



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Legislative Analysis

Government Operations

Committee

May 12, 2009

9:30 A.M.

Charles Anderson, CPA

Commission Auditor

111 NW First Street, Suite 1030

Miami, Florida 33128

305-375-4354

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

**Legislative Notes
Government Operations Committee
Meeting Agenda**

May 12, 2009

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

Item Number(s)

2(D)	4(B)
2(E)	4(C)
2(I)	4(D)
3(C)	4(F)
3(D)	4(I) & Supplement
3(E)	4(J)
3(P)	

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

Acknowledgements--Analyses prepared by:
Michael Amador-Gil, Legislative Analyst
Tiandra Sullivan, Legislative Analyst

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



Legislative Notes

Agenda Item: 2(D)

File Number: 091191

Committee(s) of Reference: Government Operations Committee

Date of Analysis: May 8, 2009

Type of Item: Resolution Directing County Mayor to Develop Uniform Signage

Prime Sponsor: Commissioner Barbara J. Jordan

Commission District: Countywide

Summary

This resolution directs the County Mayor to present to the Board of County Commissioners (Board) several design options of construction sign designs to be used by all departments.

Background and Relevant Legislation

Prior to 2004, Miami-Dade County did not have a standard branding style that was being utilized throughout departments.

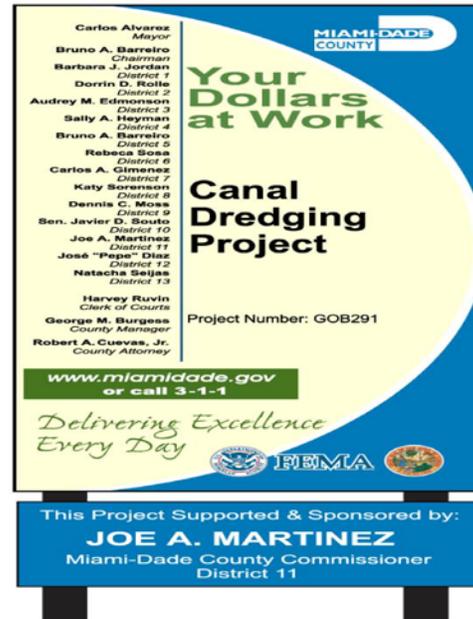
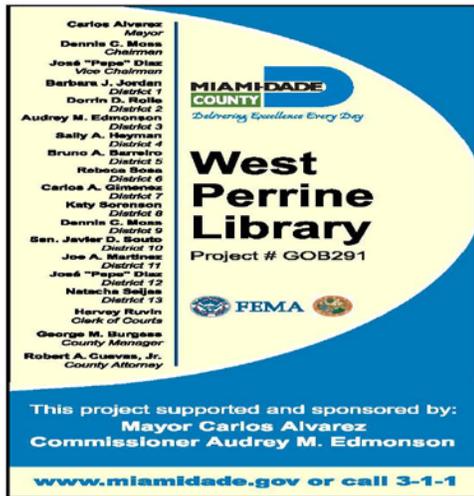
On October 9, 2003, through Resolution R-1156, the Board directed the County Manager to recommend policy direction to brand County government services.

On April 23, 2004, the Board accepted the County Manager's recommendation and adopted a refreshed County logo as the official County brand. On May 11, 2004, the Board adopted Resolution R-643-04 directing the County Manager to implement procedures for the use of the "refreshed" County logo as the official County brand.

According to the Miami-Dade Branding Style & Guide, branding county services with a consistent identifier, increases public awareness of what the County does, build confidence in County government and increases support for county services and programs.

All County construction projects will be identified using the Standard Construction Sign. This Construction Sign must be ordered through the General Services Department, and will include all required information. It is the responsibility of the capital Departments managing construction projects to ensure any subcontractors to utilize the standard construction signage.

Attached below are samples of the construction signage; the sign on the left is what is currently being used and the sign on the right represents what was being done to incorporate changes that were approved by the Board through Resolution R-1343-06. According to the Government Information Center Department, as a way to reduce the labor and material costs of the signs, the design was modified to conform the original, standard size of 4" x 8." The information on the separate sign showing the Mayor and Commissioner names was incorporated into the 4'x8' board.



Policy Change and Implication

N/A

Budgetary Impact

The Office of the Commission Auditor will provide the cost of the signage for the past three years by the time this resolution goes to the full Board for consideration.

Prepared by:

Tiandra D. Sullivan

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



Legislative Notes

Agenda Item: 2(E)

File Number: 090758

Committee(s) of Reference: Government Operations Committee

Date of Analysis: May 8, 2009

Type of Item: Resolution Directing County Mayor to Simply and Clearly Convey the Nature of Public Meetings

Prime Sponsor: Chairman Dennis C. Moss

Commission District: Countywide

Summary

This resolution directs the County Mayor or his designee and the Clerk of the Board to ensure that advertisements of public meetings simply and clearly convey the nature of the public meeting being noticed.

Background and Relevant Legislation

Miami-Dade County currently provides newspaper advertising in two primary categories: legal and courtesy. Legal ads required by local, state and federal laws are to be placed in the official paper of the Court. These types of ads are defined as public hearings, bid notices and ordinances and resolutions dealing with such topics as amendments to the Code, bond issues and awards, special taxing districts and job announcements for tested County positions. Courtesy ads are public information notices, including meeting announcements, grant application procedures, RFPs, RFQs, job announcements for non-tested County positions and trade publication ads.

Attachment #1 shows an actual public notice that was published in the Daily Business Review.

Policy Change and Implication

This resolution will direct the County Mayor and the Clerk of the Board to begin to bold selective words in public notices to assist the reader in defining and comprehending the nature of the meeting.

Budgetary Impact

N/A

Prepared By:
Tiandra D. Sullivan
Attachment # 1

**MIAMI-DADE COUNTY, FLORIDA
PUBLIC NOTICE
SUNSHINE NOTICE**

NOTICE IS GIVEN that a Sunshine Meeting between the Honorable Jose "Pepe" Diaz, Vice-Chairman, Miami-Dade Board of County Commissioners; the Honorable Dorrin D. Rolle, Miami-Dade County Commissioner, District 2; Director Mike Sophia; Jeff Solomon; Isaac Salver; Alan Fertel; John Mulrey; Tony Walton; and Bruce Libhaber, has been scheduled for Tuesday, March 31, 2009, at 9:00 AM, to discuss the Miami Dade Sports Commission (MDSC) Budget. The meeting is scheduled to take place at Chairman Diaz' district office, located at 8345 N.W. 12th Street, Miami, Florida.

All interested parties may appear at the time and place specified.

A person who decides to appeal any decision made by any board, agency, or commission with respect to any matter considered at its meeting or hearing, will need a record of proceedings. Such persons may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

Miami-Dade County provides equal access and equal opportunity in employment and does not discriminate on the basis of disability in its programs or services. For material in alternate format, a sign language interpreter or other accommodations, please call 305-375-3943.

HARVEY RUVIN, CLERK
KAY SULLIVAN, DEPUTY CLERK

3/30 09-4-228/1201352M

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



Legislative Notes

Agenda Item: 2(I)

File Number: 090488

Committee(s) of Reference: Government Operations Committee

Date of Analysis: May 8, 2009

Type of Item: Resolution Directing County Mayor to Notify Board of Waiving Material Breach of Contract

Prime Sponsor: Commissioner Rebeca Sosa

Commission District: N/A

Summary

This resolution directs the County Mayor to notify the Board of County Commissioners when the County waives any material breach of contract or extends a contract cure period beyond 30 days.

Background and Relevant Legislation

A "material breach of contract" is a substantial breach of a significant term or terms of a contract that excuses the non-breaching party from further performance under the contract and gives the non-breaching party the right to recover damages.

Currently, the County Mayor has the delegated authority to administer contracts. Under this delegated authority, the County Mayor or his designee has the discretion in resolving material breaches under the provisions of the contract.

During the March 10, 2009, Government Operations Committee meeting this resolution died for a lack of a motion. According to Rule 4.01(h)(6) of the Rules of Procedure for the County Commission, a committee can defer or take no action on an item for a maximum of two consecutive committee meetings. Deferring or failing to act on a matter beyond two consecutive committee meetings causes the matter to be laid on the table.

Prepared By: Tiandra D. Sullivan

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



Legislative Notes

Agenda Item: 3(C)

File Number: 090800

Committee(s) of Reference: Government Operations Committee

Date of Analysis: May 8, 2009

Type of Item: Code Amendment

Prime Sponsor: Commissioner Rebeca Sosa

Commission District: Countywide

Summary

This ordinance amends Article V, Section 31 of the Code relating to the eligibility requirements for initial and renewal fixed route or jitney service chauffeur applicants by providing applicants whose primary language is not English to pass a separate examination which demonstrates the applicant's ability to communicate in English with emergency personnel and passengers.

Background and Relevant Legislation

The amendment is limited to jitney and fixed route chauffeurs. Currently, Section 31-306 of the Code provides that private school bus drivers whose language is other than English and who transport students who are fluent in the language of the driver be required to take and pass a separate examination that demonstrates the applicant's ability to communicate in English with emergency personnel in situations of an accident, illness, fire, physical injury or trauma.

According to the Consumer Services Department, 115 tests were administered to jitney applicants in calendar year 2008. Out of the 115 tests that were given, 74 passed on the first attempt (64%), 92 passed on the second attempt (80%), 101 passed on third or subsequent attempts (88%).

The first and second attempts are at no charge, the third and subsequent attempts are \$15.

Policy Change and Implication

This amendment provides that initial and renewal fixed route or jitney service chauffeur applicants, whose primary language is not English, be required to take and pass a separate examination demonstrating their ability to communicate in English with emergency personnel and passengers in situations such as accidents, illness, fire, physical injury or trauma. The amendment also provides that

the one-day oral and written examination be administered in Spanish or Creole to applicants whose primary language is other than English.

Prepared by: Tiandra D. Sullivan

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



Legislative Notes

Agenda Item: 3(D)

File Number: 082143

Committee(s) of Reference: Government Operations Committee

Date of Analysis: May 8, 2009

Type of Item: Code Amendment

Prime Sponsor: Commissioner Sally A. Heyman

Commission District: Countywide

Summary

This ordinance will amend Section 32-8.1 of the Code of Miami-Dade County relating to water conservation measures.

The item will impose a permanent restriction on serving water to customers without the request of the customer in restaurants.

Background and Relevant Legislation

Currently, this requirement is only in effect during the declaration of water shortage emergencies.

During the September 9, 2008 Governmental Operations and Environment Committee (GOE) meeting, Committee members expressed concerns on imposing water restrictions to restaurants, as it relates to how the individual restaurants serve their customers.

Miami-Dade Water and Sewer Department (WASD) staff stated during that meeting that the Department currently has a Green Lodging and Restaurant Program that encourages restaurants and hotels to adopt cost-saving green practices that conserve energy, reduce water consumption and protect air quality and reduce waste. According to information published on the Miami-Dade County website under the Green Lodging and Restaurant Program, 14 restaurants are currently participating in this initiative.

The item was not forwarded with a favorable recommendation by GOE Committee members by a vote of 1-5.

Policy Change and Implication

This ordinance amends the code by imposing restrictions on restaurants from serving water to customers without the customers' request. The measure will permanently remain in effect regardless of whether there is a declared water shortage condition or water shortage emergency.

Budgetary Impact

During the September 9, 2008 GOE Committee meeting, WASD stated that it would be difficult to determine the fiscal impact that the amendment would have to the County.

Surveys

North Carolina, Hanover County, Virginia and Pasadena, California all have similar water conservation measures in place.

Prepared By:

Tiandra D. Sullivan

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



Legislative Notes

Agenda Item: 3(E)

File Number: 090299

Committee(s) of Reference: Government Operations Committee

Date of Analysis: May 8, 2009

Type of Item: Code Amendment

Commission District: Countywide

Summary

This ordinance eliminates provisions related to route service motor carriers within Article III of Chapter 31 of the Code of Miami-Dade County (County) and the ordinance creates a new Article VII Chapter 31 of the Code establishing updated regulations relating to route service motor carriers.

Background and Relevant Legislation

Route service is defined as transportation provided by a route service motor carrier on an approved regular route with a regular schedule between fixed terminals. This type of service is not prearranged. Route service includes jitneys, fixed route circulators and limited certificates.

On December 15, 1998, through Resolution 1404-98, the Board placed a moratorium on new Passenger Motor Carrier (PMC) applications, with certain exceptions. The resolution also directed the County staff to conduct a review of Article III, Chapter 31 of the Code and submit amendments by October 31, 1999.

On December 2, 2008, the Board adopted Resolution 1366-08 directing that the proposed amendment to the PMC Code be finalized and submitted to the Board within 120 days.

On May 6, 2009, the County Manager submitted a memorandum updating the Board on the status of the PMC provisions. According to the memorandum, this ordinance addresses route service motor carriers. A draft ordinance dealing with other types of PMCs have been distributed for comment.

Policy Change and Implication

The accompanying memorandum to the ordinance states the industry was in agreement with the majority of the amendments, however, voiced concerns over the provision that the maximum vehicle age cannot be greater than five years when the vehicle is initially placed into service. If this resolution is adopted in 2009, vehicles that are placed in the route service will have to be a 2004 model or newer.

Currently, there is a maximum vehicle age of 15 years. Vehicles that are currently providing route service that are 2004 models or older will be allowed to remain in service until their normal retirement age.

The ordinance also ties the vehicle retirement age to the type of vehicle placed into service. The vehicle type and retirement age are as follows:

Vehicle Type	Retirement Age
Light Duty Passenger Vans	10 model years
Medium-size, light-duty transit buses	12 model years
Medium-size, medium-duty transit buses	12 model years
Medium-size, heavy-duty transit buses	12 model years
Large, heavy-duty transit buses	15 model years

If a 2004 light-duty passenger van is placed into service, the vehicle would have to retire in 2014. This provision would encourage newer vehicles to be placed into service.

Has the department evaluated the cost associated with purchasing a light duty passenger van, a light-duty transit buses, a medium-duty transit bus, a medium size heavy duty transit bus or a large heavy duty transit bus? If so, what are the current prices to purchase these types of vehicles?

The Consumer Services Department (CSD) has stated that prices of vehicles were discussed during the workshops that were held. CSD staff has stated that after these discussions, it was proposed to tie the vehicle retirement age to the type of vehicle recognizing that larger vehicles which cost more money have longer user lives.

CSD staff also stated that, a used five-year-old 15-passenger van of the type typically utilized to provide jitney service would cost \$12,000. However, most of the vehicles are purchased at car auctions and are obtained for less. Some operators indicated that 15-passenger vans were purchased anywhere between \$7,000 and \$10,000. The average cost for the other categories is the following:

- Heavy-duty large bus: \$325,000 to \$600,000
- Medium size, heavy-duty buses: \$200,000 to \$325,000
- Medium size, medium-duty buses: \$75,000 to \$175,000
- Medium size, light-duty buses: \$50,000 to \$65,000

How many circulator routes are currently in place? What cities do the circulator routes serve?

According to the CSD, there are 5 circulator routes: Hialeah, Aventura, Bal Harbour, Coral Gables and Doral.

On March 3, 2009, the Board of County Commissioners adopted Resolution 178-09 which authorized the execution of an interlocal agreement between the County and the City of Doral for the provision of a public transportation service. The agreement allows Doral to operate public transportation circulator routes within the City to complement Miami-Dade Transit services.

How many jitney routes are currently in place?

According to the CSD, there are 9 jitney routes providing route service.

Budgetary Impact

N/A

Prepared by:

Tiandra D. Sullivan

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



Legislative Notes

Agenda Item: 3(P)

File Number: 091328

Committee(s) of Reference: Government Operations Committee

Date of Analysis: May 8, 2009

Type of Item: Resolution Approving Rate Increase

Commission District(s): 4 & 5

Summary

This resolution approves a rate increase to the City of Miami Beach Fire Department emergency medical services (EMS) rate schedule.

Background and Relevant Legislation

Miami-Dade County, the City of Hialeah, City of Miami, Key Biscayne Village, Coral Gables and the City of Miami Beach offer EMS services.

According to the Consumer Services Department (CSD), the City of Miami, Key Biscayne and Coral Gables have not increased their rates to the current rate allowed under Medicare. The City of Miami and Key Biscayne EMS rate for Basic Life Support (BLS) is \$330, Advanced Life Support 1 (ALS1) is \$550 and for Advanced Life Support 2 (ALS2) is \$390. The Coral Gables EMS rate for BLS is \$150 and ALS1 is \$250.

Policy Change and Implication

This resolution will allow the City of Miami Beach to increase their rates for the listed EMS services: BL S (\$330 to \$430), ALS 1 (\$380 to \$500) and ALS2 (\$490 to \$630). The City expressed the need to increase the transport fees to offset the growing cost of supplies and fuel.

According to the resolution passed by the City of Miami Beach Commission, the proposed schedule increase will have a minimal impact on consumers due transports typically being paid for by Medicare, Medicaid and private insurance. As for uninsured and underinsured patients, it is the policy of the City not to pursue payment and their outstanding balances are not collected.

According to the CSD, CPI is only one of the elements that the department examines when recommending a rate increase. Other important components such as the Medicare reimbursement schedule, staff costs, etc. are also considered.

The Office of the Commission Auditor will conduct a survey to determine if other jurisdictions annually increase the rate schedule for similar services based on the CPI. The results will be provided by the time the resolution goes to the Board of County Commissioners for consideration.

Budgetary Impact

N/A

Prepared by:

Tiandra D. Sullivan

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



Legislative Notes

Agenda Item: 4(B)
File Number: 090794
Committee(s) of Reference: Government Operations
Date of Analysis: April 11, 2009
Type of Item: Declaring Surplus Property
Commission District: District 1

Summary

If approved, this resolution:

- (1) would declare as surplus property, County-owned property located at NW 177 Street between NW 27 Court and NW 27 Avenue,
- (2) would waive Administrative Order 8-4, requiring land dispositions to be reviewed by the Planning Advisory Board, and
- (3) would approve the conveyance of the County-owned property to the City of Miami Gardens for a nominal amount of \$1 for road right-of-way purposes.

Background and Relevant Legislation

In 2004, the Board of County Commissioners adopted resolution R-983-04 which transferred jurisdiction, ownership and control of certain County-owned public roads located within the corporate limits of the City of Miami Gardens to the City. The transfer provided Miami Gardens with the responsibility and liability of maintaining the right-of-ways and infrastructure of all transferred roads. A small parcel located at NW 177 Street between NW 27 Court and NW 27 Avenue was not included in the conveyance. The Administration notes that this particular right-of-way had been excluded because it had not been dedicated as a road right-of-way.

A review of R-983-04 and the transfer agreement, which list certain roads as exempt roads which were not to be included in the 2004 conveyance, do not list this right-of-way among the exempt roads. The City Manager of Miami Gardens has requested this parcel be transferred to the City. In addition, the Administration reports that due to its size and shape, the property is not suitable for infill or affordable housing.

Pursuant §197.592 (3), Fla. Stat. the County has the authority to convey land dedicated by the Board of County Commissioners to the governing board of the municipality in which the land is located.

Based on these factors, the Administration recommends that the Board of County Commissioners adopt the pending resolution which grants authorization to declare the parcel as surplus County property not needed for any County purpose; and grants authorization to convey title, rights and interests to the City of Miami Gardens via a right-of-way deed.

Policy Change and Implication

None

Budgetary Impact

The property's 2008 assessed value is \$5,650. The County' will be paid a nominal amount of \$1 for the conveyance of the surplus property to the City of Miami Gardens.

The Administration reports that relinquishing the surplus property will reduce the County's annual expense for maintenance and exposure to premise liability.

Prepared by: Lauren Young-Allen

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



Legislative Notes

Agenda Item: 4(C)
File Number: 090797
Committee(s) of Reference: Government Operations
Date of Analysis: April 11, 2009
Type of Item: Declaring Surplus Property
Commission District: District 9

Summary

This resolution declares 11251 SW 216 Street as surplus County-owned property and authorizes its sale, via competitive bidding, to the highest bidder for a minimum sale amount of \$103,125. The valuation represents the fair market value, as established by an independent state certified appraiser on December 8, 2008.

Background and Relevant Legislation

This vacant and unimproved property, located in unincorporated Miami-Dade County, is approximately 9,375 square feet and was acquired by the County on July 13, 1995 for nonpayment of taxes. The tax certificate unredeemed as of July 13, 2002 converted to the state a fee simple title. The property was reviewed and released by the Infill Housing Initiative for Affordable Housing programs on May 28, 2008. Due to its atypical small size and multi-family zoning designation, this property was rejected for housing projects.

The Planning Advisory Board has recommended that this property be declared surplus and made available for sale via competitive bidding.

In 2008, the property's assessed value was \$56,250.

General Services Administration's website provides the following regarding the sale of surplus County real estate:

- Public sales to private individuals or companies may be conducted in the form of a sealed bid, public auction, or request for proposal process. The appraised fair market value is used as a guide to sell or lease County real estate. Public lease/sale processes are advertised extensively through a variety of traditional media, over the Internet, via on-site signage, and with directed mailings to interested parties.
- Properties subject to competitive bidding are advertised for lease or sale, via sealed bid, for a minimum of two weeks. Additional marketing efforts are made through mailings, signage,

internet postings, etc. Dade County does not employ or compensate real estate brokers in connection with real property sales.

- GSA will attend the bid opening, administered by the Clerk of the Court. All bids are publicly opened and the highest responsive bidder selected. Deposits of other bidders are returned. GSA staff will prepare the appropriate legal instrument in conjunction with the County Attorney's Office for the conveyance and/or lease, close the sale, and have the funds deposited to the appropriate County account. Additionally, GSA will ensure that the deed is recorded, and that a copy is furnished to the Tax Assessor. If the property sold had insurable improvements, GSA Risk Management will be advised of the sale.

Policy Change and Implication

None

Budgetary Impact

The proceeds derived from the sale of the property will be disbursed as follows:

- 10% of the proceeds will be allocated to GSA's operating budget to cover expenses;
- balance will be deposited into the Land Bank Trust Fund, which covers expenses for the vacant property in inventory, including lot clearing, delinquent taxes that may be due on properties acquired, and environmental testing.

The Administration notes that the sale of this property to a private entity will eliminate the County's obligation to maintain the property, and will place it on the County's tax roll.

Private Sector/ Public Sector Impact

County staff has circulated this parcel to County departments. No current need exists for county purposes.

Other Actions Required

No further approval from the BCC is required.

Prepared by: Lauren Young-Allen

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



Legislative Notes

Agenda Item: 4(D)
File Number: 090811
Committee(s) of Reference: Government Operations
Date of Analysis: April 11, 2009
Type of Item: Declaring Surplus Property
Commission District: Districts 1, 2, 3, 5, 7, 8, 9, 12

Summary

This resolution declares 50 County-owned tracts of land as surplus, and authorizes their conveyance:

- (1) via private sale with the adjoining owner (for a nominal value of \$10.00) ,
- (2) via competitive bidding (for a minimum appraised amount or at the current year's tax assessed value), or
- (3) via a nominal conveyance to incorporated municipalities.

This resolution also waives Administrative Order 8-4 requiring the proposed conveyances to be reviewed by the Planning Advisory Board.

Background and Relevant Legislation

The 50 parcels of real property have been acquired by the County via tax deed due to non-payment of taxes. Collectively, their assessed value totals to \$1,122,581. Individually they are valued under \$50,000.

General Services Administration is seeking to sell and convey the 50 tracts in various ways allowed under the following Florida Statutes:

Section 125.35(2), Fla. Stat. (entitled - County Authorized To Sell Real And Personal Property . . .): provides that, that County-owned parcel of real property identified to be (a) insufficient in size and shape to be issued building permits for further development, or (b) valued at \$15,000 or less, and it is determined that such parcel of real property is of use to only one or more adjacent property owners, a private sale may be offered to adjacent owner(s). When more than one adjacent property owner is interested in the property, it is bid amongst the adjacent property owners and sold to the highest bidder.

Section 125.379(2), Fla. Stat. (entitled - Disposition of County Property for Affordable Housing): provides that properties identified as appropriate for use as affordable housing on the inventory list may be offered for sale and the proceeds used to purchase land for the development of affordable

housing or to increase the local government fund earmarked for affordable housing, or may be sold with a restriction that requires the development of the property as permanent affordable housing, or may be donated to a nonprofit housing organization for the construction of permanent affordable housing.

Section 197.592(3), Fla. Stat. (entitled - County Delinquent Tax Lands, Method and Procedure For Sale by County; Certain Lands Conveyed To Municipalities, Extinction of Liens):provides that lands acquired by the County for delinquent taxes which have not been previously sold, acquired for infill housing, affordable housing, or dedicated by the Board of County Commissioners, and which are located within the boundaries of an incorporated municipality of the County may be conveyed to the governing board of the municipality in which the land is located.

The Administration notes that these properties meet one or all of the above conditions and do not qualify for a variance.

Policy Change and Implication

None

Budgetary Impact

The Administration notes that the sale or conveyance of the 50 parcels will eliminate the County's obligation to maintain these parcels and reduce the amount of County resources expended on lot clearing, solid waste removal and towing, which averages approximately \$3,000 per lot per year. Once sold, these properties will be put back on the County's tax roll generating approximately \$22,821.00 in annual tax revenue.

Private Sector/ Public Sector Impact

Other Actions Required

These properties will be circulated to all County agencies to determine whether there is a current need for the property.

At closing, the County property that is joined to the adjacent property via a unity of title will contain a restrictive covenant placed on both parcels restricting development to affordable housing.

Additional Notes

According to GSA staff, all of these properties are small and non-buildable and none are adjacent to county-owned property. Since departmental needs may change, GSA will circulate the properties to County agencies before they are sold.

Prepared by: Lauren Young-Allen & Michael Amador-Gil

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



Legislative Notes

Agenda Item: 4(F)
File Number: 090982
Committee(s) of Reference: Government Operations
Date of Analysis: April 11, 2009
Type of Item: Conveyance of Easement
Commission District: District 12

Summary

This resolution authorizes the conveyance of a revocable, non-exclusive easement to the Beacon Tradeport Community Development District (District) for purposes of installing an underground irrigation system and installing and maintaining landscaping (i.e., foliage and shrubbery) around the perimeter of the County's Lightspeed building located at 11500 NW 25 Street within the Beacon Tradeport Industrial Park.

Beacon Tradeport Community Development District will be responsible for all costs incurred for installing and maintaining the irrigation system and landscaping. The District will also be required to obtain and maintain comprehensive liability insurance in the amount of \$1 million naming the County as an additional insured; and to obtain, during the term of the easement, \$300,000 of automobile liability insurance covering all vehicles used in connection with the easement projects.

The County may relocate the easement, at no cost to the District, or terminate the easement.

Background and Relevant Legislation

On April 25, 2006, the Board of County Commissioners (BCC), through Resolution 361-06, authorized the acquisition of approximately 11.90 acres of land and a building of approximately 197,281 square feet for \$23.1 million to house the County's 3-1-1, 9-1-1, MDR Communications, ETSD, the Office of Emergency Management / Emergency Operations Center (EOC) and PWD / Traffic Signs and Signals divisions. The site, known as the Lightspeed Building, serves as the central site for interdepartmental coordination of emergency and disaster relief services and a central point where the County's management could assemble to supervise emergency responses. The Lightspeed property is located within the Beacon Tradeport Industrial Park, and is within the District's special authority to develop and maintain landscapes.

No appraised value of the easement was provided. However, the County is conveying the revocable, non-exclusive easement to the Development District for \$1.

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

Prepared by: Lauren Young-Allen

Agenda Item: 4(I) & 4(I) Supp.
File Number: 090950 & 090947
Committee(s) of Reference: Government Operations
Date of Analysis: April 11, 2009
Type of Item: Contract Award
Commission District: Countywide

Summary

This resolution authorizes the execution of a 3-year professional services agreement in the amount of \$1,455,000 with HDR Engineering, Inc. to formulate a comprehensive Solid Waste Management Master Plan.

If approved, HDR Engineering, Inc. will be required to provide the following professional services:

Phase I and II:

- project management and oversight;
- facilitation of public input;
- evaluation of current and future needs for the Department of Solid Waste Management;
- identification of pertinent regulatory requirements, as well as key policies and issues;
- evaluation of current financial programs;
- identification of alternatives, options, and improvements that address needs; and
- analysis of alternatives.

Optional Phase III:

- Development of an emergency plan and hurricane plan

Background and Relevant Legislation

The development of the proposed new Solid Waste Master Plan will supersede the County's existing Master Plan developed in 1996. The new Master Plan is to provide a framework for the County's Department of Solid Waste Management to develop long-term waste strategies which will improve existing resources and capabilities; improve management goals, objectives, and policies; identify system deficiencies; and explore alternative technologies and waste reduction methods.

Among the list of qualifications required to serve as prime on this project, the selected contractor must have developed a minimum of 2 Solid Waste Master plans for counties or municipalities within the last 5 years or demonstrate technical experience in the development of 2 or more solid waste management master plans within the last 5 years. A review of HDR Engineering Inc.'s website discloses that it has the requisite experience. Examples of featured projects include: Ft. Lauderdale Multi-Facility Master Plan Study, Northwest Hillsborough Regional Master Plan, and Pine Island Corridor Master Plan. (Source: <http://www.hdrinc.com>)

Policy Change and Implication

None

Budgetary Impact

Waste Collection Operating Fund :	\$300,000.00
Waste Disposal Operating Fund:	\$1,155,000.00
Total Funding:	\$1,455,000.00

The last Solid Waste Master Plan for Miami-Dade County was completed in 1996 at a cost of \$1.323 million. The proposed Master Plan will cost \$1.455 million.

Procedural Posture

The Solid Waste Management Master Plan was presented to the Government Operations Committee (GO) on March 10, 2009, and was deferred in light of the results of the second tier of negotiations conducted by the County's Negotiation Committee with HDR Engineering, Inc. The total project price increased by \$88,195 during those contract negotiations to a final total of \$1,543,195. In accordance with the Board of County Commissioners' directive, the Negotiation Committee met with HDR Engineering, Inc. on March 16, 2009 and again on March 20, 2009 to renegotiate a lower cost. On March 20, 2009, the committee and HDR Engineering, Inc., agreed to a reduced total cost of \$1,455,000 with no change in the scope of the original contract.

4(I) Supplement

A supplemental report has been issued by the Administration's in response to fiscal questions raised at the March 10, 2009 Government Operations (GO) Committee meeting regarding the Solid Waste Management Master Plan. The Administration reports that costs for the Master Plan are consistent with other master plans approved by the Board of County Commissioners (BCC). The labor multipliers for project personnel are also consistent with the last 6 master plans approved by the BCC. In addition, the Administration reports that the FY 2008-09 Adopted Budget anticipated the completion of the entire Solid Waste Master Plan during this fiscal year. However, due to the protracted procurement of the contract, as well as proposed timelines as suggested by several bidding firms, the amount allocated for

the current year has been reduced to \$300,000. The remaining carryover amount of \$1.155 million will be budgeted in future fiscal years.

The supplement also notes that annual appropriations are common for multi-year contracts. The BCC will have the opportunity to approve any expenditure in future years through the normal budget process independent of contract awards.

Prepared by: Lauren Young-Allen

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



Legislative Notes

Agenda Item: 4(J)
File Number: 090845
Committee(s) of Reference: Government Operations
Date of Analysis: May 7, 2009
Type of Item: Contract Award (Professional Service Contract)
Commission District: Countywide

Summary

This resolution awards HDR Engineering, Inc. a 6 year non-exclusive professional service contract (Contract No: E08-WASD-03), in the amount of \$4.4 million, to upgrade, expand and/or replace the infrastructure and operations of:

- Water & Sewer Department's (WASD) Alexander Orr Water Treatment Plant;
- the South Miami-Dade Water Supply Systems which includes the following 5 small treatment plants:
 - Elevated Water Tank Treatment Plant,
 - Leisure City Water Treatment Plant,
 - Naranja Water Treatment Plant,
 - Everglades Labor Camp Water Treatment Plant, and
 - Newton Water Treatment Plant.

Background and Relevant Legislation

To implement the County's Water Facilities Master Plan - which provides a blueprint for assessing and improving the County's South Dade Water Supply System, various components of water services, and the development of a water treatment and transmission system to meet projected demands. WASD is recommending HDR Engineering, Inc. as the firm most capable of upgrading the County's water facilities. The firm is an employee-owned architectural, engineering and consulting firm with over 165 locations worldwide. The firm has been hired by the Manasota Regional Water Supply Authority and the North Fort Myers Utility, Inc. to provide a Water Supply Plan and Wastewater Treatment Plant Expansion, respectively. (Source: firm's website).

There are no reported violations. The Firm History Report reports that the firm has received 14 contracts from the County within the last 5 years totaling \$586,875.

If approved, HDR Engineering, Inc. would be required to provide the following engineering design services:

- preliminary site investigations; surveys; geotechnical work; hydraulic modeling and analysis; coordination with other utilities; preparation of design reports, preparation of drawings and

contract specifications for hydro-geological services, and for civil, structural, mechanical, electrical engineering, and architectural projects.

Services during the permitting and procurement phases would include:

- obtaining dry-run permits to produce a final design, participating in obtaining final environmental and building permits, and providing assistance during the bidding and negotiation of the upgrades.

Construction related services, performed on an as-needed basis, would include:

- site inspections; attendance at meetings, information requests, review of claims and potential change orders, review of contracts schedules and schedule of values, and as-built drawings.

Project coordination services would include:

- formulating plans to implement projects; establish and track project schedules, budgets and deadlines; prepare status reports and attend meetings.

Additional services include:

- conducting studies, training staff, preparing manuals, evaluating regulatory requirements, and providing technical support for computer data-based systems.

Policy Change and Implication

This award recommendation is consistent with prior award recommendations presented by WASD and adopted by the BCC regarding the upgrade and expansion of the above-named water facilities. For instance, on October 2, 2007, the Board of County Commissioners (BCC) awarded Camp, Dresser and McKee, Inc. a 6-year, \$8.8 million, engineering and construction management service contract to upgrade the infrastructure and operations of the Alexander Orr Water Treatment Plant and the South Miami-Dade Water Supply Systems' 5 treatment plants (under Contract No.E06-WASD-15; Project No. 9650031). See also, the County Manager's Memo on handwritten page 13 (Current Contracts), which also lists Contract No: E08-WASD-15 as a current but separate professional service contract with an estimated allocation of \$8.8 million.

There are several contracts listed for Project 9650031, which is a non-exclusive professional service project.

Budgetary Impact

This project is listed under WASD's multiple line-item capital expenditures in the Adopted 2008-2009 Capital Budget (Vol. III, at page 530).

This project will be funded by Water Renewal and Replacement Fund, Water Connection Charges, and Future WASD Revenue Bonds.

Under the initial phase of the project, a preliminary facility assessment study to inventory equipment repairs, replacements, improvements and identify a prioritization schedule will be allocated \$331,684.53.

Private Sector/ Public Sector Impact

CBE: 35% = \$1,540,000 or \$1,400,000 exclusive of the 10% contingency fee.

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