

Memorandum



Date: April 6, 2010

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

Agenda Item No. 8(R)(1)(A)

From: George M. Burgess
County Manager

Subject: Interlocal Agreement with the City of Miami Gardens to Provide Water Efficient Fixtures to Low Income Senior Homeowners

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) approve the attached resolution authorizing the execution of an interlocal agreement between Miami-Dade County and the City of Miami Gardens (City) to provide water efficient fixtures to low income senior homeowners. This program is part of the Miami-Dade County's Water Use Efficiency Plan (Plan) adopted by the Board in 2006.

SCOPE OF AGENDA ITEM

This item impacts low income senior homeowners in the City of Miami Gardens, Commission District 1, Commissioner Barbara J. Jordan.

FISCAL IMPACT/FUNDING SOURCE

This agreement will result in an estimated savings of \$23,300 to the County for FY 2009/2010. These savings are based on the installation of water efficient fixtures in approximately 100 homes in the City of Miami Gardens with an average savings of \$150 per installation, plus the avoided cost to the County of \$83 for each building permit required by the City of Miami Gardens.

TRACK RECORD/MONITOR

The Water and Sewer Department's (WASD) Regulatory Compliance and Planning Division will monitor the agreement.

BACKGROUND

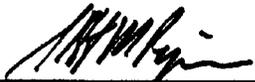
In April 2006, the Board approved Resolution R-468-06 adopting the Water Use Efficiency Plan to improve management of traditional water supplies, develop alternative water supplies and promote water use efficiency. The Plan is countywide and includes a series of best management practices (BMPs) and promotes the use of the most efficient water fixture technologies available. The Senior Retrofit Project focuses on replacing standard shower heads, toilets and aerators with new high-efficiency water fixtures. The budget for this program is \$308,000 for FY2009-2010 of which the South Florida Water Management District will fund \$50,000 and the County will fund \$258,000 from WASD's revenues.

The project proposed in this agreement is exclusively for senior citizens in the City of Miami Gardens that qualify for the additional Homestead Senior Exemption, and whose homes were built prior to 1994. The program includes installation of plumbing retrofits to replace fixtures such as high water use toilets and showerheads and aerators for approximately 100 participating residents. The City will be responsible for installation of the fixtures instead of the County's Community Action Agency which usually performs these plumbing retrofits throughout the County.

Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners
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WASD has provided the City with a list of eligible citizens. The City will contact these residents to schedule appointments and will be responsible for all retrofit work and associated inspections, and will serve as construction manager for work assigned to contractors. In addition, the City will pay all installation costs and permit fees related to the installations and final inspections, and will provide the County with a list of completed work on a quarterly basis. The County however, reserves the right to conduct its own inspections once work is completed.

The City has approved the interlocal agreement (see attached Resolution No. 2010-04-1186 dated January 13, 2010). The term of the interlocal agreement with the City is for a one-year period, and shall be automatically renewed on January 1 each year for an additional one-year period if funding is available and approved. The agreement may be terminated by either party without cause with sixty (60) days written notice.



Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: April 6, 2010

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 8(R)(1)(A)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's _____, 3/5's _____, unanimous _____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor

Agenda Item No. 8(R)(1)(A)

Veto _____

4-6-10

Override _____

RESOLUTION NO. _____

RESOLUTION APPROVING INTERLOCAL AGREEMENT WITH CITY OF MIAMI GARDENS PROVIDING FOR THE INSTALLATION OF WATER EFFICIENT FIXTURES FOR LOW-INCOME SENIOR HOMEOWNERS AND AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO EXECUTE THE AGREEMENT AND EXERCISE TERMINATION PROVISIONS CONTAINED THEREIN

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby approves an interlocal agreement with the City of Miami Gardens for the installation of water efficient fixtures for low-income senior homeowners in substantially the form attached hereto and made a part hereof; and authorizes the County Mayor or his designee to execute same for and on behalf of Miami-Dade County, Florida; and to exercise termination provisions contained therein.

The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman
Jose "Pepe" Diaz, Vice-Chairman
Bruno A. Barreiro
Carlos A. Gimenez
Barbara J. Jordan
Dorin D. Rolle
Katy Sorenson
Sen. Javier D. Souto
Audrey M. Edmonson
Sally A. Heyman
Joe A. Martinez
Natacha Seijas
Rebeca Sosa

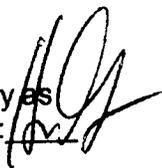
The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of April, 2010. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency: _____



Henry N. Gillman

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INTERLOCAL AGREEMENT
BETWEEN
MIAMI-DADE COUNTY
AND
THE CITY OF MIAMI GARDENS
PROVIDING FOR
WATER EFFICIENT FIXTURES FOR LOW-INCOME SENIOR HOMEOWNERS

THIS AGREEMENT, entered into this ___ day of _____, 2010, by and between Miami-Dade County, a political subdivision of the State of Florida, (the "COUNTY") through its Water and Sewer Department, ("WASD"), and the City of Miami Gardens, a municipal corporation organized and existing under the laws of the State of Florida (the "CITY")

WITNESSETH:

WHEREAS, the Total Plumbing Fixture Retrofit Seniors and Low-Income Customers Project (the "Project") is a comprehensive program to assist low-income homeowners of single-family dwellings built prior to 1994, including senior citizens who qualify for the additional Senior Homestead Exemption Program on their property; and

WHEREAS, the Project consists of retrofitting high water use toilets for High Efficiency Toilets (HET), replacing high volume showerheads, installing aerators for existing faucets, and providing citizens with instructional literature for efficient landscape irrigation; and

WHEREAS, the COUNTY, in cooperation with the Miami-Dade County Property Appraiser's Office, has identified particular senior/low-income citizens in the CITY that qualify for the additional Homestead Exemption Program and whose homes were built prior to 1994; and

WHEREAS, the COUNTY and the CITY wish to work together in order to implement the Project for those citizens residing in the CITY who have been selected for the Project by the COUNTY;

NOW, THEREFORE, in consideration of mutual advantages, it is agreed:

1. The COUNTY will provide the CITY with a list of qualified citizens residing in the CITY who have been selected for the Project, and the CITY will contact the citizens on the list within 30 days of receiving the list to schedule appointments with the citizens for installation of the HET toilet, showerhead and/or aerators. The CITY agrees to meet with the citizens residing in the CITY who were selected for the Project in order to discuss their retrofit needs and explain the Project and the particular work that will be performed to their property.
2. At the time that the COUNTY provides the CITY with the list of citizens selected for the Project, the COUNTY will provide the CITY with HET toilets, aerators and showerheads for the number of citizens residing in the CITY who have been selected to participate in the Project.

3. The CITY will install the HET toilets, aerators and/or showerheads at the home of every citizen residing in the CITY who was selected for the Project. The CITY will perform required inspections, complete work write-ups, complete retrofit work in the homes and serve as construction manager for work required to be completed by outside licensed contractors to expedite the necessary retrofits specified in the work write-ups. When necessary, the CITY will procure licensed contractors to complete work in the home.
4. The CITY will adhere strictly to all CITY and COUNTY regulations and building codes, including ensuring that licensed contractors secure any necessary building permits prior to work start up and that licensed contractors obtain final inspections.
5. All retrofit work completed by the CITY or outside contractors will be warranted by the CITY or the outside contractor to correct defects due to faulty materials, equipment or workmanship for a minimum of one year. A copy of the warranty will be provided to the homeowner.
6. The CITY will pay for all installation costs and permit fees required for installation of HET toilets, aerators and/or showerheads for every citizen for whom the CITY installs a toilet, aerator and/or showerhead as part of the Project.
7. The CITY will conduct a final inspection to ensure the satisfactory completion of all work. During this final inspection, the homeowner will acknowledge that work has been completed by signing the Certificate of Completion.
8. On a quarterly basis, the CITY will provide the COUNTY with the list of citizens residing in the CITY for whom installation has been completed. Upon receipt of the CITY's quarterly list of work completed, the COUNTY will have the right to conduct its own inspection of the installed HET toilets, aerators and/or showerheads to assure that quality work is being performed.
9. In consideration of good and valuable consideration received from the COUNTY, and in consideration of the covenants in this Contract, the CITY, to the extent permitted by law, agrees to indemnify and save harmless forever, the COUNTY, its officers, agents and employees from all claims, liabilities, actions, losses, costs and expenses, including attorney's fees, which may be sustained by the COUNTY, its officers, agents, and employees due to, caused by, or arising from the negligence of the CITY, its officers, employees and agents in connection with the performance of this Contract. The CITY agrees to defend against any claims brought or actions filed against the COUNTY, its officers, agents and employees in connection with the subject of the indemnities contained herein.

10. In consideration of good and valuable consideration received from the CITY, and in consideration of the covenants in this Contract, the COUNTY, to the extent permitted by law, agrees to indemnify and save harmless forever, the CITY, its officers, agents and employees from all claims, liabilities, actions, losses, costs and expenses, including attorney's fees, which may be sustained by the CITY, its officers, agents, and employees due to, caused by, or arising from the negligence of the COUNTY, its officers, employees and agents in connection with the performance of this Contract. The COUNTY agrees to defend against any claims brought or actions filed against the CITY, its officers, agents and employees in connection with the subject of the indemnities contained herein.
11. Notwithstanding the above, nothing shall create any liability of the COUNTY or the CITY beyond the scope of Section 768.28 Florida Statutes, as currently in effect or as lawfully amended in the future.
12. Every notice that may be required under this Agreement shall be in writing and directed to the parties at their respective addresses as follows:

COUNTY: John W. Renfrow, Director
Miami-Dade Water and Sewer Department
3071 S.W. 38 Street
Miami, Florida 33146

CITY: Dr. Danny O. Crew, City Manager
City of Miami Gardens
1515 N.W. 167 Street
Miami Gardens, Florida 33169
13. The term of this Agreement shall be for a period of one year commencing upon the date this Agreement is fully executed by both parties. This Agreement shall automatically renew on January 1 of each year for an additional one year period unless terminated pursuant to Section 14 of this Agreement.
14. This Agreement may be terminated by either party without cause by giving sixty (60) days advance written notification of termination to the appropriate person identified in Section 12 above.
15. This Agreement contains the entire Agreement between the CITY and the COUNTY, and there are no conditions or limitations to this undertaking except those stated herein. After the execution hereof, no amendment, change or modification hereof shall be binding or effective unless executed in writing and signed by both parties hereto.
16. No rights pursuant to this Agreement shall be assignable by the CITY unless the COUNTY agrees in writing.
17. There are no intended third party beneficiaries of this Agreement.

18. This Agreement is governed by the laws of the State of Florida. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida, and venue for any court proceeding shall be in Miami-Dade County, Florida.

IN WITNESS WHEREOF, the parties hereto have executed these presents as of the day and year first above written.

MIAMI-DADE COUNTY
ATTEST:

BY: _____
Clerk

BY: _____
County Mayor

CITY OF MIAMI GARDENS
ATTEST:

BY: _____
City Clerk

BY: _____
Mayor

Approved as to form and legal
sufficiency:

Approved as to form and legal
sufficiency:

Assistant County Attorney

City Attorney

RESOLUTION No. 2010-04-1186

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE AND ATTEST, RESPECTIVELY, THAT CERTAIN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY WATER AND SEWER DEPARTMENT FOR WATER EFFICIENT FIXTURES FOR THE LOW-INCOME SENIOR HOMEOWNERS PROGRAM; ALLOCATING THE SUM OF FIFTEEN THOUSAND DOLLARS (\$15,000.00) IN CDBG PROGRAM YEAR ONE (1) FUNDS TO IMPLEMENT THE PROGRAM; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Miami-Dade County Water and Sewer Department ("WASD") has implemented a Water Efficient Fixtures for Low-Income Senior Homeowners Program ("Program"), and

WHEREAS, in accordance with the Program, water fixtures will be retrofitted with water efficient fixtures, and

WHEREAS, WASD would like to partner with the City of Miami Gardens for the installation of fixtures to low-income seniors who live within the City of Miami Gardens, and

WHEREAS, the Department of Community Development will administer the Program based upon an allocation of Fifteen Thousand Dollars (\$15,000.00) of Community Development Block Grant Funds from Program Year 1, and

WHEREAS, in order to meet the eligibility requirements for the Program, applicants must be residents of the City, must own and occupy the home, the home must be a single-family home built prior to 1994, and the applicant must qualify for the additional Senior Homestead Exemption Program,

Resolution No. 2010-04-1186

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

Section 2. AUTHORIZATION: The City Council of the City of Miami Gardens hereby authorizes the City Manager and the City Clerk to execute and attest, respectively, that certain Interlocal Agreement with Miami-Dade County Water and Sewer Department for Water Efficient Fixtures for Low-Income Senior Homeowners Program, in an amount not to exceed Fifteen Thousand Dollars (\$15,000.00) in CDBG Program Year One (1) Funds.

Section 3. EFFECTIVE DATE: This Resolution shall take effect immediately upon its final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON JANUARY 13, 2010.


SHIRLEY GIBSON, MAYOR

ATTEST:


RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA KNIGHTON DICKENS, ESQ., CITY ATTORNEY

SPONSORED BY: DANNY CREW, CITY MANAGER

Resolution No. 2010-04-1186

MOVED BY: Vice Mayor Gilbert
SECOND BY: Councilwoman Watson

VOTE: 6-0

Mayor Shirley Gibson	<u>X</u> (Yes)	___ (No)
Vice Mayor Oliver Gilbert, III	<u>X</u> (Yes)	___ (No)
Councilwoman Barbara Watson	<u>X</u> (Yes)	___ (No)
Councilman Melvin L. Bratton	<u>X</u> (Yes)	___ (No)
Councilman Aaron Campbell	___ (Yes)	___ (No)(not present)
Councilwoman Sharon Pritchett	<u>X</u> (Yes)	___ (No)
Councilman André Williams	<u>X</u> (Yes)	___ (No)