MEMORANDUM

Agenda Item No. 8(H)(2)

TO:	Honorable Chairwoman Rebeca Sosa and Members, Board of County Commissioners	**DATE:**	February 5, 2013
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution waiving Soft Cost limits for Building Better Communities General Obligation Bond Program Project No. 51

The accompanying resolution was prepared by the Parks, Recreation and Open Spaces Department and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss.

R. A. Cuevas, Jr.
County Attorney

RAC/smm

Memorandum

MIAMI-DADE COUNTY

Date: February 5, 2013

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Waiver of Building Better Communities General Obligation Bond Program Administrative Rules for Project No. 51 – "South Dade and North Dade Greenway and Trail"

Recommendation

It is recommended that the Board of County Commissioners (BCC) adopt the attached resolution granting a waiver of the Building Better Communities General Obligations Bond ("BBC GOB or GOB") Program's Administrative Rules relating to "Soft Costs" for Project No. 51 "South Dade and North Dade Greenway and Trail." The BBC-GOB Administrative Rules currently include a 17% limit (20% for sustainability projects) on soft costs as a factor of total bond proceeds allocated to a project, rather than as a factor of the total cost of the project. In projects that have multiple funding sources and the non-GOB sources do not include proportionate soft cost dollars, GOB expenditures for soft costs may exceed the 17% threshold of the bond proceeds. This limited waiver is being requested for the purpose of allowing the total soft cost paid by BBC-GOB funds to be up to, but not exceed 17% of the "total project cost" only for Project No. 51.

Scope

The project includes the North Dade Greenway/Snake Creek Trail in Commission District 1, South Dade Greenway/Black Creek Trail Segment A, Biscayne Trail Segments A & B and the Black Creek Greenway Bridge in Commission District 8 and South Dade Greenway/Biscayne Trail Segment C and the Biscayne Trail Segment D and Greenway Bridge in Commission District 9.

Fiscal Impact/Funding Source

There is no fiscal impact on the existing BBC-GOB allocation due to this modification.

Track Record/Monitor

The agency responsible for implementing the project is the Miami-Dade County Parks, Recreation and Open Spaces Department (PROS) and the project manager is Jorge L. Mora, Chief, Design, Construction and Maintenance.

Background

On May 17, 2005 the Board approved Resolution No. R-595-05, establishing the Administrative Rules for the BBC-GOB Program. The Administrative Rules define project Soft Costs as those project costs for planning services, design services and project administration from project initiation through construction bid and award (i.e. all project activities that precede construction), and limits those Soft Costs to 17% of "bond proceeds allocated to a given project". In this item, it is recommended that the BCC approve a limited waiver for the purpose of allowing the total soft cost paid by BBC-GOB funds to be up to, but not exceed 17% of the "total project cost" only for Project No. 51.

BBC-GOB Project No. 51, South Dade and North Dade Greenway and Trail, provides funding of $7,000,000 for trail projects in Commission Districts 1, 8 and 9. The County has obtained commitments and/or agreements from the Florida Department of Transportation (FDOT) in the amount of $10,816,000 in Surface Transportation Program and Surface Transportation Enhancement Program grant funding for Project No. 51. The combined total project funding of $17,816,000 (BBC GOB funds and FDOT funds) supports the development of six South Dade and

North Dade Greenway and Trail segments, as shown in the attached map and would complete the projects (Attachment A).

Of the grant funds provided by FDOT, FDOT has allocated design funding (10% of FDOT funding for design and 90% for construction) that is not sufficient to fully fund all soft costs for Project No. 51. As a result, all 17% of the bond proceeds or $1,190,000 in BBC-GOB Project 51 funds have been used to fund soft costs for these Greenways and Trails, with a deficiency still existing. An additional $757,120 in BBC GOB funds or a total of $1,947,120 in Project 51 BBC GOB funds are needed to fund soft costs for project 51. This amount ($1,947,120), combined with the FDOT soft cost allocation of $1,081,600, total $3,028,720 or 17% of total project funding of $17,816,000.

The additional $757,120 in GOB-BBC soft cost capacity is sufficient for the remaining soft cost design needs for Black Creek, Biscayne Trail Segments C and D, and the Greenway Bridges. No other funding source is available to support the project Soft Costs.

Lisa M. Martinez, Senior Advisor
Office of the Mayor

Attachments

MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: February 5, 2013

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

SUBJECT: Agenda Item No. 8(H)(2)

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 Mayor'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
Veto _____
Override _____

Agenda Item No. 8(H)(2)
2-5-13

RESOLUTION NO. _____

RESOLUTION WAIVING SOFT COST LIMITS FOR BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NO. 51 - "SOUTH DADE AND NORTH DADE GREENWAY AND TRAIL" IDENTIFIED IN APPENDIX A TO RESOLUTION NO. R-913-04

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby approves the waiver of soft cost limits for Building Better Communities General Obligation Bond Program Project No. 51, "South Dade and North Dade Greenway and Trail" identified in Appendix A to Resolution No. R-913-04, all as more particularly described in the accompanying memorandum, in order to apply the 17% soft cost limitation to the total project costs.

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:

Rebeca Sosa, Chairwoman
Lynda Bell, Vice Chair

Bruno A. Barreiro
Jose "Pepe" Diaz
Sally A. Heyman
Jean Monestime
Sen. Javier D. Souto
Juan C. Zapata
Esteban L. Bovo, Jr.
Audrey M. Edmonson
Barbara J. Jordan
Dennis C. Moss
Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of February, 2013. 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.

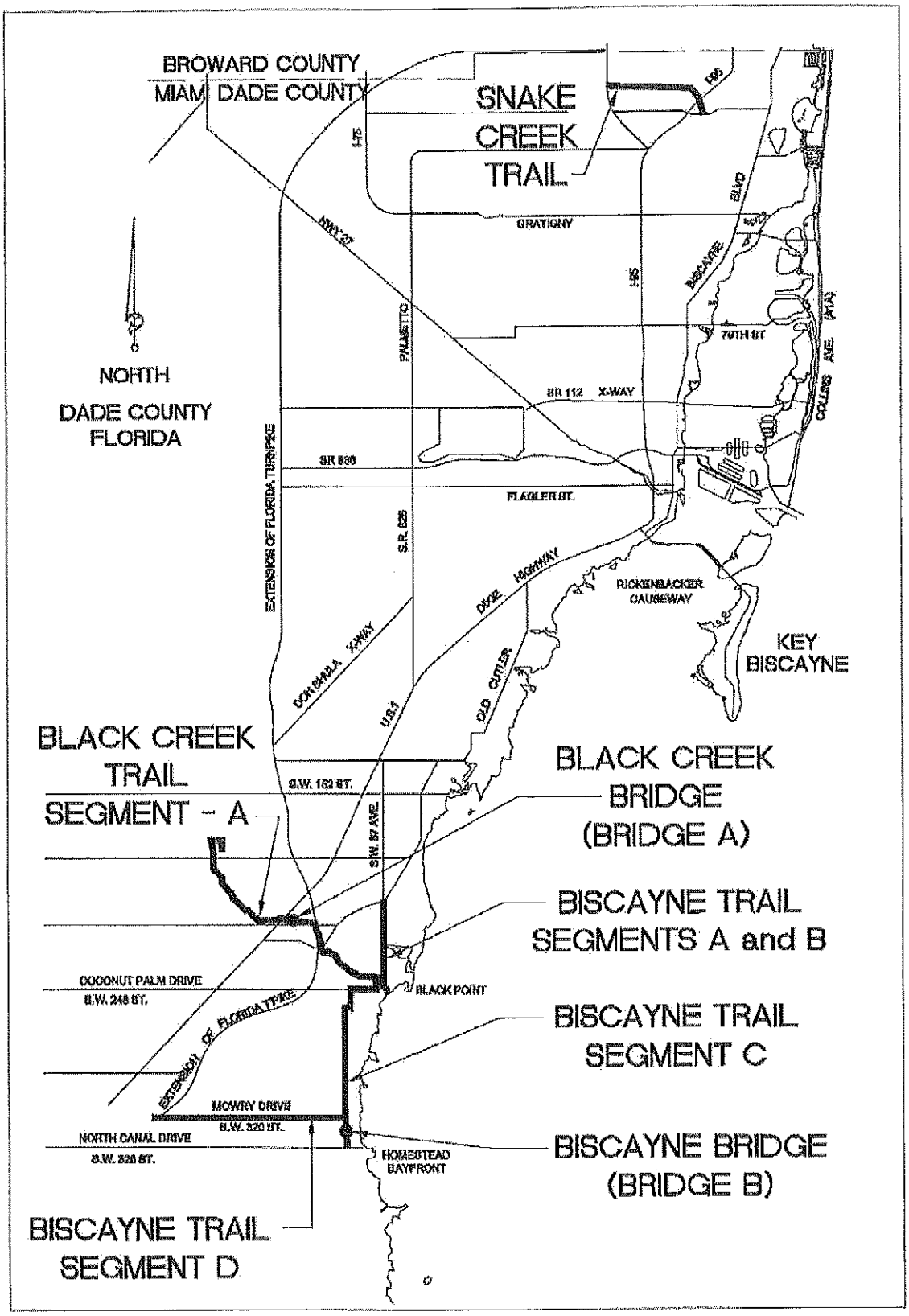
MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. MR

Monica Rizo

ATTACHMENT A

South Dade and North Dade Greenway and Trail Map