Food Service Concessions RFP MDAD-01-05 Package One	Concessions Miami, LLC Resolution R-195-06 Adopted on: 2/9/06 MAG: \$900,000	Amend Lease and Concession Agreement Sub-articles 3.01 Minimum Annual Guarantee and 3.06 Annual Rental to require payment of a percentage fee in lieu of MAG payments for the first year, to start that year on the date of beneficial occupancy rather than the lease effective date, and shall not be required to pay annual rent for specified locations until the first anniversary date of beneficial occupancy for such locations.
1-5	Duty and Tax Free Concession Agreement RFP MDAD-03-04	Duty Free Americas Miami, LLC Resolution R-1226-05 Adopted on:11/1/05 MAG: \$20,018,770	Amend Lease and Concession Agreement Sub-articles 3.01 Minimum Annual Guarantee and 3.06 Annual Rental to require payment of a percentage fee in lieu of MAG payments for the first year, to start that year on the date of beneficial occupancy rather than the lease effective date, and shall not be required to pay annual rent for specified locations until the first anniversary date of beneficial occupancy for such locations.

1-6	Retail Concessions Program RFP MDAD-05-05 Package One	Faber, Coe & Gregg of Florida, Inc. , operating as FABER MIA LLC Resolution R1108-06 Adopted on:10/10/06 MAG: \$1,000,000	Amend Lease and Concession Agreement Sub-article 3.01, Minimum Annual Guarantee, to require payment of a percentage fee in lieu of MAG payments for the first year and to start that year on the day of beneficial occupancy rather than the lease effective date.
1-7	This Agreement was originally part of the Retail Concession Program, RFP MDAD-05-05. However, the award to Host International, Inc. was actually through the Bookstore Café Specialty Retail Project, RFP MDAD 01-07.	Host International, Inc.	Amend Lease and Concession Agreement Sub-article 3.01, Minimum Annual Guarantee to require payment of the lesser of the percentage fee of the MAG for the first year and to start that year on the day of beneficial occupancy rather than the lease effective date.
1-8	Retail Concessions Program RFP MDAD-05-05 Package Eight	Miami Concepts LLC f/k/a Miami-To-Go, Inc. Resolution R-1105-06 Adopted on:10/10/06 MAG: \$215,132.25	This amendment authorizes a name change from Miami-To-Go to Miami Concepts, LLC. In addition to the name change, amend Lease and Concession Agreement Sub-article 3.01, Minimum Annual Guarantee, to require payment of a percentage fee in lieu of MAG payments for the first year and to start that year on the day of beneficial occupancy rather than the lease effective date.
1-9	Foreign Currency Exchange & Business Center RFP 10-06	Lenlyn Ltd. d/b/a ICE Currency Services USA Adopted on:12/4/07 MAG: \$2,400,580	MDAD recommends adjusting the Annual Rental, in order to assist ICE with certain accommodations relative to the occupancy costs incurred by the Concessionaire. These actions will be mutually beneficial to both parties by allowing the Concessionaire to re-infuse freed up capital back into their respective operations and maintain a high level of service to the traveling public.

1-10	Retail Concessions Program RFP MDAD-05-05 Package Seven	Miami International Airport Pharmacy, Inc. Resolution R-905-06 Adopted on:7/18/06 MAG: \$155,523	Amend Lease and Concession Agreement Sub-article 3.01, Minimum Annual Guarantee, to require payment of a percentage fee in lieu of MAG payments for the first year and to start that year on the day of beneficial occupancy rather than the lease effective date.
1-11	Retail Concessions Program RFP MDAD-05-05 Package Three	Navarro at MIA, LLC f/k/a Navarro at MIA, Inc. Resolution R-902-06 Adopted on:7/18/06 MAG: \$120,000	Amend Lease and Concession Agreement Sub-article 3.01, Minimum Annual Guarantee, to require payment of a percentage fee in lieu of MAG payments for the first year and to start that year on the day of beneficial occupancy rather than the lease effective date.
1-12	Retail Concessions Program RFP MDAD-05-05 Package Two	Host International, Inc. Resolution R-901-06 Adopted on:7/18/06 MAG: \$1,012,000	Amend Lease and Concession Agreement Sub-article 3.01, Minimum Annual Guarantee, to require payment of a percentage fee in lieu of MAG payments for the first year and to start that year on the day of beneficial occupancy rather than the lease effective date.

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



Legislative Notes

Agenda Item: 8(E)1(A)
File Number: 093323
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: January 19, 2010
Type of Item: Issuance of \$600 Million Water & Sewer System Revenue Bonds
Sponsor/ Requester: Finance Department

Summary

This resolution authorizes the Finance Director, as the Mayor's designee, to issue fixed rate Water & Sewer System Revenue Bonds in multiple series, in an amount not to exceed \$600 million, nor to exceed 40 years in maturity (i.e., year 2039). It is anticipated that the bonds, if approved, will be issued in March 2010 as limited obligation bonds payable solely from and secured by pledged net operating revenues.

The series of bonds, referenced as Series 2010 Bonds, are to be issued for the following purposes:

- 1) financing the costs of acquiring and constructing water and wastewater improvements;
- 2) paying the outstanding principal and accrued interest on a \$100,000 line of credit (i.e., promissory note and loan agreement) to Regions Bank;
- 3) refinancing prior obligations;
- 4) funding a bond Reserve Account;
- 5) paying certain costs associated with the issuance of Series 2010 Bonds such as underwriters' commission, bond counsel fees, paying agent fees, rating agencies fees; and
- 6) paying capitalized interest (i.e., interest paid on the bonds) on the Series 2010 Bonds for 18 months.

This resolution also authorizes the Finance Director to:

- 1) determine the terms of the Bonds (including the amount, tax status, number of sub-series, interest payment dates, purchase price, maturity dates, denominations);
- 2) issue the bonds through a negotiated sale in lieu of a competitive bid;
- 3) designate a Paying Agent, Registrar and, as necessary, any other agents;
- 4) establish a reserve account, reserve facilities or debt service reserves account;
- 5) secure bond insurance;
- 6) negotiate and execute certain agreements, instruments and certificates in connection with the Bonds, including the Bond Purchase Agreement and Registrar and Paying Agent Agreement; and
- 7) take any other action necessary regarding the issuance and sale of the Bonds.

(Resolution, handwritten pp. 8, 29)

Lastly, this resolution, if approved, would authorize funding of a number of the following additional projects delineated in Exhibit A of the proposed resolution which were not listed in the Master (enabling) Water & Sewer Bond Ordinances 08-126 and 09-67:

Water Projects

South Miami Dade Water Transmission Main Improvements
Water Plant Replacements & Renovations
Water System Maintenance & Upgrades
Water Engineering Studies
Water treatment Plants Upgrades
Water Telemetering System Enhancements

Wastewater Projects

Sanitary Sewer System Improvements
Sanitary Sewer System Extension
Wastewater Engineering Studies
Wastewater Telemetering System
Lift Stations Upgrades & Structural Improvements
Wastewater Treatment Plant Replacement & Renovation
Ocean Outfall

(Exhibit A, handwritten p. 45)

Background and Relevant Legislation

In a series of bond enabling ordinances enacted by the Board of County Commissioners (BCC) from 1993 through 2009, the BCC authorized the issuance of Water & Sewer System Revenue Bonds for the purpose of financing capital improvements for County-owned and operated wastewater and water treatment plants and distribution systems, among other things. The pending resolution implements the authority conferred under the Enabling Bond Ordinances No.s 93-134, 08-126 and 09-67 (enacted in 1993, 2008 and 2009) for the completion of water and sewer projects, refunding lines of credit, paying interest to investors, funding the reserve account, and paying the cost of issuance, provided the issuance of the additional bonds does not exceed \$600 million.

Outstanding WASD Debt

The pending proposed bonds, if approved, will be issued on parity with a number of currently outstanding Water & Sewer System Revenue Bonds (i.e., Series 1995, Series 1999A, Series 2003, Series 2007, 2008A, Series 2008B, Series 2008C) with outstanding principal amounts ranging from \$65 million to \$374 million. To date, the principal amount of bonds authorized to be issued from 1993 through 2009 (and prior to the pending resolution) collectively total \$1.8 billion. Of this amount, the principal amount actually issued and outstanding is \$1.3 billion. (Handwritten pp. 91-92).

The County has also received various loans from the State Revolving Loan Fund Program for the construction of wastewater treatment facilities and drinking water construction projects. Draws against the loans total over \$236 million. (Handwritten p. 105).

Under Enabling Bond Ordinance 08-126, the BCC authorized the use of Lines of Credit as an additional financing mechanism to pay a portion of the capital improvement costs. A \$100 million Line of Credit has been issued by Regions Bank secured by a subordinate pledge of the Water & Sewer Department's (WASD) net operating revenues. The County is required to pay (on money drawn from the Line of Credit) a variable interest rate pegged to the one-month LIBOR rate. As of January 6, 2010, the one-month LIBOR rate is .23%. (Source: Bankrate.com). On or before August 3, 2011, the County will be obligated to repay all of the outstanding principal and interest owed on the Line of Credit or convert the outstanding principal into a 3-year term loan. (Handwritten p. 105; Resolution R-1040-09).

Budgetary Impact

Debt Service

Schedule A of the Resolution (which reflects a series of calculations calculated at December 2009 market conditions) discloses that the estimated average annual debt service payment, which may result from the issuance of the Series 2010 Bonds, is \$44.1 million per year at an interest cost of 5.15%. (Handwritten p.33). Schedule B (which reflects calculations calculated at the maximum, capped, interest cost of 6.75% if market conditions increase interest rates) discloses that the estimated average annual debt service payment resulting from the issuance of the Series 2010 Bonds will be \$53.2 million per year. (Handwritten p.40).

The total debt service on previously authorized outstanding Water & Sewer Revenue Bonds is computed to be \$114.6 million for FY ending 2010. The total debt service on outstanding Subordinate Obligations (consisting of the Regions Bank Line of Credit and the State Revolving Loan Fund) is \$13.4 million for FY ending 2010. (Handwritten p. 109).

The following chart recaps the above regarding the annual debt service.

Debt Service on Series 2010 Bonds, Outstanding WASD Bonds and Subordinate Obligations	
Debt	Annual Debt Service
Series 2010 computed at 5.15% (=Interest Rate Cost @ 12/09 market conditions compounded semi-annually)	\$44.1 million
Series 2010 computed at 6.75% (=Maximum Interest Rate Cost compounded semi-annually)	\$53.2 million
Outstanding WASD Revenue Bonds	\$114. 6 million (for FYE 2010)
Outstanding WASD Subordinate Obligations	\$13.4 million (for FYE 2010)

<u>Use of Bond Proceeds (Calculated at →)</u>	<u>Dec.'09 Market Inter. Rate</u>	<u>Max'm True Inter. Cost</u>
Project Funds	\$432.0 million	\$419.0 million
Repay Line of Credit	\$100.0 million	\$100.0 million
Capitalized Interest (interest paid to investors)	\$ 23.5 million	\$ 34.3 million
Reserve Fund Deposit	\$ 53.8 million	\$ 41.8 million
Cost of Issuance	\$ 1.5 million	\$ 1.5 million
Underwriter's Discount (purchase price discount)	\$ 3.3 million	\$ 3.3 million

Policy Change and Implication

The proposed resolution is consistent with the prior enacted revenue bond resolutions. The BCC has previously authorized under enabling ordinances No.s 94-134, 08-126 and 09-67 (enacted in 1993, 2008 and 2009) the issuance of Water & Sewer System Revenue Bonds in which the bonds are to be secured by the pledge of operating revenues. Therefore, the proposed resolution does not constitute a new policy.

Prepared by: Lauren Young-Allen

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



Legislative Notes

Agenda Item: 8(F)1(A)

File Number: 092803

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: January 19, 2010

Type of Item: Resolution Approving a Lease Agreement

Summary

This resolution approves a lease agreement at the Kendall Complex located at 11025 S.W 84th Street, Cottage 11, Miami, with the Center for Family and Children Enrichment, Inc. a Florida not-for-profit corporation for space to be occupied for a residential shelter.

Background and Relevant Legislation

The Center for Family and Child Enrichment (CFCE) was organized and incorporated in 1977 as a private, nonprofit corporation by a group of social workers and psychologists who resided in the North Dade communities of Carol City and Opa Locka. Its initial services were aimed at assisting low-income individuals become self-sustaining and able to resolve conflicts.

The organization received a small grant from the Dade/Miami Mental Health board to provide mental health counseling to children and families in the Northwest areas of the County. In 1980, the Agency was awarded a grant by the State of Florida, Department of Health and Rehabilitative Services, to implement an Intensive Crisis Counseling Program (ICCP). This family preservation and support program increased the Agency's engagement with the large, at risk population which resided in the area.

By 1991, the Agency was fully aware of the mental health needs of the families and children under court supervision, and the fact they were impoverished and unable to pay for service. The Agency became a Medicaid provider in 1992.

In 1995, CFCE was licensed as a child-placing agency and opened its first group home for adolescent males. From 1996 to 1998, the Agency saw a rapid growth in services and infrastructure, adding foster care case management and CINS/FINS services to its continuum.

In 2005, CFCE became a full case management provider with Our Kids of Miami-Dade/Monroe and contracted to provide full case management to 755 children. Additionally in 2005, the Center entered into a contract with the Florida Network of Youth and Family Services to operate a 15 bed shelter for unaccompanied minors under the federal Office of Refugee Resettlement, Division of Unaccompanied Children.

CFCE provides the following services:

- Full Case Management/Dependency Services
- Children’s Mental Health Services
- Residential Group Homes (5)
- Girls Therapeutic Group Home
- Shelter and Services to Unaccompanied Minors (33 beds)
- Children in Need of Services/Families in Need of Services (CINS/FINS)
- ALPHA Substance Abuse Prevention
- Parenting Skills Classes
- Family Preservation and Support Services

Policy Change and Implication

The CFCE currently occupies Cottages 8 and 9 at the Kendall Homes Complex and various buildings at the Landmark Facility, 20600 NW 47th Avenue. According to General Services Administration, CFCE has been in Cottages 8 and 9 since October 1, 1998.

The County has no negative performance issues with CFCE.

Budgetary Impact

The lease term is for five (5) years with two additional two-year renewal option periods. The annual revenue for the first lease year term is \$40,100 (\$8.02 per square foot on an annual basis).

Rental Amounts for the remaining lease terms

Second Year	\$40,902
Third Year	\$41,720
Fourth Year	\$42,554
Fifth Year	\$43,405

According to General Services Administration, the current annual rent is \$7.56 per square foot on an annual basis. The costs of operating expenses are paid by the program. The specialized use of the cottages makes it unique and there are no comparable properties for this kind of use.

Comments

At the November 10, 2009, Housing & Community Development Committee (HCDC), there was a concern raised by a committee member that the Kendall Homes Complex facility was not clean or safe

and recommended all operations at the site cease pending an inspection by the Fire Department, the Building's Code Enforcement and the Office of Neighborhood Compliance, to determine whether the facility is fit for habitation.

On December 1, 2009, the County Manager issued a memorandum clarifying that the property mentioned at the November 10, 2009 HCDC Committee is not the same property listed for Board of County Commission action. The property that the HCDC Committee member had concerns about is located at 11175 SW 80th Street, owned by the Haven School, a private entity. The property referenced in this item, the Kendall Complex is located at 11025 SW 84th Street, under the purview of the County Department of Human Services and is maintained in conjunction with the General Services Administration.

Prepared By: Mia B. Marin

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



Legislative Notes

Agenda Item: 8(F)1(C)
File Number: 093359
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: January 12, 2010
Type of Item: Resolution
Commission District: 2

Summary

This resolution authorizes an execution of a Sub-Lease Agreement for office space located at 2671 N.W. 28 Street, Miami, Florida with Fannie Mae, a Federally Chartered Corporation and a Government Sponsored Enterprise. As part of Fannie Mae's efforts to assist distressed borrowers at risk of foreclosure, the company is opening the Fannie Mae Miami-Dade Mortgage Help Center.

The County's General Services Administration (GSA) proposes to sub-lease a portion of an existing leased facility for use of this existing space. The County originally leased this space for Team Metro in March 7, 2006, which ceased operations at this location on July 31, 2009. The space has been vacant since that time. If approved, the sub-lease will end on November 30, 2012.

According to GSA staff, through January 31, 2010, the County will have paid \$51,182.55 since the property was vacated on August 1, 2009. The County will continue to be responsible for \$3,838.64/month under the proposed sub-lease until November 2010. The County will begin paying a new lease amount in FY 2010-11 of \$4,007.64. (See chart below)

The sub-tenant will be responsible for a base rent of \$4,349.92. In addition to the base rent, the sub-tenant will annually pay for its pro-rata share of any increase in real estate taxes and insurance over the 2006 base year. The sub-tenant will also pay a systems furniture of \$335.13 per month and reimburse for any additional services.

There is an option for Fannie Mae to take the remaining space during the term of the lease.

Comments

The original lease agreement between the County and the owner includes a 4% increase each year. The sublet takes that into account and the County essentially loses whatever the monthly rate with the subtenant is. Overall, taking the sublet to the end of the contract term without cancellation, the County will pay \$309,122 of which the subtenant's total contribution is **\$172,127.09**.

Date	County Lease	Fannie Mae Base Rent	GSA Syst. Furn.	GSA Admin. Fee	Total of Sub-Charges	Fannie Mae Total	County Net Payment
Feb-10	\$8,697.69	\$4,349.92	\$335.13	\$174.00	\$509.13	\$4,859.05	\$3,838.64
Mar-10	\$8,697.69	\$4,349.92	\$335.13	\$174.00	\$509.13	\$4,859.05	\$3,838.64
Apr-10	\$8,697.69	\$4,349.92	\$335.13	\$174.00	\$509.13	\$4,859.05	\$3,838.64
May-10	\$8,697.69	\$4,349.92	\$335.13	\$174.00	\$509.13	\$4,859.05	\$3,838.64
Jun-10	\$8,697.69	\$4,349.92	\$335.13	\$174.00	\$509.13	\$4,859.05	\$3,838.64
Jul-10	\$8,697.69	\$4,349.92	\$335.13	\$174.00	\$509.13	\$4,859.05	\$3,838.64
Aug-10	\$8,697.69	\$4,349.92	\$335.13	\$174.00	\$509.13	\$4,859.05	\$3,838.64
Sep-10	\$8,697.69	\$4,349.92	\$335.13	\$174.00	\$509.13	\$4,859.05	\$3,838.64
Oct-10	\$8,697.69	\$4,349.92	\$335.13	\$174.00	\$509.13	\$4,859.05	\$3,838.64
Nov-10	\$9,045.60	\$4,521.95	\$335.13	\$180.88	\$516.01	\$5,037.96	\$4,007.64
Dec-10	\$9,045.60	\$4,521.95	\$335.13	\$180.88	\$516.01	\$5,037.96	\$4,007.64
Jan-11	\$9,045.60	\$4,521.95	\$335.13	\$180.88	\$516.01	\$5,037.96	\$4,007.64
Feb-11	\$9,045.60	\$4,521.95	\$335.13	\$180.88	\$516.01	\$5,037.96	\$4,007.64
Mar-11	\$9,045.60	\$4,521.95	\$335.13	\$180.88	\$516.01	\$5,037.96	\$4,007.64
Apr-11	\$9,045.60	\$4,521.95	\$335.13	\$180.88	\$516.01	\$5,037.96	\$4,007.64
May-11	\$9,045.60	\$4,521.95	\$335.13	\$180.88	\$516.01	\$5,037.96	\$4,007.64
Jun-11	\$9,045.60	\$4,521.95	\$335.13	\$180.88	\$516.01	\$5,037.96	\$4,007.64
Jul-11	\$9,045.60	\$4,521.95	\$335.13	\$180.88	\$516.01	\$5,037.96	\$4,007.64
Aug-11	\$9,045.60	\$4,521.95	\$335.13	\$180.88	\$516.01	\$5,037.96	\$4,007.64
Sep-11	\$9,045.60	\$4,521.95	\$335.13	\$180.88	\$516.01	\$5,037.96	\$4,007.64
Oct-11	\$9,045.60	\$4,521.95	\$335.13	\$180.88	\$516.01	\$5,037.96	\$4,007.64
Nov-11	\$9,407.42	\$4,702.92	\$335.13	\$188.12	\$523.25	\$5,226.17	\$4,181.25
Dec-11	\$9,407.42	\$4,702.92	\$335.13	\$188.12	\$523.25	\$5,226.17	\$4,181.25
Jan-12	\$9,407.42	\$4,702.92	\$335.13	\$188.12	\$523.25	\$5,226.17	\$4,181.25
Feb-12	\$9,407.42	\$4,702.92	\$335.13	\$188.12	\$523.25	\$5,226.17	\$4,181.25
Mar-12	\$9,407.42	\$4,702.92	\$335.13	\$188.12	\$523.25	\$5,226.17	\$4,181.25
Apr-12	\$9,407.42	\$4,702.92	\$335.13	\$188.12	\$523.25	\$5,226.17	\$4,181.25
May-12	\$9,407.42	\$4,702.92	\$335.13	\$188.12	\$523.25	\$5,226.17	\$4,181.25
Jun-12	\$9,407.42	\$4,702.92	\$335.13	\$188.12	\$523.25	\$5,226.17	\$4,181.25
Jul-12	\$9,407.42	\$4,702.92	\$335.13	\$188.12	\$523.25	\$5,226.17	\$4,181.25
Aug-12	\$9,407.42	\$4,702.92	\$335.13	\$188.12	\$523.25	\$5,226.17	\$4,181.25
Sep-12	\$9,407.42	\$4,702.92	\$335.13	\$188.12	\$523.25	\$5,226.17	\$4,181.25
Oct-12	\$9,407.42	\$4,702.92	\$335.13	\$188.12	\$523.25	\$5,226.17	\$4,181.25
Nov-12	\$9,407.42	\$4,702.92	\$335.13	\$188.12	\$523.25	\$5,226.17	\$4,181.25
Totals	\$309,122.86	\$154,550.64				\$172,127.09	\$136,995.78

Prepared by: Michael Amador-Gil



Agenda Item: 8(G)1(A)

File Number: 093123

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: January 19, 2010

Type of Item: Amendments to Resolutions Approving Demolition and Disposition Applications to US HUD

Summary

This resolution recommends that the Board of County Commissioners authorize amendments to the Demolition/Disposition applications to the US Department of Housing and Urban Development (HUD) for the following projects:

- Verrick I and II (R-998-05);
- Lincoln Gardens (R-1017); and
- Victory Homes (1016-08)

Background and Relevant Legislation

The original demolition/disposition applications to HUD for the following projects were described as mixed income developments which would require the selection of a developer to leverage General Obligation Bond (GOB) Funds.

County staff recommends changing these projects from mixed income developments to design-build without a financing component to construct all public housing units. According to County staff, the design-build approach will expedite design and construction of these projects at a time when current market conditions affect availability of various funding sources to include:

- Florida Housing Finance Corporation funding availability affected by market conditions;
- Extremely Low Income (ELI) and State Apartment Incentive Loan (SAIL) funds eliminated in January 2009;
- Decline in the 4% Low Income Housing Tax Credits (LIHTC) equity pricing by 17.6%;

There is an allocation of \$32.3 million for Miami Dade Public Housing Authority (MDPHA) for public housing projects in the GOB program that include the following projects:

Project	Department	Allocation	Project
242	MDPHA	9,400,000	New Elderly Units at Joe Moretti
244	MDPHA	3,000,000	New Elderly Units at Dante Fascell at 2929 NW 18 Avenue
245	MDPHA	9,400,000	New Elderly Units at Three Round Towers
246	MDPHA	2,500,000	New Family Units at Annie Coleman
247	MDPHA	3,400,000	New Family Units at Lincoln Gardens
248	MDPHA	4,600,000	New Elderly Units at Elizabeth Virrick I
	Total	32,300,000	

MDPHA has re-analyzed the above-listed projects and has made a determination to focus on the three most feasible GOB projects requiring projects numbers 242, 244, 245, 246, and 248 to be deleted and to add two new project numbers 242.A and 244.A, and significantly modify project number 247.

- Verrick I and II (GOB Project 244.A);
- Lincoln Gardens (GOB Project 247); and
- Victory Homes (GOB Project 242.A)

These recommendations are reflected in an “Evaluations Report of G.O.B Projects” Report issued by MDPHA in July of 2009. MDPHA in coordination with the Office of Community and Economic Development (OCED) determined to focus on the three most feasible projects to ensure the most successful utilization of available funds in light of the substantial rise in construction costs.

The GOB Citizens Advisory Committee (CAC) approved the recommendations set forth in the MDPHA Evaluations Report on April 27, 2009.

Budgetary Impact

There is no fiscal impact on the existing GOB Program with amending the demolition and disposition applications to HUD. The allocations for the three projects remain the same (Verrick I & II, Lincoln Gardens and Victory Homes)ⁱ

Prepared By: Mia B. Marin

ⁱ **Comments**

An accompanying item on the Housing & Community Development agenda scheduled for December 9, 2009 seeks to approve significant modifications, additions and deletions to the GOB program with respect to the following projects: Elizabeth Virrick II (project no. 244.A), Lincoln Gardens (project no. 247) and Victory Homes (project no. 242.A.). **Additionally, the accompanying item if approved deletes Elizabeth Virrick I from the GOB list.**

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



Legislative Notes

Agenda Item: 093254
File Number: 8(O)1(C)
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: January 19, 2010
Type of Item: Competitive Contract Package

Summary

This Competitive Contracts Package includes a total of eleven (11) procurement actions. This item was amended at the December 8, 2009, Budget, Planning and Sustainability Committee meeting and includes the removal of Item 3.2, Well Drilling Services (Pre-qualification), of the original package. The subsequent items in that section have been renumbered. The County Manager's memo reflects additional amendments.

Policy Change and Implication / Budgetary Impact

- **Five (5) Competitive Contracts:**

Item 1.1 – Purchase of Window/Wall Mount Air Conditioning Units

This contract is for the purchase of energy efficient window/wall mount air conditioning units for various County departments. This contract is for a one (1) year term in the amount is \$207,750 with five (5), one-year options-to-renew (OTR). Each subsequent OTR is \$207,750 for a cumulative contract total of \$1,246,500.

Questions / Comments

The following information regarding the previous contract was provided by the Department of Procurement Management (DPM):

The previous contract (Contract no. 030-040-06-1) accessed a State issued contract. The initial term was for March 19, 2007 to June 17, 2008. The first OTR period was from June 18, 2008 to June 17, 2009.

The method of award for the previous contract differs from this contract. The State Contract's basis for award was to the lowest priced responsible bidder. The County's contract is awarded

to the two lowest priced responsive, responsible vendors on an item-by-item basis for both groups.

This contract is less than the previous contract because the previous contract was based on usage; therefore, departments reduced their allocations accordingly. In addition, the Housing Agency was the highest user of this contract and requested that their allocation be reduced from to \$260,000 to \$60,750 because they are utilizing another contract 8475-5/13: Packaged Terminal A/C & Dehumidifiers to meet most of their A/C needs.

Item No.	Contract Term & Amount	Amount per year	Previous Contract Term & Amount	Previous Contract Amount per year
1.1	\$207,750 for 1 year.	\$207,750	\$499,500 for 15 months.	\$399,600

Item 1.2 – PC Parts, Peripherals, and Maintenance Services (Pre-qualification)

This contract is for the purchase of replacement PC parts, peripherals, and repair services for various County departments. This contract is for a three (3) year term in the amount is \$4,200,000 with two (2), three-year OTR. Each subsequent OTR is \$4,200,000 for a cumulative contract total of \$12,600,000.

Questions / Comments

The following information regarding the previous contract was provided by DPM.

The contract amounts and associated releases for each term are listed below:

PC Parts/Repair Services Prequalification Pool

7401-3/08	BPO¹ Allocation	Released Amount
ETSD	\$ 5,445,000	\$ 3,019,151
7401-3/08-1	BPO Allocation	Released Amount
ETSD	\$ 2,722,500	\$ 1,608,120
7401-3/08-2	BPO Allocation	Released Amount
ETSD	\$ 2,722,500	\$ 1,223,717
7401-3/08-3	BPO Allocation	Released Amount
ETSD	\$ 1,650,000	\$ 1,266,477

¹ Blanket Purchasing Order

The previous contract was solely awarded for use by the Enterprise Technology Services Department (ETSD). The new contract includes allocations for Aviation, MDFR, Police, and ETSD. These additional departments are not supported by ETSD; therefore, access to this contract will provide them with the ability to obtain computer parts and repair services.

Short Term Bridge Contract

Contract No. 9147-0/10 – PC Parts, Peripherals, and Maintenance Pre-Qualification Pool. The contract term is October 1, 2009 through March 31, 2010. The Contract amount is \$475,000. As of 12/4/09 total releases to date are \$170,258.

Other County Contracts that Provide the Same or Similar Services

There are similar contracts that provide the County with the ability to purchase computer parts and peripherals such as the State of Florida IT Hardware contract # 250-000-09-1 and 085-FF04 – IT Hardware accessed through the Miami-Dade County School Board. These contracts do not provide maintenance and repair services for all County infrastructure equipment.

This contract (7401- 2/19) provides PC parts, peripherals, and maintenance services when needed through a pool of specialized vendors tailored to the needs of Miami-Dade County. This contract encourages local vendor participation and is administered by Miami-Dade County to provide continuity of services via spot market competitions to obtain required equipment in a timely and cost effective manner.

Item No.	Contract Term & Amount	Amount per year	Previous Contract Term & Amount	Previous Contract Amount per year
1.2	\$4,200,000 for 3 years.	\$1,400,000	\$1,650,000 for 18 months.	\$1,100,000

Item 1.3 – Groceries

This contract establishes a pre-qualified pool of vendors to supply groceries for several County departments. This contract is for one (1) five-year term with the total amount of \$11,530,000 with no subsequent OTRs.

Questions / Comments

If the previous contract was a 1 year contract, why increase this contract to a 5 year contract?

According to DPM, this contract establishes an open pre-qualified pool of vendors which participate in quarterly competitions. Additional, pre-qualified vendors may be added during the duration of the contract. The quarterly competition allows user departments to obtain the best market prices. The original contract was for one year with four, one-year OTRs, and was also based on an open pre-qualified pool with quarterly competition. This request for a five year contract has proven to be appropriate based on the experience with the predecessor.

As of December 4, 2009, \$1,980,899.45 has been released under the current contract.

Item No.	Contract Term & Amount	Amount per year	Previous Contract Term & Amount	Previous Contract Amount per year
1.3	\$2,364,400 for 1 year.	\$2,364,400	\$11,530,000 for 5 years.	\$2,306,000

Item 1.4 – Meat, Poultry, Dairy and Frozen Foods

This contract establishes a pre-qualified pool of vendors to supply meat, poultry, dairy, and frozen foods for several County departments. This contract is for one (1) five-year term with the total amount of \$15,498,000.

Questions / Comments:

If the previous contract was a 1 year contract, why increase this contract to a 5 year contract?

According to DPM, this contract establishes an open pre-qualified pool of vendors which participate in quarterly competitions. Additional pre-qualified vendors may be added during the duration of the contract. The quarterly competition allows user departments to obtain the best market prices. The original contract was for one year with four, one-year OTRs, and was also based on an open pre-qualified pool with quarterly competition. This request is for a five year contract has proven to be appropriate based on the experience with the predecessor.

As of December 4, 2009, \$2,460,316.50 has been released under the current contract.

Item No.	Contract Term & Amount	Amount per year	Previous Contract Term & Amount	Previous Contract Amount per year
1.4	\$15,498,000 for 5 years.	\$3,099,600	\$3,216,490 for 1 year.	\$3,216,490

Item 1.5 – Tire Retreading and Section Repair

This contract is for the purchase of tire retreading and repair services for GSA. This contract is for a one (1) year term in the amount is \$1,465,000 with four (4) OTRs. Each subsequent OTR is \$1,465,000 for a cumulative contract total of \$7,325,000.

Questions / Comments:

This contract combines the following two contracts:

- Contract: 8889-1/09-1 - Tire Retreading and Section Repair
Contract Amount: \$500,000;
Term: 4 months (6/1/09 - 9/30/2009); and
- Contract No.: 6164-4/11-3 - Tire Retreading and Section Repair Services
Contract Amount: \$1,701,575;
Term: 1 year (10/1/09 - 9/30/2010).

The proposed contract is \$236,575 less than the two previous contracts combined.

Item No.	Contract Term & Amount	Amount per year	Previous Contract Term & Amount	Previous Contract Amount per year
1.5	\$1,465,000 for 1 year.	\$1,465,000	\$1,701,575 for 1 year.	\$1,701,575

- **One (1) Bid Rejection:**

Item 2.1 – Cremation Services for Miami-Dade County

This request is to reject the sole bid received from the current provider, Allen & Shaw Cremations, Inc., to provide cremation services for the Medical Examiner Department.

This is the second time the sole bid is being rejected. The Board of County Commissioners approved a bid rejection on June 2, 2009, under Resolution No. 636-09. Allen & Shaw Cremations, Inc. offered a bid price that was 132% higher than the current contract. The offered price included the cost of expanded services that Allen & Shaw Cremations, Inc. was providing at no cost since these services are not covered in the current contract. According to DPM, the expanded services covered the transport, pick-up, storage, and interment of remains when the Medical Examiner’s Office is closed.

- **Six (6) Contract Modifications:**

Item 3.1 – Telecommunications Services Pool

This request is for additional time and spending authority to support the County’s telecommunications network infrastructure for ETSD and MDFR.

Questions / Comments:

This contract has had 6 modifications since its award by the Board of County Commissioners on July 24, 2001 by Resolution No. 888-01. The modification history is provided below:

#	Extended Term	Increased Allocation	Method of Approval	Date Approved	Reason
1	6 months to 1/31/09	n/a	DPM	6/16/08	To provide continuity of services while a long term successor contract was finalized.
2	6 months to 7/31/09	n/a	Resolution No. 1425-08	12/16/08	To provide continuity of services while a long term successor contract was finalized.
3	n/a	Transfer of allocation	Internal modification		Transfer of funds between Aviation to MDFR. This provided MDFR with an additional allocation to cover expenses to complete the wiring project at Station 13 and supply warehouse.
4	n/a	Transfer of Unallocated Funds	n/a	n/a	ETSD requested allocation from the pro-rated funds that were added to the contract during the first six month extension. These funds were not

#	Extended Term	Increased Allocation	Method of Approval	Date Approved	Reason
					allocated because they were not requested at the time. This modification was required to move unallocated funds to ETSD for fiber installation at the Library's Metro-e-Services Project and Phase III of the Lightspeed Facility infrastructure development project.
5	6 months to 1/31/10	\$500,000	Resolution No. 636-09	6/2/09	ETSD requested additional time and allocation. This modification was required to provide continuity of services and to support the ongoing Lightspeed Facility infrastructure development project to move portions of the County 911 operations and support general telecommunication operations of various County departments.
6	n/a	\$60,000	DPM	8/20/09	MDFR required additional allocation to complete installation connections for additional T1 lines between the Logistics Division and the Fire shop. Additionally, the increased allocation was needed for data and telephone connection switches to the MDFR Command and Control Room.

Information provided by DPM.

Item No.	Initial Contract Term & Amount	Modified / Extended Term	Increased Allocation	Record of Vendors' Performance
3.1	\$4,769,000 for 30 months.	6 month - January 31, 2010 to July 31, 2010.	\$850,000	No Compliance / Performance issues reported for the four (4) firms: Quality Wiring, Inc., Black Box Network, Parmac, Inc., and Net Tech International.

Item 3.2 – Law Enforcement Equipment and Supplies

This request is for additional spending authority to allow MDPD to purchase law enforcement equipment and supplies. If this modification is authorized, the contract amount will increase to \$1,860,000, almost twice the original allocation.

Questions / Comments:

Item No.	Initial Contract Term & Amount	Modified / Extended Term	Increased Allocation	Record of Vendors' Performance
3.2	\$1,000,000 for 1 year.	No Change.	\$860,000	No Compliance / Performance issues reported for the fifteen (15) firms.

Item 3.3 – Audio Visual Equipment and Supplies (Pre-qualification)

This request is for additional spending authority to allow MDT² to purchase security and infrastructure upgrades. If this modification is authorized, the contract amount will increase to \$6,468,000, which is almost two times the amount of the original allocation.

Questions / Comments:

The breakdown of the funding source for the MDT's Modification Project is as follows:

Operating Funds	\$ 175,996
Department of Homeland Security	\$2,218,000
20% projected for contractual term	\$ 478,799
Total	\$2,872,795

In addition, MDT will request funding from the American Recovery and Reinvesting Act (ARRA), in the amount \$1,081,024. The ARRA funding process is a separate action and is not included in this item. The total allocation for MDT's Modification Project is \$3,475,020.

Item No.	Initial Contract Term & Amount	Modified / Extended Term	Increased Allocation	Record of Vendors' Performance
3.3	\$3,595,000	No Change.	\$2,873,000	No Compliance / Performance issues reported for the nineteen (19) firms.

Item 3.4 – Landscaping and Lawn Maintenance Services

This request is to obtain approval for the use of MDT Operating funds³ to allow MDT to continue purchasing landscaping and lawn maintenance services. No additional time or spending authority is requested for this item.

² Miami-Dade Transit Department

³ PTP funds are utilized as part of the MDT Operating funds.

Questions / Comments:

Item No.	Initial Contract Term & Amount	Modified / Extended Term	Increased Allocation	Record of Vendors' Performance
3.4	\$98,000 for 1 year.	n/a	n/a	No Compliance / Performance issues reported for the two (2) firms: Statewide Maintenance/Striping, Inc. and McIntyre Maintenance, Inc.

Item 3.5 - Parking and Revenue Control System

This request is for additional spending authority to purchase products and/or services to automate Parking Garage C and Surface Lot E, and to support the expansion of the existing Parking and Revenue Control System of the Miami-Dade Seaport (Seaport). If this modification is authorized, the contract amount will increase to \$1,573,000, which is almost three times the original allocation.

Questions / Comments:

This contract was initially accessed and awarded under DPM's delegated authority in the amount of \$490,500 (RFP 4500037623). It was ratified through the July 23, 2009, quarterly report, Resolution No. 1056-09.

The quarterly report list the original funding source as federal funds (50%) and proprietary revenue (50%). However, for the additional spending authority, the funding source is special obligation bonds, Seaport 2009 Capital Acquisition.

Item No.	Initial Contract Term & Amount	Modified / Extended Term	Increased Allocation	Record of Vendors' Performance
3.5	\$491,000 for 18 months.	No Change.	\$1,082,000	No Compliance / Performance issues reported for Federal APD, Inc. (non-local vendor).

Prepared by: Elizabeth N. Owens

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



Legislative Notes

Agenda Item: 8(P)1(E)
File Number: 093155
**Committee(s)
of Reference:** Board of County Commissioners
Date of Analysis: January 13, 2010
Commission District: Countywide
Type of Item: Amendment

Summary

This resolution amends an existing contract between Miami-Dade County and Kimley Horn and Associates (KHA) for Phases 1 and 2 of the countywide Advanced Traffic Management System (ATMS) project in the amount of \$2,160,000.

The original project scope and system manager contract contemplated the development of a hybrid wireless and fiber-optic communication network by the County's Enterprise Technology Services Department. The proposed network was to serve as the backbone of the ATMS' network communication subsystem. Since this proposed network did not come to fruition, the consultant needed to develop an alternate communication strategy using a modified version of the existing leased AT&T phone line network. This effort was unanticipated and therefore not budgeted in the original scope.

According to Public Works Department (PWD) staff, in the past two years, the following ATMS work has been completed:

- Number of signals implemented with ATMS software has increased from 700 to 2182.
- Number of signals actually connected to the ATMS has increased from 453 to 1713.
- Numerous enhancements to the central software have been completed and implemented.
- Numerous enhancements to the local software have been completed (and will soon be deployed).
- The N.W. 199 Street Reversible Lane Control System has been refurbished (and will be reactivated soon).

The amendment to the contract is being submitted to the Board of County Commissioners (BCC) because the contract *currently* has an upper limit of \$9 million which needs to be increased by \$2.1 million.

Operations and Maintenance Costs

One provision in the ATMS System Manager contract specifically requires that operations and maintenance costs not significantly increase. *According to PWD staff, to-date, they have remained fairly constant. Furthermore, staff mentioned that operations and maintenance costs will decrease if the new communication subsystem that is being considered for the next phase of the project is implemented, as it will eliminate current reliance on a sizable and expensive leased network of circuits.*

Background and Relevant Information

Phase 1 Alpha Test began in late 2005. The actual Phase 1 deployment began in mid 2006 and is scheduled to be completed in December 2010. Phase 2 of the project will consist of system enhancements and may begin in early 2010, depending on KHA completion of certain Phase 1 tasks and funding availability.

On February 1, 2005, through Resolution 172-05, the Administration requested that the BCC waive competitive bids and authorize the County Manager to enter into negotiations with selected vendors for the installation and implementation of a new ATMS.

The current Traffic Control System (TCS) was installed in the mid to late 1970s. In 1996, the County awarded F.R. Aleman & Associates a contract to install a new ATMS. The contract was terminated in June 2004 because F.R. Aleman & Associates' inability to make their proposed software operate in a large network. PWD staff in February 2005 identified and purchased an "off-the-shelf" (OTS) ATMS. PWD stated that a consultant to design a brand new system was not required.

A Request for Information to ascertain industry participation in the project was forwarded to 14 known suppliers of OTS ATMS products throughout the United States in late June 2004. A four-person committee consisting of PWD and Enterprise and Technology System Division staff concluded that of the 14 vendors, 6 vendors had the experience. The committee found that KHA stood out as the clear leader among the other 6 vendors to serve as the project's System Manager.

On July 7, 2005, through Resolution 876-05, the BCC authorized a contract with KHA to provide and integrate an **ATMS central software package**. The system was to replace the TCS that has been monitoring and controlling traffic signals in Miami-Dade County for over 29 years. A formal Request for Proposals following standard Department of Procurement Management processes was not initialized.

During the same time, FDOT stated that their participation would not be in the software development, but rather on the deployment of the project.

KHA will continue in their role as the County’s ATMS Project Manager. Their performance in this role to-date has been both outstanding and critical to the success of the project, according to PWD. There have been unanticipated delays and issues, but they have been addressed satisfactorily.

The following vendors provide services for the ATMS: Control Technologies for cabinet/controller/firmware supply; GDI Communications for supply of communications equipment; McCain for controller firmware supply; AT&T for providing leased communications lines; Horsepower Electric; AGC Electric; Raydan Electric for providing installation services; CDW Corporation; and Insight for central and other equipment.

History of Violations on Previous Contracts as of May 1, 2009

Vendor	Date of Violation	Project No.	Dept.	Amount Makeup	Reason	Status
Raydan Electric, Inc.	06/30/05	20030015	PWD		Failed to submit Payrolls	Closed 08/06/08
Raydan Electric, Inc.	09/28/05	20030015	PWD		Failure to respond to monthly utilization report audit	Closed 12/18/06
Raydan Electric, Inc.	01/26/07	20030015	PWD	\$16,632	Prime failed to meet CSBE subcontractor goal	Open
Raydan Electric, Inc.	01/26/07	20030015	PWD		Failed to submit Payrolls	Closed 08/06/08
Horsepower Electric	02/07/02	671030A	PWD	\$39,583.38	Prime failed to meet CSBE subcontractor goal	Closed Make-up of 39,583.38 completed in 10/2009 verified 01/2010

Source: Small Business Development

Question: Is there anymore work that could be performed in-house?

Question: Although the red-light camera legislation narrowly failed in Tallahassee this session, can the ATMS interface with the red-light camera system?

PWD staff state that no design modifications to the ATMS are required to enable the red light camera systems to function.

Budgetary Impact

According to PWD staff, ATMS PTP expenditures include: \$8.4 million to KHA from work orders for Phase 1 and Phase 2 of the ATMS; and \$4.5 million from PTP proceeds for a state-of-the-art Traffic Control Management Center which will house the ATMS at the Beacon Tradeport Community Development District or the Light Speed Building (See Resolution 361-06).

The following questions were posed to PWD staff:

- What shortage is the ATMS experiencing in funding?
The countywide deployment phase of the ATMS project, commonly known as Phase 2, is funded and is scheduled for completion in December of this year. Phase 3 of the project is currently being scoped, and tentatively calls for software enhancements, a new Traffic Management Center, expanded video surveillance, and a state-of-the-art communication network. The estimated shortage to complete the ATMS' project Phase III is approximately \$ 40 million

- Performa for ATMS
Because the ATMS is replacing a previous signal control system over a four-year period, and there are so many other variables that affect the flow of traffic in a dynamic urban environment such as ours, no formal third-party evaluation of the ATMS is planned. Nonetheless, as the primary user of the system, Public Works Department staff can attest to the many advantages of the system. Although it has only been deployed throughout ~2/3rds of the County to-date, it has been performing very well. Staff has been able to use its new features to improve traffic flow and corridor capacity at many locations and at many times-of-day.

The system is much less susceptible to hardware failures and intermittent communication circuit failures. Its user-interface is much more user-friendly enabling it to be used much more efficiently by staff. Signal timing can be updated much more easily. Staff productivity has increased. New video surveillance capabilities are just now coming into use which saves staff from spending so much time driving to sites. Overall, the ATMS deployment has been a successful improvement to the traffic signalization in the County.

- Has the County experienced any savings?
The citizens are definitely experiencing savings. The general consensus among Public Works engineering staff is that the new system enables traffic flow improvements on the order of about 5% -- more on some corridors and less on others – resulting in reduced fuel consumption, reduced driving times, reduced wear-and-tear on vehicles, and reduced man-hours spent in traffic.

In some cases, citizens have noticed the improvements and thanked us for them. In many cases, the improvements are sufficiently subtle that they are not immediately obvious to the public. Nonetheless, the benefits are definitely there. Traffic is flowing better. The capacity of our infrastructure is increased without having to spend millions of dollars on ROW acquisition and road-widening. Occasional major congestion resulting from hardware failure is significantly reduced.

Additional savings will include the ability to reduce the over \$2 million in annual costs associated to the current use of the AT&T communications circuits. Once the deployment of the projected high speed (Ethernet capable) wireless communications infrastructure is built (with an approx. 5 to 7 years ROI) the reduction of costs to operate the system will be considerable.

Prepared by: Michael Amador-Gil

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



Legislative Notes

Agenda Item: 9(A) 3
File Number: 093157
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: January 14, 2010
Commission District: Countywide
Type of Item: Ratification

Summary

This resolution ratifies the County Manager's execution of 24 Equitable Distribution Program (EDP) Professional Services Agreements (PSA) for the Second and Third Quarters of 2009 for architectural, engineering and landscape architectural firms.

- Of the 24 firms seeking ratification, 16 are existing EDP consultants and 8 are first time Professional Service Agreements.
- 1 existing EDP consultant does not have a performance evaluation. **According to Office of Capital Improvement (OCI) staff, some work assignments are active or have not been closed by the capital departments.**
- User agencies have provided past performance evaluations for 15 of the 16 existing firms that renewed their contracts during the period. (Capital departments are tasked with completing contract performance evaluations at the completion of an EDP project)
- There are currently 349 active EDP firms; however, the EDP Contractors List on the Capital Improvements Information System (CIIS) does not list all the firms.

According to OCI staff:

- *There are 349 firms that were active in the program as of June 30, 2009. OCI has processed over 430 firms in the program but many are no longer active because: (1) vendors have not maintained their technical certification(s) with Miami-Dade; (2) vendors closed their offices; (3) vendors no longer maintain an office in Miami-Dade; and (4) vendors changed their name.*
- *The reasons for the discrepancy between the EDP Oracle database information and the CIIS is as follows: Many of the firms are no longer in the program and are dropped from the CIIS and/or never were populated to the CIIS. The CIIS only captures prime firms that have received an EDP prime assignment. Firms that have only participated as a sub on a*

project are not reflected as a firm with an EDP assignment in the CIIS. Also, the EDP project data is transferred to the CIIS database quarterly.

Background and Relevant Information

The EDP was created in June 2001 when the Board of County Commissioners (BCC) adopted Administrative Order 3-33. The purpose for establishing the EDP was to fairly and equitably distribute Architectural and Engineering (A/E) professional services for all miscellaneous type projects in which construction costs do not exceed the thresholds required by Section 287.055, Florida Statutes. Due to the development of various computer programs, databases, development of the pre-qualification pool, and forms, full implementation of the program did not take place until July 2002 when the first work assignment was made.

- OCI is tasked with overall administration of the EDP.
- New participants are not required to execute the Professional Services Agreement (PSA) until such time they are selected for a work assignment.
- Pursuant to Administrative Order 3-39 (AO), Capital departments are only required to complete one EDP performance evaluation at the completion of the assignment.
- The EDP is not a minority and/or small business program.
- The EDP provides work assignment opportunities to firms by employing a rotational selection process based on a firm’s past 3 year award and payment history on County projects. The qualified EDP firms that have had less opportunities to provide services to the County over the past 3 years typically will be eligible for an EDP project assignment.
- In order for a firm to participate in the rotational process (EDP program), the firm must meet all pre-qualification process criteria and meet the EDP eligibility requirements, pursuant to AO 3-39.

	Firm	EDP Assignments	# of PSAs	Overall Performance Evaluation	Comments ¹
1	AMBRO, Inc.	5	0	3.8	Performance evaluations were provided for three contracts.
2	Curtis and Rogers Design Studio, Inc.	4	0	3.6	Performance evaluations were provided for two contracts.
3	Designone, Inc.	6	0	3.4	Performance evaluations were provided for three

¹ **Some of the firm’s EDP assignments are still active and/or have not been closed by the Capital departments. Some performance evaluations may not be reflected above.**

					contracts.
4	Gannett Fleming, Inc.	5	2	3.7	Performance evaluations were provided for two contracts.
5	Hardesty & Hanover, LLP	9	1	3.7	Performance evaluations were provided for four contracts.
6	JM Engineers, Inc.	9	0	4.0	Performance evaluations were provided for two contracts.
7	Laura Llerena & Associates	1	0	3.0	A performance evaluation was provided for one contract.
8	Professional Service Industries, Inc.	23	3	3.8	Performance evaluations were provided for two contracts. According to OCI staff, testing and surveying services did not require evaluations.
9	TLC Engineering for Architecture, Inc.	4	0	N/A	No performance evaluation was provided for this firm.
10	Consulting Engineering & Science, Inc.	6	5	2.9	Performance evaluations were provided for five contracts.
11	J. Bonfill & Associates, Inc.	4	3	3.9	Performance evaluations were provided for three contracts.
12	Ojito & Associates, Inc.	5	1	3.7	Performance evaluations were provided for three contracts.
13	Shaw Environmental, Inc.	4	1	3.4	A performance evaluation was provided for one contract.
14	Target Engineering Group, Inc.	1	0	4.0	Two performance evaluations were provided for one contract.
15	URS Corp Southern	3	15	3.5	Performance evaluations were provided for fifteen contracts.
16	CES Consultants, Inc.	1	5	4.0	A performance evaluation was provided for one contract.

Comments

According to OCI staff, OCI has requested that participating capital department Project Managers close out their projects timely and complete the performance evaluations. Administrative Order 3-42 - *Evaluation and Suspension of Contractors and Consultants*, states that "all contractors and consultants shall be evaluated for their performance at least once on each capital improvements contract or agreement."

Prepared by: Michael Amador-Gil

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



Legislative Notes

Agenda Item: 11(A)2

File Number: 093166

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: January 19, 2009

Type of Item: Resolution Approving Grant Allocations for District 5

Summary

This resolution approves the grant allocation in the amount of \$10,592,307 from the Building Better Communities General Obligation Bond Program (GOB) to construct and improve affordable housing projects for the elderly and families in District 5.

District 5 Grant Allocations is as follows:

Project	Grant Allocation
Porto Allegre	\$3,704,147
Toscana	\$6,171,550
Villa Aurora	\$276,179
Miami Beach Development Corp	\$440,431
Total	\$10,592,307

Background and Relevant Legislation

Resolution R-918-04 was approved by the Board of County Commissioners (BCC) on July 20, 2004 authorizing funding for projects to construct and improve housing for the elderly and working families. Furthermore, allow the County to issue General Obligation Bonds in an amount not to exceed \$194,997,000 to fund those housing improvements in the County. The resolution 918-04 also included as an attachment a list of projects identified for these public and affordable housing projects to include the following:

Project No.	Department	Allocation	Project
242	OCED	9,400,000	New Elderly Units at Joe Moretti
244	OCED	3,000,000	New Elderly Units at Dante Fascell at 2929 NW 18 Avenue

245	OCED	9,400,000	New Elderly Units at Three Round Towers
246	OCED	2,500,000	New Family Units at Annie Coleman
247	OCED	3,400,000	New Family Units at Lincoln Gardens
248	OCED	4,600,000	New Elderly Units at Elizabeth Virrick I
249	OCED	132,700,000	Preservation of Affordable Housing Units and Expansion of Home Ownership
327.1	HT	7,400,000	Land Acquisition for New Permanent Housing Projects
327.2	HT	7,600,000	Homestead Air Base - Permanent Housing Units Development
Transfer (from 249)	Hialeah	5,000,000	Transfer (Included in the \$10M for each district.)
341	Finance	9,997,000	Bond issuance Cost To Construct and Improve Housing For The Elderly And Families (Projection)
	Total	194,997,000	

On May 5, 2008, the BCC approved Resolution 537-08 establishing a procedure that captured and appropriated the original GOB Housing amount of \$137.7 million (Project 249) evenly among the 13 commission districts (\$10,592,307 per district).

Budgetary Impact

There is no fiscal impact with the approval of this item since the total amount of the grant allocations for the recommended projects equals the amount allotted per district through R-537-08.

Comments

A related item was approved at the Housing & Community Development Committee on December 9, 2009 which seeks to approve significant modifications, additions and deletions to the GOB program with respect to projects numbers 242, 244, 245, 246, 247 and 248.

Prepared By: Mia B. Marin

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



Legislative Notes

Agenda Item: 11(A)6
File Number: 093072
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: December 7, 2009
Type of Item: Resolution
Prime Sponsors: Commissioners Katy Sorenson & Carlos Gimenez

Summary

This resolution directs the Mayor or his designee to provide up to 80 transit passes per month for free of charge for one year to City Year. The passes are to be distributed to City Year volunteers serving within Miami-Dade County.

The passes are to be provided in exchange for no less than 2,800 hours of volunteer services to be performed beautifying County property at or near County transit facilities.

Background and Relevant Legislation

City Year is a non-profit organization which operates the City Year youth service corps. The program brings together 1,500 young people between the ages 17-24 for a year of full-time community service, leadership development, and civic engagement. The youth come from diverse backgrounds and work in various communities across the United States tutoring and mentoring school children, reclaiming public spaces, and organizing after-school programs, and school vacation camps among other activities.

Policy Change and Implication

This resolution does not represent a change in any existing transit-related policy.

Questions

Answers provided by Miami-Dade Transit (MDT)

Has the County engaged in a similar transit fare-for-volunteer services exchange?

Yes. Pursuant to Section 2-150 of the Code, in August 2009, MDT provided a temporary fare waiver to City Year to explore the viability of using City Year volunteers to assist MDT in the distribution and

education of the EASY Card and with landscaping at select Metromover and Metrorail stations. Eighty-seven (87) volunteers assisted MDT in this effort. The Director only has authorization by the Code to enter into arrangements such as this for six (6) months. This resolution extends the program.

What is the approximate fiscal impact? Are these daily passes? Monthly passes?

MDT worked with the Office of Community Image and City Year to establish a work plan for landscaping and upkeep of Metromover and Metrorail stations. City Year has committed to providing 2,800 hours. City Year volunteer labor hours are estimated at \$18.00 per hour. Therefore, City Year will provide approximately \$50,400 worth of services in exchange for 80 monthly Metrorail passes at \$50.00 each. All City Year volunteers are eligible for \$50.00 Metrorail passes because of their volunteer's college status. Eighty (80) Metrorail passes @ \$50 each is \$4,000 per month. \$4,000 x 12.6 months is \$50,400. The half month of labor (12.6) will be rolled into one full year of labor in accordance with the resolution (not to exceed one year)

What projects will City Year volunteers work on?

A work plan for new projects has been developed working with the Office of Community Image and City Year. A project manager from MDT will be assigned to track labor hours and projects in conjunction with Community Image staff.

Prepared By: Jason T. Smith

**MIAMI-DADE COUNTY
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Legislative Notes

Agenda Item: 11(A)7
File Number: 091973
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: November 9, 2009
Type of Item: Conflict of Interest Waiver Requests
Prime Sponsor: Commissioner Katy Sorenson

Summary

This resolution regarding contract lobbyists and the conflict of interest waiver procedure enacts the following:

- Sets policy for Miami-Dade County that all contract lobbyists will obtain a conflict waiver from the Board of County Commissioners (BCC) prior to representing any client in any forum that is adverse to the County;
- Directs the Mayor or his designee to implement the policy in all future contracts for lobbying; and
- Requires all conflict of interest waiver requests to be submitted directly to the BCC Chairman, who will place the conflict waiver request on the next available BCC agenda.

Background and Relevant Legislation

Ordinance No. 72-82 Establishes the County's general regulations for conflicts of interest.

Resolution No. 1236-99 No County contract lobbyist or sub-consultant can represent any client and/or issue that may be adverse to the County without first requesting and obtaining permission from the County.

Currently, contract lobbyists may apply for a waiver request which may or may not be granted by the Board.

Ordinance No. 00-64 No person or entity, whether an individual, firm, partnership or corporation, which received compensation from the County for lobbying on behalf of the County or any of its agencies or instrumentalities at either the state, national, or municipal level can represent any entity in any forum to support

a position in opposition to a position of the County unless the Board grants a specific waiver for a specific lobbying activity.

Resolution No. 1264-09 Contract lobbyists who are subcontractors, who are retained under a work order or who are otherwise employed through one of the prime lobbying contracts are to submit conflict waiver requests to the Board through the prime contractor.

Ordinance No. 09-98 Conflict waiver requests are exempt from committee review.

Policy Change and Implication

This ordinance requires that all contract lobbyists, including all subcontractors and lobbyists hired under work orders, obtain a conflict waiver from the BCC prior to the following:

- Award or payment of contract or work order for lobbying;
- Renewal or payment for a contract or work order for lobbying; and
- If there are no conflicts, the lobbyist must still provide a written statement that there are no conflicts.

Furthermore, this ordinance creates an expedited waiver request, allowing that conflict waiver requests be submitted directly to the Chairman of the Board. Because no committee review is currently required for waiver requests (Ordinance No. 09-98), they will go directly to BCC for consideration.

Prepared by: Elizabeth N. Owens

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

Agenda Item: 14(A)1
File Number: 093423
**Committee(s)
of Reference:** Board of County Commissioners
Date of Analysis: January 13, 2010
Type of Item: Economic Stimulus Plan

Summary

This resolution adds County projects to the Economic Stimulus Program (ESP). The addition of these projects to the County's ESP list will allow them to benefit from the expedited process currently in place under this program.

Question: When the next ESP award list is presented to the Board of County Commissioners (BCC) for ratification, will the names of all firms awarded contracts, details describing the solicitation processes used to select such firms, and an estimate of the number of jobs created by such awards be included?

Background and Relevant Information

In May 2008, more than 500 industry representatives attended a meeting with the Office of Capital Improvements (OCI), the directors of the County's 16 capital departments, and the Departments of Procurement and Small Business Development to discuss how the County can accelerate its capital projects.

On July 17, 2008, the BCC, through Ordinance 08-92, authorized the Mayor or his designee the following responsibilities in order to expedite capital projects under the ESP:

- (a) Issue bid and proposal documents;
- (b) Receive, open and review bids and proposals;
- (c) Appoint standing selection committee members to obtain professional services in accordance with the Code of Miami-Dade County; and
- (d) Award or reject bids for contracts including professional service agreements and construction contracts and issue Notices to Proceed (the award value of the contract must be reviewed by OSBM, the base value of a recommended award does not exceed the base estimate by more than 20%), negotiate and settle contractor claims, and issue change orders (change orders or amendments are timely in submission and do not exceed \$500,000 or 15% of the contract price), retroactive change orders must be submitted to the Board for approval.

Economists view this type of government intervention as an “*Economic Multiplier Concept*.” The multiplier effect is a tool used by governments to stimulate aggregate demand. This can be done in a period of recession or economic uncertainty. The money invested by a government creates more jobs, which in turn will mean more spending. For example, a company spends \$1 million to build a factory. The money does not disappear, but rather becomes wages to construction workers and revenue to suppliers etc. The construction workers will have higher disposable income as a result, so consumption, therefore aggregate demand will rise as well. This creates an additional cycle of more labor income and more spending.

According to OCI’s December 31, 2009 weekly ESP updates:

\$519.3 million from the original \$625.7 million list of ESP projects have been expedited. This number is lower than the \$522.5 million reflected during the last reporting period by \$3.2 million because projects were awarded this period for less than the amounts reflected in the requests-to-advertise (RTA) processed under the ESP.

- \$32.6 million in projects that were added to the list via resolution have been expedited; and
- \$30 million in ARRA projects, which are automatically part of the ESP, have been expedited (Public Works and Housing projects).
- \$582 million - Grand Total - ESP Projects Expedited

Below is the current percentage (%) of projects expedited based on both number of projects and dollars:

- Percentage of projects from the original list expedited based on number of projects: 88% (118 of total 135 projects)
- Percentage of projects from the original list expedited based on \$\$ value: 83% (\$519.3 million of \$625.7 million)

American Recovery and Reinvestment Act (ARRA)

According to the ARRA 2009 Job Creation and Grant-Related Activities Report, the County has applied for over \$578 million in ARRA funding, and approximately \$230 million has been awarded. Based on information from departments, 49 jobs have been identified.¹

Local Construction Industry

According to the latest Beacon Council’s unemployment figures, Miami-Dade County’s unemployment rate for November 2009 was 10.5 percent. This was a decrease of 1.3 percent compared to October 2009 (11.8%) and an increase of 4.3 percent compared to November 2008. The unemployment rate for the State of Florida was 11.5 percent and the United States was 9.4 percent in November 2009. The Miami-Dade County unemployment rate is lower again than the State of Florida.

The construction sector continues to be of major concern, although the rate of decline has slowed down. It experienced a decrease in employment of 6,700 jobs or 14.9 percent between November 2008 and November 2009.

Question: Did the ESP meet the 2,619 projected additional employment positions for year one (1)?

¹ Under Federal Office of Management and Budget guidelines, an ARRA-created job is defined as a new position created and filled or an existing unified position that is filled as a result of ARRA. A retained job is an existing position that would have been eliminated if not for ARRA. A job cannot be counted as both created and retained.

(See File No. 082232 BCC 7A Supp No. 2-Fiscal Impact)

Question: How is OCI measuring the ESP's impact on the local workforce?

- Third party verification of results is not required or even contemplated under current ESP legislation.
 - On June 30, 2009, the BCC, through Ordinance 09-60, approved several amendments to the ESP Ordinance. One of the amendments included the *Department of Procurement Management* review ESP purchases. The Office of Strategic Business Management and OCI have been monitoring the ESP since its inception (July 2008).

Legislative History

In October 2001, following the events of September 11, 2001, former Mayor Penelas presented an emergency plan that contained a similar proposal to expedite county spending on construction projects. On October 11, 2002, a report was presented to the BCC relating to expedited capital contracts. During the discussion, members of the BCC suggested the following:

- (1) Area residents be hired for jobs generated by the capital projects under the expedited process;
- (2) Jobs generated be advertised in the County's Job Clearinghouse; and
- (3) Provide a status on the hiring of area residents.

The BCC also suggested an oversight and monitoring committee be added to the expedited process.²

- ***On October 11, 2001, Resolution 1084-01 was adopted 8-1, approving invocation of Emergency purchase procedures under the "General Building/Engineering and Specialty Trade Contractors".***

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² See File No. 012667 Special Item No. 2