MIAMI-DADE COUNTY
FINAL OFFICIAL
Meeting Minutes

Board of County Commissioners

Stephen P. Clark Government Center
111 N.W. 1st Street
Miami, FL 33128

Thursday, June 3, 2010
As Advertised

Harvey Ruvin, Clerk
Board of County Commissioners

Diane Collins, Acting, Director
Clerk of the Board Division

FLORA G. REAL, COMMISSION REPORTER, (305) 375-4906

Members Present: Bruno Barreiro; Jose "Pepe" Diaz; Audrey M. Edmonson; Carlos A. Gimenez; Sally A. Heyman; Barbara J. Jordan; Joe A. Martinez; Dennis C. Moss; Dorrin Rolle; Natacha Seijas; Katy Sorenson; Rebeca Sosa; Javier D. Souto

Members Absent: None.

Members Late: None.

Members Excused: None.

Members Absent County Business: None.

1 MINUTES PREPARED BY:

Report: *FLORA G. REAL, COMMISSION REPORTER, (305) 375-4906*

1A ROLL CALL

Report: *The following staff members were also present: Mayor Carlos Alvarez, County Manager George Burgess, County Attorney Robert Cuevas, First Assistant County Attorney Abigail Price-Williams, Commission Auditor Charles Anderson, Budget Director Jennifer Glazer-Moon, and Deputy Clerks Diane Collins, Flora Real, and Nelson Diaz.*

1B MOMENT OF SILENCE

Report: *Chairman Moss called the meeting to order at 10: 30 a.m. and convened it in a moment of silence followed by the Pledge of Allegiance.*

1C PLEDGE OF ALLEGIANCE

1D SPECIAL PRESENTATIONS

1D1

101371 **Special Presentation** **Rebeca Sosa**

SPECIAL PRESENTATION TO THE MEMBERS OF THE ARTS TASK FORCE IN RECOGNITION OF THEIR EFFORTS [SEE AGENDA ITEM NO 11A9] ***Presented***

1D2

101372 **Special Presentation** **Barbara J. Jordan**

PRESENTATION BY JUVENILE SERVICES DEPARTMENT, RE: UPDATE ON THE IMPLEMENTATION OF THE YOUTH COMMISSION ***Presented***

1E CITIZEN'S PRESENTATIONS (5 MINUTES MAXIMUM)

1E1

101317 **Citizen's Presentation** **Carlos A. Gimenez**

MIGUEL DE GRANDY PRESENTATION RE: "CITIZENS BILL OF RIGHTS" ***Presented***

1F REPORTS OF OFFICIAL BOARDS

1F1

100716 **Report**

SUNSET REVIEW OF COUNTY BOARDS FOR 2009 - MIAMI-DADE SPORTS COMMISSION — *Accepted*

4/12/2010 *Not presented by the Recreation, Culture & Tourism Committee*

5/10/2010 *Report Received by the Recreation, Culture & Tourism Committee*

1G MOTION TO SET THE AGENDA AND "PULL LIST"

Report: *After County Attorney Robert Cuevas entered into the record the changes to today's agenda and the "Pull List," it was moved by Vice Chairman Diaz that the agenda and "Pull List" be set with all the changes entered into the record. This motion was seconded by Commissioner Edmonson; and upon being put to a vote, passed by a vote of 11-0 (Commissioners Barreiro and Martinez were absent).*

1H OFFICE OF COMMISSION AUDITOR

1I OFFICE OF INTERGOVERNMENTAL AFFAIRS

2 MAYORAL ISSUES

2A MAYORAL VETOES

2B MAYORAL REPORTS

2B1

101447 **Report** **Mayor**

APPROVAL OF DEPARTMENTAL AGENDA ITEMS — ***Approved***
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 13- 0

2C OTHER ISSUES

2C1

101276 **Special Presentation** **Mayor**

RECOGNITION OF MDPHA ACCOMPLISHMENT - PUBLIC HOUSING OCCUPANCY — ***Presented***

3 CONSENT ITEMS

4 ORDINANCES FOR FIRST READING

4A

101061 **Ordinance**

ORDINANCE CREATING AND ESTABLISHING A SPECIAL TAXING DISTRICT IN MIAMI-DADE COUNTY, FLORIDA, KNOWN AND DESCRIBED AS JACKSON SOUTH COMMUNITY HOSPITAL STREET LIGHTING SPECIAL TAXING DISTRICT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE [SEE SUBSTITUTE ITEM UNDER FILE NO. 101375] (Public Works Department)

Withdrawn

Report: *(SEE AGENDA ITEM 4A SUBSTITUTE; LEGISLATIVE FILE NUMBER 101375.)*

5/18/2010 *Tentatively scheduled for a public hearing by the Board of County Commissioners to the Board of County Commissioners*

5/18/2010 *Deferred by the Board of County Commissioners*

4A SUBSTITUTE

101375 **Ordinance**

ORDINANCE CREATING AND ESTABLISHING A SPECIAL TAXING DISTRICT IN MIAMI-DADE COUNTY, FLORIDA, KNOWN AND DESCRIBED AS JACKSON SOUTH COMMUNITY HOSPITAL STREET LIGHTING SPECIAL TAXING DISTRICT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 101061] (Public Works Department)

Adopted on first reading
Public Hearing: no date certain
Mover: Katy Sorenson
Seconder: Sally A. Heyman
Vote: 11- 2
No: Seijas, Sosa

Report: *First Assistant County Attorney Abigail Price-Williams read the foregoing ordinance into the record.*

Hearing no further questions or comments, the Board proceeded to vote on the foregoing ordinance as presented.

The foregoing ordinance was adopted on first reading and set for a public hearing before the Board of County Commissioners (BCC) on Thursday, July 8, 2010, at 9:30 a.m.

4B

101272 **Ordinance** **Joe A. Martinez, Jose "Pepe" Diaz, Sally A. Heyman, Dorrin D. Rolle, Rebeca Sosa, Sen. Javier D. Souto**

ORDINANCE RELATING TO CONFLICT OF INTEREST AND CODE OF ETHICS ORDINANCE; AMENDING SECTION 2-11.1(S) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO PROVIDE THAT TWENTY PERCENT OF FUNDS GENERATED BY LOBBYIST REGISTRATION FEES SHALL BE DEPOSITED INTO A SEPARATE ACCOUNT TO BE USED BY MIAMI-DADE COUNTY COMMISSION ON ETHICS AND PUBLIC TRUST TO FUND EDUCATIONAL OUTREACH, THE RENDERING OF ADVISORY OPINIONS AND ENFORCEMENT OF PROVISIONS REGARDING LOBBYISTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Adopted on first reading
Public Hearing: July 15, 2010
Mover: Joe A. Martinez
Seconder: Katy Sorenson
Vote: 12- 1
No: Seijas

Report: *First Assistant County Attorney Abigail Price-Williams read the foregoing ordinance into the record.*

Commissioners Heyman and Souto asked to be added as co-sponsors.

Hearing no further questions or comments, the Board proceeded to vote on the foregoing ordinance as presented.

The foregoing ordinance was adopted on first reading and set for a public hearing before the Health, Public Safety & Intergovernmental Committee (HPSIC) on Thursday, July 15, 2010, at 2:00 p.m.

4C

101007 **Ordinance** **Sally A. Heyman**

ORDINANCE AMENDING SECTIONS 7-3, 8A-172, 8A-276(B), 8CC(10), 21-28, 21-31.2(B)(1) AND (2), 21-31.4(B), 26-1, 30-468, 30-469 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; INCLUDING ADDITIONAL PENALTIES; CREATING SECTION 8CC-5.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Withdrawn

Report: *(SEE AGENDA ITEM 4C SUBSTITUTE, LEGISLATIVE NUMBER 101360)*

5/4/2010 *Tentatively scheduled for a public hearing by the Board of County Commissioners to the Health, Public Safety & Intergovernmental Cmte*

5/4/2010 *Withdrawn by the Board of County Commissioners*

4C SUBSTITUTE

101360 **Ordinance** **Sally A. Heyman**

ORDINANCE AMENDING SECTIONS 7-3, 8A-172, 8A-276(B), 8CC(10), 21-28, 21-31.2(B)(1) AND (2), 21-31.4(B), 26-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; INCLUDING ADDITIONAL PENALTIES; CREATING SECTION 8CC-5.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE (SEE ORIGINAL ITEM UNDER FILE NO. 101007)

Adopted on first reading
Public Hearing: July 15, 2010
Mover: Sally A. Heyman
Seconder: Carlos A. Gimenez
Vote: 13- 0

Report: *First Assistant County Attorney Abigail Price-Williams read the foregoing ordinance into the record.*

Hearing no further questions or comments, the Board proceeded to vote on the foregoing ordinance as presented.

The foregoing ordinance was adopted on first reading and set for a public hearing before the Health, Public Safety & Intergovernmental Committee (HPSIC) on Thursday, July 15, 2010, at 2:00 p.m.

4D

101304 **Ordinance** **Dennis C. Moss,**
Audrey M. Edmonson,
Sally A. Heyman,
Dorrin D. Rolle,
Rebeca Sosa,
Sen. Javier D. Souto,
Barbara J. Jordan,
Joe A. Martinez,
Katy Sorenson,
Bruno A. Barreiro,
Carlos A. Gimenez,
Natacha Seijas,
Jose "Pepe" Diaz

ORDINANCE CREATING THE MIAMI-DADE COUNTY OLYMPIC EXPLORATORY COMMITTEE; SETTING FORTH DUTIES AND RESPONSIBILITIES AND MEMBERSHIP REQUIREMENTS OF SUCH COMMITTEE; PROVIDING FOR APPOINTMENT OF MEMBERS; REQUIRING ANNUAL REPORTS AND PROVIDING FOR STAFF SUPPORT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Adopted on first reading
Public Hearing: September 13, 2010
Mover: Jose "Pepe" Diaz
Seconder: Dennis C. Moss
Vote: 13- 0

Report: *First Assistant County Attorney Abigail Price-Williams read the foregoing ordinance into the record.*

Commissioners Edmonson and Rolle asked to be added as co-sponsors.

Hearing no further questions or comments, the Board proceeded to vote on the foregoing ordinance as presented.

The foregoing ordinance was adopted on first reading and set for a public hearing before the Recreation, Culture & Tourism Committee (RCTC) on Monday, September 13, 2010, at 2:00 p.m.

4E

101310 **Ordinance** **Rebeca Sosa**

ORDINANCE AMENDING CHAPTER 25A OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REMOVING CERTAIN NON-VOTING EX OFFICIO MEMBERS OF THE PUBLIC HEALTH TRUST BOARD OF TRUSTEES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Adopted on first reading
Public Hearing: July 15, 2010
Mover: Rebeca Sosa
Seconder: Sally A. Heyman
Vote: 11- 2
No: Seijas, Jordan

Report: *First Assistant County Attorney Abigail Price-Williams read the foregoing ordinance into the record.*

Hearing no further questions or comments, the Board proceeded to vote on the foregoing ordinance as presented.

The foregoing ordinance was adopted on first reading and set for a public hearing before the Health, Public Safety & Intergovernmental Committee (HPSIC) on Thursday, July 15, 2010, at 2:00 p.m.

4F

101311 **Ordinance** **Barbara J. Jordan, Bruno A. Barreiro, Natacha Seijas**

ORDINANCE AMENDING SECTION 2-11.1(T) OF THE CONFLICT OF INTEREST AND CODE OF ETHICS ORDINANCE REPEALING CONE OF SILENCE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

Adopted on first reading
Public Hearing: July 15, 2010
Mover: Barbara J. Jordan
Seconder: Natacha Seijas
Vote: 8- 5
No: Sosa, Gimenez, Sorenson, Moss, Souto

Report: *First Assistant County Attorney Abigail Price-Williams read the foregoing ordinance into the record.*

Commissioner Barreiro asked to be added as a co-sponsor.

Hearing no further questions or comments, the Board proceeded to vote on the foregoing ordinance as presented.

The foregoing ordinance was adopted on first reading and set for a public hearing before the Health, Public Safety & Intergovernmental Committee (HPSIC) on Thursday, July 15, 2010, at 2:00 p.m.

4G

101316 **Ordinance** **Barbara J. Jordan**

ORDINANCE AMENDING CODE OF MIAMI-DADE COUNTY, FLORIDA, BY TWO-THIRDS VOTE (2/3) OF THE BOARD OF COUNTY COMMISSION MEMBERSHIP RELATING TO THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (TRUST) AND THE PEOPLE'S TRANSPORTATION PLAN; REQUIRING THE ESTABLISHMENT OF A FIVE YEAR IMPLEMENTATION PLAN; ESTABLISHING PROCEDURES FOR MODIFICATIONS TO THE FIVE YEAR IMPLEMENTATION PLAN; PROVIDING THAT THE TRUST SUBMIT A RECOMMENDATION TO THE COUNTY COMMISSION PRIOR TO COUNTY COMMISSION AWARDING OF CERTAIN CONTRACTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Adopted on first reading
Public Hearing: July 14, 2010
Mover: Barbara J. Jordan
Seconder: Dorrin D. Rolle
Vote: 13- 0

Report: *First Assistant County Attorney Abigail Price-Williams read the foregoing ordinance into the record.*

Hearing no further questions or comments, the Board proceeded to vote on the foregoing ordinance as presented.

The foregoing ordinance was adopted on first reading and set for a public hearing before the Transit Infrastructure & Roads Committee (TIRC) on Wednesday, July 14, 2010, at 2:00 p.m.

4H

101322 **Ordinance** **Jose "Pepe" Diaz,**
Audrey M. Edmonson,
Carlos A. Gimenez,
Sally A. Heyman,
Barbara J. Jordan,
Dorrin D. Rolle,
Rebeca Sosa,
Sen. Javier D. Souto,
Dennis C. Moss

ORDINANCE RELATING TO SEXUAL OFFENDERS AND PREDATORS; RENAMING THE MIAMI-DADE COUNTY SEXUAL OFFENDER AND SEXUAL PREDATOR ORDINANCE IN HONOR OF LAUREN BOOK AND HER WORK IN PROTECTING CHILDREN FROM SEXUAL ABUSE; MAKING CERTAIN SCRIVENER'S CHANGES AND PROVIDING FOR PENALTIES, SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Adopted on first reading
Public Hearing: July 14, 2010
Mover: Jose "Pepe" Diaz
Seconder: Rebeca Sosa
Vote: 13- 0

Report: *First Assistant County Attorney Abigail Price-Williams read the foregoing ordinance into the record.*

Commissioners Edmonson, Gimenez, Heyman, Jordan, and Rolle asked to be added as co-sponsors.

Hearing no further questions or comments, the Board proceeded to vote on the foregoing ordinance as presented.

The foregoing ordinance was adopted on first reading and set for a public hearing before the Housing and Community Development Committee (HCDC) on Wednesday, July 14, 2010.

4|

101188 **Ordinance** **Joe A. Martinez, Sally A. Heyman**

ORDINANCE AMENDING CHAPTER 25A OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REDUCING VOTING MEMBERSHIP OF THE BOARD OF TRUSTEES OF THE PUBLIC HEALTH TRUST; PROVIDING IMPLEMENTING PROCEDURE; REMOVING PROVISIONS REGARDING PUBLIC HEALTH TRUST NOMINATING COUNCIL; AND REQUIRING THE PUBLIC HEALTH TRUST TO COMPLY WITH DIRECTIVES TO THE TRUST SET FORTH FROM TIME TO TIME IN RESOLUTIONS OF THE COUNTY COMMISSION; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Adopted on first reading
Public Hearing: July 15, 2010
Mover: Joe A. Martinez
Seconder: Katy Sorenson
Vote: 10- 3
No: Seijas, Sosa, Moss

Report: *First Assistant County Attorney Abigail Price-Williams read the foregoing ordinance into the record.*

Hearing no further questions or comments, the Board proceeded to vote on the foregoing ordinance as presented.

The foregoing ordinance was adopted on first reading and set for a public hearing before the Health, Public Safety & Intergovernmental Committee (HPSIC) on Thursday, July 15, 2010, at 2:00 p.m.

5 PUBLIC HEARINGS (Scheduled for 9:30 a.m.)

5A

101113 **Resolution** **Dorrin D. Rolle**

RESOLUTION APPROVING SIGNIFICANT MODIFICATION TO BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NO. 92 - "UNINCORPORATED MUNICIPAL SERVICE AREA – ARCOLA LAKES PARK", AS IDENTIFIED IN APPENDIX A TO RESOLUTION NO. R-913-04 TO INCREASE ALLOCATION FROM $6,000,000 TO $6,300,000 AFTER PUBLIC HEARING; APPROVING ALLOCATION OF ADDITIONAL $300,000 FROM INTEREST EARNINGS GENERATED FROM INVESTMENT OF BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROCEEDS; DIRECTING COUNTY MAYOR OR MAYOR'S DESIGNEE TO LIST SUCH PROJECT IN SERIES RESOLUTION AS ELIGIBLE FOR FUNDING IN NEXT SERIES OF BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BONDS AND TO FUND FROM SUCH BOND PROCEEDS FULL AMOUNT NECESSARY TO DEVELOP AND TIMELY COMPLETE ARCOLA LAKES SENIOR CENTER; REQUIRING BOARD APPROVAL FOR ANY ADJUSTMENTS TO SUCH FUNDING, INCLUDING CASH FLOW REVISIONS; AND DIRECTING COUNTY MAYOR OR MAYOR'S DESIGNEE TO IMPLEMENT EXPEDITED COMPETITIVE PROCESS PROCEDURES AUTHORIZED BY ECONOMIC STIMULUS ORDINANCE FOR SELECTION OF ARCOLA LAKES SENIOR CENTER'S CONTRACTOR [SEE AGENDA ITEM NO. 12(B)2]

Adopted
Resolution R-583-10
Mover: Jose "Pepe" Diaz
Seconder: Dorrin D. Rolle
Vote: 13- 0

Report: *First Assistant County Attorney Abigail Price-Williams read the foregoing resolution into the record.*

In regards to the criteria for the selected projects to be included in the modified list for the Building Better Communities General Obligation Bond Program (BBC-GOB), County Manager George Burgess advised several points were considered in the selection of projects. He noted the debt level and debt service millage adopted by the Board together with the capacity to do multiple levels and market conditions were perfect to engage in construction projects. He advised that the projects selected were shovel ready and well into the design phase with no operating impact.

County Manager Burgess asked that the Board allow the administration to develop the project list based on a phase basis and the operating impact of each project, next year's millage rates, and final tax rolls prior to adding additional projects.

In response to Commissioner Jordan's inquiry regarding the criteria for the proposed list of projects, County Manager Burgess advised a preliminary list of projects had been prepared and would be presented at one of the October 2010 Board of County Commissioners meeting for approval.

Commissioner Jordan asked the County Manager prepare a report by district of pending projects outlining the status of each project and those projects which may be delayed or placed on hold due to having a maintenance and/or operating impact. Not only show those projects which may be delayed and the larger units versus projects that they can move on, also include projected timeframe for those projected not included and when we anticipate we can move forward.

In response to Commissioner Gimenez's inquiry, County Manager Burgess advised that management made recommendations against the project due to the increased initial costs, which resulted from the budgetary cutbacks in the Parks and Recreation Department.

Commissioner Gimenez recommended that the project list include projects from all 13 county commission districts. He suggested that the Board initiate the process by approving a project list with appropriate funding earmarked and the commencement of the work postponed.

In response to Commissioner Gimenez's inquiry, County Manager Burgess noted he would be supportive of Commissioner Gimenez's recommendation to have the Board approve a list of recommended projects with earmarked funds without moving forward on the projects. He urged the Board to allow the administration to prepare and submit a preliminary list of recommended projects to bring before the Board for approval prior to identifying which projects would be developed.

Commissioner Gimenez commented the best list of projects should include those with either no financial impact or those with continuous funding sources due to the County's current financial situation.

Commissioner Rolle spoke in opposition of the County Manager's proposal due to the current low cost of construction. He noted this was the appropriate time to engage in construction projects; otherwise, the cost of those projects would increase in the future.

Commissioner Sorenson requested that she be provided with a copy of the County Manager's proposed project list prior to being presented before the Board.

County Manager Burgess clarified that the operating cost impact was approximately $930,000, with $300,000 earmarked for the pool facility and $630,000 for the senior center.

Commissioner Edmonson recommended that the Arcola Lakes Senior Center project be approved. She also suggested that the commissioner of that district be allowed to work with staff to identify a funding source and work out the details.

Commissioner Seijas suggested that Community Business Organizations (CBOs) be allowed to present to management a Request For Proposal (RFP), which complies with County guidelines and requirements.

Commissioner Heyman commented on the lack of services and park amenities for the Arcola Lakes area as well as sub services within surrounding areas.

With regards to Commissioner Sosa's comments on the foregoing proposed community center, County Manager Burgess advised that voters had approved the construction of this facility due to its great need; and it had been promised to the taxpayers. He noted the project needed the Board's approval and lacked funding at this time.

County Manager Burgess noted $300,000 in interest dividend was in place to supplement the $6,000,000 in funding.

Commissioner Souto recommended the proposed foregoing item be approved.

Commissioner Gimenez spoke in support of this project and commented that Commissioner Rolle should consider the operational impact of future projects and how its financial impact could be lessened prior to recommending the project.

Commissioner Gimenez asked that the County Manager also include in the report requested by Commissioner Jordan the projects' operational impact.

Hearing no further questions or comments, the Board proceeded to vote on the foregoing resolution as presented.

5/12/2010 *Forwarded with a favorable recommendation from the Transit, Infrastructure & Roads Committee*

5/21/2010 *Legislative notes attached by the Commission Auditor*

5B

101054 **Resolution**

RESOLUTION AUTHORIZING ISSUANCE OF NOT TO EXCEED $600,000,000 OF AVIATION REVENUE BONDS, IN ONE OR MORE SERIES AND/OR TRANCHES, FOR SPECIFIED PURPOSES PURSUANT TO SECTION 210 OF AMENDED AND RESTATED TRUST AGREEMENT AND APPLICABLE ORDINANCES; APPROVING ISSUANCE OF BONDS AFTER PUBLIC HEARING AS REQUIRED BY SECTION 147(F) OF INTERNAL REVENUE CODE OF 1986, AS AMENDED; AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE, WITHIN CERTAIN LIMITATIONS AND RESTRICTIONS, TO FINALIZE TERMS AND OTHER PROVISIONS OF BONDS; PROVIDING CERTAIN COVENANTS AND OTHER REQUIREMENTS; FINDING NECESSITY FOR AND AUTHORIZING NEGOTIATED SALE; APPROVING FORMS OF AND AUTHORIZING CERTAIN DOCUMENTS; AUTHORIZING COUNTY OFFICIALS TO TAKE ALL NECESSARY ACTIONS IN CONNECTION WITH ISSUANCE, SALE AND DELIVERY OF BONDS; AND PROVIDING FOR SEVERABILITY (Finance Department)

Adopted
Resolution R-584-10
Mover: Rebeca Sosa
Seconder: Dorrin D. Rolle
Vote: 12- 0
Absent: Seijas

Report: *Assistant County Attorney Gerald Heffernan read the foregoing resolution into the record.*

Hearing no further questions or comments, the Board proceeded to vote on the foregoing ordinance as presented.

5/11/2010 *Forwarded to BCC with a favorable recommendation from the Budget, Planning and Sustainability Committee*

5/21/2010 *Legislative notes attached by the Commission Auditor*

5B SUPPLEMENT

101231 **Supplement**

SUPPLEMENTAL INFORMATION REGARDING THE ISSUANCE OF AVIATION REVENUE BONDS, SERIES 2010

Presented

5/11/2010 *Presented by the Budget, Planning and Sustainability Committee*

5C

100780 **Ordinance**

ORDINANCE APPROVING AND ADOPTING MID-YEAR SUPPLEMENTAL BUDGET ADJUSTMENTS FOR VARIOUS COUNTY DEPARTMENTS AND FUNDS; RATIFYING AND APPROVING IMPLEMENTING ORDERS AND OTHER BOARD ACTIONS WHICH SET CHARGES AND PROVIDING FOR THEIR AMENDMENT; APPROPRIATING GRANT, DONATION AND CONTRIBUTION FUNDS; AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE [SEE AGENDA ITEM NO. 5D] (Office of Strategic Business Management)

Adopted
Ordinance 10-33
Mover: Katy Sorenson
Seconder: Jose "Pepe" Diaz
Vote: 13- 0

Report: *County Attorney Robert Cuevas read the foregoing proposed ordinance into the record.*

Mr. Wayne Pathman, Board Member of the Miami Children's Museum (MCM), Law Offices located at One Biscayne Tower, Miami, Florida, appeared before the Board, noting Executive Director Deborah Spiegelman had collected 1600 postcards bearing the signatures of countywide registered voters in support of the proposed amendment providing $750,000 in funding to the museum. He requested that the letter submitted by Mr. David Lawrence, who was unable to attend today's meeting, be reviewed.

Mr. Pathman noted that he had attended today's meeting to speak on behalf of MCM and as a board member to request approval of the proposed funding. He advised the museum provided a most needed educational program to the community, and the funding was needed to keep the museum financially strong in order to continue providing the current great community services.

The public hearing was opened for public input and approximately 50 members of the public appeared before the Board to express their support for the foregoing proposed ordinance.

It was moved by Commissioner Sorenson that both items under consideration, Agenda Items 5C and 5D, be adopted as presented. Commissioner Heyman seconded the motion, and the floor was opened for discussion.

Commissioner Barreiro offered to amend the supplemental budget resolution by amending the Countywide General Fund to transfer $750,000 from the "Previously Unallocated Carryover Account" listed in Attachment 1 of Item 5D to the "Wage Adjustment, FRS, Separation, and Energy Reserve Account," and to authorize the Mayor or his designee to execute an agreement for this allocation in the form approved by the County Attorney. This motion was seconded by Commissioner Heyman.

Commissioner Sorenson did not accept Commissioner Barreiro's amendment.

County Attorney Cuevas clarified for the record Commissioner Barreiro's motion amended Item 5D and that Items 5C and 5D were both under consideration.

Commissioner Sorenson clarified for the record her motion moved Items 5C and 5D together inasmuch as both items were placed simultaneously under consideration.

County Attorney Cuevas advised a roll call vote was required for Item 5C inasmuch as it was an ordinance, but the Board would be required to take a roll call vote for both if the items were taken together.

Commissioner Barreiro clarified for the record the amendment offered intended to amend Item 5D only and asked that a vote be taken separately.

Chairman Moss advised that he would take Item 5C first and recognized Commissioner Sorenson's motion for that item. He noted Item 5C was on the table as previously motioned and seconded.

Commissioner Heyman noted Chairman Moss had recognized her second for Item 5C and expressed her support for Commissioner Barreiro's amendment for Item 5D.

Pursuant to Commissioner Heyman's request, County Attorney Cuevas clarified the procedure for friendly amendments, noting there were no rules on friendly amendments but the amendments were subject to the ruling of the Chair on how to proceed.

Pursuant to Chairman Moss' question as to whether the Board should sustain Commissioner Heyman's second for the motion on Item 5C, Commissioner Heyman advised she supported the amendment and preferred to have Items 5C and 5D voted as a package due to the relevance to each other.

Chairman Moss asked Commissioner Heyman to either affirm or withdraw her second inasmuch as Commissioner Sorenson had not accepted the friendly amendment. Consequently, Commissioner Heyman withdrew her second to the motion for Item 5C.

Commissioner Barreiro reiterated he offered a friendly amendment for Item 5D.

Upon concluding the foregoing discussion, it was moved by Commissioner Sorenson that Item 5C be adopted as presented. This motion was seconded by Vice Chairman Diaz; and upon being put to a vote, the motion passed by a roll call vote of 13-0.

County Manager Burgess stated for the record the timing to earmark additional funding in this year's fiscal budget was inappropriate, and it represented a challenge for next year's budget cycle as carryover funds were intended to be used to close gaps.

Commissioner Sorenson commented she was unable to support the $750,000 funding request for the MCM due to this year's extensive budget reductions resulting from the millage rate adopted by the Board. She noted the Parks & Recreation Department had made considerable budget reductions in the after school programs and summer camps. She asked that $1.7 million in funding and 17 positions be restored to the Parks & Recreation Department's budget.

Hearing no further questions or comments, Chairman Moss asked that Item 5D be moved.

Commissioner Barreiro moved that the Board adopt Item 5D as amended. This motion was seconded by Commissioner Heyman, and the floor was opened for discussion.

Vice Chairman Diaz commented that the funding recommendation supported the community segment representing future generations.

In response to Vice Chairman Diaz's question as to whether other museums had been funded, County Manager Burgess advised the County had supported County affiliated museums only.

Vice Chairman Diaz noted that he felt this museum required the County's support, and he asked that the feasibility of reducing funding in another area be reviewed.

Commissioner Edmonson commented on the budgetary cutbacks for children's programs offered in County Commission District 3. She also noted that she could not support cutbacks in socially disadvantaged areas and

would feel uncomfortable supporting some children and not others.

Commissioner Jordan noted that she did not support allocating $750,000 if children's programs within the Parks & Recreation Department had been recommended for closing. She requested to be provided with the list of programs by County Commission district recommended for closing prior to determining which programs would be eliminated.

In response to Commissioner Jordan's inquiry, County Manager Burgess explained every department outside the public safety sector had been asked to prepare proposed budgets reflecting efficiencies and reductions in operating expenses by as much as 25 percent below current funding level. He noted the budget formulation was based on current revenue realities and declining tax rolls which resulted in a budget deficit of more than $420 million. He explained the Board had few alternatives to close the gap because virtually all County revenues had declined including the Fire Rescue District, UMSA General Fund, and the Library District. He noted that a 25 percent budget reduction in the Parks & Recreation Department represented eliminating all programming such as closing facilities, after school programs, and summer programs.

Upon conclusion of the foregoing discussion, Commissioner Jordan reiterated her non-support of the recommended allocation of $750,000 for MCM based on the County's current financial circumstances.

Commissioner Gimenez expressed his support for the allocation of $750,000 to MCM.

Commissioner Barreiro noted that the Board provided clear direction to the administration to identify $750,000 in funding for MCM, and he would maintain a clear and open mind for next year's budget proposal. He asked the Chairman to call for a vote.

Upon conclusion of the foregoing discussion, the Board proceeded to vote on Item 5D as amended; and it passed by a roll call vote of 10-3. (Commissioners Edmonson, Jordan, and Sorenson voted no.)

4/6/2010	*Tentatively scheduled for a public hearing by the Board of County Commissioners to the Board of County Commissioners*
4/6/2010	*Adopted on first reading by the Board of County Commissioners*
5/11/2010	*Forwarded to BCC with a favorable recommendation from the Budget, Planning and Sustainability Committee*

5D

100938 **Resolution**

RESOLUTION AMENDING FY 2009-10 COUNTYWIDE GENERAL FUND AND UNINCORPORATED MUNICIPAL SERVICE AREA GENERAL FUND BUDGETS AND AMENDING THE LIBRARY, BUILDING CODE COMPLIANCE, CULTURAL AFFAIRS, CONVENTION DEVELOPMENT TAX FUND, ENVIRONMENTAL RESOURCES MANAGEMENT, SOLID WASTE MANAGEMENT, SUSTAINABILITY, AND WATER AND SEWER BUDGETS; APPROVING TERMS OF AND AUTHORIZING COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXECUTE AGREEMENT BY AND BETWEEN MIAMI-DADE COUNTY AND NEW WORLD SYMPHONY, INC.; AND APPROVING THE INTERAGENCY TRANSFER BETWEEN COUNTY DEPARTMENTS IN ACCORDANCE WITH SECTION 2-1796(A) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA [SEE AMENDED ITEM UNDER FILE NO. 101494] (Office of Strategic Business Management)

Amended

Report: *(SEE AGENDA ITEM 5D AMENDED, LEGISLATIVE FILE NO. 101494.)*

5/11/2010 *Forwarded to BCC with a favorable recommendation from the Budget, Planning and Sustainability Committee*

5D AMENDED

101494 **Resolution**

RESOLUTION AMENDING FY 2009-10 COUNTYWIDE GENERAL FUND AND UNINCORPORATED MUNICIPAL SERVICE AREA GENERAL FUND BUDGETS AND AMENDING THE LIBRARY, BUILDING CODE COMPLIANCE, CULTURAL AFFAIRS, CONVENTION DEVELOPMENT TAX FUND, ENVIRONMENTAL RESOURCES MANAGEMENT, SOLID WASTE MANAGEMENT, SUSTAINABILITY, AND WATER AND SEWER BUDGETS; APPROVING TERMS OF AND AUTHORIZING COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXECUTE AGREEMENT BY AND BETWEEN MIAMI-DADE COUNTY AND NEW WORLD SYMPHONY, INC.; AND APPROVING THE INTERAGENCY TRANSFER BETWEEN COUNTY DEPARTMENTS IN ACCORDANCE WITH SECTION 2-1796(A) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA [SEE ORIGINAL ITEM UNDER FILE NO. 100938] (Office of Strategic Business Management)

Adopted as amended
Resolution R-585-10
Mover: Bruno A. Barreiro
Seconder: Sally A. Heyman
Vote: 10- 3
No: Jordan, Edmonson, Sorenson

Report: *(SEE REPORT FOR RELATED AGENDA ITEM 5C, LEGISLATIVE FILE NUMBER 100780)*

5E

101237 **Resolution**

RESOLUTION APPROVING THE REVISED GENERAL PLAN OF THE ARCOLA FIRE RESCUE STATION NO. 67 LOCATED AT 1275 NW 79 STREET, IN COMPLIANCE WITH SECTION 33-303 OF THE CODE OF MIAMI-DADE COUNTY (Department of Planning & Zoning)

Adopted
Resolution R-586-10
Mover: Rebeca Sosa
Seconder: Dorrin D. Rolle
Vote: 12- 0
Absent: Barreiro

Report: *First Assistant County Attorney Abigail Price-Williams read the foregoing resolution into the record.*

Hearing no further questions or comments, the Board proceeded to vote on the foregoing resolution as presented.

5F

101206 **Resolution**

RESOLUTION APPROVING THE PLAT OF ROSADO ESTATES, LOCATED IN THE NORTHEAST 1/4 OF SECTION 13, TOWNSHIP 54 SOUTH, RANGE 40 EAST (BOUNDED ON THE NORTH BY SW 28 STREET, ON THE EAST BY SW 60 COURT, ON THE SOUTH BY APPROXIMATELY SW 29 STREET, AND ON THE WEST BY APPROXIMATELY SW 62 AVENUE) (Public Works Department)

Adopted
Resolution R-587-10
Mover: Rebeca Sosa
Seconder: Dorrin D. Rolle
Vote: 12- 0
Absent: Barreiro

Report: *First Assistant County Attorney Abigail Price-Williams read the foregoing resolution into the record.*

Hearing no further questions or comments, the Board proceeded to vote on the foregoing resolution as presented.

5G

101207 **Resolution**

RESOLUTION APPROVING THE WAIVER OF PLAT OF MIAMI-DADE COUNTY, D-23082, LOCATED IN THE NORTHEAST 1/4 OF SECTION 21, TOWNSHIP 53 SOUTH, RANGE 41 EAST (BOUNDED ON THE NORTH BY APPROXIMATELY NW 53 STREET, ON THE EAST BY APPROXIMATELY NW 27 AVENUE, ON THE SOUTH BY APPROXIMATELY NW 51 STREET, AND ON THE WEST BY NW 29 AVENUE) (Public Works Department)

Adopted
Resolution R-588-10
Mover: Rebeca Sosa
Seconder: Dorrin D. Rolle
Vote: 12- 0
Absent: Barreiro

Report: *First Assistant County Attorney Abigail Price-Williams read the foregoing resolution into the record.*

Hearing no further questions or comments, the Board proceeded to vote on the foregoing resolution as presented.

5H

101016 **Resolution**

RESOLUTION APPROVING SIGNIFICANT MODIFICATION TO BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NOS. 286 – "CONSTRUCTION OF THE WESTCHESTER ARTS CENTER" AND 292 –"'MIAMI-DADE COUNTY AUDITORIUM" IDENTIFIED IN APPENDIX A TO RESOLUTION R-919-04 AFTER A PUBLIC HEARING (Office of Capital Improvements)

Adopted
Resolution R-589-10
Mover: Sen. Javier D. Souto
Seconder: Katy Sorenson
Vote: 11- 1
No: Seijas
Absent: Barreiro

Report: *First Assistant County Attorney Abigail Price-Williams read the foregoing resolution into the record.*

Department Director George Navarrete, Office of Capital Improvements (OCI), advised the Raices Program, a traditional Hispanic program, and the Black Box Theater would be combined and relocated to Tropical Park. He advised that the recommendation had a net operating impact of $133,000.

Following discussion as to whether the Black Box Theater component of the Miami-Dade County Auditorium should be relocated to Tropical Park, Commissioner Jordan requested that all future projects to include Building Better Communities General Obligation Bond (BBC- GOB) projects presented before the Board include a report outlining all operating and maintenance costs including the funding source.

Commissioner Seijas expressed her concerns and disapproval for the transfer of the Black Box Theater to Tropical Park inasmuch as the Miami-Dade County Auditorium would be inaccessible to scheduling small scale events. She expressed her wish to have the foregoing item deferred.

In response to Commissioner Jordan's inquiry relating to the funding source for the net operating impact of $133,000, Mr. Navarrete responded the project was currently at the design stage; and it would be at least five (5) years before the construction phase was scheduled.

Following discussion in connection with how the foregoing item was presented before the Recreation, Culture & Tourism Committee for review, Assistant County Manager Alex Munoz clarified the language and intent of the foregoing resolution.

Hearing no further questions or comments, the Board proceeded to vote on the foregoing resolution as presented.

5/10/2010 *Forwarded with a favorable recommendation from the Recreation, Culture & Tourism Committee*

5I

101291 **Resolution**

RESOLUTION RELATING TO AN APPLICATION BY RANDALL FIORENZA FOR A CLASS I PERMIT FOR THE FILLING OF TIDAL WATERS AND PLACEMENT OF A BULKHEAD WATERWARD OF THE MEAN HIGH WATER LINE, IN ASSOCIATION WITH THE REMOVAL OF A BOAT RAMP AND THE INSTALLATION OF A MARGINAL WOOD DOCK IN A RESIDENTIAL CANAL LOCATED AT 530 ARVIDA PARKWAY, CORAL GABLES, MIAMI-DADE COUNTY, FLORIDA (Department of Environmental Resources Management)

Adopted
Resolution R-590-10
Mover: Rebeca Sosa
Seconder: Dorrin D. Rolle
Vote: 12- 0
Absent: Barreiro

Report: *First Assistant County Attorney Abigail Price-Williams read the foregoing resolution into the record.*

Hearing no further questions or comments, the Board proceeded to vote on the foregoing resolution as presented.

5J

101292 **Resolution**

RESOLUTION RELATING TO AN APPLICATION BY RED BULL NORTH AMERICA, INC FOR A CLASS I PERMIT AND TO REQUEST A VARIANCE FROM SECTION 24-48.24 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO AUTHORIZE THE TEMPORARY PLACEMENT OF NON-WATER-DEPENDENT FIXED STRUCTURES, BARGES AND SCAFFOLDING ASSOCIATED WITH A FLYING DEVICE COMPETITION, IN TIDAL WATERS IN BISCAYNE BAY AT 315 SOUTH BISCAYNE BOULEVARD, MIAMI, MIAMI-DADE COUNTY, FLORIDA (Department of Environmental Resources Management)

Adopted
Resolution R-591-10
Mover: Rebeca Sosa
Seconder: Dorrin D. Rolle
Vote: 12- 0
Absent: Barreiro

Report: *First Assistant County Attorney Abigail Price-Williams read the foregoing resolution into the record.*

Hearing no further questions or comments, the Board proceeded to vote on the foregoing resolution as presented.

5K

101239 **Resolution**

RESOLUTION RELATING TO COMMUNITY COUNCILS; MODIFYING COMMUNITY COUNCIL BOUNDARIES RESULTING FROM APPROVAL OF ANNEXATIONS TO THE CITY OF HOMESTEAD, MIAMI SHORES VILLAGE, CITY OF NORTH MIAMI AND FLORIDA CITY; RENUMBERING PRECINCTS LISTED IN COMMUNITY COUNCIL BOUNDARIES (Department of Planning & Zoning)

Adopted
Resolution R-592-10
Mover: Sally A. Heyman
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Martinez

Report: *First Assistant County Attorney Abigail Price-Williams read the foregoing resolution into the record.*

Hearing no further questions or comments, the Board proceeded to vote on the foregoing resolution as presented.

5L

101321 **Resolution** **Katy Sorenson**

RESOLUTION CO-DESIGNATING THAT PORTION OF SW 77 AVENUE FROM SW 136 STREET TO SW 138 TERRACE WITHIN THE VILLAGE OF PALMETTO BAY AS "HURRICANE HIGHWAY"

Adopted
Resolution R-593-10
Mover: Katy Sorenson
Seconder: Dorrin D. Rolle
Vote: 12- 0
Absent: Martinez

Report: *First Assistant County Attorney Abigail Price-Williams read the foregoing resolution into the record.*

Hearing no further questions or comments, the Board proceeded to vote on the foregoing resolution as presented.

5M

101306 **Resolution**

RESOLUTION PERTAINING TO TEMPORARY MORATORIUM FOR PROPERTIES BEING UTILIZED AS MOBILE HOME PARKS IN UNINCORPORATED MIAMI-DADE COUNTY; DETERMINING WHETHER OR NOT THE MORATORIUM SHOULD BE CONTINUED (Department of Planning & Zoning)

Adopted
Resolution R-634-10
Mover: Jose "Pepe" Diaz
Seconder: Rebeca Sosa
Vote: 10- 2
No: Seijas, Edmonson
Absent: Martinez

Report: *First Assistant County Attorney Abigail Price-Williams read the foregoing resolution into the record.*

Regarding the Board's request to clarify the deadline relating to the continuance of the temporary moratorium, Assistant County Attorney John McInnis advised that the County Attorney's Office was awaiting receipt of the Opinion requested on April 9, 2010, from the State of Florida Attorney General's Office as requested by the County Commission at the Board meeting of March 2, 2010, at which time the temporary moratorium was extended for 120 days in order to allow time for the Attorney General to provide the Opinion. He noted that the County Attorney Office's had been apprised that the Opinion had been drafted and awaiting signature from the Attorney General. He advised that it was recommended that the foregoing proposed resolution be adopted to continue the temporary moratorium until September 9, 2010. He clarified approval of the foregoing item would order until that date the continuance of the temporary moratorium on the issuance of building permits for properties being utilized as mobile home parks in Miami-Dade County.

Hearing no further questions or comments, the Board proceeded to vote on the foregoing resolution as presented.

6 CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS

6A ITEM(S)

6A1

101373 **Special Item** **Dennis C. Moss**

APPROVAL OF BUDGET PRIORITIES AND POLICY OBJECTIVES FOR UPCOMING BUDGET

Approved
Mover: Katy Sorenson
Seconder: Carlos A. Gimenez
Vote: 12- 0
Absent: Seijas

6B POLICY MATTERS FOR DISCUSSION BY THE BOARD

6B1

101325 **Discussion Item** **Dennis C. Moss**

DISCUSSION ITEM: UPDATE FROM ADMINISTRATION REGARDING THE PHT/JMH *Presented*

Report: *In response to Commissioner Seijas' request, Executive Vice President and Chief Operating Officer David Small, Jackson Health System (JHS), appeared before the Board and noted he had been assigned the operational responsibility of developing an operational expense reduction plan and overseeing the coordination of all human resources and labor related efforts.*

Commissioner Seijas requested that management review the feasibility of waiving co-payments for Miami-Dade County employees wishing to utilize the services of the University of Miami (UM) and Jackson Memorial Hospital (JMH) and that an appropriate plan be prepared for the Board's review.

Assistant County Manager Alina Hudak noted the issue of co-payment waivers for Miami-Dade County employees utilizing the services of UM and JMH had been previously raised. She noted a cost comparison analysis had to be prepared to determine the cost impact of self insured products relative to the rates charged by their doctors, and how employees can be centralized to use the services.

Commissioner Seijas advised she would like to sponsor an appropriate legislation if the cost comparison analysis indicated it would be feasible to implement such a program.

Commissioner Jordan announced she would like to co-sponsor the legislation.

Commissioner Jordan asked that she be provided with a report outlining the positions recommended for layoffs to determine whether the positions had a temporary or permanent employment status.

In response to Commissioner Jordan's question regarding outsourcing services to Pricewaterhouse Coopers, Vice President and Chief Operating Officer Small advised that the outsourcing of communication services would assist in the Trust's efforts to implement an organizational and cultural transformation to increase operating performance in specific areas, change processes, and people's behavior. He noted the contractor had been asked to provide personnel training, assist in knowledge transfer, and provide assistance in the development of an effective plan to communicate the following:

1. *the organization's goals and objectives;*
2. *communicate roles and accountability;*
3. *change organizational culture;*
4. *improve knowledge transfer;*
5. *develop tools to provide information, measure performance, and transfer information appropriately to those accountable;*
6. *implement necessary changes;*
7. *identify when performance was ineffective; and*
8. *determine how to effectuate change.*

Following discussion regarding the language of the contract, Vice Chairman Diaz instructed the administration to meet with Commissioner Jordan to review the language and intent of the contract with Pricewaterhouse Coopers.

6B2

101388 **Discussion Item** **Audrey M. Edmonson**

DISCUSSION REGARDING THE UPDATE ON HAITI RELIEF EFFORTS AND SPECIAL PRESENTATION BY MAYOR WILSON JEUDY OF DELMAS, HAITI

Presented

7 ORDINANCES SET FOR SECOND READING

7A

101281 **Ordinance** **Jose "Pepe" Diaz, Audrey M. Edmonson, Sally A. Heyman, Barbara J. Jordan, Rebeca Sosa**

ORDINANCE AMENDING SECTION 2-11.1(S) OF THE CONFLICT OF INTEREST AND CODE OF ETHICS ORDINANCE TO PROVIDE THAT ANY PRINCIPAL WHO APPEARS AS A LOBBYIST ON BEHALF OF A CORPORATION, PARTNERSHIP OR OTHER ENTITY SHALL NOT BE REQUIRED TO PAY LOBBYIST REGISTRATION FEES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE (SEE ORIGINAL ITEM UNDER FILE NO. 100087)

Adopted
Ordinance 10-34
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Gimenez

5/13/2010 *Forwarded to BCC with a favorable recommendation with committee amendment(s) from the Health, Public Safety & Intergovernmental Cmte*

5/21/2010 *Legislative notes attached by the Commission Auditor*

7B

101383 **Ordinance** **Sally A. Heyman, Jose "Pepe" Diaz, Carlos A. Gimenez, Rebeca Sosa**

ORDINANCE RELATING TO FOR-HIRE MOTOR VEHICLES; AMENDING CHAPTER 31 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO PROVIDE THAT NO CHAUFFEUR SHALL REFUSE OR NEGLECT TO TRANSPORT ANY PERSON TRAVELING WITH A SERVICE ANIMAL; PROVIDING FOR DEFINITION OF SERVICE ANIMAL, PENALTIES, SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE (SEE ORIGINAL ITEM UNDER FILE NO. 100931)

Adopted
Ordinance 10-35
Mover: Sally A. Heyman
Seconder: Jose "Pepe" Diaz
Vote: 12- 0
Absent: Gimenez

Report: *First Assistant County Attorney Abigail Price-Williams read the foregoing ordinance into the record.*

Assistant County Attorney Gerald Sanchez advised Commissioner Heyman had requested that the foregoing ordinance be amended to change the language defining service animal found on handwritten page 6 to say "only include dogs and not any other animals."

Commissioner Heyman noted that the definition of service animal was presently under review at the state and federal levels.

Commissioner Heyman commented she was under the understanding there were other definitions of service animals; and she noted enforcement of the proposed ordinance would be difficult. She noted the foregoing item intended to provide service dogs and their owners with the ability to ride as passengers in for-hire vehicles such as taxis.

Commissioner Heyman requested feedback on the state and federal rulings once the information was made available. She noted she would like to rectify the problem once the outcomes of those rulings were known.

Assistant County Attorney Sanchez explained the definition of a service animal and advised there was no legal obligation to delete the term referring to what qualified as a service animal.

Commissioner Heyman advised that she would not amend the foregoing proposed ordinance inasmuch as it would be applicable if the animal was registered as a service animal and would allow for better compliance.

Hearing no further questions or comments, the Board proceeded to vote on the foregoing ordinance as presented.

5/11/2010 *Forwarded to BCC with a favorable recommendation with committee amendment(s) from the Government Operations Committee*

7C

100957 **Ordinance** **Barbara J. Jordan**

ORDINANCE AMENDING, ARTICLES II, SECTION 11A-12 OF CHAPTER 11A OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO DISCRIMINATION IN HOUSING, PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

Withdrawn
Mover: Barbara J. Jordan
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Martinez

Report: *Commissioner Jordan withdrew the foregoing proposed ordinance.*

County Attorney Robert Cuevas clarified for the record a withdrawal action would take the item out of the agenda.

Based on the County Attorney's clarification, Commissioner Jordan asked the foregoing proposed ordinance be deferred.

4/20/2010 *Adopted on first reading by the Board of County Commissioners*

4/20/2010 *Tentatively scheduled for a public hearing by the Board of County Commissioners to the Housing & Community Development Committee*

5/12/2010 *Forwarded to BCC with a favorable recommendation from the Housing & Community Development Committee*

7D

101254 **Ordinance** **Joe A. Martinez, Audrey M. Edmonson, Sen. Javier D. Souto**

ORDINANCE AMENDING SECTION 2-1795 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA RELATED TO PROCEDURES TO BE FOLLOWED BY THE COMMISSION AUDITOR IN THE PREPARATION AND ADOPTION OF THE COUNTY'S ANNUAL BUDGET; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 100648]

Adopted
Ordinance 10-36
Mover: Joe A. Martinez
Seconder: Sally A. Heyman
Vote: 10- 2
No: Seijas, Jordan
Absent: Moss

Report: *First Assistant County Attorney Abigail Price-Williams read the foregoing ordinance into the record.*

Commissioners Edmonson and Souto asked to be added as co-sponsors.

Chairman Moss asked Vice Chairman Diaz to chair the meeting prior to his departure from the meeting.

Hearing no further questions or comments, the Board proceeded to vote on the foregoing ordinance as presented.

5/11/2010 *Forwarded to BCC with a favorable recommendation with committee amendment(s) from the Budget, Planning and Sustainability Committee*

7E

100757 **Ordinance** **Natacha Seijas, Jose "Pepe" Diaz, Dorrin D. Rolle, Audrey M. Edmonson, Sally A. Heyman, Barbara J. Jordan**

ORDINANCE AMENDING CHAPTER 22 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA THAT PROHIBITS WAGE THEFT TO CLARIFY REASONABLE TIME FOR PAYMENT PROVISION; PROVIDING INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Adopted
Ordinance 10-37
Mover: Natacha Seijas
Seconder: Sally A. Heyman
Vote: 11- 0
Absent: Moss, Martinez

Report: *First Assistant County Attorney Abigail Price-Williams read the foregoing ordinance into the record.*

Upon being recognized by Vice Chairman Diaz, Commissioner Seijas noted it had been necessary to draft the foregoing legislation due to the manner in which payroll procedures had been designed in certain places of business.

Commissioners Edmonson, Heyman, and Jordan asked to be added as co-sponsors.

Hearing no further questions or comments, the Board proceeded to vote on the foregoing ordinance as presented.

4/6/2010 *Adopted on first reading by the Board of County Commissioners*

4/6/2010 *Tentatively scheduled for a public hearing by the Board of County Commissioners to the Government Operations Committee*

5/11/2010 *Forwarded to BCC with a favorable recommendation from the Government Operations Committee*

7F

101330 **Ordinance**

ORDINANCE RELATING TO FOR-HIRE MOTOR VEHICLES; AMENDING SECTION 31-304 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, REQUIRING CHAUFFEUR TO UTILIZE SUNPASS LANE WHEN TRANSPORTING PASSENGERS; AMENDING CHAPTER 8CC OF THE CODE TO PROVIDE FOR A CIVIL PENALTY; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL VERSION UNDER FILE NO. 100518] (Consumer Services Department)

Withdrawn
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Martinez

5/11/2010 *Forwarded to BCC with a favorable recommendation with committee amendment(s) from the Government Operations Committee*

7G

101250 **Ordinance**

ORDINANCE RELATING TO ZONING REGULATION OF AWNINGS, CANOPIES AND TENTS; AMENDING SECTIONS 33-64 - 33-65, 33-69 - 33-71, AND 33-77 AND DELETING SECTIONS 33-72 AND 33-81 OF THE CODE OF MIAMI-DADE COUNTY (CODE); PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE (SEE ORIGINAL ITEM UNDER FILE NO. 100961) (Department of Planning & Zoning)

Adopted
Ordinance 10-38
Mover: Sally A. Heyman
Seconder: Jose "Pepe" Diaz
Vote: 11- 0
Absent: Martinez, Moss

Report: *First Assistant County Attorney Abigail Price-Williams read the foregoing ordinance into the record.*

Hearing no further questions or comments, the Board proceeded to vote on the foregoing ordinance as presented.

5/11/2010 *Forwarded to BCC with a favorable recommendation with committee amendment(s) from the Budget, Planning and Sustainability Committee*

7H

100841 **Ordinance**

ORDINANCE PERTAINING TO COMMUNITY WORKFORCE PROGRAM; AMENDING SECTION 2-1701 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REMOVING LANGUAGE FOR COMPENSATION TO WORKFORCE DEVELOPMENT ORGANIZATIONS AND WORKFORCE RECRUITMENT/REFERRAL ORGANIZATIONS FOR TRAINING, REFERRAL AND PLACEMENT OF NEW HIRES FROM DESIGNATED TARGET AREAS; SUBSTITUTING DEPARTMENT OF SMALL BUSINESS DEVELOPMENT FOR DEPARTMENT OF BUSINESS DEVELOPMENT; AND PROVIDING SEVERABILITY, INCLUSION IN CODE, AND AN EFFECTIVE DATE [SEE AGENDA ITEM NO. 9A2] (Department of Small Business Development)

Adopted
Ordinance 10-39
Mover: Sen. Javier D. Souto
Seconder: Jose "Pepe" Diaz
Vote: 10- 0
Absent: Sosa, Moss, Martinez

Report: *First Assistant County Attorney Abigail Price-Williams read the foregoing ordinance into the record.*

Hearing no further questions or comments, the Board proceeded to vote on the foregoing ordinance as presented.

4/20/2010 *Adopted on first reading by the Board of County Commissioners*

4/20/2010 *Tentatively scheduled for a public hearing by the Board of County Commissioners to the Budget, Planning and Sustainability Committee*

5/11/2010 *Forwarded to BCC with a favorable recommendation from the Budget, Planning and Sustainability Committee*

7I

101036 **Ordinance**

ORDINANCE EXTENDING FOR ADDITIONAL TWO YEARS AUTHORITY DELEGATED TO AWARD AND REJECT MISCELLANEOUS CONSTRUCTION CONTRACTS DESIGNED TO PROVIDE OPPORTUNITIES FOR COMMUNITY SMALL BUSINESS ENTERPRISES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 100801] (Office of Capital Improvements)

Adopted
Ordinance 10-40
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 11- 0
Absent: Moss, Martinez

Report: *First Assistant County Attorney Abigail Price-Williams read the foregoing ordinance into the record.*

Hearing no further questions or comments, the Board proceeded to vote on the foregoing ordinance as presented.

5/12/2010 *Forwarded with a favorable recommendation from the Transit, Infrastructure & Roads Committee*

8 DEPARTMENTAL ITEMS

8A thru 8C (No items were submitted for these sections.)

8D ENVIRONMENTAL RESOURCES MANAGEMENT

8D1A

100985 **Resolution**

RESOLUTION APPROVING SUBMISSION OF GRANT APPLICATION FOR UP TO $1,000,000 FROM THE NORTH AMERICAN WETLANDS CONSERVATION ACT UNITED STATES STANDARD GRANT TO REIMBURSE THE ENVIRONMENTALLY ENDANGERED LANDS (EEL) TRUST FUND AND AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO ACCEPT FUNDS AND EXECUTE CONTRACTS AND AMENDMENTS AS REQUIRED (Department of Environmental Resources Management)

Adopted
Resolution R-594-10
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Martinez

5/11/2010 *Forwarded to BCC with a favorable recommendation from the Budget, Planning and Sustainability Committee*

8E (No items were submitted for this section.)

8F GENERAL SERVICES ADMINISTRATION

8F1A

100999 **Resolution**

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AND RECORD A RELEASE OF DEED RESTRICTIONS ON SIX (6) INFILL HOUSING LOTS LOCATED AT 1753 LUCY STREET, 963 NW 15 STREET, 1423 REDLAND ROAD, 904 NW 14 STREET, 1210 NW 6 AVE, AND 530 NW 15 STREET, FLORIDA CITY (General Services Administration)

Adopted
Resolution R-595-10
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Martinez

Report: *Pursuant to the County Manager's Memorandum dated June 3, 2010, entitled "Changes for the June 3, 2010 BCC Meeting," scrivener's error was corrected in the foregoing proposed resolution in the second sentence of the second paragraph in the comments section on page 2 to replace the language with the following:*

"Pursuant to Florida Statute 197.592(3), property acquired by the County for delinquent taxes shall be conveyed to the governing board of the municipality provided, however, that the County: 1) does not sell the property, 2) does not use the property for infill housing, or 3) does not dedicate the property to a County purpose.

5/11/2010 *Forwarded to BCC with a favorable recommendation from the Government Operations Committee*

5/21/2010 *Legislative notes attached by the Commission Auditor*

8F1B

101037 **Resolution**

RESOLUTION AUTHORIZING THE MAYOR OR THE MAYOR'S DESIGNEE TO ESTABLISH A GRANT ASSISTANCE PROGRAM TO BE KNOWN AS "HOMEOWNER/TENANT WATER MAIN BREAK GRANT ASSISTANCE PROGRAM" TO ASSIST PERSONS IMPACTED BY THE MARCH 2, 2010 WATER MAIN BREAK IN HIALEAH; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO ALLOCATE TO THE GRANT PROGRAM AN AMOUNT NOT TO EXCEED $200,000 FROM MIAMI-DADE WATER AND SEWER DEPARTMENT'S GENERAL RESERVE FUND; AND AUTHORIZING THE MAYOR OR THE MAYOR'S DESIGNEE TO NEGOTIATE, EXECUTE, AMEND, AND EXTEND ANY AGREEMENTS REQUIRED BY THE GRANT PROGRAM (General Services Administration)

Adopted
Resolution R-596-10
Mover: Dorrin D. Rolle
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Moss

Report: *First Assistant County Attorney Abigail Price-Williams read the foregoing resolution into the record.*

Hearing no further questions or comments, the Board proceeded to vote on the foregoing resolution as presented.

5/11/2010 *Forwarded to BCC with a favorable recommendation from the Government Operations Committee*

8F1C

101288 **Resolution**

RESOLUTION DECLARING SURPLUS COUNTY-OWNED PROPERTY LOCATED AT APPROXIMATELY WEST DIXIE HIGHWAY AND GRIFFING BOULEVARD, NORTH MIAMI, FL; AUTHORIZING THE PRIVATE SALE OF SAID PROPERTY TO AN ADJACENT PROPERTY OWNER OR VIA SEALED BID TO THE GENERAL PUBLIC IN ACCORDANCE WITH FLORIDA STATUTES 125.35 FOR NO LESS THAN $16,302.00; AUTHORIZING THE WAIVER OF ADMINISTRATIVE ORDER 8-4 AS IT RELATES TO THE REVIEW BY THE PLANNING ADVISORY BOARD; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO ACCOMPLISH THE SALE OF SAID PROPERTY; AND AUTHORIZING EXECUTION OF A COUNTY DEED FOR SUCH PURPOSE [SEE ORIGINAL ITEM UNDER FILE NO. 100936] (General Services Administration)

Adopted
Resolution R-597-10
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Martinez

5/11/2010 *Forwarded to BCC with a favorable recommendation with committee amendment(s) from the Government Operations Committee*

8G MIAMI-DADE PUBLIC HOUSING AGENCY

8G1A

101068 **Resolution**

RESOLUTION APPROVING MIAMI-DADE PUBLIC HOUSING AGENCY'S (MDPHA) 2010-2011 PUBLIC HOUSING AGENCY (PHA) PLAN SUBJECT TO APPROVAL BY US HOUSING AND URBAN DEVELOPMENT (USHUD); AUTHORIZING THE COUNTY MAYOR OR DESIGNEE TO SUBMIT THE PLAN TO USHUD FOR FINAL APPROVAL (Miami-Dade Public Housing Agency)

Adopted
Resolution R-598-10
Mover: Audrey M. Edmonson
Seconder: Jose "Pepe" Diaz
Vote: 12- 0
Absent: Moss

5/12/2010 *Forwarded to BCC with a favorable recommendation from the Housing & Community Development Committee*

8H (No items were submitted for this section.)

8I MIAMI-DADE POLICE DEPARTMENT

8I1A

101055 **Resolution** **Jose "Pepe" Diaz, Joe A. Martinez**

RESOLUTION APPROVING THE MIAMI-DADE POLICE DEPARTMENT TO GIVE OFFICER JOSEPH DERRINGER HIS SNIPER RIFLE IN RECOGNITION OF HIS TWENTY-FIVE YEARS OF DEDICATED SERVICE (Miami-Dade Police Department)

Adopted
Resolution R-599-10
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Martinez

5/13/2010 *Forwarded to BCC with a favorable recommendation from the Health, Public Safety & Intergovernmental Cmte*

8J MIAMI-DADE TRANSIT AGENCY

8J1A

101025 **Resolution**

RESOLUTION AUTHORIZING THE APPROVAL AND EXECUTION OF COORDINATION AND FARE AGREEMENTS FOR THE COORDINATION OF TRANSPORTATION DISADVANTAGED SERVICES IN MIAMI-DADE COUNTY WITH ACTION COMMUNITY CENTER, INC.; ASSOCIATION FOR RETARDED CITIZENS OF SOUTH FLORIDA (ADULT AND CHILDREN'S PROGRAMS); CENTER FOR INDEPENDENT LIVING OF SOUTH FLORIDA, INC.; CITRUS HEALTH NETWORK, INC.; COMMUNITY HABILITATION CENTER, INC.; COMMUNITY HEALTH OF SOUTH FLORIDA, INC.; DAVE & MARY ALPER JEWISH COMMUNITY CENTER; EASTER SEALS OF SOUTH FLORIDA, INC.; FELLOWSHIP HOUSE; FLORIDA PACE CENTERS; GABRIELLA'S TENDER HAVEN, INC.; GALATA, INC.; GOODWILL INDUSTRIES OF SOUTH FLORIDA; HEBREW HOMES NETWORK; HIALEAH HOUSING AUTHORITY; JESSIE TRICE COMMUNITY HEALTH CENTER, INC.; LITTLE HAVANA ACTIVITIES & NUTRITION CENTERS OF DADE COUNTY, INC.; MIAMI BEHAVIORAL HEALTH CENTER, INC.; MIAMI CEREBRAL PALSY; MIAMI BEACH COMMUNITY HEALTH CENTER, INC.; MIAMI LIGHTHOUSE FOR THE BLIND; MICHAEL-ANN RUSSELL JEWISH COMMUNITY CENTER; MOUNT ZION BAPTIST CHURCH; NORTH MIAMI FOUNDATION FOR SENIOR CITIZENS, INC.; RENASCENCE MENTAL HEALTH CENTER, INC.; SOUTHWEST SOCIAL SERVICES PROGRAM, INC.; SPECTRUM PROGRAMS, INC.; SUNRISE COMMUNITY, INC.; SUNRISE COMMUNITY INC. LOG CABIN; SUNRISE COMMUNITY INC. OPPORTUNITIES; ST. ANNE'S NURSING CENTER; UNITED CEREBRAL PALSY; UNITED CEREBRAL PALSY, RESIDENTIAL; UNIVERSITY OF MIAMI, DEBBIE SCHOOL; THE VILLAGE SOUTH, INC.; AND VILLA MARIA NURSING AND REHABILITATION CENTER, INC., AND AUTHORIZING THE COUNTY MAYOR, OR DESIGNEE, TO EXECUTE ANY ADDITIONAL COORDINATION AND FARE AGREEMENTS WITH ENTITIES MEETING PROGRAM ELIGIBILITY REQUIREMENTS FOR TRANSPORTATION DISADVANTAGED SERVICES (Miami-Dade Transit Agency)

Adopted
Resolution R-600-10
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Martinez

5/12/2010 *Forwarded with a favorable recommendation from the Transit, Infrastructure & Roads Committee*

8J1B

101026 **Resolution**

RESOLUTION AUTHORIZING THE FILING AND EXECUTION OF A TRANSPORTATION DISADVANTAGED TRUST FUND TRIP AND EQUIPMENT GRANT APPLICATION AND AGREEMENT WITH THE FLORIDA COMMISSION FOR THE TRANSPORTATION DISADVANTAGED IN THE AMOUNT OF $6,733,628; AUTHORIZING THE RECEIPT AND EXPENDITURE OF FUNDS; AUTHORIZING THE FILING AND EXECUTION OF ANY ADDITIONAL AGREEMENTS, REVISIONS OR AMENDMENTS AS REQUIRED TO CARRY OUT THE PROJECTS FOR AND ON BEHALF OF MIAMI-DADE COUNTY; AUTHORIZING THE RECEIPT AND EXPENDITURE OF ANY ADDITIONAL FUNDS SHOULD THEY BECOME AVAILABLE; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSIT SYSTEM SURTAX FUNDS (Miami-Dade Transit Agency)

Adopted
Resolution R-601-10
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Martinez

5/12/2010 *Forwarded with a favorable recommendation from the Transit, Infrastructure & Roads Committee*

8J1C

101050 **Resolution**

RESOLUTION AUTHORIZING EXECUTION OF A JOINT PARTICIPATION AGREEMENT (JPA) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) TO PROVIDE STATE FUNDING IN THE AMOUNT OF $123,000 FOR THE OPERATION OF THE NW/NE 135TH STREET/OPA-LOCKA BOULEVARD CROSSTOWN ROUTE FROM FLORIDA INTERNATIONAL UNIVERSITY (FIU) BISCAYNE BAY CAMPUS TO NW 60TH AVENUE IN MIAMI LAKES; AUTHORIZING THE RECEIPT AND EXPENDITURE OF FUNDS AS SPECIFIED IN THE JPA; AUTHORIZING RECEIPT AND EXPENDITURE OF ANY ADDITIONAL FUNDS SHOULD THEY BECOME AVAILABLE; AND AUTHORIZING USE OF CHARTER COUNTY TRANSIT SYSTEM SURTAX FUNDS (Miami-Dade Transit Agency)

Adopted
Resolution R-602-10
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Martinez

5/12/2010 *Forwarded with a favorable recommendation from the Transit, Infrastructure & Roads Committee*

8J1D

101060 **Resolution**

RESOLUTION AUTHORIZING AN AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION, FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF THE MIAMI INTERMODAL CENTER - EARLINGTON HEIGHTS CONNECTOR PROJECT OVER AND UPON SOUTH FLORIDA RAIL CORRIDOR RIGHT-OF-WAY (Miami-Dade Transit Agency)

Adopted
Resolution R-603-10
Mover: Audrey M. Edmonson
Seconder: Joe A. Martinez
Vote: 11- 0
Absent: Sosa, Moss

5/12/2010 *Forwarded with a favorable recommendation from the Transit, Infrastructure & Roads Committee*

8K DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT

8K1A

101075 **Resolution**

RESOLUTION ACCEPTING THE CHANGE IN OWNERSHIP AND/OR THE GENERAL PARTNERSHIP FOR TWO MIAMI-DADE COUNTY FUNDED MULTI-FAMILY RENTAL DEVELOPMENTS; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO ACCEPT CHANGES IN OWNERSHIP AND/OR GENERAL PARTNERSHIP INTERESTS PROSPECTIVELY; AND FURTHERMORE, AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE ANY NECESSARY AGREEMENTS, FOLLOWING APPROVAL BY THE OFFICE OF THE COUNTY ATTORNEY (Department of Housing and Community Development)

Adopted
Resolution R-604-10
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Martinez

5/12/2010 *Forwarded to BCC with a favorable recommendation from the Housing & Community Development Committee*

8K1B

101168 **Resolution**

RESOLUTION APPROVING THE SUBSTANTIAL AMENDMENT TO THE FY 2008 ACTION PLAN TO REFLECT THE REALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT RECOVERY FUNDS (CDBG-R) AS AUTHORIZED BY TITLE XII, OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF FY 2009, IN THE AMOUNT OF $953,723 IN SUBSTANTIALLY THE SAME FORM AS INDICATED IN EXHIBIT AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL CONTRACTS, AGREEMENTS AND AMENDMENTS NECESSARY TO CARRY OUT THE ABOVE PROGRAM; AND AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXERCISE THE CANCELLATION PROVISIONS CONTAINED THEREIN (Department of Housing and Community Development)

Deferred to no date certain
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Martinez

Report: *The foregoing proposed resolution was deferred to no date certain.*

5/12/2010 *Forwarded to BCC with a favorable recommendation from the Housing & Community Development Committee*

8L OFFICE OF STRATEGIC BUSINESS MANAGEMENT

8L1A

100800 **Resolution**

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD ON AUGUST 24, 2010, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO PROVIDE THAT THE BOARD OF COUNTY COMMISSIONERS SHALL HAVE THE AUTHORITY TO ABOLISH A MUNICIPALITY BY ORDINANCE WHERE SUCH MUNICIPALITY HAS TWENTY OR FEWER ELECTORS AT THE TIME OF ADOPTION OF THE ORDINANCE ABOLISHING THE MUNICIPALITY (Office of Strategic Business Management)

Adopted
Resolution R-605-10
Mover: Rebeca Sosa
Seconder: Dennis C. Moss
Vote: 13- 0

Report: *First Assistant County Attorney Abigail Price-Williams read the foregoing resolution into the record.*

Hearing no further questions or comments, the Board proceeded to vote on the foregoing resolution as presented.

5/13/2010 *Forwarded to BCC with a favorable recommendation from the Health, Public Safety & Intergovernmental Cmte*

8L1A SUPPLEMENT

101395 **Supplement**

SUPPLEMENTAL INFORMATION FOR PROPOSED CHANGE TO THE MIAMI-DADE HOME RULE CHARTER REGARDING MUNICIPALITIES

Presented

8L1B

101215 **Resolution**

RESOLUTION CALLING FOR A SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A STATE PRIMARY ELECTION TO BE HELD ON TUESDAY, AUGUST 24, 2010, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER THE MIAMI-DADE COUNTY HOME RULE CHARTER BE AMENDED TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS (BOARD) TO GRANT A FRANCHISE OR AMEND A FRANCHISE AGREEMENT UPON APPROVAL OF A TWO-THIRDS VOTE OF BOARD MEMBERS PRESENT WITHOUT REQUIRING SUBSEQUENT APPROVAL OF THE PROPOSED FRANCHISE OR AMENDMENT BY A MAJORITY OF THE ELECTORATE (Office of Strategic Business Management)

Withdrawn

Report: *(SEE AGENDA ITEM 8L1B SUBSTITUTE, LEGISLATIVE FILE NUMBER 101434)*

5/18/2010 *Deferred by the Board of County Commissioners*

8L1B SUBSTITUTE

101434 **Resolution**

RESOLUTION CALLING FOR A SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A STATE PRIMARY ELECTION TO BE HELD ON TUESDAY, AUGUST 24, 2010, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER THE MIAMI-DADE COUNTY HOME RULE CHARTER BE AMENDED TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS (BOARD) TO GRANT A FRANCHISE OR AMEND A FRANCHISE AGREEMENT UPON APPROVAL OF A TWO-THIRDS VOTE OF BOARD MEMBERS PRESENT WITHOUT REQUIRING SUBSEQUENT APPROVAL OF THE PROPOSED FRANCHISE OR AMENDMENT BY A MAJORITY OF THE ELECTORATE (SEE ORIGINAL ITEM UNDER FILE NO. 101215) (Office of Strategic Business Management)

The motion that this Resolution be Adopted failed.
Resolution R-663-10
Mover: Joe A. Martinez
Seconder: Audrey M. Edmonson
Vote: 6- 6
No: Souto, Diaz, Barreiro, Sosa, Sorenson, Rolle
Absent: Moss

Report: *County Attorney Robert Cuevas read the foregoing resolution into the record.*

Hearing no further questions or comments, the Board proceeded to vote by roll call on the foregoing resolution as presented; and the motion failed by a roll call vote of 6-6.

8L1C

100775 **Resolution**

RESOLUTION APPROVING THE BUDGET FOR FISCAL YEAR 2009-10 FOR THE NORTH MIAMI BEACH COMMUNITY REDEVELOPMENT AGENCY (Office of Strategic Business Management)

Amended (pending receipt of Leg. File No. from CM)

Report: *Commissioner Heyman expressed her support for the foregoing proposed resolution.*

County Attorney Robert Cuevas announced Item 8L1C Supplement amended the foregoing resolution.

There hearing no further comments, the Board proceeded to vote on the foregoing proposed resolution as amended.

The foregoing item was reprinted to provide a legible handwritten page 17.

It was moved by Commissioner Heyman that the foregoing item be adopted as amended. This motion was seconded by Chairman Moss; and upon being put to a vote, passed by a vote of 13-0.

The amended version was assigned Resolution Number R-607-10.

Pursuant to the County Manager's Memorandum dated June 3, 2010, entitled "Changes for the June 3, 2010 BCC Meeting," the foregoing proposed resolution was reprinted to provide a legible handwritten page 17.

(SEE AGENDA ITEM 8L1C SUPPLEMENT, LEGISLATIVE FILE NUMBER 101365)

4/14/2010	*Forwarded to BCC with a favorable recommendation from the Housing & Community Development Committee*
5/4/2010	*Deferred by the Board of County Commissioners*
5/18/2010	*Deferred by the Board of County Commissioners*

8L1C SUPPLEMENT

101365 **Supplement**

SUPPLEMENTAL INFORMATION FOR FY 2009-10 BUDGET FOR THE NORTH MIAMI BEACH COMMUNITY REDEVELOPMENT AGENCY

Presented

8M PARK AND RECREATION DEPARTMENT

8M1A

101121 **Resolution**

RESOLUTION AUTHORIZING A COOPERATIVE AGREEMENT WITH THE AMERICAN ASSOCIATION OF RETIRED PERSONS (AARP) FOUNDATION TO FORM THE BASIS FOR IMPLEMENTATION OF THE SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM; AND FURTHER AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE THE RENEWAL AND CANCELLATION PROVISIONS CONTAINED THEREIN (R. A. Cuevas, Jr.) ***Amended***

Report: *(SEE AGENDA ITEM 8M1A AMENDED, LEGISLATIVE FILE NO. 101547)*

5/10/2010 *Forwarded with a favorable recommendation from the Recreation, Culture & Tourism Committee*

8M1A AMENDED

101547 **Resolution**

RESOLUTION AUTHORIZIING A COOPERATIVE AGREEMENT WITH THE AMERICAN ASSOCIATION OF RETIRED PERSONS (AARP) FOUNDATION TO FORM THE BASIS FOR IMPLEMENTATION OF THE SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM; AND FURTHER AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE THE RENEWAL AND CANCELLATION PROVISIONS CONTAINED THEREIN [SEE ORIGINAL ITEM UNDER FILE NO. 101121] (Park & Recreation Department)

Adopted as amended
Resolution R-608-10
Mover: Dorrin D. Rolle
Seconder: Barbara J. Jordan
Vote: 9- 0
Absent: Diaz, Seijas, Sosa, Moss

Report: *County Attorney Robert Cuevas read the foregoing resolution into the record.*

Following the presentation of the item, Commissioner Seijas moved to defer the foregoing item. This motion was seconded by Commissioner Sosa.

Following discussion, the motion to defer was put to a vote and failed by a show of hands.

Commissioner Jordan offered to amend the foregoing item to include the Miami-Dade County Department of Human Services (DHS) and Community Action Agency (CAA).

Commissioner Edmonson seconded the amendment, and the floor was opened for further discussion.

Upon the conclusion of the discussion, Commissioner Sosa recommended the foregoing item be adopted as amended inasmuch as it was a wonderful program with no fiscal impact to the County. She noted this program was a much needed countywide program totally funded by federal funding and grants from the United States Department of Labor and the American Association for Retired Persons (AARP).

Hearing no further questions or comments, the Board proceeded to vote on the foregoing resolution as amended.

8N (No items were submitted for this section.)

8O PROCUREMENT MANAGEMENT DEPARTMENT

8O1A

101158 **Resolution**

RESOLUTION WAIVING COMPETITIVE BIDDING PURSUANT TO SECTION 5.03 (D) OF THE HOME RULE CHARTER, AUTHORIZING NEGOTIATIONS WITH INNOVIDA HOLDINGS, LLS, TO DEVELOP THREE PARCELS KNOWN AS POINCIANA INDUSTRIAL CENTER, WAIVING THE REQUIREMENTS OF SECTIONS 2-8.3 AND 2-8.4 OF THE MIAMI-DADE COUNTY CODE, PERTAINING TO BID PROTESTS, BY A TWO-THIRD VOTE OF THE BOARD MEMBERS PRESENT, AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO NEGOTIATE AN AGREEMENT WHICH WOULD THEN BE PRESENTED TO THE BOARD FOR CONSIDERATION OF AWARD RFP NO. 695 (Procurement Management Department)

Amended (pending receipt of Leg. File No. from CM)

Report: *County Attorney Robert Cuevas read the foregoing resolution into the record.*

Upon concluding the introduction of the item, Commissioner Rolle moved to adopt the foregoing resolution. This motion was seconded by Commissioner Jordan, and the floor was opened for discussion.

Commissioner Rolle offered an amendment to the foregoing proposed resolution to allow the County administration to negotiate smaller parcels not selected in the selection process and to prepare a Request For Proposal (RFP).

Department Director Miriam Singer, Procurement Management, asked the County Attorney's Office to provide a legal opinion on Commissioner Rolle's recommendation and clarify for the record the legal constraints of the Procurement Management Department (PMD) and to which extent the PMD would be able to act.

County Attorney Cuevas explained Commissioner Rolle's proposed amendment, noting it would be a directive for County staff to negotiate with the property owners of smaller sites not selected in the selection process and the contractors bidding on the project to develop smaller footprints than originally advertised for bidding. He stated a RFP would be prepared based on the outcome of those negotiations and would come back for rebid.

Mr. Samuel Gilmore Jr., 3171 NW 57 Street, appeared before the Board and presented the perspective of small businesses and asked that the item be approved.

Hearing no further questions or comments, the Board proceeded to vote on the foregoing resolution as amended

It was moved by Commissioner Rolle that the foregoing resolution be adopted as amended. This motion was seconded by Commissioner Jordan; and upon being put to a vote, passed by a vote of 9-0. (Commissioners Diaz, Sosa and Seijas and Chairman Moss were absent)

The amended version was assigned Resolution Number R-609-10.

5/11/2010 *Forwarded to BCC with a favorable recommendation from the Budget, Planning and Sustainability Committee*

8O1A SUPPLEMENT

101157 **Supplement**

SUPPLEMENTAL INFORMATION FOR THE DEVELOPMENT OF POINCIANA INDUSTRIAL CENTER RFP 695 — ***Presented***

5/11/2010 *Presented by the Budget, Planning and Sustainability Committee*

8O1B

101230 **Resolution**

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO ADVERTISE A REQUEST FOR QUALIFICATIONS FOR AND ON BEHALF OF MIAMI-DADE COUNTY TO OBTAIN GOVERNMENTAL REPRESENTATION AND CONSULTING SERVICES IN TALLAHASSEE, FL, TO EXERCISE ANY CANCELLATION AND RE-ADVERTISEMENT PROVISIONS AND TO EXERCISE ALL OTHER RIGHTS CONTAINED THEREIN RFQ NO. 728 (Procurement Management Department) — ***Amended (pending receipt of Leg. File No. from CM)***

Report: *It was moved by Commissioner Sosa that the foregoing proposed resolution be adopted.*

Commissioner Heyman offered a friendly amendment to add language before the figure $500,000 to say "working with up to $500,000" to allow the County to leverage the best agreement.

Commissioner Sosa accepted the amendment.

Commissioner Heyman seconded the foregoing resolution as amended; and there being no further comments, the Board proceeded to vote.

It was moved by Commissioner Sosa that the foregoing resolution be adopted as amended. This motion was seconded by Commissioner Heyman; and upon being put to a vote, passed by a vote of 10-0. (Commissioners Jordan and Martinez and Chairman Moss were absent)

The amended version was assigned Resolution Number R-610-10.

5/13/2010 *Forwarded to BCC with a favorable recommendation from the Health, Public Safety & Intergovernmental Cmte*

8O1C

101047 **Resolution**

RESOLUTION AUTHORIZING WAIVER OF FORMAL BID PROCEDURES FOR THE PURCHASE OF GOODS AND SERVICES, AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO AWARD SAME, WITH AUTHORITY TO EXERCISE OPTIONS-TO-RENEW ESTABLISHED THEREUNDER (Procurement Management Department) — ***Adopted***
Resolution R-611-10
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Martinez

5/11/2010 *Forwarded to BCC with a favorable recommendation from the Budget, Planning and Sustainability Committee*

8O1D

101049 **Resolution**

RESOLUTION AUTHORIZING AWARD OF COMPETITIVE CONTRACTS AND CONTRACT MODIFICATIONS, AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE OPTIONS-TO-RENEW ESTABLISHED THEREUNDER FOR PURCHASE OF GOODS AND SERVICES, AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSIT SYSTEM SURTAX FUNDS (Procurement Management Department)

Adopted
Resolution R-612-10
Mover: Carlos A. Gimenez
Seconder: Jose "Pepe" Diaz
Vote: 11- 0
Absent: Rolle, Moss

5/11/2010 *Forwarded to BCC with a favorable recommendation from the Budget, Planning and Sustainability Committee*

8O1E

101282 **Resolution**

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE OPTION-TO-RENEW PERIODS FOR CERTAIN COMPETITIVE CONTRACTS DESCRIBED IN THE ITEM, SUBJECT TO THE MONETARY LIMITATIONS SET FORTH THEREIN, AWARDED UNDER THE COUNTY MAYOR OR THE COUNTY MAYOR DESIGNEE'S DELEGATED AUTHORITY FOR THE PURCHASE OF GOODS AND SERVICES (Procurement Management Department)

Adopted
Resolution R-613-10
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Martinez

8O1F

101290 **Resolution**

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE OPTION-TO-RENEW PERIODS FOR CERTAIN NON-COMPETITIVE CONTRACTS DESCRIBED IN THE ITEM, SUBJECT TO THE MONETARY LIMITATIONS SET FORTH THEREIN, AWARDED UNDER THE COUNTY MAYOR OR THE COUNTY MAYOR DESIGNEE'S DELEGATED AUTHORITY FOR THE PURCHASE OF GOODS AND SERVICES (Procurement Management Department)

Adopted
Resolution R-614-10
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Martinez

8P PUBLIC WORKS DEPARTMENT

8P1A

101035 **Resolution**

RESOLUTION ACCEPTING CONVEYANCES OF VARIOUS PROPERTY INTERESTS FOR ROAD PURPOSES TO MIAMI-DADE COUNTY, FLORIDA (Public Works Department)

Adopted
Resolution R-615-10
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Martinez

5/12/2010 *Forwarded with a favorable recommendation from the Transit, Infrastructure & Roads Committee*

8P1B

101052 **Resolution**

RESOLUTION APPROVING CHANGE ORDER NO. 1 AND FINAL (RETROACTIVE) OF A CONTRACT BETWEEN MIAMI-DADE COUNTY AND PAVEX CORPORATION DBA RANGER CONSTRUCTION-SOUTH, FOR PUBLIC WORKS DEPARTMENT PROJECT ENTITLED PTP ROADWAY IMPROVEMENTS ALONG NE 2ND AVENUE FROM WEST LITTLE RIVER CANAL (NE 84TH STREET) TO NE 91ST STREET, LOCATED WITHIN COMMISSION DISTRICT 3 (PROJECT NO. 20060227), EXTENDING THE CONTRACT TIME BY 187 CALENDAR DAYS (Public Works Department)

Adopted
Resolution R-616-10
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Martinez

5/12/2010 *Forwarded with a favorable recommendation from the Transit, Infrastructure & Roads Committee*

8P1C

101088 **Resolution**

RESOLUTION APPROVING CHANGE ORDER NO. 1 AND FINAL (RETROACTIVE) OF A CONTRACT BETWEEN MIAMI-DADE COUNTY AND SOUTHEASTERN ENGINEERING CONTRACTORS, INC., FOR PUBLIC WORKS DEPARTMENT PROJECT ENTITLED BELEN PUMP STATION DRAINAGE IMPROVEMENT PROJECT SW/NW 118TH AVENUE TO SW/NW 122ND AVENUE AND FROM NW 6TH STREET TO SW 7TH STREET, LOCATED WITHIN COMMISSION DISTRICT 12 (PROJECT NO. 2005GOB1001R), EXTENDING THE CONTRACT TIME BY 312 CALENDAR DAYS (Public Works Department)

Adopted
Resolution R-617-10
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Martinez

5/12/2010 *Forwarded with a favorable recommendation from the Transit, Infrastructure & Roads Committee*

9 ADDITIONAL DEPARTMENTAL ITEMS

9A1

101178 **Resolution**

RESOLUTION AUTHORIZING EXECUTION OF AN INTER-LOCAL AGREEMENT FOR FISCAL YEAR 2010-2011 WITH THE MIAMI-DADE COUNTY PUBLIC SCHOOLS/LINDSEY HOPKINS TECHNICAL EDUCATIONAL CENTER FOR THE PROVISION OF ACADEMIC AND CAREER/TECHNICAL EDUCATION FOR INMATES IN THE MIAMI-DADE CORRECTIONS AND REHABILITATION DEPARTMENT; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE RENEWAL AND CANCELLATION PROVISIONS CONTAINED THEREIN (Corrections & Rehabilitation Department)

Adopted
Resolution R-618-10
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 11- 0
Absent: Martinez, Sosa

5/13/2010 *Forwarded to BCC with a favorable recommendation from the Health, Public Safety & Intergovernmental Cmte*

9A2

100795 **Resolution**

RESOLUTION RESCINDING ADMINISTRATIVE ORDER NO. 3-37 COMMUNITY WORKFORCE PROGRAM AND APPROVING IMPLEMENTING ORDER NO. 3-37 COMMUNITY WORKFORCE PROGRAM; AND AMENDING IMPLEMENTING ORDER NO. 3-37 TO REMOVE LANGUAGE RELATING TO COMPENSATION TO WORKFORCE DEVELOPMENT ORGANIZATIONS AND WORKFORCE RECRUITMENT/REFERRAL ORGANIZATIONS, AND TO CHANGE THE NAME OF THE ADMINISTERING DEPARTMENT [SEE AGENDA ITEM NO. 7H] (Department of Small Business Development)

Adopted
Resolution R-619-10
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 11- 0
Absent: Sosa, Martinez

5/11/2010 *Forwarded to BCC with a favorable recommendation from the Budget, Planning and Sustainability Committee*

9A3

101058 **Resolution**

RESOLUTION RATIFYING THE COUNTY MANAGER'S ACTIONS, AS AUTHORIZED BY SECTION 2-10.4 OF THE CODE OF MIAMI-DADE COUNTY IN APPROVING AGREEMENTS FOR CONTINUING SERVICES UNDER THE COUNTY'S EQUITABLE DISTRIBUTION PROGRAM (Office of Capital Improvements)

Adopted
Resolution R-620-10
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Martinez

5/12/2010 *Forwarded with a favorable recommendation as amended from the Transit, Infrastructure & Roads Committee*

5/21/2010 *Legislative notes attached by the Commission Auditor*

9A4

101296 **Resolution**

RESOLUTION RATIFYING THE COUNTY MAYOR'S OR COUNTY MAYOR'S DESIGNEE ACTIONS, AS AUTHORIZED BY SECTION 2-8.2.7 OF THE CODE OF MIAMI-DADE COUNTY, INCLUDING THOSE WITH GENERAL OBLIGATION BONDS FUNDING, IN APPROVING ACTIVITIES LISTED ON THE ATTACHED SCHEDULE FOR CAPITAL IMPROVEMENT PROJECTS (Office of Capital Improvements)

Adopted
Resolution R-621-10
Mover: Rebeca Sosa
Seconder: Sally A. Heyman
Vote: 10- 0
Absent: Martinez, Gimenez, Moss

Report: *County Attorney Robert Cuevas read the foregoing resolution into the record.*

Vice Chairman Diaz announced Commissioner Souto had asked to be added as a co-sponsor.

In response to Commissioner Jordan's inquiry in regards to whether the ordinance was in compliance with Resolution Number R258-10, Department Director George Navarrete, Office of Capital Improvements, advised the ordinance as presented was not in compliance with the resolution; but it would be corrected in the future.

Commissioner Jordan noted she would like to be in compliance in the future.

Hearing no further questions or comments, the Board proceeded to vote by roll call on the foregoing resolution as presented.

10 AUTHORITIES, BOARDS, COUNCILS AND TRUSTS

10A1

101167 **Resolution**

RESOLUTION AUTHORIZING THE COUNTY MAYOR TO APPLY FOR, RECEIVE, AND EXPEND FUNDS FROM THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE SUPPORTIVE HOUSING PROGRAM, THE SHELTER PLUS CARE (S+C), AND THE SECTION 8 MODERATE REHABILITATION PROGRAMS FOR CONTINUUM OF CARE HOMELESS ASSISTANCE, AND AUTHORIZING THE HOMELESS TRUST TO ISSUE A REQUEST FOR APPLICATION PROCESS TO SELECT NOT-FOR-PROFIT SERVICE PROVIDERS AND AUTHORIZES THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AGREEMENTS, SOME OF WHICH MAY EXCEED ONE MILLION IF RENEWED, WITH COMMUNITY BASED ORGANIZATIONS, AND TO MAKE DIRECT RENTAL ASSISTANCE PAYMENTS TO OWNERS ON BEHALF OF PARTICIPATING PROGRAM SPONSORS/ PROVIDERS UNDER THE SHELTER PLUS CARE SPONSOR-BASED RENTAL ASSISTANCE (SRA) PROGRAM (Miami-Dade Homeless Trust)

Adopted
Resolution R-622-10
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Martinez

5/12/2010 *Forwarded to BCC with a favorable recommendation from the Housing & Community Development Committee*

10A2

101327 **Resolution**

RESOLUTION APPROVING AMENDMENTS TO THE IMPLEMENTING ORDER 2-8 FOR THE EXPEDITED PROCESS FOR THE ETHICAL CAMPAIGN PRACTICES ORDINANCE (SEE ORIGINAL ITEM UNDER FILE NO. 101179) (Commission on Ethics and Public Trust)

Adopted
Resolution R-623-10
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Martinez

5/13/2010 *Forwarded to BCC with a favorable recommendation with committee amendment(s) from the Health, Public Safety & Intergovernmental Cmte*

10A3

101249 **Resolution**

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO UTILIZE THE HOMELESS TRUST AS THE ISSUING DEPARTMENT TO ISSUE A REQUEST FOR PROPOSAL TO OPERATE THE COUNTY'S NORTHWEST DOMESTIC VIOLENCE CENTER; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXPEDITE NEGOTIATION OF AGREEMENTS FOR THE OPERATION OF THE DOMESTIC VIOLENCE CENTER (Miami-Dade Homeless Trust)

Adopted
Resolution R-624-10
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Martinez

11 COUNTY COMMISSION

11A RESOLUTIONS

11A1

101086 **Resolution** **Audrey M. Edmonson**

RESOLUTION REAPPOINTING HONORABLE JUDGE STEVEN LEIFMAN TO THE MIAMI-DADE COUNTY HOMELESS TRUST BOARD; WAIVING THE TERM LIMITS OF SECTION 2-752(C) OF THE CODE OF MIAMI-DADE COUNTY

Adopted
Resolution R-625-10
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Martinez

5/12/2010 *Forwarded to BCC with a favorable recommendation from the Housing & Community Development Committee*

11A2

101087 **Resolution** **Audrey M. Edmonson**

RESOLUTION REAPPOINTING MAYOR TOMAS REGALADO TO THE MIAMI-DADE COUNTY HOMELESS TRUST BOARD; WAIVING THE TERM LIMITS OF SECTION 2-752(C) OF THE CODE OF MIAMI-DADE COUNTY

Adopted
Resolution R-626-10
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Martinez

5/12/2010 *Forwarded to BCC with a favorable recommendation from the Housing & Community Development Committee*

11A3

101065 **Resolution** **Carlos A. Gimenez, Sen. Javier D. Souto**

RESOLUTION DIRECTING COUNTY MAYOR OR MAYOR'S DESIGNEE TO RECOMMEND COURSE OF ACTION FOR RECONSTRUCTION, MANAGEMENT AND OPERATION OF COCONUT GROVE PLAYHOUSE

Adopted
Resolution R-627-10
Mover: Carlos A. Gimenez
Seconder: Natacha Seijas
Vote: 12- 0
Absent: Martinez

Report: *First Assistant County Attorney Abigail Price-Williams read the foregoing resolution into the record.*

Commissioner Gimenez presented the foregoing resolution and explained its intent. He asked that the Board review the set of circumstances surrounding the closing of the Coconut Grove Playhouse (Playhouse) to determine whether an appropriate course of action could be developed within 30 days to allow refurbishment of the theater. He also requested that the Board consider funding $20 million from the Building Better Communities General Obligation Bond (BBC-GOB) to renovate the Playhouse.

It was moved by Commissioner Gimenez that the Board adopt the foregoing proposed resolution. This motion was seconded by Commissioner Seijas, and the floor was opened for discussion.

County Manager George Burgess advised the representatives of the Playhouse had been apprised of the County's and the State's disinterest in taking back the property.

Cultural Affairs Department Director Michael Spring commented on the findings of a report dated December 2009, noting the Playhouse had been closed in 2006 due to severe financial problems and building code infractions. He stated it would be difficult to renovate the building due to those severe building code problems. He noted the ongoing negotiations between the Gables Stage and the Playhouse's Board of Directors (the Board) should conclude this summer. He also noted the team was working on a recovery plan with the Board to develop how to restore the Playhouse and implement a plan to accomplish that vision. He stated that the December 2009 report indicated negotiations between Gables Stage and the Board included a transition plan that included building a new theater next to the Coconut Grove Playhouse if the Board selected Gables Stage as the successor company,. He noted the plan would be brought back before the County Commission within the timetable of the resolution to complete the master plan and the recruitment of architects to commence construction work. He also reiterated the State of Florida did not wish to reclaim ownership of the theater.

Commissioner Gimenez commented the Board should allow negotiations to conclude prior to setting a course of action; and in the event the Board disagreed with the outcome of the negotiations, the Board would meet to review the issues and determine the course of action.

Honorable Marc Sarnoff, City Commissioner, City of Miami District 2, appeared before the County Commission and spoke against allowing the current Board to continue making decisions for the Playhouse. He commented on the financial problems created by the Board and requested that the private sector be afforded an opportunity to assist in the renovation efforts of the facility. He commented the Board had refused to submit copies of their financial books and records for review. He referenced a letter dated May 25, 2010, and commented on the inaccuracy of certain statements contained in the letter.

Commissioner Gimenez noted the intent of the foregoing resolution was to allow a study to be completed prior to determining the best course of action.

Commissioner Seijas asked that a Playhouse Board member provide testimony before the County Commission.

Mr. George Lopez, Playhouse Board Director, appeared before the County Commission and noted that City Commissioner Sarnoff had also voted as a Board member to approve many of the items in question now. He advised that a viable plan for the future and success of the institution would be prepared for the County Commission if given the opportunity to proceed.

Mr. Lopez expressed his sentiment of being under attack and noted he would stand ready to protect his interests if circumstances demanded.

Commissioner Seijas spoke in support of Commissioner Gimenez's resolution and expressed her desire to have the Playhouse renovated.

Chairman Moss noted the best renovation plan for the building would be developed in order to allow great performances to continue to happen at that facility.

Commissioner Souto spoke in support of Commissioner Gimenez's resolution.

State of Florida Representative Carlos Lopez-Cantera appeared before the Board to express his concerns for allowing the existing Playhouse Board members to make decisions, and he voiced his frustrations in connection with the existing problems. He spoke in support of approving the foregoing proposed resolution, and he noted it would be a fair solution to the problem. He requested that the County Commission review with skepticism the performance of the current Playhouse Board members.

In response to Commissioner Sosa's inquiry, Assistant County Manager Alex Munoz advised the Board members of the Playhouse were not appointed by the County.

Commissioner Sosa spoke in support of approving the foregoing proposed resolution and commented the facility represented an educational venue for the community. She also expressed her confidence in Cultural Affairs Department Director Michael Spring's work and commitment.

In response to Commissioner Jordan's concerns for the governance of the facility, Commissioner Gimenez advised the foregoing resolution only served to authorize the completion of a study to facilitate the decision making process when determining the best course of action.

Chairman Moss requested that all interested parties make a collaborative effort to develop the best action plan.

Hearing no further questions or comments, the Board proceeded to vote on the foregoing resolution as presented.

5/10/2010 Forwarded with a favorable recommendation from the Recreation, Culture & Tourism Committee

11A4

101010 **Resolution** **Joe A. Martinez, Sally A. Heyman, Sen. Javier D. Souto**

RESOLUTION DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO PREPARE A REPORT CONCERNING THE PROPER METHODS AND MEANS BY WHICH THE COUNTY CAN PURSUE MONEY FROM OUTSTANDING DEBTS AND LIENS OWED TO THE COUNTY INCLUDING ALL POSSIBLE METHODS OF COLLECTION SUCH AS LAWSUITS, FORECLOSURE AND OTHER AVAILABLE COLLECTION METHODS; TO EXPLORE POSSIBILITY OF HAVING THE CREDIT AND COLLECTIONS SECTION OF THE FINANCE DEPARTMENT CONTROL, DIRECT AND/OR OVERSEE ALL COLLECTIONS COUNTYWIDE; TO EXPLORE THE POLICY OF IMPOSING A FEE TO RECOVER THE COST OF COLLECTION EFFORTS ON EACH DEBT COLLECTED

Adopted
Resolution R-628-10
Mover: Joe A. Martinez
Seconder: Audrey M. Edmonson
Vote: 11- 0
Absent: Rolle, Moss

Report: *Commissioners Heyman and Souto asked to be added as co-sponsors.*

5/11/2010 *Forwarded to BCC with a favorable recommendation from the Budget, Planning and Sustainability Committee*

11A5

101062 **Resolution** **Joe A. Martinez, Sen. Javier D. Souto**

RESOLUTION AMENDING IMPLEMENTING ORDER 3-34 TO PROVIDE DIRECTION TO THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE REGARDING THE FORMATION AND PERFORMANCE OF SELECTION COMMITTEES

Amended

Report: *(SEE AGENDA ITEM 11A5 AMENDED, LEGISLATIVE FILE NUMBER 101849)*

5/11/2010 *Forwarded to BCC with a favorable recommendation from the Budget, Planning and Sustainability Committee*

11A5 AMENDED

101849 **Resolution** **Joe A. Martinez, Sen. Javier D. Souto**

RESOLUTION AMENDING IMPLEMENTING ORDER 3-34 TO PROVIDE DIRECTION TO THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE REGARDING THE FORMATION AND PERFORMANCE OF SELECTION COMMITTEES (SEE ORIGINAL ITEM UNDER FILE NO. 101062)

Adopted as amended
Resolution R-629-10
Mover: Joe A. Martinez
Seconder: Jose "Pepe" Diaz
Vote: 8- 3
No: Seijas, Sosa, Jordan
Absent: Moss, Rolle

Report: *Vice Chairman Diaz announced Commissioner Souto wished to be added as a co-sponsor.*

Commissioner Sosa expressed her concerns with the definitions established regarding how to address the scoring and recommendation submitted by the Selection Committee upon the completion of the selection process if Board members were in disagreement and the powers given to the Mayor in terms of accepting or rejecting those scores.

Commissioner Martinez spoke in opposition of the foregoing resolution.

Assistant County Manager Alina Hudak explained the current selection process and advised the proposed resolution presented today would allow a more detailed and standardized selection process.

Department Director Miriam Singer, Procurement Management, further explained the Selection Committee process, scoring process, and the existing process to address scores out of line with the remaining scores of other committee members in the selection process.

Discussion ensued regarding the prerogative given to the Mayor or his designee by this resolution.

In response to Commissioner Seijas' inquiry, Commissioner Martinez responded the foregoing resolution would not accomplish its original intent; but it would establish check and balance by requiring selection committee recommendations be presented before the Board for approval.

Commissioner Sosa commented that the process should remain an open process and not empower one person only with the authority to accept or reject the scores and recommendation of the Selection Committee.

Commissioner Sosa advised she would support requesting a written explanation and all discoveries.

Commissioner Jordan asked Procurement Management Department Director Singer whether this was the current process inasmuch as she did not recall having had the ability to drop or reject a score in the past. She noted that the reviewing process should not question the committee member's score or reasoning for his/her score when it unduly affects an outcome.

Discussion ensued in connection as to whether the provisions of the foregoing resolution should be approved.

Commissioner Martinez asked that scrivener's error on handwritten page 8 be corrected to have the word "archetectural" spelled correctly.

Assistant County Attorney Oren Rosenthal read into the record Commissioner Martinez's amendment to the foregoing proposed resolution to amend the language on handwritten Page 6 of Section A entitled "Committee Establishments in Composition" to delete the last sentence of the first paragraph which reads "one voting member shall be from the Department of Small Business Development."

Department Director Penelope Townsley, Small Business Development, advised the department was requesting that the foregoing item be approved inasmuch as the County administration felt the requirement placed on

selection committees for minority and small businesses was no longer necessary. She noted those requirements were primarily established to enforce inclusion and sensitivity of all minority and small businesses, but those requirements were now part of all procurement processes.

In response to Commissioner Jordan's inquiry relating to which department had the responsibility of overseeing selection committees, Assistant County Manager Hudak advised the procurement process required the recommendation came from the Small Business Department while other departments such as the Aviation Department conducted their own procurement.

Hearing no further questions or comments, the Board proceeded to vote on the foregoing resolution as amended.

11A6

101095 **Resolution** **Dennis C. Moss**

RESOLUTION AMENDING RESOLUTION NO. R-1237-01 TO APPROVE CONTRIBUTION FROM PREVIOUS $5 MILLION ALLOCATION OF BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NO. 305 – "PRIMARY HEALTH CARE FACILITIES" FUNDS TO COMMUNITY HEALTH OF SOUTH FLORIDA, INC. TO FUND CONSTRUCTION OF PRIMARY CARE AND BEHAVIORAL HEALTH CENTER FOR CHILDREN AND KENDALL HEALTH CENTER AND EXPANSION OF DORIS ISON COMMUNITY HEALTH CENTER

Adopted
Resolution R-630-10
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Martinez

5/12/2010 *Forwarded with a favorable recommendation from the Transit, Infrastructure & Roads Committee*

11A7

101063 **Resolution** **Dorrin D. Rolle**

RESOLUTION RESCINDING RESOLUTION NO. R-260-10 WHICH ALLOCATED $2,500,000 FROM BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NUMBER 249 – "PRESERVATION OF AFFORDABLE HOUSING UNITS AND EXPANSION OF HOME OWNERSHIP" TO FUND DEVELOPMENT OF ELDERLY AFFORDABLE HOUSING COMPONENT IN GOLDEN MEADOWS PROJECT IN DISTRICT 2

Adopted
Resolution R-631-10
Mover: Dorrin D. Rolle
Seconder: Sally A. Heyman
Vote: 13- 0

Report: *First Assistant County Attorney Abigail Price-Williams read the foregoing resolution into the record.*

Hearing no further questions or comments, the Board proceeded to vote on the foregoing resolution as presented.

5/12/2010 *Forwarded to BCC with a favorable recommendation from the Housing & Community Development Committee*

11A8

100870 **Resolution** **Katy Sorenson, Sally A. Heyman, Rebeca Sosa**

RESOLUTION REQUESTING THAT THE COMMISSION ON ETHICS AND PUBLIC TRUST CONDUCT CONFLICT OF INTEREST CHECKS RELATED TO COUNTY CONTRACT LOBBYISTS AND PROVIDE TO THE BOARD A REPORT AND RECOMMENDATION ON ANY COUNTY CONTRACT LOBBYIST CONFLICT OF INTEREST

Amended
Seconder: Sally A. Heyman

Report: *(SEE AGENDA ITEM 11A8 AMENDED, LEGISLATIVE FILE NUMBER 101851)*
)

4/15/2010 *Deferred by the Health, Public Safety & Intergovernmental Cmte*

5/13/2010 *Forwarded to BCC with a favorable recommendation from the Health, Public Safety & Intergovernmental Cmte*

5/21/2010 *Legislative notes attached by the Commission Auditor*

11A8 AMENDED

101851 **Resolution** **Katy Sorenson, Sally A. Heyman, Rebeca Sosa**

RESOLUTION REQUESTING THAT THE COMMISSION ON ETHICS AND PUBLIC TRUST CONDUCT CONFLICT OF INTEREST CHECKS RELATED TO COUNTY CONTRACT LOBBYISTS AND PROVIDE TO THE BOARD A REPORT AND RECOMMENDATION ON ANY COUNTY CONTRACT LOBBYIST CONFLICT OF INTEREST (SEE ORIGINAL ITEM UNDER FILE NO. 1000870)

Adopted as amended
Resolution R-632-10
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Martinez

Report: *Assistant County Attorney Jess McCarty advised that the foregoing resolution would be amended to add language in Section 2 after the NOW THEREFORE clause to say: "staff of the Commission on Ethics and Public Trust involved in trusts," and to add language at the end of Section 2 preceded by a comma to say: "when the conflict waiver request goes before the Board at the next Board meeting."*

Commissioner Heyman requested the foregoing proposed resolution be further amended to add language to Section 1 before the sentence begins to say: "With respect to the particular lobbying contract, ..."

Hearing no further questions or comments, the Board proceeded to vote on the foregoing resolution as amended.

11A9

101085 **Resolution** **Rebeca Sosa**

RESOLUTION ACCEPTING THE REPORT AND RECOMMENDATIONS OF THE PERFORMING AND VISUAL ARTS TASK FORCE IN MIAMI-DADE COUNTY AND ACKNOWLEDGING THE DEDICATION AND COMMITMENT OF THE TASK FORCE'S VOLUNTEER MEMBERS [SEE AGENDA ITEM NO. 1D1]

Adopted
Resolution R-633-10
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Martinez

5/10/2010 *Forwarded with a favorable recommendation from the Recreation, Culture & Tourism Committee*

11A10

101210 **Resolution** **Rebeca Sosa, Dorrin D. Rolle**

RESOLUTION SETTING POLICY FOR MIAMI-DADE COUNTY RELATED TO HEAD INJURIES BY YOUTHS PARTICIPATING IN TEAM SPORTS AT COUNTY PARKS AND OTHER COUNTY FACILITIES; REQUIRING STEPS TO REDUCE THE DANGERS OF A POSSIBLE CONCUSSION; DIRECTING THE MAYOR OR DESIGNEE TO CREATE AND IMPLEMENT AN EDUCATIONAL CAMPAIGN ABOUT THE RISKS A CONCUSSION CAN PRESENT TO YOUNG ATHLETES [SEE ORIGINAL ITEM UNDER FILE NO. 100629]

Adopted
Resolution R-635-10
Mover: Rebeca Sosa
Seconder: Natacha Seijas
Vote: 11- 0
Absent: Moss, Rolle

Report: *County Attorney Robert Cuevas announced Commissioner Rolle had asked to be added as a co-sponsor.*

5/10/2010 *Forwarded with a favorable recommendation from the Recreation, Culture & Tourism Committee*

11A11

101184 **Resolution** **Sen. Javier D. Souto**

RESOLUTION DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO CONDUCT A STUDY TO DETERMINE THE CURRENT SUBSTANCE, FREQUENCY, AND EFFECTIVENESS OF TRAINING FOR MIAMI-DADE COUNTY'S CITIZEN CRIME WATCH GROUPS AND THE FEASIBILITY OF ENHANCING SUCH TRAINING

Adopted
Resolution R-636-10
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Martinez

5/13/2010 *Forwarded to BCC with a favorable recommendation from the Health, Public Safety & Intergovernmental Cmte*

11A12

101098 **Resolution** **Bruno A. Barreiro**

RESOLUTION AUTHORIZING UP TO $5,000 CASH ALLOCATION TO MIAMI-DADE COLLEGE FOUNDATION, INC., A NOT FOR PROFIT ORGANIZATION, FOR THE MIAMI INTERNATIONAL FILM FESTIVAL 2010 TO BE FUNDED FROM THE UNSPENT BALANCE OF THE DISTRICT 5 FY 2008-09 IN-KIND RESERVE FUND

Adopted
Resolution R-638-10
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Martinez

5/11/2010 *Forwarded to BCC with a favorable recommendation from the Budget, Planning and Sustainability Committee*

11A13

101099 **Resolution** **Bruno A. Barreiro**

RESOLUTION AUTHORIZING UP TO $2,500 CASH ALLOCATION TO THE CENTER FOR FOLK AND COMMUNITY ART ECHO ARTISTS DELEGATION, INC., A NOT-FOR-PROFIT ORGANIZATION, TO BE FUNDED FROM THE UNSPENT BALANCE OF THE DISTRICT 5 FY 2008-09 IN-KIND RESERVE FUND

Adopted
Resolution R-639-10
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Martinez

5/11/2010 *Forwarded to BCC with a favorable recommendation from the Budget, Planning and Sustainability Committee*

11A14

101067 **Resolution** **Carlos A. Gimenez**

RESOLUTION RETROACTIVELY AUTHORIZING IN-KIND SERVICES FROM THE MIAMI-DADE PARK AND RECREATION DEPARTMENT FOR THE FEBRUARY 21, 2010 "WALK NOW FOR AUTISM" SPONSORED BY THE AUTISM SPEAKS, INC., A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED $5,000.00 TO BE FUNDED FROM THE UNSPENT BALANCE OF THE DISTRICT 7 FY 2008-09 IN-KIND RESERVE FUND

Adopted
Resolution R-640-10
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Martinez

5/11/2010 *Forwarded to BCC with a favorable recommendation from the Budget, Planning and Sustainability Committee*

11A15

101100 **Resolution** **Carlos A. Gimenez**

RESOLUTION RETROACTIVELY AUTHORIZING IN-KIND SERVICES FROM THE MIAMI-DADE PARK AND RECREATION DEPARTMENT AND THE MIAMI-DADE ELECTIONS DEPARTMENT FOR THE APRIL 18, 2010 "EARTH FEST 2010" SPONSORED BY EARTH LEARNING, INC., A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED $2,643.00 TO BE FUNDED FROM THE UNSPENT BALANCE OF THE DISTRICT 7 FY 2008-09 IN-KIND RESERVE FUND

Adopted
Resolution R-641-10
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Martinez

5/11/2010 *Forwarded to BCC with a favorable recommendation from the Budget, Planning and Sustainability Committee*

11A16

101096 **Resolution** **Sally A. Heyman**

RESOLUTION RETROACTIVELY AUTHORIZING IN-KIND SERVICES FROM THE MIAMI-DADE PARK AND RECREATION DEPARTMENT FOR THE APRIL 25, 2010 "CELEBRATION OF ISRAEL'S INDEPENDENCE DAY" SPONSORED BY THE CONSULATE GENERAL OF ISRAEL, IN AN AMOUNT NOT TO EXCEED $440.00 TO BE FUNDED FROM THE UNSPENT BALANCE OF THE DISTRICT 4 FY 2008-09 IN-KIND RESERVE FUND

Adopted
Resolution R-642-10
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Martinez

5/11/2010 *Forwarded to BCC with a favorable recommendation from the Budget, Planning and Sustainability Committee*

11A17

101066 **Resolution** **Katy Sorenson**

RESOLUTION RETROACTIVELY AUTHORIZING IN-KIND SERVICES FROM THE MIAMI-DADE PARK AND RECREATION DEPARTMENT FOR THE MARCH 20, 2010 "MIAMI-DADE WALK TO CURE DIABETES" SPONSORED BY JUVENILE DIABETES RESEARCH FOUNDATION, A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED $13,700.00 TO BE FUNDED FROM THE UNSPENT BALANCE OF THE DISTRICT 8 FY 2008-09 IN-KIND RESERVE FUND

Adopted
Resolution R-643-10
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Martinez

5/11/2010 *Forwarded to BCC with a favorable recommendation from the Budget, Planning and Sustainability Committee*

11A18

101101 **Resolution** **Katy Sorenson**

RESOLUTION AUTHORIZING IN-KIND SERVICES FROM THE MIAMI-DADE PARK AND RECREATION DEPARTMENT FOR THE JULY 4, 2010 "43RD ANNUAL FOURTH OF JULY CELEBRATION" SPONSORED BY GFWC WHISPERING PINES WOMAN'S CLUB, INC., A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED $1,300.00 TO BE FUNDED FROM THE UNSPENT BALANCE OF THE DISTRICT 8 FY 2008-09 IN-KIND RESERVE FUND

Adopted
Resolution R-644-10
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Martinez

5/11/2010 *Forwarded to BCC with a favorable recommendation from the Budget, Planning and Sustainability Committee*

11A19

101102 **Resolution** **Katy Sorenson**

RESOLUTION AUTHORIZING IN-KIND SERVICES FROM THE MIAMI-DADE POLICE DEPARTMENT FOR THE JULY 4, 2010 "JULY 4TH CELEBRATION" SPONSORED BY THE PERRINE BASEBALL AND SOFTBALL ASSOCIATION, INC., A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED $10,000.00 TO BE FUNDED FROM THE UNSPENT BALANCE OF THE DISTRICT 8 FY 2008-09 IN-KIND RESERVE FUND

Adopted
Resolution R-645-10
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Martinez

5/11/2010 *Forwarded to BCC with a favorable recommendation from the Budget, Planning and Sustainability Committee*

11A20

101271 **Resolution** **Barbara J. Jordan, Sally A. Heyman, Dorrin D. Rolle, Katy Sorenson, Jose "Pepe" Diaz**

RESOLUTION URGING THE U.S. CONGRESS TO REINSTATE THE FEDERAL ASSAULT WEAPONS BAN; URGING THE FLORIDA LEGISLATURE TO IMPOSE A STATE ASSAULT WEAPONS BAN; AND ALTERNATIVELY URGING THE FLORIDA LEGISLATURE TO LIFT THE PREEMPTION ON LOCAL GOVERNMENTS' REGULATING ASSAULT WEAPONS IN FLORIDA AND ALLOW LOCAL GOVERNMENTS TO IMPOSE AN ASSAULT WEAPONS BAN

Adopted
Resolution R-646-10
Mover: Barbara J. Jordan
Seconder: Katy Sorenson
Vote: 7- 4
No: Diaz, Sosa, Souto, Barreiro
Absent: Moss, Rolle

Report: *Commissioners Diaz, Heyman, Rolle, and Sorenson asked to be added as co-sponsors.*

11A21

101266 **Resolution** **Joe A. Martinez**

RESOLUTION APPROVING THE ALLOCATION OF UNEXPENDED DISTRICT 11 DISCRETIONARY RESERVE FUNDS

Adopted
Resolution R-647-10
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Martinez

11A22

101194 **Resolution** **Carlos A. Gimenez, Jose "Pepe" Diaz, Joe A. Martinez, Rebeca Sosa**

RESOLUTION URGING CONGRESS AND PRESIDENT OBAMA'S ADMINISTRATION TO REFORM THE CURRENT UNITED STATES FOREIGN AID SYSTEM BASED ON MEASURABLE OUTCOMES TO ENSURE MEANINGFUL RETURNS ON THE INVESTMENT OF AMERICAN FOREIGN AID DOLLARS

Adopted
Resolution R-648-10
Mover: Carlos A. Gimenez
Seconder: Rebeca Sosa
Vote: 11- 0
Absent: Moss, Rolle

Report: *Commissioners Diaz, Martinez, and Sosa asked to be added as co-sponsors.*

11A23

101364 **Resolution** **Katy Sorenson**

RESOLUTION REQUESTING THE BOARD OF COUNTY COMMISSIONERS TO WAIVE TERM LIMIT FOR LIVING WAGE COMMISSION MEMBER ARTHUR J. ROSENBERG

Adopted
Resolution R-649-10
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Martinez

11A24

101324 **Resolution** **Sen. Javier D. Souto**

RESOLUTION APPROVING THE ALLOCATION DISTRICT 10 OFFICE FUNDS

Adopted
Resolution R-650-10
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Martinez

11A25

101279 **Resolution** **Rebeca Sosa**

RESOLUTION RECOGNIZING JUNE 14 AS FLAG DAY IN MIAMI-DADE COUNTY

Adopted
Resolution R-651-10
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Martinez

11 B ADDITIONAL BUDGET ALLOCATIONS

11C REPORTS

12 COUNTY MANAGER

12A1

101008 **Resolution**

RESOLUTION RELATING TO ANNEXATION REQUEST OF THE CITY OF SWEETWATER; PROVIDING THAT ACTION BE TAKEN PURSUANT TO SECTION 20-7(B) OF THE CODE OF MIAMI-DADE COUNTY TO EITHER DIRECT THE COUNTY ATTORNEY TO PREPARE THE APPROPRIATE ORDINANCE TO EFFECTUATE THE ANNEXATION REQUEST, DENY THE ANNEXATION REQUEST OR TO DEFER THE ANNEXATION REQUEST [SEE ORIGINAL ITEM UNDER FILE NO. 100353] (County Manager) ***Amended***

Report: *County Manager George Burgess presented the foregoing proposed resolution. He requested that the Board deny the annexation application for the City of Sweetwater requesting boundary changes as proposed inasmuch as consideration of any municipal boundary change would not be in the County's best interest due to the current financial crisis.*

Financial Analyst George Fernandez, Office of Strategic Business Management, presented an oral report on the financial impact of the requested annexation and boundaries change. He advised that the municipality had requested to annex the area of the Dolphin Mall, which was part of the Airport West Commercial Business Industrial Area (CBI). He noted annexation of the subject area would initially have a positive impact on UMSA, however, there was a potential of increasing the existing negative net impact to UMSA inasmuch as the subject CBI area was comprised of undeveloped commercial/industrial parcels with the potential of exceeding the savings derived by the rest of the area to be annexed. He advised that the proposed annexation area was approximately 1,000 acres or 1.6 square miles of UMSA bounded on the south by Flagler Street, on the east by NW 107th Avenue, on the west by the Florida Turnpike, and on the north by NW 25th Street. He noted that if the proposed annexation was approved it would represent a net loss to UMSA of $674,000 at today's current millage rate with over $200 million lost in future ad valorem tax revenues from undeveloped parcels.

Financial Analyst Fernandez noted approximately 6,500 residents resided within the boundaries of the proposed annexation area. He also noted 336 electorates, or over 20%, of the 1,400 registered voters residing within the proposed annexation area had filed a petition in support of the application. He noted the current millage rate of the proposed annexation area was 2.0083 mills while the current millage rate of the City of Sweetwater was 3.9252 mills, and the ad valorem revenues attributable to the annexation area would be approximately $1.9 million based on the current UMSA millage rate of 2.0083 mills. He also noted that the entire proposed annexation area would be impacted by an expected tax increase of $1,862,004 with the average homeowner paying an additional $252 annually in real estate ad valorem taxes if the proposed application was approved by the Board.

Mr. Miguel De Grandy appeared before the Board as Council for the City of Sweetwater and presented the municipality's position on the proposed application. He advised the City was among the most economically disadvantaged municipal entities in the County. He voiced his disagreement on several issues relating to the staff recommendation. He noted the CBI area should be reviewed in its entirety while making a speculative analysis of the properties.

Mr. De Grandy commented on the benefits the municipal entity would derived from the proposed annexation. He noted the City exercised fairness when determining the boundaries of the proposed annexation by including poor, working class, commercial, and residential areas inasmuch as future values of the properties were unknown. He asked that the impacted residents be given an opportunity to determine whether the proposed annexation application should be approved. He commented the City's long-range survival required a balanced mix of commercial/residential areas, and the City would be willing to service mobile and low income areas as long as a balanced mix was achieved.

Mayor Manuel Marono, City of Sweetwater, appeared before the Board and

noted the City had adopted a resolution to provide the residents of the annexed area with a millage rate reduction to match the County's funding as soon as the annexation application was approved. He noted that an appropriate balance between residential and commercial properties was the only manner in which the City could find sustainability and move forward into the future.

Mr. De Grandy suggested that the issue relating to millage rate reduction for impacted residents could be addressed through an interlocal agreement and that an enforceable provision be included to ensure the action was taken by the City upon approval of the annexation application.

Vice Chairman Diaz spoke in favor of approving the annexation application and asked that the Board consider the financial position and best interest of the City of Sweetwater.

Commissioner Jordan spoke in opposition of the proposed annexation due to the financial impact to the UMSA budget. She noted she had supported the issue in committee in order to forward it before the Board for discussion.

Commissioner Martinez also opposed the proposed annexation due to the loss in tax revenues for the County during a financial crisis. He noted it would be detrimental for the remaining areas and the County as a whole.

Commissioner Sorenson spoke in opposition of the proposed annexation due to the existing financial situation of the County.

Commissioner Seijas spoke in favor of approving the proposed annexation in order to assist in the recovery of the City of Sweetwater.

Commissioner Sosa spoke in favor of approving the proposed annexation in order to provide an opportunity for the City of Sweetwater to become more independent and afford the impacted residents an opportunity to decide the question.

Commissioner Souto spoke in favor of approving the proposed annexation. He noted Florida International University would benefit tremendously if the City of Sweetwater became financially powerful.

Commissioner Gimenez spoke in support of allowing the residents of the City of Sweetwater to determine whether the annexation application should be approved.

Commissioner Edmonson spoke in support of approving the City's annexation application and expressed her understanding for the City's desire to become self sustainable.

Chairman Moss commented on his understanding for the City's efforts to be self-supportive and on his inability to support the foregoing proposed annexation due to the County's financial crisis and a $300 million deficit. He advised that the undeveloped land surrounding the Dolphin Mall had the potential to become a tax base if developed into a regional shopping/industrial area through a public/private partnership effort.

Upon conclusion of the foregoing discussion, Vice Chairman Diaz moved that the foregoing resolution be adopted. This motion was seconded by Commissioner Seijas; and upon being put to a roll call vote, passed by a vote

of 8-5. (Commissioners Heyman, Jordan, Martinez and Sorenson and Chairman Moss voted no)

County Attorney Robert Cuevas clarified the motion made by Vice Chairman Diaz instructed the County Attorney's Office to prepare an appropriate ordinance to accomplish boundary change. He noted that a supplemental memorandum regarding the issue of the Doral area had been included in today's agenda package. He stated the item required approval from the City of Doral, but the City of Doral Vice Mayor had already expressed amenability to the annexation proposal.

It was moved by Vice Chairman Diaz that the foregoing resolution be adopted as amended. This motion was seconded by Commissioner Seijas; and upon being put to a vote, passed by a vote of 8-5. (Commissioners Heyman, Jordan, Martinez and Sorenson and Chairman Moss voted "No".)

The amended version was assigned Resolution Number R-637-10.

5/11/2010 *Forwarded to BCC without a recommendation from the Budget, Planning and Sustainability Committee*

12A1 SUPPLEMENT

101144 **Supplement**

SUPPLEMENT TO CITY OF SWEETWATER ANNEXATION APPLICATION (County Attorney)

Presented

5/11/2010 *Presented by the Budget, Planning and Sustainability Committee*

12A2

100986 **Resolution**

RESOLUTION RETROACTIVELY AUTHORIZING IN-KIND SERVICES FROM THE MIAMI-DADE GENERAL SERVICES ADMINISTRATION FOR THE JANUARY 1-29, 2010 "HONORING OUR FUTURE BY PRESERVING OUR PAST" SPONSORED BY AYITI HISTORY AND RESOURCES, INC., A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED $1,500.00 TO BE FUNDED FROM THE UNSPENT BALANCE OF THE MAYOR'S FY 2008-09 IN-KIND RESERVE FUND (County Manager)

Adopted
Resolution R-655-10
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Martinez

5/11/2010 *Forwarded to BCC with a favorable recommendation from the Budget, Planning and Sustainability Committee*

12A3

100987 **Resolution**

RESOLUTION RETROACTIVELY AUTHORIZING IN-KIND SERVICES FROM THE MIAMI-DADE GENERAL SERVICES ADMINISTRATION FOR THE JANUARY 1-30, 2009 "HAITIAN ON THE MOVE" SPONSORED BY GALATA, INC., A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED $3,910.00 TO BE FUNDED FROM THE UNSPENT BALANCE OF THE MAYOR'S FY 2008-09 IN-KIND RESERVE FUND (County Manager)

Adopted
Resolution R-652-10
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Martinez

Report: *Pursuant to the County Manager's Memorandum dated June 3, 2010, entitled "Changes for the June 3, 2010 BCC Meeting," scrivener's error was corrected in the title and the body of the foregoing proposed resolution to change the date of the event to read January 1-30, 2009.*

5/11/2010 *Forwarded to BCC with a favorable recommendation from the Budget, Planning and Sustainability Committee*

12A4

101159 **Resolution**

RESOLUTION APPROVING EXECUTION OF AN AGREEMENT WITH THE STATE OF FLORIDA TO REMIT $650,000 FOR MEDICAID-FUNDED HEALTH SERVICES PROVIDED BY MOUNT SINAI MEDICAL CENTER OF FLORIDA, INC. UNDER COUNTY CONTRACT RFP429A AND APPROVING A CONTRACT AMENDMENT WITH MOUNT SINAI MEDICAL CENTER OF FLORIDA, INC. TO CREDIT MIAMI-DADE COUNTY $664,000 FOR SERVICES RENDERED (County Manager)

Adopted
Resolution R-653-10
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Martinez

5/13/2010 *Forwarded to BCC with a favorable recommendation from the Health, Public Safety & Intergovernmental Cmte*

12A5

101293 **Resolution**

RESOLUTION APPROVING AMENDMENTS TO ADMINISTRATIVE RULES GOVERNING THE BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM AND AUTHORIZING CORRESPONDING MODIFICATIONS TO STANDARD GRANT AND INTERLOCAL AGREEMENTS AFTER CONSULTATION WITH COUNTY ATTORNEY'S OFFICE [SEE ORIGINAL ITEM UNDER FILE NO. 101081] (County Manager)

Deferred to June 15, 2010
Mover: Audrey M. Edmonson
Seconder: Rebeca Sosa
Vote: 13- 0

5/12/2010 *Forwarded to BCC with a favorable recommendation with committee amendment(s) from the Housing & Community Development Committee*

12A5 SUPPLEMENT

101284 **Supplement**

SUPPLEMENTAL INFORMATION ON THE ADMINISTRATIVE RULES UPDATE FOR BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROJECT 124

Deferred to June 15, 2010
Mover: Audrey M. Edmonson
Seconder: Rebeca Sosa
Vote: 13- 0

12A6

101204 **Resolution**

RESOLUTION APPROVING THE SETTLEMENT AGREEMENT OF THE LAWSUIT STYLED THE DE MOYA GROUP INC. V. MIAMI-DADE COUNTY, CIRCUIT COURT CASE NO. 09-63189 CA 08, RELATING TO MIA PERIMETER ROAD MODIFICATIONS, CANAL RELOCATION & UTILITY MODIFICATIONS AT MIAMI INTERNATIONAL AIRPORT; AUTHORIZING AN INCREASE IN THE CONTRACT AMOUNT BY $296,990.77; AUTHORIZING PAYMENT OF UNSPENT CONTRACT BALANCES TO THE DEMOYA GROUP; AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY TO IMPLEMENT THE AGREEMENT, SUBJECT TO APPROVAL OF THE COUNTY ATTORNEY AS TO LEGAL SUFFICIENCY (County Manager, County Attorney)

Adopted
Resolution R-654-10
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Martinez

12B1

101117 **Report**

NEIGHBORHOOD STABILIZATION PROGRAM (NSP 1) REPORT - MAY 2010 (County Manager)

Accepted
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Martinez

5/12/2010 *Report Received by the Housing & Community Development Committee*

12B2

101226 **Report**

REPORT - ITEM 2A ON THE MAY 12, 2010 TRANSIT, INFRASTRUCTURE AND ROADS COMMITTEE - ARCOLA LAKES PARK [SEE AGENDA ITEM NO. 5A] (County Manager)

Accepted
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Martinez

5/12/2010 *Report Received by the Transit, Infrastructure & Roads Committee*

12B3

101403 **Report**

ORAL REPORT REGARDING THE DEEPWATER HORIZON RESPONSE EFFORTS (BP OIL SPILL) (County Manager)

Accepted
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Martinez

13 COUNTY ATTORNEY

14 ITEMS SUBJECT TO 4-DAY RULE

15 CLERK OF THE BOARD

15B REPORTS

15B1

101355 **Report**

PROPOSED PUBLIC HEARING DATES FOR ORDINANCES SUBMITTED FOR FIRST READING ON JUNE 3, 2010 (Clerk of the Board)

Approved
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 13- 0

15B2

101356 **Report**

COUNTY COMMISSION MINUTES FOR APPROVAL BY THE BOARD
JANUARY 14, 2010 (BCC SPECIAL MEETING) (Clerk of the Board)

Approved
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 13- 0

15C COUNTY ADVISORY BOARD APPOINTMENTS

15D COUNTY ADVISORY BOARD APPOINTMENTS BY BALLOT

15E MAYOR'S REQUEST FOR ALLOCATIONS FROM DISCRETIONARY OR IN-KIND RESERVE FUNDS

16 ITEMS SCHEDULED FOR THURSDAY

16A SPECIAL PRESENTATIONS (Scheduled for 8:00 am)

16A1

101295 **Service Awards** **Dennis C. Moss**

EMPLOYEE SERVICE AWARD PRESENTATIONS:

Presented

PAULETTE WIGGAN - JUVENILE SERVICES - 30 YEARS
PENNY J. CONRAD-ROBINSON - PARKS - 30 YEARS
CHARLES E. HALL - PARKS - 30 YEARS
AURELIO C. LEON - PARKS - 30 YEARS
DELMAR L. FROST - WATER & SEWER - 30 YEARS
CLIFFORD PHILLIPS - WATER & SEWER - 30 YEARS
FREDRICK PICKETT - WATER & SEWER - 30 YEARS
BILLY G. ROGERS - WATER & SEWER - 30 YEARS
JEFFREY R. WOODFIELD - WATER & SEWER - 30 YEARS

16A2

101386 **Congratulatory Certificate** **Barbara J. Jordan**

PRESENTATION OF A CONGRATULATORY CERTIFICATE TO KHADIJAH BRYDSON, PRINCETON PRIZE AWARD RECIPIENT

Presented

16A3

101387 **Congratulatory Certificate** **Barbara J. Jordan**

PRESENTATION OF A CONGRATULATORY CERTIFICATES TO THE WINNERS AND HONORABLE MENTIONS OF THE SILVER KNIGHT AWARDS *Presented*

WINNERS

DR. MICHAEL KROP HIGH SCHOOL
ETHAN TEICHMAN ADDICOTT, GENERAL SCHOLARSHIP
CORY MAX YEFFET, VOCATIONAL TECHNICAL

MIAMI CAROL CITY SENIOR HIGH SCHOOL
KHADIJAH BRYDSON, SOCIAL SCIENCE

HONORABLE MENTIONS

DR. MICHAEL KROP
NICOLE ALYSSA CONE, DRAMA
SAMANTHA BRYN MACKSON, JOURNALISM

MONSIGNOR EDWARD PACE HIGH SCHOOL
D' BRIA ANAIS BRADSHAW, MUSIC

MIAMI CAROL CITY SENIOR HIGH SCHOOL
EBONY KIERRA ROBINSON, SCIENCE
EBONI D'NAE FINLEY, SPEECH
SHANTAVIA DENISE CONLEY, VOCATIONAL TECHNICAL

16A4

101418 **Special Presentation** **Jose "Pepe" Diaz**

DISTRICT 12 SPRING FESTIVAL *Presented*

16A5

101419 **Certificate of Appreciation** **Jose "Pepe" Diaz**

PRESENTATION THANKING THE SPONSORS OF "ARMED FORCES APPRECIATION DAY" *Presented*

102703 **Report**

NON-AGENDA RELATED ITEMS: BCC - MEETING OF JUNE 3, 2010 (Clerk of the Board) *Presented*

Report: *In connection with Commissioner Seijas' inquiry, Chairman Moss clarified that the date of August 3, 2010, was selected to address the 2010 Truth in Millage (T.R.I.M.) Notices in the event the need arose.*

Commissioner Jordan recommended that the Board consider taking a recess of three to four weeks during the summer.

19 ADJOURNMENT

Report: *There being no further business to come before the Board of County Commissioners, the meeting was adjourned at 6:20 p.m.*

Dennis C. Moss, Chairman

ATTEST: HARVEY RUVIN, CLERK

By: Diane Collins, Acting, Deputy Clerk

Board of County Commissioners
June 3, 2010
EXHIBITS LIST

Prepared by: Flora Real

NO.	DATE	ITEM #	DESCRIPTION
1	06/03/2010		Order of the Day
2	06/03/2010		Pull List
3	06/03/2010		Memorandum from County Manager RE: Changes for the June 3, 2010 BCC Meeting
4	06/03/2010		CAO Notes
5	06/03/2010		Roll Call Vote Sheets
6	06/03/2010	1E1	Letter from Miguel De Grandy, PA, RE: Citizens' Bill of Rights
7	06/03/2010	1F1	Memorandum from County Manager RE: Sunset Review of County Boards for 2009 – Miami-Dade Sports Commission
8	06/03/2010	2B1	Memorandum from Mayor RE: Approval of Departmental Agenda Items
9	06/03/2010	4A	Memorandum from County Manager RE: Jackson South Community Hospital Street Lighting Special Taxing District
10	06/03/2010	4A Subs	Memorandum from County Manager RE: Jackson South Community Hospital Street Lighting Special Taxing District
11	06/03/2010	4B	Memorandum from County Attorney RE: Ordinance relating to Conflict of Interest and Code of Ethics Ordinance
12	06/03/2010	4C	Memorandum from County Attorney RE: Ordinance amending Sections of the Code to include additional penalties and creating Section 8CC-5.1
13	06/03/2010	4C Subs	Memorandum from County Attorney RE: Ordinance amending Sections of the Code to include additional penalties and creating Section 8CC-5.1
14	06/03/2010	4D	Memorandum from County Attorney RE: Ordinance creating the Miami-Dade County Olympic Exploratory Committee
15	06/03/2010	4E	Memorandum from County Attorney RE: Ordinance amending Chapter 25A of the Code

Board of County Commissioners
June 3, 2010
EXHIBITS LIST

Prepared by: Flora Real

NO.	DATE	ITEM #	DESCRIPTION
16	06/03/2010	4F	Memorandum from County Attorney RE: Ordinance amending Section 2-11.1(t) of the Conflict of Interest and Code of Ethics Ordinance repealing Cone of Silence
17	06/03/2010	4G	Memorandum from County Attorney RE: Ordinance amending Code of Miami-Dade County by two-thirds vote of BCC membership relating to CITT and the Peoples' Transportation Plan
18	06/03/2010	4H	Memorandum from County Attorney RE: Ordinance relating to sexual offenders and predators
19	6/03/2010	4I	Memorandum from County Attorney RE: Ordinance amending Chapter 25A of the Code reducing voting membership of the Board of Trustees of the PHT
20	06/03/2010	5B Supp	Supplemental Item
21	06/03/2010	5D	Original version of amended item
22	06/03/2010	6A1	Memorandum from Office of the Chair RE: Budget Priorities FY2010-11
23	06/03/2010	7C	Memorandum from County Attorney RE: Ordinance amending Articles II, Section 11A-12 of Chapter 11A of the Code relating to discrimination in housing
24	06/03/2010	7F	Memorandum from County Manager RE: Ordinance relating to Sunpass use in taxicabs
25	06/03/2010	8J1D	MIC-Earlington Heights Connector – Peoples' Transportation Plan Track Blueprint (photocopy)
26	06/03/2010	8K1B	Memorandum from County Manager RE: Resolution authorizing submission of the substantial amendment to MDC's FY2008 Action Plan for CDBG-R Funds
27	06/03/2010	8L1A Supp	Supplemental Item

Board of County Commissioners
June 3, 2010
EXHIBITS LIST

Prepared by: Flora Real

NO.	DATE	ITEM #	DESCRIPTION
28	06/03/2010	8L1B	Memorandum from County Manager RE: Resolution calling for a Special Election to modify MDC Home Rule Charter to allow for BCC to approve or amend franchise fee amendments
29	06/03/2010	8L1B Subs	Memorandum from County Manager RE: Resolution calling for a Special Election to modify MDC Home Rule Charter to allow for BCC to approve or amend franchise fee amendments
30	06/03/2010	8L1C	Memorandum from County Manager RE: FY2009-10 Budget for the North Miami Beach Community Redevelopment Agency
31	6/03/2010	8L1C Supp	Supplemental Item
32	06/03/2010	8M1A	Memorandum from County Manager RE: Cooperative Agreement with the AARP Foundation for Implementation of the Senior Community Service Employment Program
33	06/03/2010	8O1A	Memorandum from County Manager RE: Recommendation to reject all proposals – Original version (amended version pending)
34	06/03/2010	8O1A Supp	Supplemental Item
35	06/03/2010	11A3	Memorandum from County Manager RE: Coconut Grove Playhouse Update
36	06/03/2010	11A3	Memorandum from Michael Spring RE: Coconut Grove Playhouse Update
37	06/03/2010	11A3	Three photographs of interior of Coconut Grove Playhouse
38	06/03/2010	11A5	Memorandum from County Attorney RE: Resolution amending Implementing Order 3-34 to provide direction to the County Mayor for the formation and performance of selection committees
39	06/03/2010	11A8	Memorandum from County Attorney RE: Resolution requesting that the Commission on Ethics and Public Trust conduct conflict of interest checks related to contract lobbyists
40	06/03/2010	11A22	US Foreign Assistance Legislation, Objectives and Organizations

Board of County Commissioners
June 3, 2010
EXHIBITS LIST

Prepared by: Flora Real

NO.	DATE	ITEM #	DESCRIPTION
41	06/03/2010	11B1	Commissioner Edmonson's allocations
42	06/03/2010	11B2	Commissioner Heyman's allocations
43	06/03/2010	11B3	Commissioner Heyman's allocations
44	6/03/2010	11B4	Commissioner Heyman's allocations
45	06/03/2010	11B5	Commissioner Barreiro's allocations
46	06/03/2010	11B6	Commissioner Sosa's allocations
47	06/03/2010	11B7	Chairman Moss' allocations
48	06/03/2010	11B8	Commissioner Souto's allocations
49	06/03/2010	11B9	Commissioner Diaz's allocations
50	06/03/2010	12A1	City of Sweetwater Annexation Application (original version)
51	06/03/2010	12A1 Supp	Supplemental information
52	06/03/2010	12A5	Memorandum from County Manager RE: Recommended policy for the use of Economic Development Funds under the BBB-GOB Program
53	06/03/2010	12A5 Supp	Supplemental item
54	06/03/2010	12B1	Memorandum from County Manager RE: Neighborhood Stabilization Program (NSP1) – May 2010 Report
55	06/03/2010	12B2	Memorandum from County Manager RE: Report on Item 2A of the May 12, 2010 Transit, Infrastructure and Roads Committee
56	06/03/2010	15B1	Proposed Public Hearing Dates for Meeting of June 3, 2010
57	06/03/2010	16	List of BCC Service Award Plaque Presentation
58	06/03/2010		FOR/AGAINST Speaker's Card (5)

MIAMI-DADE BOARD OF COUNTY COMMISSIONERS

ORDER OF THE DAY

Thursday, June 3, 2010

9:30 a.m.	Call to Order Roll Call Moment of Silence Pledge of Allegiance
***10:15 a.m.**	***6B2 - Discussion Item Audrey M. Edmonson, Prime Sponsor*** *DISCUSSION REGARDING THE UPDATE ON HAITI RELIEF EFFORTS AND SPECIAL PRESENTATION BY MAYOR WILSON JEUDY OF DELMAS, HAITI*
***11:30 a.m.**	**12A1 and Supplement –** *RESOLUTION RELATING TO ANNEXATION REQUEST OF THE CITY OF SWEETWATER*
12:30 p.m.	**WORKING LUNCH PROVIDED BY CHAIRMAN MOSS**
***2:00 p.m.**	***11A3 -*** *RESOLUTION DIRECTING COUNTY MAYOR OR MAYOR'S DESIGNEE TO RECOMMEND COURSE OF ACTION FOR RECONSTRUCTION, MANAGEMENT AND OPERATION OF COCONUT GROVE PLAYHOUSE*
6:30 p.m.	Adjournment

Time Certain

MIAMI-DADE BOARD OF COUNTY COMMISSIONERS
Thursday, June 3, 2010
PULL LIST

ITEM NO.	DESCRIPTION
4A SUBSTITUTE	ORDINANCE CREATING AND ESTABLISHING A SPECIAL TAXING DISTRICT IN MIAMI-DADE COUNTY, FLORIDA, KNOWN AND DESCRIBED AS JACKSON SOUTH COMMUNITY HOSPITAL STREET LIGHTING SPECIAL TAXING DISTRICT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 101061](Public Works Department)
	Commissioners ***Sosa***
4B	ORDINANCE RELATING TO CONFLICT OF INTEREST AND CODE OF ETHICS ORDINANCE; AMENDING SECTION 2-11.1(S) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO PROVIDE THAT TWENTY PERCENT OF FUNDS GENERATED BY LOBBYIST REGISTRATION FEES SHALL BE DEPOSITED INTO A SEPARATE ACCOUNT TO BE USED BY MIAMI-DADE COUNTY COMMISSION ON ETHICS AND PUBLIC TRUST TO FUND EDUCATIONAL OUTREACH, THE RENDERING OF ADVISORY OPINIONS AND ENFORCEMENT OF PROVISIONS REGARDING LOBBYISTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE
	Commissioners ***Souto (co-sponsor)***
4D	ORDINANCE CREATING THE MIAMI-DADE COUNTY OLYMPIC EXPLORATORY COMMITTEE; SETTING FORTH DUTIES AND RESPONSIBILITIES AND MEMBERSHIP REQUIREMENTS OF SUCH COMMITTEE; PROVIDING FOR APPOINTMENT OF MEMBERS; REQUIRING ANNUAL REPORTS AND PROVIDING FOR STAFF SUPPORT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE
	Commissioners ***Edmonson (co-sponsor), Rolle (co-sponsor)***
4F	ORDINANCE AMENDING SECTION 2-11.1(T) OF THE CONFLICT OF INTEREST AND CODE OF ETHICS ORDINANCE REPEALING CONE OF SILENCE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE
	Commissioners ***Barreiro (co-sponsor), Gimenez, Souto***
4H	ORDINANCE RELATING TO SEXUAL OFFENDERS AND PREDATORS; RENAMING THE MIAMI-DADE COUNTY SEXUAL OFFENDER AND SEXUAL PREDATOR ORDINANCE IN HONOR OF LAUREN BOOK-LIM AND HER WORK IN PROTECTING CHILDREN FROM SEXUAL ABUSE; MAKING CERTAIN SCRIVENER'S CHANGES AND PROVIDING FOR PENALTIES, SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE
	Commissioners ***Edmonson (co-sponsor), Rolle (co-sponsor)***
4I	ORDINANCE AMENDING CHAPTER 25A OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REDUCING VOTING MEMBERSHIP OF THE BOARD OF TRUSTEES OF THE PUBLIC HEALTH TRUST; PROVIDING IMPLEMENTING PROCEDURE; REMOVING PROVISIONS REGARDING PUBLIC HEALTH TRUST NOMINATING COUNCIL; AND REQUIRING THE PUBLIC HEALTH TRUST TO COMPLY WITH DIRECTIVES TO THE TRUST SET FORTH FROM TIME TO TIME IN RESOLUTIONS OF THE COUNTY COMMISSION; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE
	Commissioners ***Jordan***
5A	RESOLUTION APPROVING SIGNIFICANT MODIFICATION TO BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NO. 92 - "UNINCORPORATED MUNICIPAL SERVICE AREA – ARCOLA LAKES PARK", AS IDENTIFIED IN APPENDIX A TO RESOLUTION NO. R-913-04 TO INCREASE ALLOCATION FROM $6,000,000 TO $6,300,000 AFTER PUBLIC HEARING; APPROVING ALLOCATION OF ADDITIONAL $300,000 FROM INTEREST EARNINGS GENERATED FROM INVESTMENT OF BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROCEEDS; DIRECTING COUNTY MAYOR OR MAYOR'S DESIGNEE TO LIST SUCH PROJECT IN SERIES RESOLUTION AS ELIGIBLE FOR FUNDING IN NEXT SERIES OF BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BONDS AND TO FUND FROM SUCH BOND PROCEEDS FULL AMOUNT NECESSARY TO DEVELOP AND TIMELY COMPLETE ARCOLA LAKES SENIOR CENTER; REQUIRING BOARD APPROVAL FOR ANY ADJUSTMENTS TO SUCH FUNDING, INCLUDING CASH FLOW REVISIONS; AND DIRECTING COUNTY MAYOR OR MAYOR'S DESIGNEE TO IMPLEMENT EXPEDITED COMPETITIVE PROCESS PROCEDURES AUTHORIZED BY ECONOMIC STIMULUS ORDINANCE FOR SELECTION OF ARCOLA LAKES SENIOR CENTER'S CONTRACTOR [SEE AGENDA ITEM NO. 12(B)2]
	Commissioners ***Rolle***

MIAMI-DADE BOARD OF COUNTY COMMISSIONERS
Thursday, June 3, 2010
PULL LIST

ITEM NO.	DESCRIPTION
5D	RESOLUTION AMENDING FY 2009-10 COUNTYWIDE GENERAL FUND AND UNINCORPORATED MUNICIPAL SERVICE AREA GENERAL FUND BUDGETS AND AMENDING THE LIBRARY, BUILDING CODE COMPLIANCE, CULTURAL AFFAIRS, CONVENTION DEVELOPMENT TAX FUND, ENVIRONMENTAL RESOURCES MANAGEMENT, SOLID WASTE MANAGEMENT, SUSTAINABILITY, AND WATER AND SEWER BUDGETS; APPROVING TERMS OF AND AUTHORIZING COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXECUTE AGREEMENT BY AND BETWEEN MIAMI-DADE COUNTY AND NEW WORLD SYMPHONY, INC.; AND APPROVING THE INTERAGENCY TRANSFER BETWEEN COUNTY DEPARTMENTS IN ACCORDANCE WITH SECTION 2-1796(A) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA **[SEE AGENDA ITEM NO. 5C]**(Office of Strategic Business Management)
	Commissioners ***Barreiro***
5E	RESOLUTION APPROVING THE REVISED GENERAL PLAN OF THE ARCOLA FIRE RESCUE STATION NO. 67 LOCATED AT 1275 NW 79 STREET, IN COMPLIANCE WITH SECTION 33-303 OF THE CODE OF MIAMI-DADE COUNTY(Department of Planning & Zoning)
	Commissioners ***Gimenez***
7C	ORDINANCE AMENDING, ARTICLES II, SECTION 11A-12 OF CHAPTER 11A OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO DISCRIMINATION IN HOUSING, PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE
	Commissioners ***Martinez, Gimenez***
7D	ORDINANCE AMENDING SECTION 2-1795 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA RELATED TO PROCEDURES TO BE FOLLOWED BY THE COMMISSION AUDITOR IN THE PREPARATION AND ADOPTION OF THE COUNTY'S ANNUAL BUDGET; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 100648]
	Commissioners ***Jordan, Edmonson (co-sponsor), Souto (co-sponsor)***
7E	ORDINANCE AMENDING CHAPTER 22 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA THAT PROHIBITS WAGE THEFT TO CLARIFY REASONABLE TIME FOR PAYMENT PROVISION; PROVIDING INCLUSION IN THE CODE, AND AN EFFECTIVE DATE
	Commissioners ***Jordan (co-sponsor), Edmonson (co-sponsor)***
7H	ORDINANCE PERTAINING TO COMMUNITY WORKFORCE PROGRAM; AMENDING SECTION 2-1701 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REMOVING LANGUAGE FOR COMPENSATION TO WORKFORCE DEVELOPMENT ORGANIZATIONS AND WORKFORCE RECRUITMENT/REFERRAL ORGANIZATIONS FOR TRAINING, REFERRAL AND PLACEMENT OF NEW HIRES FROM DESIGNATED TARGET AREAS; SUBSTITUTING DEPARTMENT OF SMALL BUSINESS DEVELOPMENT FOR DEPARTMENT OF BUSINESS DEVELOPMENT; AND PROVIDING SEVERABILITY, INCLUSION IN CODE, AND AN EFFECTIVE DATE **[SEE AGENDA ITEM NO. 9A2]**(Department of Small Business Development)
	Commissioners ***Sosa***
4:46:03 8F1B	RESOLUTION AUTHORIZING THE MAYOR OR THE MAYOR'S DESIGNEE TO ESTABLISH A GRANT ASSISTANCE PROGRAM TO BE KNOWN AS "HOMEOWNER/TENANT WATER MAIN BREAK GRANT ASSISTANCE PROGRAM" TO ASSIST PERSONS IMPACTED BY THE MARCH 2, 2010 WATER MAIN BREAK IN HIALEAH; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO ALLOCATE TO THE GRANT PROGRAM AN AMOUNT NOT TO EXCEED $200,000 FROM MIAMI-DADE WATER AND SEWER DEPARTMENT'S GENERAL RESERVE FUND; AND AUTHORIZING THE MAYOR OR THE MAYOR'S DESIGNEE TO NEGOTIATE, EXECUTE, AMEND, AND EXTEND ANY AGREEMENTS REQUIRED BY THE GRANT PROGRAM(General Services Administration)
	Commissioners ***Jordan, Sosa, Edmonson***
4:53:48 8G1A	RESOLUTION APPROVING MIAMI-DADE PUBLIC HOUSING AGENCY'S (MDPHA) 2010-2011 PUBLIC HOUSING AGENCY (PHA) PLAN SUBJECT TO APPROVAL BY US HOUSING AND URBAN DEVELOPMENT (USHUD); AUTHORIZING THE COUNTY MAYOR OR DESIGNEE TO SUBMIT THE PLAN TO USHUD FOR FINAL APPROVAL(Miami-Dade Public Housing Agency)
	Commissioners ***Edmonson***

MIAMI-DADE BOARD OF COUNTY COMMISSIONERS
Thursday, June 3, 2010
PULL LIST

ITEM NO.	DESCRIPTION
8J1D	RESOLUTION AUTHORIZING AN AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION, FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF THE MIAMI INTERMODAL CENTER - EARLINGTON HEIGHTS CONNECTOR PROJECT OVER AND UPON SOUTH FLORIDA RAIL CORRIDOR RIGHT-OF-WAY(Miami-Dade Transit Agency) *Commissioners* ***Edmonson***
8K1B *Deferral Requested*	RESOLUTION APPROVING THE SUBSTANTIAL AMENDMENT TO THE FY 2008 ACTION PLAN TO REFLECT THE REALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT RECOVERY FUNDS (CDBG-R) AS AUTHORIZED BY TITLE XII, OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF FY 2009, IN THE AMOUNT OF $953,723 IN SUBSTANTIALLY THE SAME FORM AS INDICATED IN EXHIBIT AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL CONTRACTS, AGREEMENTS AND AMENDMENTS NECESSARY TO CARRY OUT THE ABOVE PROGRAM; AND AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXERCISE THE CANCELLATION PROVISIONS CONTAINED THEREIN(Department of Housing and Community Development) *Commissioners* ***Edmonson***
8L1A	RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD ON AUGUST 24, 2010, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO PROVIDE THAT THE BOARD OF COUNTY COMMISSIONERS SHALL HAVE THE AUTHORITY TO ABOLISH A MUNICIPALITY BY ORDINANCE WHERE SUCH MUNICIPALITY HAS TWENTY OR FEWER ELECTORS AT THE TIME OF ADOPTION OF THE ORDINANCE ABOLISHING THE MUNICIPALITY(Office of Strategic Business Management) *Commissioners* ***Sosa***
8L1A SUPPLEMENT	SUPPLEMENTAL INFORMATION FOR PROPOSED CHANGE TO THE MIAMI-DADE HOME RULE CHARTER REGARDING MUNICIPALITIES *Commissioners* ***Sosa***
8L1B	RESOLUTION CALLING FOR A SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A STATE PRIMARY ELECTION TO BE HELD ON TUESDAY, AUGUST 24, 2010, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER THE MIAMI-DADE COUNTY HOME RULE CHARTER BE AMENDED TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS (BOARD) TO GRANT A FRANCHISE OR AMEND A FRANCHISE AGREEMENT UPON APPROVAL OF A TWO-THIRDS VOTE OF BOARD MEMBERS PRESENT WITHOUT REQUIRING SUBSEQUENT APPROVAL OF THE PROPOSED FRANCHISE OR AMENDMENT BY A MAJORITY OF THE ELECTORATE(Office of Strategic Business Management) *Commissioners* ***Edmonson, Seijas, Sorenson, Souto***
8L1B SUBSTITUTE	RESOLUTION CALLING FOR A SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A STATE PRIMARY ELECTION TO BE HELD ON TUESDAY, AUGUST 24, 2010, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER THE MIAMI-DADE COUNTY HOME RULE CHARTER BE AMENDED TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS (BOARD) TO GRANT A FRANCHISE OR AMEND A FRANCHISE AGREEMENT UPON APPROVAL OF A TWO-THIRDS VOTE OF BOARD MEMBERS PRESENT WITHOUT REQUIRING SUBSEQUENT APPROVAL OF THE PROPOSED FRANCHISE OR AMENDMENT BY A MAJORITY OF THE ELECTORATE (SEE ORIGINAL ITEM UNDER FILE NO. 101215)(Office of Strategic Business Management) *Commissioners*
8L1C	RESOLUTION APPROVING THE BUDGET FOR FISCAL YEAR 2009-10 FOR THE NORTH MIAMI BEACH COMMUNITY REDEVELOPMENT AGENCY(Office of Strategic Business Management) *Commissioners* ***Heyman***
8L1C SUPPLEMENT	SUPPLEMENTAL INFORMATION FOR FY 2009-10 BUDGET FOR THE NORTH MIAMI BEACH COMMUNITY REDEVELOPMENT AGENCY *Commissioners*

MIAMI-DADE BOARD OF COUNTY COMMISSIONERS
Thursday, June 3, 2010
PULL LIST

ITEM NO.	DESCRIPTION
Amended 8M1A 4:57:35	RESOLUTION AUTHORIZING A COOPERATIVE AGREEMENT WITH THE AMERICAN ASSOCIATION OF RETIRED PERSONS (AARP) FOUNDATION TO FORM THE BASIS FOR IMPLEMENTATION OF THE SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM; AND FURTHER AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE THE RENEWAL AND CANCELLATION PROVISIONS CONTAINED THEREIN(Park & Recreation Department)
	Commissioners ***Edmonson, Seijas, Sorenson***
8O1A	RESOLUTION WAIVING COMPETITIVE BIDDING PURSUANT TO SECTION 5.03 (D) OF THE HOME RULE CHARTER, AUTHORIZING NEGOTIATIONS WITH INNOVIDA HOLDINGS, LLS, TO DEVELOP THREE PARCELS KNOWN AS POINCIANA INDUSTRIAL CENTER, WAIVING THE REQUIREMENTS OF SECTIONS 2-8.3 AND 2-8.4 OF THE MIAMI-DADE COUNTY CODE, PERTAINING TO BID PROTESTS, BY A TWO-THIRD VOTE OF THE BOARD MEMBERS PRESENT, AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO NEGOTIATE AN AGREEMENT WHICH WOULD THEN BE PRESENTED TO THE BOARD FOR CONSIDERATION OF AWARD RFP NO. 695(Procurement Management Department)
	Commissioners ***Moss, Rolle***
8O1A SUPPLEMENT	SUPPLEMENTAL INFORMATION FOR THE DEVELOPMENT OF POINCIANA INDUSTRIAL CENTER RFP 695
	Commissioners
8O1B	RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO ADVERTISE A REQUEST FOR QUALIFICATIONS FOR AND ON BEHALF OF MIAMI-DADE COUNTY TO OBTAIN GOVERNMENTAL REPRESENTATION AND CONSULTING SERVICES IN TALLAHASSEE, FL, TO EXERCISE ANY CANCELLATION AND RE-ADVERTISEMENT PROVISIONS AND TO EXERCISE ALL OTHER RIGHTS CONTAINED THEREIN RFQ NO. 728(Procurement Management Department)
	Commissioners ***Martinez***
8O1D	RESOLUTION AUTHORIZING AWARD OF COMPETITIVE CONTRACTS AND CONTRACT MODIFICATIONS, AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE OPTIONS-TO-RENEW ESTABLISHED THEREUNDER FOR PURCHASE OF GOODS AND SERVICES, AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSIT SYSTEM SURTAX FUNDS(Procurement Management Department)
	Commissioners ***Sosa, Edmonson***
9A1	RESOLUTION AUTHORIZING EXECUTION OF AN INTER-LOCAL AGREEMENT FOR FISCAL YEAR 2010-2011 WITH THE MIAMI-DADE COUNTY PUBLIC SCHOOLS/LINDSEY HOPKINS TECHNICAL EDUCATIONAL CENTER FOR THE PROVISION OF ACADEMIC AND CAREER/TECHNICAL EDUCATION FOR INMATES IN THE MIAMI-DADE CORRECTIONS AND REHABILITATION DEPARTMENT; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE RENEWAL AND CANCELLATION PROVISIONS CONTAINED THEREIN(Corrections & Rehabilitation Department)
	Commissioners ***Sosa***
9A2	RESOLUTION RESCINDING ADMINISTRATIVE ORDER NO. 3-37 COMMUNITY WORKFORCE PROGRAM AND APPROVING IMPLEMENTING ORDER NO. 3-37 COMMUNITY WORKFORCE PROGRAM; AND AMENDING IMPLEMENTING ORDER NO. 3-37 TO REMOVE LANGUAGE RELATING TO COMPENSATION TO WORKFORCE DEVELOPMENT ORGANIZATIONS AND WORKFORCE RECRUITMENT/REFERRAL ORGANIZATIONS, AND TO CHANGE THE NAME OF THE ADMINISTERING DEPARTMENT [SEE AGENDA ITEM NO. 7H](Department of Small Business Development)
	Commissioners ***Sosa***
9A4	RESOLUTION RATIFYING THE COUNTY MAYOR'S OR COUNTY MAYOR'S DESIGNEE ACTIONS, AS AUTHORIZED BY SECTION 2-8.2.7 OF THE CODE OF MIAMI-DADE COUNTY, INCLUDING THOSE WITH GENERAL OBLIGATION BONDS FUNDING, IN APPROVING ACTIVITIES LISTED ON THE ATTACHED SCHEDULE FOR CAPITAL IMPROVEMENT PROJECTS(Office of Capital Improvements)
	Commissioners ***Jordan, Gimenez***

MANAGER'S MUST PASS

MIAMI-DADE BOARD OF COUNTY COMMISSIONERS
Thursday, June 3, 2010
PULL LIST

ITEM NO.	DESCRIPTION
10A3	RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO UTILIZE THE HOMELESS TRUST AS THE ISSUING DEPARTMENT TO ISSUE A REQUEST FOR PROPOSAL TO OPERATE THE COUNTY'S NORTHWEST DOMESTIC VIOLENCE CENTER; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXPEDITE NEGOTIATION OF AGREEMENTS FOR THE OPERATION OF THE DOMESTIC VIOLENCE CENTER(Miami-Dade HomelessTrust)
	Commissioners ***Seijas***
11A3	RESOLUTION DIRECTING COUNTY MAYOR OR MAYOR'S DESIGNEE TO RECOMMEND COURSE OF ACTION FOR RECONSTRUCTION, MANAGEMENT AND OPERATION OF COCONUT GROVE PLAYHOUSE
	Commissioners ***Jordan, Seijas, Souto (co-sponsor)***
11A4	RESOLUTION DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO PREPARE A REPORT CONCERNING THE PROPER METHODS AND MEANS BY WHICH THE COUNTY CAN PURSUE MONEY FROM OUTSTANDING DEBTS AND LIENS OWED TO THE COUNTY INCLUDING ALL POSSIBLE METHODS OF COLLECTION SUCH AS LAWSUITS, FORECLOSURE AND OTHER AVAILABLE COLLECTION METHODS; TO EXPLORE POSSIBILITY OF HAVING THE CREDIT AND COLLECTIONS SECTION OF THE FINANCE DEPARTMENT CONTROL, DIRECT AND/OR OVERSEE ALL COLLECTIONS COUNTYWIDE; TO EXPLORE THE POLICY OF IMPOSING A FEE TO RECOVER THE COST OF COLLECTION EFFORTS ON EACH DEBT COLLECTED
	Commissioners ***Martinez, Souto (co-sponsor)***
11A5	RESOLUTION AMENDING IMPLEMENTING ORDER 3-34 TO PROVIDE DIRECTION TO THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE REGARDING THE FORMATION AND PERFORMANCE OF SELECTION COMMITTEES
	Commissioners ***Jordan, Sosa, Martinez, Seijas, Souto (co-sponsor)***
11A7	RESOLUTION RESCINDING RESOLUTION NO. R-260-10 WHICH ALLOCATED $2,500,000 FROM BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NUMBER 249 – "PRESERVATION OF AFFORDABLE HOUSING UNITS AND EXPANSION OF HOME OWNERSHIP" TO FUND DEVELOPMENT OF ELDERLY AFFORDABLE HOUSING COMPONENT IN GOLDEN MEADOWS PROJECT IN DISTRICT 2
	Commissioners ***Rolle***
11A8	RESOLUTION REQUESTING THAT THE COMMISSION ON ETHICS AND PUBLIC TRUST CONDUCT CONFLICT OF INTEREST CHECKS RELATED TO COUNTY CONTRACT LOBBYISTS AND PROVIDE TO THE BOARD A REPORT AND RECOMMENDATION ON ANY COUNTY CONTRACT LOBBYIST CONFLICT OF INTEREST
	Commissioners ***Seijas***
11A10	RESOLUTION SETTING POLICY FOR MIAMI-DADE COUNTY RELATED TO HEAD INJURIES BY YOUTHS PARTICIPATING IN TEAM SPORTS AT COUNTY PARKS AND OTHER COUNTY FACILITIES; REQUIRING STEPS TO REDUCE THE DANGERS OF A POSSIBLE CONCUSSION; DIRECTING THE MAYOR OR DESIGNEE TO CREATE AND IMPLEMENT AN EDUCATIONAL CAMPAIGN ABOUT THE RISKS A CONCUSSION CAN PRESENT TO YOUNG ATHLETES [SEE ORIGINAL ITEM UNDER FILE NO. 100629]
	Commissioners ***Seijas, Rolle (co-sponsor)***
11A20	RESOLUTION URGING THE U.S. CONGRESS TO REINSTATE THE FEDERAL ASSAULT WEAPONS BAN; URGING THE FLORIDA LEGISLATURE TO IMPOSE A STATE ASSAULT WEAPONS BAN; AND ALTERNATIVELY URGING THE FLORIDA LEGISLATURE TO LIFT THE PREEMPTION ON LOCAL GOVERNMENTS' REGULATING ASSAULT WEAPONS IN FLORIDA AND ALLOW LOCAL GOVERNMENTS TO IMPOSE AN ASSAULT WEAPONS BAN
	Commissioners ***Sorenson (co-sponsor), Souto, Rolle (co-sponsor)***
11A22	RESOLUTION URGING CONGRESS AND PRESIDENT OBAMA'S ADMINISTRATION TO REFORM THE CURRENT UNITED STATES FOREIGN AID SYSTEM BASED ON MEASURABLE OUTCOMES TO ENSURE MEANINGFUL RETURNS ON THE INVESTMENT OF AMERICAN FOREIGN AID DOLLARS
	Commissioners ***Seijas***

MIAMI-DADE BOARD OF COUNTY COMMISSIONERS
Thursday, June 3, 2010
PULL LIST

ITEM NO.	DESCRIPTION
12A1	RESOLUTION RELATING TO ANNEXATION REQUEST OF THE CITY OF SWEETWATER; PROVIDING THAT ACTION BE TAKEN PURSUANT TO SECTION 20-7(B) OF THE CODE OF MIAMI-DADE COUNTY TO EITHER DIRECT THE COUNTY ATTORNEY TO PREPARE THE APPROPRIATE ORDINANCE TO EFFECTUATE THE ANNEXATION REQUEST, DENY THE ANNEXATION REQUEST OR TO DEFER THE ANNEXATION REQUEST [SEE ORIGINAL ITEM UNDER FILE NO. 100353](County Manager)
	Commissioners ***Jordan, Martinez, Heyman, Sorenson***
12A1 SUPPLEMENT	SUPPLEMENT TO CITY OF SWEETWATER ANNEXATION APPLICATION(County Attorney)
	Commissioners
12A5	RESOLUTION APPROVING AMENDMENTS TO ADMINISTRATIVE RULES GOVERNING THE BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM AND AUTHORIZING CORRESPONDING MODIFICATIONS TO STANDARD GRANT AND INTERLOCAL AGREEMENTS AFTER CONSULTATION WITH COUNTY ATTORNEY'S OFFICE [SEE ORIGINAL ITEM UNDER FILE NO. 101081](County Manager)
	Commissioners ***Barreiro, Sosa, Martinez, Heyman, Diaz, Gimenez, Seijas, Sorenson***
12A5 SUPPLEMENT	SUPPLEMENTAL INFORMATION ON THE ADMINISTRATIVE RULES UPDATE FOR BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROJECT 124
	Commissioners ***Sosa***

Memorandum

MIAMI-DADE COUNTY

Date: June 3, 2010

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

From: George M. Burgess
County Manager

Subject: Changes for the June 3, 2010 BCC Meeting

Additions

2B1 Mayor

101447 APPROVAL OF DEPARTMENTAL AGENDA ITEMS

4C SUBSTITUTE Sally A. Heyman

101360 ORDINANCE AMENDING SECTIONS 7-3, 8A-172, 8A-276(B), 8CC(10), 21-28, 21-31.2(B)(1) AND (2), 21-31.4(B), 26-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; INCLUDING ADDITIONAL PENALTIES; CREATING SECTION 8CC-5.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE (SEE ORIGINAL ITEM UNDER FILE NO. 101007)

Additions

8L1B SUBSTITUTE

101434 RESOLUTION CALLING FOR A SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A STATE PRIMARY ELECTION TO BE HELD ON TUESDAY, AUGUST 24, 2010, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER THE MIAMI-DADE COUNTY HOME RULE CHARTER BE AMENDED TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS (BOARD) TO GRANT A FRANCHISE OR AMEND A FRANCHISE AGREEMENT UPON APPROVAL OF A TWO-THIRDS VOTE OF BOARD MEMBERS PRESENT WITHOUT REQUIRING SUBSEQUENT APPROVAL OF THE PROPOSED FRANCHISE OR AMENDMENT BY A MAJORITY OF THE ELECTORATE (SEE ORIGINAL ITEM UNDER FILE NO. 101215) (Office of Strategic Business Management)

16A4 Jose "Pepe" Diaz

101418 DISTRICT 12 SPRING FESTIVAL

16A5 Jose "Pepe" Diaz

101419 PRESENTATION THANKING THE SPONSORS OF "ARMED FORCES APPRECIATION DAY"

Deferrals

8K1B

101168 RESOLUTION APPROVING THE SUBSTANTIAL AMENDMENT TO THE FY 2008 ACTION PLAN TO REFLECT THE REALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT RECOVERY FUNDS (CDBG-R) AS AUTHORIZED BY TITLE XII, OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF FY 2009, IN THE AMOUNT OF $953,723 IN SUBSTANTIALLY THE SAME FORM AS INDICATED IN EXHIBIT AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL CONTRACTS, AGREEMENTS AND AMENDMENTS NECESSARY TO CARRY OUT THE ABOVE PROGRAM; AND AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXERCISE THE CANCELLATION PROVISIONS CONTAINED THEREIN (Department of Housing and Community Development)

Note: ***The County Manager is requesting deferral of this item to no date certain.***

Withdrawals

7F

101330 ORDINANCE RELATING TO FOR-HIRE MOTOR VEHICLES; AMENDING SECTION 31-304 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, REQUIRING CHAUFFEUR TO UTILIZE SUNPASS LANE WHEN TRANSPORTING PASSENGERS; AMENDING CHAPTER 8CC OF THE CODE TO PROVIDE FOR A CIVIL PENALTY; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL VERSION UNDER FILE NO. 100518] (Consumer Services Department)

Scrivener's Errors

8F1A

100999 RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AND RECORD A RELEASE OF DEED RESTRICTIONS ON SIX (6) INFILL HOUSING LOTS LOCATED AT 1753 LUCY STREET, 963 NW 15 STREET, 1423 REDLAND ROAD, 904 NW 14 STREET, 1210 NW 6 AVE, AND 530 NW 15 STREET, FLORIDA CITY (General Services Administration)

Note: ***The second sentence of the second paragraph in the comments section on page 2 should be replaced with:***

Pursuant to Florida Statute 197.592(3), property acquired by the County for delinquent taxes shall be conveyed to the governing board of the municipality provided, however, that the County: 1) does not sell the property, 2) does not use the property for infill housing, or 3) does not dedicate the property to a County purpose.

8L1C

100775 RESOLUTION APPROVING THE BUDGET FOR FISCAL YEAR 2009-10 FOR THE NORTH MIAMI BEACH COMMUNITY REDEVELOPMENT AGENCY (Office of Strategic Business Management)

Note: ***This item was reprinted to provide a legible handwritten page 17.***

12A3

100987 RESOLUTION RETROACTIVELY AUTHORIZING IN-KIND SERVICES FROM THE MIAMI-DADE GENERAL SERVICES ADMINISTRATION FOR THE JANUARY 1-30, 2009 "HAITIAN ON THE MOVE" SPONSORED BY GALATA, INC., A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED $3,910.00 TO BE FUNDED FROM THE UNSPENT BALANCE OF THE MAYOR'S FY 2008-09 IN-KIND RESERVE FUND (County Manager)

Note: ***In the title and the body of the resolution, the date of the event should read January 1-30, 2009.***

Note: UPON THE ADOPTION OF ANY SUBSTITUTE OR ALTERNATE AGENDA ITEM, THE ACCOMPANYING SUBSTITUTES AND/OR ALTERNATES SHALL BE DEEMED WITHDRAWN.

CAO NOTES – 6-3-10

4A	WITHDRAWN - SEE SUBSTITUTE
4B	ADD HEYMAN, SOUTO
4C	WITHDRAWN - SEE SUBSTITUTE
4D	ADD EDMONSON, ROLLE
4F	ADD BARREIRO
4H	ADD EDMONSON, GIMENEZ, HEYMAN, JORDAN, ROLLE
5D	ADOPTED AS AMENDED
7C	WITHDRAWN
7D	ADD EDMONSON, SOUTO
7E	ADD EDMONSON, HEYMAN, JORDAN
7F	WITHDRAWN
8K1B	DEFERRED TO NO DATE CERTAIN
8L1B	WITHDRAWN - SEE SUBSTITUTE
8L1BSUB.	TIE VOTE – NO ACTION
8L1C	ADOPTED AS AMENDED
8L1CSUPPL.	ADOPTED AS AMENDED
8M1A	ADOPTED AS AMENDED
8O1A	ADOPTED AS AMENDED
8O1ASUPPL.	ADOPTED AS AMENDED
8O1B	ADOPTED AS AMENDED
11A3	ADD SOUTO
11A4	ADD HEYMAN, SOUTO
11A5	ADOPTED AS AMENDED, ADD SOUTO
11A8	ADOPTED AS AMENDED
11A10	ADD ROLLE
11A20	ADD DIAZ, HEYMAN, ROLLE, SORENSON
11A22	ADD DIAZ, MARTINEZ, SOSA
12A1	ADOPTED AS AMENDED
12A1SUPPL.	ADOPTED AS AMENDED
12A5	DEFERRED TO 6-15-10 BCC
12A5SUPPL.	DEFERRED TO 6-15-10 BCC

SCRIVENER'S ERRORS

8F1A
8L1C
12A3

ROLL CALL VOTE SHEET
BOARD OF COUNTY COMMISSIONERS
MEETING OF 6-3-10

(1)

AGENDA ITEM:

MOTION: 4A Sub Sor/H

ROLL CALL (M/S)	YES	NO	AB
Comr. Barreiro	✓		
Comr. Edmonson	✓		
Comr. Gimenez	✓		
Comr. Heyman	✓		
Comr. Jordan	✓		
Comr. Martinez	✓		
Comr. Rolle	✓		
Comr. Seijas		✓	
Comr. Sorenson	✓		
Comr. Sosa		✓	
Comr. Souto	✓		
Vice Chairman Diaz	✓		
Chairman Moss	✓		
TOTAL	11	2	

AGENDA ITEM:

MOTION: 4B Mart/Sor

ROLL CALL (M/S)	YES	NO	AB
Comr. Edmonson	✓		
Comr. Gimenez	✓		
Comr. Heyman	✓		
Comr. Jordan	✓		
Comr. Martinez	✓		
Comr. Rolle	✓		
Comr. Seijas		✓	
Comr. Sorenson	✓		
Comr. Sosa	✓		
Comr. Souto	✓		
Cmr. Barreiro	✓		
Vice Chairman Diaz	✓		
Chairman Moss	✓		
TOTAL	12	1	

ROLL CALL VOTE SHEET
BOARD OF COUNTY COMMISSIONERS
MEETING OF 6-3-10

AGENDA ITEM:

MOTION: 4C sub H/Bim

ROLL CALL (M/S)	YES	NO	AB
Comr. Gimenez	✓		
Comr. Heyman	✓		
Comr. Jordan	✓		
Comr. Martinez	✓		
Comr. Rolle	✓		
Comr. Seijas	✓		
Comr. Sorenson	✓		
Comr. Sosa	✓		
Comr. Souto	✓		
Cmr. Barreiro	✓		
Cmr. Edmonson	✓		
Vice Chairman Diaz	✓		
Chairman Moss	✓		
TOTAL	13	0	

AGENDA ITEM:

MOTION: 4D Diaz/Moss

ROLL CALL (M/S)	YES	NO	AB
Comr. Heyman	✓		
Comr. Jordan	✓		
Comr. Martinez	✓		
Comr. Rolle	✓		
Comr. Seijas	✓		
Comr. Sorenson	✓		
Comr. Sosa	✓		
Comr. Souto	✓		
Cmr. Barreiro	✓		
Cmr. Edmonson	✓		
Cmr. Gimenez	✓		
Vice Chairman Diaz	✓		
Chairman Moss	✓		
TOTAL	13	0	

ROLL CALL VOTE SHEET
BOARD OF COUNTY COMMISSIONERS
MEETING OF 6-3-10

AGENDA ITEM:

MOTION: 4E Sos/H

ROLL CALL (M/S)	YES	NO	AB
Comr. Jordan		✓	
Comr. Martinez	✓		
Comr. Rolle	✓		
Comr. Seijas		✓	
Comr. Sorenson	✓		
Comr. Sosa	✓		
Comr. Souto	✓		
Cmr. Barreiro	✓		
Cmr. Edmonson	✓		
Cmr. Gimenez	✓		
Cmr. Heyman	✓		
Vice Chairman Diaz	✓		
Chairman Moss	✓		
TOTAL	11	2	

AGENDA ITEM:

MOTION: 4F J/Sej

ROLL CALL (M/S)	YES	NO	AB
Comr. Martinez	✓		
Comr. Rolle	✓		
Comr. Seijas	✓		
Comr. Sorenson		✓	
Comr. Sosa		✓	
Comr. Souto		✓	
Cmr. Barreiro	✓		
Cmr. Edmonson	✓		
Cmr. Gimenez		✓	
Cmr. Heyman	✓		
Cmr. Jordan	✓		
Vice Chairman Diaz	✓		
Chairman Moss		✓	
TOTAL	8	5	

ROLL CALL VOTE SHEET
BOARD OF COUNTY COMMISSIONERS
MEETING OF 6-3-10

AGENDA ITEM:

MOTION: 4G So/Ro

ROLL CALL (M/S)	YES	NO	AB
Comr. Rolle	✓		
Comr. Seijas	✓		
Comr. Sorenson	✓		
Comr. Sosa	✓		
Comr. Souto	✓		
Cmr. Barreiro	✓		
Cmr. Edmonson	✓		
Cmr. Gimenez	✓		
Cmr. Heyman	✓		
Cmr. Jordan	✓		
Cmr. Martinez	✓		
Vice Chairman Diaz	✓		
Chairman Moss	✓		
TOTAL	13	0	

AGENDA ITEM:

MOTION: 4H Diaz/Sosa

ROLL CALL (M/S)	YES	NO	AB
Comr. Seijas	✓		
Comr. Sorenson	✓		
Comr. Sosa	✓		
Comr. Souto	✓		
Cmr. Barreiro	✓		
Cmr. Edmonson	✓		
Cmr. Gimenez	✓		
Cmr. Heyman	✓		
Cmr. Jordan COS	✓		
Cmr. Martinez	✓		
Cmr. Rolle	✓		
Vice Chairman Diaz	✓		
Chairman Moss	✓		
TOTAL	13	0	

ROLL CALL VOTE SHEET
BOARD OF COUNTY COMMISSIONERS
MEETING OF 6-3-10

AGENDA ITEM:

MOTION: 4 I Martt/Sor

ROLL CALL (M/S)	YES	NO	AB
Comr. Sorenson	✓		
Comr. Sosa		✓	
Comr. Souto	✓		
Cmr. Barreiro	✓		
Cmr. Edmonson	✓		
Cmr. Gimenez	✓		
Cmr. Heyman	✓		
Cmr. Jordan	✓		
Cmr. Martinez	✓		
Cmr. Rolle	✓		
Cmr. Seijas		✓	
Vice Chairman Diaz	✓		
Chairman Moss		✓	
TOTAL	10	3	

AGENDA ITEM:

MOTION: 12A1 Diaz/Seijas

ROLL CALL (M/S)	YES	NO	AB
Comr. Sosa	✓		
Comr. Souto	✓		
Cmr. Barreiro	✓		
Cmr. Edmonson	✓		
Cmr. Gimenez	✓		
Cmr. Heyman		✓	
Cmr. Jordan		✓	
Cmr. Martinez		✓	
Cmr. Rolle	✓		
Cmr. Seijas	✓		
Cmr. Sorenson		✓	
Vice Chairman Diaz	✓		
Chairman Moss		✓	
TOTAL	8	5	

ROLL CALL VOTE SHEET
BOARD OF COUNTY COMMISSIONERS
MEETING OF _____

AGENDA ITEM:

MOTION: 5A

ROLL CALL (M/S)	YES	NO	AB
Comr. Souto	✓		
Cmr. Barreiro	✓		
Cmr. Edmonson	✓		
Cmr. Gimenez	✓		
Cmr. Heyman	✓		
Cmr. Jordan	✓		
Cmr. Martinez	✓		
Cmr. Rolle	✓		
Cmr. Seijas	✓		
Cmr. Sorenson	✓		
Cmr. Sosa	✓		
Vice Chairman Diaz	✓		
Chairman Moss	✓		
TOTAL	13		0

12 - 0

ROLL CALL VOTE SHEET
BOARD OF COUNTY COMMISSIONERS
MEETING OF 4/3/2010

(2)

AGENDA ITEM: 5C 5or1

MOTION:

ROLL CALL (M/S)	YES	NO	AB
Comr. Barreiro	✓		
Comr. Edmonson	✓		
Comr. Gimenez	✓		
Comr. Heyman	✓		
Comr. Jordan	✓		
Comr. Martinez	✓		
Comr. Rolle	✓		
Comr. Seijas	✓		
Comr. Sorenson	✓		
Comr. Sosa	✓		
Comr. Souto	✓		
Vice Chairman Diaz	✓		
Chairman Moss	✓		
TOTAL	13	0	0

AGENDA ITEM: 5D

MOTION: Barrol 759,000 to museum

ROLL CALL (M/S)	YES	NO	AB
Comr. Edmonson		✓	
Comr. Gimenez	✓		
Comr. Heyman	✓		
Comr. Jordan		✓	
Comr. Martinez	✓		
Comr. Rolle	✓		
Comr. Seijas	✓		
Comr. Sorenson		✓	
Comr. Sosa	✓		
Comr. Souto	✓		
Cmr. Barreiro	✓		
Vice Chairman Diaz	✓		
Chairman Moss	✓		
TOTAL	10	3	0

ROLL CALL VOTE SHEET
BOARD OF COUNTY COMMISSIONERS
MEETING OF _____

AGENDA ITEM:

MOTION:

ROLL CALL (M/S)	YES	NO	AB
Comr. Gimenez			
Comr. Heyman			
Comr. Jordan			
Comr. Martinez			
Comr. Rolle			
Comr. Seijas			
Comr. Sorenson			
Comr. Sosa			
Comr. Souto			
Cmr. Barreiro			
Cmr. Edmonson			
Vice Chairman Diaz			
Chairman Moss			
TOTAL			

AGENDA ITEM:

MOTION: Item 7A

ROLL CALL (M/S)	YES	NO	AB
Comr. Heyman	✓		
Comr. Jordan	✓		
Comr. Martinez	✓		
Comr. Rolle	✓		
Comr. Seijas	✓		
Comr. Sorenson	✓		
Comr. Sosa	✓		
Comr. Souto	✓		
Cmr. Barreiro	✓		
Cmr. Edmonson	✓		
Cmr. Gimenez	—	—	X
Vice Chairman Diaz	✓		
Chairman Moss	✓		
TOTAL	10		

ROLL CALL VOTE SHEET
BOARD OF COUNTY COMMISSIONERS
MEETING OF 6-3-10

AGENDA ITEM:

MOTION: 7B ~~as amended~~ H/Sosa

ROLL CALL (M/S)	YES	NO	AB
Comr. Jordan	✓		
Comr. Martinez	✓		
Comr. Rolle	✓		
Comr. Seijas	✓		
Comr. Sorenson	✓		
Comr. Sosa	✓		
Comr. Souto	✓		
Cmr. Barreiro	✓		
Cmr. Edmonson	✓		
Cmr. Gimenez			X
Cmr. Heyman	✓		
Vice Chairman Diaz	✓		
Chairman Moss	✓		
TOTAL	12	0	1

AGENDA ITEM:

MOTION: 7D ~~as amended~~ Mart/Hey

ROLL CALL (M/S)	YES	NO	AB
Comr. Martinez	✓		
Comr. Rolle	✓		
Comr. Seijas		✓	
Comr. Sorenson	✓		
Comr. Sosa	✓		
Comr. Souto	✓		
Cmr. Barreiro	✓		
Cmr. Edmonson	✓		
Cmr. Gimenez	✓		
Cmr. Heyman	✓		
Cmr. Jordan		✓	
Vice Chairman Diaz	✓		
Chairman Moss			
TOTAL	10	2	

ROLL CALL VOTE SHEET
BOARD OF COUNTY COMMISSIONERS
MEETING OF _____

AGENDA ITEM:

MOTION: 7B Sey/Hey

ROLL CALL (M/S)	YES	NO	AB
Comr. Rolle	✓		
Comr. Seijas	✓		
Comr. Sorenson	✓		
Comr. Sosa	✓		
Comr. Souto	✓		
Cmr. Barreiro	✓		
Cmr. Edmonson	✓		
Cmr. Gimenez	✓		
Cmr. Heyman	✓		
Cmr. Jordan	✓		
Cmr. Martinez			X
Vice Chairman Diaz	✓		
Chairman Moss			X
TOTAL	11	0	2

AGENDA ITEM:

MOTION: 7G Hey/Diaz

ROLL CALL (M/S)	YES	NO	AB
Comr. Seijas	✓		
Comr. Sorenson	✓		
Comr. Sosa	✓		
Comr. Souto	✓		
Cmr. Barreiro	✓		
Cmr. Edmonson	✓		
Cmr. Gimenez	✓		
Cmr. Heyman	✓		
Cmr. Jordan	✓		
Cmr. Martinez			X
Cmr. Rolle	✓		
Vice Chairman Diaz	✓		
Chairman Moss			X
TOTAL	11	0	2

ROLL CALL VOTE SHEET
BOARD OF COUNTY COMMISSIONERS
MEETING OF _____

AGENDA ITEM:

MOTION: 7H

ROLL CALL (M/S)	YES	NO	AB
Comr. Sorenson	✓		
Comr. Sosa			X
Comr. Souto	✓		
Cmr. Barreiro	✓		
Cmr. Edmonson	✓		
Cmr. Gimenez	✓		
Cmr. Heyman	✓		
Cmr. Jordan	✓		
Cmr. Martinez			X
Cmr. Rolle	✓		
Cmr. Seijas	✓		
Vice Chairman Diaz	✓		
Chairman Moss			X
TOTAL	10	0	3

AGENDA ITEM:

MOTION: 7I H/Sosa

ROLL CALL (M/S)	YES	NO	AB
Comr. Sosa	✓		
Comr. Souto	✓		
Cmr. Barreiro	✓		
Cmr. Edmonson	✓		
Cmr. Gimenez	✓		
Cmr. Heyman	✓		
Cmr. Jordan	✓		
Cmr. Martinez			X
Cmr. Rolle	✓		
Cmr. Seijas	✓		
Cmr. Sorenson	✓		
Vice Chairman Diaz	✓		
Chairman Moss			X
TOTAL	11	0	2

ROLL CALL VOTE SHEET
BOARD OF COUNTY COMMISSIONERS
MEETING OF _____

AGENDA ITEM:

MOTION: 8L1B sub

ROLL CALL (M/S)	YES	NO	AB
Comr. Souto		✓	
Cmr. Barreiro		✓	
Cmr. Edmonson	✓		
Cmr. Gimenez	✓		
Cmr. Heyman	✓		
Cmr. Jordan	✓		
Cmr. Martinez	✓		
Cmr. Rolle	✓	✓	
Cmr. Seijas	✓		
Cmr. Sorenson		✓	
Cmr. Sosa		✓	
Vice Chairman Diaz		✓	
Chairman Moss			
TOTAL	6-	6	

ROLL CALL VOTE SHEET
BOARD OF COUNTY COMMISSIONERS
MEETING OF 6/3/10

AGENDA ITEM:

MOTION: 8L 1B Sub

ROLL CALL (M/S)	YES	NO	AB
Comr. Barreiro		✓	
Comr. Edmonson S	✓		
Comr. Gimenez	✓		
Comr. Heyman	✓		
Comr. Jordan	✓		
Comr. Martinez M	✓		
Comr. Rolle		✓	
Comr. Seijas	✓		
Comr. Sorenson		✓	
Comr. Sosa		✓	
Comr. Souto		✓	
Vice Chairman Diaz		✓	
Chairman Moss			✓
TOTAL	6	6	1

AGENDA ITEM:

MOTION:

ROLL CALL (M/S)	YES	NO	AB
Comr. Edmonson			
Comr. Gimenez			
Comr. Heyman			
Comr. Jordan			
Comr. Martinez			
Comr. Rolle			
Comr. Seijas			
Comr. Sorenson			
Comr. Sosa			
Comr. Souto			
Cmr. Barreiro			
Vice Chairman Diaz			
Chairman Moss			
TOTAL			

RECEIVED
By the Clerk for the record.

JUN 03 2010
Item 1E1
Exhibit Citizens' Bill of Rights
Meeting 6/3/2010

ETHICS COMMISSIONERS

Kerry E. Rosenthal, CHAIRPERSON
Dawn E. Addy, VICE CHAIRPERSON
Judge Seymour Gelber

ROBERT A. MEYERS
EXECUTIVE DIRECTOR

MICHAEL P. MURAWSKI
ADVOCATE

ARDYTH WALKER
STAFF GENERAL COUNSEL

May 20, 2010

Miguel De Grandy
Miguel De Grandy, P.A.
800 Douglas Road
Suite 850
Coral Gables, FL 33134

RE: REQUEST FOR ADVISORY OPINION RQO 10-13

Dear Mr. De Grandy:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on May 19, 2010 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding whether the Citizens' Bill of Rights permits discussion of a solicitation covered by the Cone of Silence during a duly noticed meeting of the Board of County Commissioners.

In your letter, you advised the Commission that on March 2, 2010, the Board of County Commissioners voted to modify the requirements of an RFP for Special Transportation Services (STS). The modification arose out of an earlier decision to extend the current contract until the solicitation process could be completed. During the discussion, the Board of County Commissioners requested updates on the status of the current service and the solicitation. Monthly reports were to be provided to the Transit Committee.

Subsequently, during the March Transit Committee meeting, the Procurement Director updated the commissioners on the release of

the amended solicitation. During the oral presentation, the commissioners asked questions regarding various features of the proposal which had elicited concerns from prospective vendors. The Procurement Director stated that she would issue an addendum clarifying some of the issues raised during the committee meeting.

During the April meeting, the Transit Committee received its monthly update on STS services. During the meeting, questions were again raised regarding various aspects of the RFP. The agenda item was listed as "Monthly Special Transportation Services Report" as it was listed on the March agenda. The requestor was recognized to make a statement but concerns were raised as to whether the committee could properly discuss a solicitation covered by the Cone of Silence without specific notice that the RFP would be discussed at the meeting.

The Commission found the Cone of Silence permits discussion of a covered RFP during a duly noticed public meeting. Section 2-11.1(t)(1)(a) provides that "the "Cone of Silence is hereby defined to mean a prohibition on a) any communication regarding a particular RFP, RFQ or bid between a potential vendor, service provider, bidder, lobbyist, or consultant and the County's professional staff including but not limited to the County Manager and his or her staff and b) any communication regarding a particular RFP, RFQ or bid between Mayor, County Commissioner or their respective staff and any member of the County's professional staff including , but not limited to the County Manager and his or her staff." Generally, the Cone of Silence applies between the time of advertisement and the submission of a written award recommendation from the County Manager to the Board of County Commissioners.

The Cone of Silence contains a specific exemption for duly noticed public meetings. Section 2-11.1(t)(1)(c) provides that " the provisions of this ordinance shall not apply to oral presentation at pre-bid conferences, oral presentations before selection committees, contract negotiations during any duly noticed public meeting, **public presentations to the Board of County Commissioners during any duly noticed public meeting** or communications in writing." Under this exemption, a Commissioner or a member of the public may discuss a covered solicitation during any duly noticed meeting of the Board of County Commissioners. The notice requirement does not specify that the RFP has to be specifically or specially noticed on the agenda. Therefore, the Board of County Commissioners or a member of the public may properly discuss this solicitation or any covered solicitation during a duly noticed meeting of the Board of County Commissioners.

The Citizens' Bill of Rights is not in conflict with the Cone of Silence. Section (a)(5)(right to be heard) provides that "So far as the orderly conduct of public business permits, any interested person has the right to appear before the commission or any municipal council or any county or municipal agency, board or department for the presentation, adjustment or determination of an issue, request or controversy within the jurisdiction of the governmental entity involved." The Ethics Commission has previously held that the right to be heard is not absolute and that the Board of County Commissioners may adopt reasonable rules regarding time and place of public discussion. See RQO 09-39. The Cone of Silence provides permissible rules regarding when public discussion may take place regarding covered solicitations. In accordance with the Citizens' Bill of Rights, the Cone of Silence permits discussion in writing or during duly noticed public meetings. Therefore, the Cone of Silence does

not impermissibly restrict the right to be heard granted under the Citizens' Bill of Rights.

Accordingly, the Cone of Silence permits discussion of a solicitation covered by the Cone of Silence during any duly noticed public meeting of the Board of County Commissioners and does not impermissibly restrict the right to be heard granted by the Citizens' Bill of Rights.

This opinion construes the Miami-Dade Conflict of Interest and Code of Ethics ordinance only and is not applicable to any conflict under state law. Please contact the State of Florida Commission on Ethics if you have any questions regarding possible conflicts under state law.

If you have any questions regarding this opinion, please call Ardyth Walker, Staff General Counsel at (305) 350-0616 or the undersigned at (305) 579-2594.

Sincerely Yours,

ROBERT MEYERS
Executive Director

Memorandum

MIAMI-DADE COUNTY

Date: June 3, 2010

Agenda Item No. 1(F)1

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

From: George M. Burgess
County Manager

Subject: Sunset Review of County Boards for 2009 – Miami-Dade Sports Commission

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In accordance with the provisions of Section 2-11.40 of the Code of Miami-Dade County, I am transmitting the 2009 Sunset Review of County Boards Report for the Miami-Dade Sports Commission. The Board approved the attached report at its meeting on March 31, 2009 and has recommended the continuation of its board.

Alex Munoz
Assistant County Manager

cmo10610

Date: March 31, 2009

To: George M. Burgess
County Manager

From: Honorable Chairman Jose "Pepe" Diaz
Chairperson, Miami-Dade Sports Commission

Subject: Sunset Review of County Boards for 2009 – Miami-Dade Sports Commission

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Pursuant to Section 2-11.40 of the Code of Miami-Dade County, I am submitting the 2009 Sunset Review of County Boards Report for the Miami-Dade Sports Commission for transmittal to the Board of County Commissioners (BCC). The Board approved the attached report at its meeting of February 16, 2010.

It is recommended that the BCC approve the continuation of the Miami-Dade Sports Commission.

BACKGROUND

The Miami-Dade Sports Commission's Board of Directors was created on April 8, 2003. The purpose of the Board is to foster regional, national and international sports competition in Miami-Dade County, Florida, to conduct regional, national and international sports competition events in such county and to support and develop athletics for regional, national and international competition in such sports. The Board should continue to function in order to continue providing Miami-Dade County with the direct economic impact dollars brought to Miami-Dade through sporting events.

Honorable Chairman Jose "Pepe" Diaz
Board Chairperson

SUNSET REVIEW QUESTIONNAIRE
MIAMI-DADE COUNTY BOARDS
2009

I. GENERAL INFORMATION

1. Name of Board reporting: _____Miami-Dade Sports Commission, Inc._____

2. Indicate number of board members, terms of office, and number of vacancies:
   Number of Board Members: __45_____
   Terms of Office: __Varies, members typically serve renewable 1 year terms
   Number of Vacancies: __1_____

3. Identify number of meetings and members' attendance (Attach records reflecting activity from **Jan. 1, 2007** through **December 31, 2008**):
   Number of Meetings: ___7_____
   Number of Meetings with a Quorum: ____7_____
   Attendance Records: See Attachment ___(see attached)_____

4. What is the source of your funding? ____The Miami-Dade Sports Commission receives $500,000 per year from Miami-Dade County. Other sources of funding include corporate sponsorship and individual membership.

5. Date of Board Creation: ___April 8, 2003_____

6. Attach a copy of the ordinance creating the Board (Please include all subsequent amendments).
   See Attachment ____Attached._____

7. Include the Board's Mission Statement or state its purpose:
   The object, purposes and scope of this Commission shall be to foster regional, national and international sports competition in Miami-Dade County, Florida, to conduct regional, national and international sports competition events in such county and to support and develop athletics for regional, national and international competition in such sports.

8. Attach the Board's standard operating procedures, if any.
   ____N/A_____

9. Attach a copy of the Board's By-Laws, if any.
   ___Attached._____

10. Attach a copy of the Board minutes approving the Sunset Review Questionnaire, **including a vote of the membership.**
    See Attachment _____

II. EVALUATION CRITERIA

1. Is the Board serving the purpose for which it was created? (Please provide detailed information) ___The Miami-Dade Sports Commission continues to generate positive economic impact through sports for Miami-Dade County. Since January 1, 2005, the MDSC has hosted and secured events generating more than $200 million in DIRECT economic impact for Miami-Dade County. Those events include the US Fencing Nationals, the NCAA Division I Men's Basketball Tournament, the FHSAA Football Finals, and many more.

SUNSET REVIEW QUESTIONNAIRE
MIAMI-DADE COUNTY BOARDS
2009

2. Is the Board serving current community needs? (Please provide detailed information)
   Yes, the Miami-Dade Sports Commission continues to generate positive economic development and growth through sports. Additionally, the MDSC is working within the community to develop sports programs at all levels, including the creation of the Miami-Dade Senior Games.

3. What are the Board's major accomplishments?
   a. Last 24 months Generated more than $100 million in economic activity through sports. Secured the NCAA Division I Men's Basketball Tournament for Miami in 2009, only the second time in the history of the event that it will be in Miami. Secured over $250,000 in corporate sponsor commitments to support the MDSC. Hosted USA Volleyball Girl's Junior Olympics and Pan American Cup, which secured 40,000 room nights for Miami-Dade County. Submitted a bid for WrestleMania, the premier event of WWE. Was selected as one of 18 finalist cities on the USA's 2018/2022 FIFA World Cup™ Bid.

   b. Since established Generated more than $200 million in direct economic impact through sports. Developed relationships with sports organizations throughout Miami-Dade County to promote and develop sports. Hired an executive director and a full-time staff. Hosted the FHSAA Football Finals. Recognized by the U.S. Olympic Committee as an official Community Partner. Created and implemented the inaugural Miami-Dade Senior Games to promote active and healthy lifestyles for residents over the age of 50.

4. Is there any other board, either public or private, which would better serve the function of this board?
   No, this board is represented by organizations that can best lead and support the sports initiatives for Miami-Dade County.

5. Should the ordinance creating the Board be amended to better enable the Board to serve the purpose for which it was created? (If "Yes", attach proposed changes)
   Not at this time. The Board of County Commissioners amended the ordinance in July of 2006 and November of 2008 to allow the sports commission to better serve the community.

6. Should the Board's membership requirements be modified?
   Not at this time. The ordinance change addressed the membership requirements and representation on the Board.

7. What is the operating cost of the Board, both direct and indirect? (Report on FY 2007 and FY 2008)
   Expenses directly related to the board of directors is less than $1,000 annually.

8. Describe the Board's performance measures developed to determine its own effectiveness in achieving its stated goals.

The two primary performance measures to date, are the total direct economic impact generated for Miami-Dade County and the private support generated through corporate sponsorship and individual membership. Those measures are evaluated on a constant basis. Additionally, the Board is developing a long range strategic plan that will include a broad range of specific performance measures to evaluate the effectiveness of all MDSC programs.

Also: Include a diskette, saved in Word, of the County Manager's transmittal memorandum to the Board of County Commissioners with the Board's recommendation.

Miami-Dade Sports Commission
BOARD OF DIRECTORS ATTENDANCE REPORT

Title	First Name	Last Name	Board Position	Board Type	3-Jan-05	10-Feb-05	12-May-05	14-Sep-05	25-Jan-06	16-Mar-06	3-May-06	20-Jul-06	21-Sep-06	1-Feb-07	29-Mar-07	31-Jul-07	18-Oct-07	15-Jan-08	19-Jun-08	25-Sep-08	5-Feb-09
Mr.	Jose "Pepe"	Diaz	Co-Chair	Appointed - BCC					Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Dr.	Jeffrey	Solomon	Vice Chair	Appointed - Mayor								Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Dr.	Jayne	Greenberg		Appointed - School Board																Y	N
Mr.	Isaac	Salver	Treasurer	Appointed - League									Y	Y	Y	Y	Y	Y	Y	Y	Y
Mr.	Donn	Rollo		Appointed - BCC							N	N	N	N	N	N	N	N	N	N	N
Mr.	Ron	Albert		Appointed - Chamber													Y	Y	Y	Y	N
Mr.	Alex	Munoz		Appointed - County Manager												N	N	N	N	N	N
Mr.	William	Talbert		Appointed - CVB	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	N	Y	N	Y
Mr.	John	Muirey		Appointed - Hotel Assoc.								Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Mr.	Eric	Poms		Appointed - Orange Bowl													N	N	N	N	Y
Mr.	Jack	Kardys		Appointed - Parks													Y	Y	Y	Y	Y
Mr.	Pete	Garcia		Appointed - University											Y	Y	Y	Y	N	Y	Y
Mr.	Amaldo	Alonso		At-Large											Y	Y	Y	Y	Y	Y	Y
Mr.	Mark	Auerbacher		At-Large															N	N	Y
Mr.	Adam	Barrett		At-Large											N	N	Y	Y	N	N	N
Mr.	Bob	Beamon		At-Large																	
Mr.	Lance	Benson		At-Large																	
Mr.	Eddie	Carbone		At-Large											Y	Y	N	Y	N	Y	N
Ms.	Laura	Courtley-Todd		At-Large																	
Mr.	Michael	Covone		At-Large															N	N	N
Mr.	Aaron	Davidson		At-Large															N	Y	Y
Mr.	Andre	Dawson		At-Large																	
Dr.	Bryce	Epstein		At-Large															N	N	N
Mr.	Alan	Fertel		At-Large											Y	Y	Y	Y	N	Y	Y
Mr.	Sean	Flynn		At-Large											N	Y	N	N	N	N	Y
Mr.	Curtis	Gray		At-Large											Y	N	N	N	Y	N	N
Mr.	Kevin	Greenwood		At-Large															Y	Y	Y
Mr.	Kirby	Hocutt		At-Large																	N
Mr.	Desmond	Howard		At-Large													N	Y	N	N	Y
Lt.	Nizam	Ishmael		At-Large																	
Mr.	Barry	Kates		At-Large																	
Mr.	Art	Noriega		At-Large																	Y
Mr.	Claudio	Pico		At-Large																	
Mr.	Luis	Quintero		At-Large													Y	N	Y	Y	Y
Mr.	Frankie	Ruiz		At-Large											Y	Y	Y	Y	Y	Y	Y
Mr.	Tony	Segreto		At-Large																	
Mr.	Bruce	Schulze		At-Large													N	N	N	N	N
Mr.	Junior	Silva		At-Large																Y	Y
Mr.	Mark	Thompson		At-Large														Y	Y	Y	Y
Mr.	Mike	Torres		At-Large													Y	Y	N	N	N
Mr.	Emilio	Vazquez		At-Large																	
Mr.	Mike	Walker		At-Large											Y	Y	N	Y	Y	Y	Y
Mr.	Tony	Walton		At-Large											Y	Y	N	Y	Y	Y	N
Mr.	Brian	Wiedmeier		At-Large													N	N	N	N	N
Mr.	John	Williams		At-Large											Y	Y	Y	Y	Y	Y	Y
Ms.	Jennifer	Rodriguez		Ex-Officio											Y	N	Y	Y	N		
Former Members:																					
Ms.	Lisa	Gory		At-Large											N						
Ms.	Alina	Tejeda Hudak		Appointed - County Manager	N	Y															
Mr.	Stu	Blumberg	Former Vice Chair	Appointed - Hotel Assoc.	Y	Y	Y	Y	N	Y	N										
Mr.	Leslie	Bowe		Appointed - League	N	N	N	N	N	N	N	N									
Mr.	Rick	Mallo		Appointed - University	—	—	—	Y	N	Y	Y	Y	N								
Mrs.	Vivian	Donnell Rodriguez		Appointed - Parks	Y	Y	Y	Y	N	Y	N	N	N	Y	N	Y					
Mr.	Ian	Yorty		Appointed - County Manager											Y						
Mr.	Dennis	Kelly		At-Large											Y	N	Y	N	Y		
Dr.	Linda	Dunn Brown	Secretary	Appointed - School Board	Y	N	N	N	Y	Y	N	N	Y	Y	Y	Y	Y	Y	Y		
Dr.	Andy	Gilfantine		At-Large											Y	Y	Y	Y	Y		
Dr.	Tom	Hyde		At-Large											Y	Y	Y (p)	N	N		
Mr.	Doug	Tobar		At-Large											Y	Y	Y	Y	Y		
Mr.	Larry	Gaufer	Co-Chair	Appointed - Chamber	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y
Mr.	Rodney	Barreto		At-Large											N	N	Y	N	N	N	N
Mr.	Billy	Cypress		At-Large												N	N	N	N	N	N

ARTICLE CVII. MIAMI-DADE SPORTS COMMISSION*

***Editor's note:** Ord. No. 03-71, § 1, adopted April 8, 2003 did not specifically amend the Code. Hence, its inclusion herein as article CVII, sections 2-1601–2-1607, was at the discretion of the editor.

Sec. 2-1601. Creation of Authority.

There is created and established pursuant to the Metropolitan Dade County Home Rule Charter, as amended, an agency and instrumentality of Metropolitan Dade County to be known as the "Miami-Dade Sports Commission" ("Commission"). The Commission shall be a public body corporate and politic which, through its governing body, may exercise all those powers either specifically granted in this Article or necessary in the exercise of those powers enumerated in this Article.

(Ord. No. 03-71, § 1, 4-8-03)

Sec. 2-1602. Promotion and Attraction of Sports.

The Authority shall promote, attract and solicit adult and youth sports from throughout the United States and within Miami-Dade County to the greatest extent feasible and shall strive to generate and further community support to achieve this purpose, including working closely with the County's Parks Department so as not to compete for events and to use each other as a resource.

(Ord. No. 03-71, § 1, 4-8-03; Ord. No. 06-109, § 1, 7-6-06)

Sec. 2-1603. Governing Body.

(a) *Composition and appointment.* The governing body of the Commission shall be a board of directors that consists of twelve (12) voting members from the following organizations and any additional members selected by the Executive Committee pursuant to (c) below:

(1) The County Manager, Deputy County Manager, or Assistant County Manager;
(2) The Director of the Miami-Dade Parks Department;
(3) A representative from the Miami-Dade League of Cities;
(4) A representative who is involved in collegiate athletics from one of the local colleges or universities to be selected by the board of directors;
(5) A representative from the Miami-Dade School Board;
(6) A representative from the Greater Miami Convention and Visitors Bureau;
(7) A representative from the Greater Miami and the Beaches Hotel Association;
(8) A representative from The Greater Miami Chamber of Commerce;
(9) A representative from The Orange Bowl Committee.

(10) A member of the Board of County Commissioners to be appointed by the Chairman or Chairperson of the Board of County Commissioners;
(11) A member of the Board of County Commissioners to be appointed by the Chairman or Chairperson of the Board of County Commissioners;
(12) The Miami-Dade County Mayor or his designee.

Each organization shall appoint its representative to the board of directors. When making a selection, each organization shall consider that the voting members should reflect the gender, racial, ethnic or cultural make-up of the community.

(b) *Qualifications.* Each member of the Commission shall be a United States citizen, a duly qualified elector of Miami-Dade County, and shall comply with the requirements of Chapter 2-11-38 of the Code of Miami-Dade County. Before taking any official action, each voting member shall take the prescribed oath of office. Members of the Commission shall serve without compensation but shall be entitled to reimbursement for necessary expenses incurred in the discharge of their duties.

(c) *Executive Committee.* The Executive Committee shall consist of the twelve (12) members of the board of directors appointed by the organizations listed in (a) above. The Executive Committee may, by majority vote, select and appoint up to thirty-four (34) additional voting members to the board of directors. The Executive Committee may expand its membership up to four (4) additional members selected from the board of directors. The Executive Committee, upon a majority vote, may veto any action taken by the board of directors. The twelve members of the Board of Directors shall, by a majority vote, renew the up to 34 Board members on an annual basis. The Chairperson shall be a member of the Board of County Commissioners appointed by the Chairperson of the Board of County Commissioners.

Term. The members of the Commission who are the County Mayor or his designee or are members of the Board of County Commissioners shall serve terms of three (3) years each. No member who is a member of the Board of County Commissioners shall serve more than two (2) consecutive terms of three (3) years each.

(d) *Vacancies.* Each organization shall appoint a new representation within one month when its appointee resigns or is removed from the Commission.

(e) *Modified applicability of Conflict of Interest and Code of Ethics Ordinance.* The Metropolitan Dade County Conflict of Interest and Code of Ethics Ordinance (the "Conflict of Interest Ordinance"), Section 2-11.1 of the Code of Metropolitan Dade County, Florida, shall be applicable to the members of the Commission only in the manner and to the extent provided in the next sentence. It is declared to be the intent of the Commission, as expressed in this subsection, to provide that the Conflict of Interest Ordinance shall not operate to preclude individuals from serving as Commission members on the basis of interests relating to Miami-Dade County when such interests do not conflict with the Commission.

(f) *Organization and Procedure.* The board of directors shall elect one (1) of its members as chairperson and one of its members as vice-chairperson whom shall both serve a term of two (2) years and such other officers as the board of directors may determine to be necessary.

The Commission shall create by-laws and shall hold regular meetings in accordance with those by-laws. The Commission may hold such other meetings, as it deems necessary. A majority of the members of the board of directors shall constitute a quorum. All meetings of the Commission shall be public and the Commission shall maintain written minutes of all proceedings that shall be promptly prepared and recorded. Copies of all minutes and resolutions of the Commission shall be forwarded to the Clerk of the Board of County Commissioners no later than thirty (30) days subsequent to any meeting of the Commission.

The members of the Commission shall have the powers, duties, and responsibilities customarily vested in the board of directors of a private corporation, including the power to appoint a Chief Executive Officer and to remove such appointee and to make, adopt and amend rules and regulations that supplement its by-laws.

(Ord. No. 03-71, § 1, 4-8-03; Ord. No. 04-28, § 1, 2-3-04; Ord. No. 06-109, § 2, 7-6-06)

Sec. 2-1604. Powers and Duties of the Commission.

The Commission, acting through its governing body, shall have the following powers, duties, function and responsibilities.

(a) To attract quality sporting events to Miami-Dade County in cooperation with the County's Parks Department that will result in economic benefit to Miami-Dade County through tourism activity and improve the quality of life of its citizens and showcase the Miami-Dade County area and its many athletic facilities to a local, national and international audience.

(b) To form an independent 501(c)(3) corporation which will raise private funds to assist needy local adult and youth amateur athletic organizations and to assist the Commission.

(c) To solicit membership from local corporations and business entities and to establish an advisory board consisting of those individuals or corporate representatives who become members of the Commission.

(d) To establish membership fees and incentives programs.

(e) To sue and be sued, to plead and be impleaded, to contract and be contracted with, and to have an official seal. This provision shall not be construed to in any way affect the laws relating to governmental immunity. The contractual powers of the Commission shall be subject to the following limitation:

It is specifically provided that contracts and any related amendments executed by the Commission, or other obligations incurred by the Commission, shall not be binding upon Miami-Dade County. In the event that the Commission shall be revoked, obligations of the Commission shall only be enforceable against Miami-Dade County to the extent that

such obligations would have been enforceable with regard to personal property which was in the possession of the Commission and with regard to business income which would have come in the possession of the Commission had the Commission not been revoked.

The Commission shall comply with the formal bid requirements of Section 4.03D of the charter of Metropolitan Dade County, Florida, and for such purpose the term "Board" as used in Section 4.03D shall be construed to be "The Metropolitan Dade County Sports Commission" and the term "Manager" shall be construed to be "Chief Executive Officer of the Authority."

For all contracts involving the purchase of goods or services (including construction), the Commission shall comply with the provisions of Section 2-8.2 of the County Code and the administrative procedures pursuant to that section (f) to purchase or otherwise obtain title in its own name to personal property and shall be authorized to sell or otherwise lawfully dispose of personal property. Subject to prior approval by the Board of County Commissioners, the Commission shall have the authority to purchase real property and to sell, convey, mortgage or otherwise impair or encumber the title to real property. The Commission shall be authorized to lease real property either as lessee or lessor for any number of years and upon any terms and conditions. The leasing of any real property shall be in accordance with the requirements of Section 125.35, Florida Statutes.

Subject to prior approval of the Board of County Commissioners, the Commission shall not destroy, replace, or abandon real property. The Commission shall be authorized to maintain and repair its facilities and may alter, modify, or make additions to its facilities whenever such changes are necessary for the proper operation and maintenance of such facilities.

(g) To appoint, remove, and suspend employees or agents of the Commission including an Executive Director, to fix their compensation, and to adopt personnel and management policies. Initially, the Commission may use County employees to serve as its staff. The Commission shall assure employees a process of appeal with regard to disciplinary or other official action.

(h) To submit annually to the Board of County Commissioners, a report summarizing and evaluating
all programs and activities undertaken by the Commission during that previous fiscal year.

(i) To accept gifts of money, services, or real or personal property. All gifts shall be held pursuant to the provisions of this article.

(j) To cooperate and contract with any governmental agency or instrumentality, federal, state, county, or municipal.

(k) The Commission shall comply with all laws and regulations of the United States, the State of Florida, and Miami-Dade County, including but not limited to the laws relating to the expenditure of funds and the keeping of records.

(l) To establish a not-for-profit corporation under the laws of Florida to assume the duties and responsibilities of the Commission.

(Ord. No. 03-71, § 1, 4-8-03; Ord. No. 06-109, § 3, 7-6-06)

Sec. 2-1605. Financial support for the Commission.

The Commission shall establish a fiscal year that coincides with that of Miami-Dade County, and the County Manager shall provide financial support to the Commission by including the amount of $250,000 in the official Miami-Dade County budget each year unless directed otherwise by the Board of County Commissioners. The amount provided to the Commission may be increased or decreased by the Board from time to time. The board of directors shall submit a requisition to the Finance Director in a form acceptable by the Finance Director for the dispersal of funds as needed. The Commission shall timely submit to the Board of County Commissioners a budget request pertaining to operating and capital expenditures for the succeeding fiscal year, which request shall not be implemented until approved by the Board of County Commissioners.

The Commission budget request shall be prepared on official Miami-Dade County budget forms in a format prescribed by the County Manager, shall be reviewed in a manner similar to that in which requests of other county departments are reviewed, and shall be incorporated in the proposed budget and timely submitted to the Commission each year. Nothing contained herein shall be construed to prohibit the Commission from submitting to the Board of County Commissioners supplemental budget requests which, if approved by the Board of County Commissioners, shall constitute amendments to the official Miami-Dade County budget.

(a) *Borrowing of money.* Subject to prior approval of the Board of County Commissioners, the Commission shall have the authority to borrow money for any of its corporate purposes.

(b) *General financial provisions.* The Commission shall have the authority to establish necessary banking accounts in its own name and to make cash disbursements. The Commission shall submit an annual financial report to the Board of County Commissioners no later than ninety (90) days from the close of such fiscal year. Miami-Dade County may require that an external auditor audit the Commission's annual financial statements.

The Commission Auditor of Miami-Dade County shall at all times have the right to audit all records of the Commission, and the external auditor of the Miami-Dade County, at the direction of the Board of County Commissioners, shall be empowered to audit all records of the Commission.

(Ord. No. 03-71, § 1, 4-8-03; Ord. No. 06-109, § 4, 7-6-06)

Sec. 2-1606. Modifications and Term.

It is the intent of the Board of County Commissioners to create by this article and for the purposes set forth in this article, a Commission that may be modified or revoked in whole or in part by duly enacted ordinance of the Commission.

(Ord. No. 03-71, § 1, 4-8-03)

Sec. 2-1607. Counsel.

The Commission shall utilize the County Attorney's Office for legal services. Legal opinions by the County Attorney's Office pertaining to this article shall be binding upon the Commission.

(Ord. No. 03-71, § 1, 4-8-03)

Secs. 2-1608–2-1620. Reserved.

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 7(C)

(Second Reading 1-22-09)

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

DATE: November 20, 2008

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

SUBJECT: Ordinance amending Section 2-1603 of the Code of Miami-Dade County, Florida relating to the position of Chairperson of the Miami-Dade County Sports Commission

Ordinance No. 09-07

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Vice-Chairman Jose "Pepe" Diaz.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum

MIAMI-DADE COUNTY

Date: January 22, 2009

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

From: George M. Burgess
County Manager

Subject: Ordinance amending Section 2-1203 of the Code relating to the position of Chairperson of the Miami-Dade Sports Commission

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The ordinance relating to the position of Chairperson of the Miami-Dade Sports Commission will not have a fiscal impact to Miami-Dade County.

Alex Muñoz
Assistant County Manager

fis01009

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MEMORANDUM
(Revised)

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

DATE: January 22, 2009

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

SUBJECT: Agenda Item No. 7(C)

Please note any items checked.

_____ **"4-Day Rule" ("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**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

3

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(C)
1-22-09

ORDINANCE NO. 09-07

ORDINANCE AMENDING SECTION 2-1603 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA RELATING TO THE POSITION OF CHAIRPERSON OF THE MIAMI-DADE COUNTY SPORTS COMMISSION; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 2-1603 of the Code of Miami-Dade County, Florida is hereby amended as follows:[1]

Section 2-1603. Governing Body.

* * *

(c) *Executive Committee.* The Executive Committee shall consist of the twelve (12) members of the board of directors appointed by the organizations listed in (a) above. The Executive Committee may, by majority vote, select and appoint up to thirty four (34) additional voting members to the board of directors. The Executive Committee may expand its membership up to four (4) additional members selected from the board of directors. The Executive Committee, upon a majority vote, may veto any action taken by the board of directors. The twelve members of the Board of Directors shall, by a majority vote, renew the up to 34 Board members on an annual basis. [[~~The Commission shall have two Chairpersons. One~~]] >>The<<

[1] Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Chairperson shall be a member of the Board of County Commissioners appointed by the Chairperson of the Board of County Commissioners. [[~~One Chairperson shall be elected by the twelve voting members of the board of directors appointed in accordance with paragraph (a) above.~~]]

* * *

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: **January 22, 2009**

Approved by County Attorney as
to form and legal sufficiency:

Prepared by Bruce Libhaber

Prime Sponsor: Vice-Chairman Jose "Pepe" Diaz

MEMORANDUM

Agenda Item No. 4(C)

TO:	Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners	**DATE:**	April 25, 2006
FROM:	Murray A. Greenberg County Attorney	**SUBJECT:**	Ordinance amending Article CVII of the Code pertaining to the Miami-Dade Sports Commission

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Jose "Pepe" Diaz.

Murray A. Greenberg
County Attorney

MAG/bw

MEMORANDUM
(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: April 25, 2006

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No.

Please note any items checked.

_____ **"4-Day Rule" ("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**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 4(C)
4-25-06

ORDINANCE NO. _____

ORDINANCE AMENDING ARTICLE CVII OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA PERTAINING TO THE MIAMI-DADE SPORTS COMMISSION; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that[1]

Section 1. Section 2-1602 of Article CVII of the Code of Miami-Dade County, Florida, is amended to read as follows:

Sec. 2-1602. Promotion and Attraction of [[~~Amateur~~]] Sports.

The Authority shall promote, attract and solicit adult and youth [[~~amateur~~]] sports from throughout the United States and within Miami-Dade County to the greatest extent feasible and shall strive to generate and further community support to achieve this purpose, including working closely with the County's Parks Department so as not to compete for events and to use each other as a resource.

Section 2. Section 2-1603 of Article CVII of the Code of Miami-Dade County, Florida, is amended to read as follows:

Sec. 2-1603. Governing Body.

(a) *Composition and appointment.* The governing body of the Commission shall be a board of directors that consists of >>eleven (11)<< [[~~nine (9)~~]] voting members from

[1] Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

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the following organizations >>and any additional members selected by the eleven representatives up to a maximum of forty-five (45) members:<<

(1) >>The County Manager, Deputy County Manager, or Assistant County Manager<< [[~~A representative from the County Manager's Office~~]];

(2) [[~~A representative from the~~]] >>The Director of the<< Miami-Dade Parks Department;

(3) A representative from the Miami-Dade League of Cities;

(4) A representative who is involved in collegiate athletics from one of the local colleges or universities>>, to be selected by the board of directors<<;

(5) A representative from the Miami-Dade School Board;

(6) A representative from the Greater Miami Convention and Visitors Bureau;

(7) A representative from the Greater Miami and the Beaches Hotel Association;

(8) A representative from The Greater Miami Chamber of Commerce;

(9) A representative from The Orange Bowl Committee.

(10) >>A member of the Board of County Commissioners to be appointed by the Chairman or Chairperson of the Board of County Commissioners.<<

(11) >>A member of the Board of County Commissioners to be appointed by the Chairman or Chairperson of the Board of County Commissioners.<<

Each organization shall appoint its representative to the board of directors>>.<< [[~~, except for the representative involved in collegiate athletics from one of the local Collages or universities who will be appointed by the Board of County Commissioners.~~]] When making a selection, each organization shall consider that the voting members should reflect the gender, racial, ethnic or cultural make-up of the community.

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[[~~Two members of the Board of County Commissioners shall also serve as non-voting, ex-officio members of the Commission.~~]]

(b) *Qualifications.* Each member of the Commission shall be a United States citizen, a duly qualified elector of Miami-Dade County, and shall comply with the requirements of Chapter 2-11-38 of the Code of Miami-Dade County. Before taking any official action, each voting member shall take the prescribed oath of office. Members of the Commission shall serve without compensation but shall be entitled to reimbursement for necessary expenses incurred in the discharge of their duties. [[~~Members of the Board shall also be committed to using their best efforts to raise additional funds from the private sector in a total amount not less than two hundred and fifty thousand dollars ($250,000) collectively to match Miami-Dade County's fiscal contribution.~~

~~(c) *Term.* The voting members of the Commission shall serve terms of three (3) years each. No voting member shall serve more than two (2) consecutive terms of three (3) years each. Members may be removed in accordance with the provisions of Chapter 2-11.38 of the Code of Metropolitan Dade County. The Board of County Commissioners shall appoint two (2) ex- officio non-voting members from time to time.~~]]

(>>c<<[[~~d~~]]) *Vacancies.* Each organization shall appoint a new representation within one month when its appointee resigns or is removed from the Commission.

(>>d<< [[~~e~~]]) *Modified applicability of Conflict of Interest and Code of Ethics Ordinance.* The Metropolitan Dade County Conflict of Interest and Code of Ethics Ordinance (the "Conflict of Interest Ordinance"), Section 2-11.1 of the Code of Metropolitan Dade County, Florida, shall be applicable to the members of the Commission only in the manner and to the extent provided in the next sentence. It is declared to be the intent of the Commission, as expressed in this subsection, to provide that the Conflict of Interest Ordinance shall not operate to preclude individuals from serving as Commission members on the basis of interests relating to Miami-Dade County when such interests do not conflict with the Commission.

(>>e<< [[~~f~~]]) *Organization and Procedure.* The board of directors shall elect one (1) of its members as chairperson and one of its members as vice-chairperson whom shall both serve a term

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of two (2) years and such other officers as the board of directors may determine to be necessary....

* * *

Section 3. Section 2-1604 of Article CVII of the Code of Miami-Dade County, Florida, is amended to read as follows:

...(a) To attract quality [[~~amateur~~]] sporting events to Miami-Dade County in cooperation with the County' s Parks Department that will result in economic benefit to Miami-Dade County through tourism activity and improve the quality of life of its citizens and showcase the Miami-Dade County area and its many athletic facilities to a local, national and international audience....

* * *

Section 4. Section 2-1605 of Article CVII of the Code of Miami-Dade County, Florida, is amended to read as follows:

The Commission shall establish a fiscal year that coincides with that of Miami-Dade County, and the County Manager shall provide financial support to the Commission by including the amount of $250,000 in the official Miami-Dade County budget each year unless directed otherwise by the Board of County Commissioners. The amount provided to the Commission may be increased or decreased by the Board from time to time. The board of directors shall submit a requisition to the Finance Director in a form acceptable by the Finance Director for the dispersal of funds as needed. [[~~The Board approves an initial payment of $25,000 to the Commission without further approval so the Commission may commence activities.~~]] The Commission shall timely submit to the Board of County Commissioners a budget request pertaining to operating and capital expenditures for the succeeding fiscal year, which request shall not be implemented until approved by the Board of County Commissioners. . . .

* * *

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Section 5. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 6. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 7. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Gerald T. Heffernan

Sponsored by Commissioner Jose "Pepe" Diaz

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BY-LAWS

OF

MIAMI-DADE SPORTS COMMISSION, INC.

A Florida Not for Profit Corporation

ARTICLE I. NAME

The name of the corporation shall be MIAMI-DADE SPORTS COMMISSION, INC., a Florida not-for-profit organization (hereafter "Commission"). The Board of Directors of the Commission from time to time may adopt additional names that may be used by the Commission for special purposes.

ARTICLE II. OFFICES

The principal office of the Commission in the State of Florida shall be located in Miami-Dade County. The Commission may have such other offices either within or without the State of Florida, as the Board of Directors may designate or as the business of the Commission may require from time to time. The Commission shall designate a registered office in accordance with Florida law and maintain it continuously.

ARTICLE III. OBJECT, PURPOSES AND SCOPE

Section 1. The object, purposes and scope of this Commission shall be to foster regional, national and international sports competition in Miami-Dade County, Florida, to conduct regional, national and international sports competition events in such county and to support and develop athletics for regional, national and international competition in such sports.

Section 2. This Commission is not organized for pecuniary profit. Consistent with the purposes of the Commission, the laws under which the Articles of Incorporation has been issued, this Commission shall at all times be a not-for-profit corporation. No part of the net earnings thereof shall inure to the benefit of any director of the Commission.

Section 3. Anything in the By-Laws to the contrary notwithstanding, the primary purpose or purposes for which this Commission are organized are (a) those that will qualify it as an exempt organization under the Internal Revenue Code of 1986, as amended, Section 501(c)(3) and (b) permitted by a corporation contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code or corresponding

section of any future federal tax code.

Section 4. The corporation shall not, as a substantial part of its activities carry on propaganda or otherwise attempt to influence legislation. The corporation shall not participate and/or intervene in (including the publishing or distributing of statements) any political campaign on behalf of any candidate for public office.

ARTICLE IV. BOARD OF DIRECTORS

Section 1. General Powers.

a. The affairs of the Commission shall be managed by or under the authority of the Board.

b. All corporate powers of the Commission shall be exercised by or under the authority of, and all business affairs of the Commission shall be managed under the direction of the Board unless otherwise provided by Florida law concerning not-for-profit corporations.

c. The Board, in its discretion, may accept on behalf of the Commission, donations of funds, property, or services from any person, firm or corporation. Such funds or properties shall be used and spent at the discretion of the Board. Upon the request of any donor, the Board shall not make public disclosure of the identity of such donor, so long as a non-disclosure requested by such donor is not inconsistent with the requirements of any law or lawful regulation of the United States or of any state.

Section 2. Number and Tenure.

a. The Board of Directors shall consist of the Chairperson, Vice-Chairperson, Secretary, and Treasurer of the Commission, and such other officers as the Board may determine to be necessary, plus such additional appointees as to make the Board include a minimum of twelve (12) voting members, but no more than forty-six (46) voting members.

b. **Appointed Members** of the Board shall consist of those twelve (12) members designated by Miami-Dade County Ordinance No. 03-71. The organizations designated by Miami-Dade County Ordinance shall appoint a representative to the Board, as outlined by Ordinance. The members appointed by the Mayor of Miami-Dade County and the Chair of the Miami-Dade County Board of County Commissioners, shall serve terms of three (3) years each, with no member serving more than two (2) consecutive terms. All other Appointed Members shall serve until he or she dies, resigns, is no longer affiliated with the

represented organization, or is replaced by the organization represented. The organizations designated by Ordinance should identify a new representative to the Board within thirty (30) days of a vacancy. The Executive Director shall notify the organization of a vacancy.

c. **At-Large Members** of the Board shall be appointed by majority vote of the Executive Committee, and shall retain full voting privileges for the duration of their term. At-Large Members that do not serve on the Executive Committee, must be renewed by a majority vote of the Executive Committee on an annual basis at the Annual Meeting. At-Large members currently serving on the Executive Committee will remain on the Board until their term of office has expired, at which point they will be eligible for renewal to the Board on an annual basis, or they are removed by the Executive Committee.

d. Any officer or director elected or appointed by the Board may be removed at any time, with or without cause, by the affirmative vote of a two-third majority of the Executive Committee.

e. The unexcused failure of a director to attend two (2) consecutive meetings without an acceptable excuse; or if he or she is absent from three (3) of the Boards meetings without an acceptable excuse, shall constitute reason for removal from the Board. An acceptable excuse shall be defined as illness and/or absence due to travel.

Section 3. Duties of Directors. A director shall perform his duties as a director including his duties as a member of any committee of the board upon which he may serve, in good faith, in a manner he reasonably believes to be in the best interest of the Commission and with such care as an ordinary prudent person in like position would use under similar circumstances. In performing his duties, a director shall be entitled to rely on information, opinions, reports or statements including financial statements and other financial data in each case prepared or delivered by:

a. One or more officers or employees of the Commission who the director reasonably believes to be reliable and competent in the matters presented;

b. Counsel, public accountants or other persons as to matters which a director would reasonably believe to be within such person's professional or expert competence;
and

c. A committee of the Board upon which he does not serve, duly

designated in accordance with the provisions of the Articles of Incorporation or these By-Laws as to matters within his designated authority, which committee the director reasonably believes to merit confidence.

Section 4. Qualifications. The Board of Directors shall reflect the gender, racial, ethnic, and cultural make-up of the community. The Board shall include persons with interests, expertise, skills or knowledge concerning financial, legal, accounting, managerial, operational, educational, fund raising, and community aspects related to the corporation's purposes and activities. Members of the Board are expected to assist in raising funds for the Commission, either through direct contribution or by soliciting and securing dues paying members.

Section 5. Compensation. Directors of the Commission shall serve without compensation.

Section 6. Presumption of Assent. A director of this Commission who is present at a meeting of the Board at which action of any Commission matter is taken shall be presumed to have assented to the action taken unless he or she votes against such action or abstains from voting in respect thereto because of an asserted conflict of interest.

Section 7. Vacancies. Appointed Member vacancies shall be filled by appointment of the represented organization, as set forth in Miami-Dade County Ordinance No. 03-71, within thirty (30) days. At-Large Member vacancies shall be filled by nomination and majority vote of the Executive Committee.

Section 8. Quorum and Voting. The votes representing a majority of directors then in office shall constitute a quorum for the transaction of business. The act of such majority present at a meeting at which a quorum is present shall be the act of the Board. If less than a quorum is present, then a majority of directors may adjourn the meeting until a quorum is present.

Section 9. Executive Committee. The Executive Committee shall have and may exercise all the authority of the Board, except as otherwise provided by law. The Executive Committee, as outlined by Miami-Dade County Ordinance, will consist of the twelve (12) Appointed Members, and no more than four (4) At-Large Members. The Executive Committee shall consist of the following members of the Board:

(i) Chairperson
(ii) Vice-Chair
(iii) Secretary
(iv) Treasurer
(v) Appointed Members

(vi) Up to four (4) total At-Large Members – At-Large Members of the Executive Committee shall be elected by the Board at its Annual Meeting. The At-Large Members of the Executive Committee shall serve a term of two (2) years until the successor has been elected and qualified, or until the earlier of his resignation, removal from office, or death. No person shall serve more than three (3) consecutive terms as an At-Large Member of the Executive Committee.

Section 10. Place of Meeting. Regular and special meetings of the Board of this Commission shall be held within the state of Florida.

Section 11. Regular Meetings. Regular meetings of the Board shall be held quarterly, and may be held after public notice at such time and at such place as shall be determined from time to time by the Board.

Section 12. Special Meetings. Special meetings of the Board may be called at any time by the Secretary upon order of the Chairperson, or upon order of a majority of the Board.

Section 13. Annual Meetings. Unless otherwise designated by the Board, the first Regular Meeting of the Board in each calendar year shall be considered the Annual Meeting. The first order of business for the Annual Meeting must be the renewal and appointment of At-Large Board Members. The second order of business at the Annual Meeting must be the election of Officers, if necessary.

ARTICLE V.

OFFICERS

Section 1. Officers. The officers of this Commission shall consist of a Chairperson, a Vice-Chairperson, a Secretary, and a Treasurer, each of whom shall be elected by this Commission's Board of Directors. The Chairperson shall be appointed by the Chair of the Miami-Dade County Board of County Commissioners. Such other officers and assistant officers and agents as may be deemed necessary may be elected or appointed by the Board from time to time. All officers shall be chosen from the members of the Board. The officers shall be elected by the Board at its annual meeting. The Vice-Chairperson, Secretary, and Treasurer shall serve a term of two (2) years until the successor has been elected and qualified, or until the earlier of his resignation, removal from office, or death. No person shall hold the office of Chairperson, Vice-Chairperson, Secretary, or Treasurer for more than three (3) consecutive terms.

Section 2. Election of Officers. The current officers of the Commission shall make-up the Nomination Committee. Members of the Board may nominate individuals or themselves to serve as an Officer of the Board, and submit those nominations to the Nomination Committee. The Nomination Committee shall develop a slate of recommended Officers and At-Large Members of the Executive Committee. The Nomination Committee shall present the slate to the Board at the Annual Meeting. Additional nominations may be made from the floor. If no nominations are made from the floor, the slate of Officers shall be elected by majority vote of the Board. If nominations are made from the floor, individual secret ballots shall be completed by the Board for those contested positions, and the member shall be elected with a majority of the vote. If no majority is secured on the first vote, the nominee with the fewest votes shall be removed from the ballot, and a second vote cast. This procedure continues until a majority vote is obtained.

Section 3. Duties. The officers of this Commission shall have the following duties:

a. Chairperson. The Chairperson shall preside at all meetings; preserve order; appoint all committees, task forces and other groups; and perform such other duties as the Board may require.

b. Vice-Chairperson. The Vice-Chairperson shall perform the duties of the Chairperson in the Chairperson's absence and shall perform such other duties as may be prescribed by the Board or the Chairperson.

c. Secretary. The Secretary shall have custody of, and maintain, all of the Commission records except the financial records, shall record the minutes and records of attendance of all meetings of the Board, shall send all notices of all meetings, and shall perform such other duties as may be prescribed by the Board or the Chairperson.

d. Treasurer. The Treasurer shall arrange the orderly accounting of all funds received and disbursed by the Commission; keep the Board informed of fiscal matters whenever required by the Board or the Chairperson. The Treasurer shall be required to submit the annual budget of the Commission to the Board for its approval prior to the start of any fiscal year.

Section 3. Removal of Officers. Any officer or agent elected or appointed by the Board of Directors of this Commission may be removed by a vote of two-thirds of the Executive Committee present at any meeting, after due notice of such proposed action has been given .

Section 4. Vacancies. Vacancies in offices, however occasioned, may be filled at any time by election by the Board for the unexpired terms of such offices.

Section 5. Delegation of Duties. In the absence or disability of any officer of the Commission or for any other reason deemed sufficient by the Board, the Board may delegate such officer's powers or duties to any other officer or to any other director.

ARTICLE VI.
EXECUTIVE DIRECTOR AND STAFF PERSONNEL

Section 1. Executive Director. The employment of an Executive Director may be authorized by the Board at a salary and for a period of time as may be determined from time to time by the Board. Selection and termination of the Executive Director shall be by majority vote of the Executive Board.

Section 2. Staff Personnel. The employment of staff personnel may be authorized by the Board at salaries and for periods of time taking into account the recommendations of the Executive Director. All staff shall report to the Executive Director. The Executive Director shall be responsible in the performance of his duties to the Co-Chairpersons and to the Board and said duties will be determined from time to time by the Board.

ARTICLE VII. COMMITTEES

Section 1. General Provisions. The Board may designate and appoint such standing and special committees as it deems necessary to properly carry out the activities and effect the objects and purposes of the Commission. Such committees shall perform only such duties as the Board of Directors may direct and allow, and shall not have nor exercise any authority of the Board of Directors in the management of the corporation.

Section 2. Committee Membership. Committee appointments shall be made by the Board. Committees may include other members who are not members of the Board.

Section 3. Chairman. All committee chairpersons must be members of the Board. The Chairperson shall appoint the chairperson of each committee.

Section 4. Vacancies. Vacancies in the membership of any committee may be filled by appointments made in the same manner as provided in the case of the original appointments.

Section 5. Sub-Committees. The chairman of each committee. With the

approval of the Board may create such sub-committees as are deemed necessary.

ARTICLE VIII. BANKING

The funds of the Commission shall be deposited in its name with such bank or banks, trust company or trust companies or other depositories as authorized by the Board. All checks, notes, drafts and other negotiable instruments of the Commission shall be signed by not less than two (2) directors or employees. No officers, agents or employees of the Commission either singly or together shall have power to make any check, note, draft or other negotiable instrument in the name of the Commission or to bind the Commission thereby, except as provided in this Article.

ARTICLE IX. NON-PROFIT OPERATION

Section 1. No Property Interests. The Commission will not have or issue shares of stock. No dividends will be paid. No part of the income or assets of the Commission will be distributed to its members, Directors or officers without full consideration. Directors and Officers may be reimbursed for reasonable and necessary expenditures incurred on behalf of the Commission and in accordance with its purposes and needs. No director of the Commission has any vested right, interest or privilege in or to the assets, property, functions or activities of the Commission or any right, interest or privilege which may be transferable or inheritable or which shall continue if his directorship ceases.

Section 2. Loans to Directors, Officers and Employees. Loans may not be made by the Commission to its Directors, officers or employees, or to any other corporation, firm, association or any other entity in which one or more of its directors, officers, employees, is a director, officer or employee or holds a substantial financial interest. A loan made in violation of this section is a violation of the duty of the corporation of the Directors or officers authorizing it or participating in it, but the obligation of the borrower with respect to the loan may not be affected thereby.

ARTICLE X. FISCAL YEAR

The fiscal year of the Commission shall be the period selected by the Board as a taxable year of the Commission for federal and state income tax purposes.

ARTICLE XI. INDEMNIFICATION

The corporation shall indemnify and hold harmless each person who shall serve at any time as director or officer of the Commission from any and all claims and liabilities which such person shall or may become subject to by reason of having

heretofore or hereafter been a director or officer of the Commission, or by reason of any action alleged to have been hereto or hereafter taken or omitted by him as such director or officer and the Commission shall reimburse each person for all legal and other expenses reasonably incurred by him in connection with any claim or liability, except that no such person shall be indemnified against or reimbursed for any expense incurred in connection with any claim or liability which shall be finally adjudged to have arisen out of his own gross and willful negligence or misconduct. The rights accruing to ally person under the foregoing provisions of this section shall not exclude any other right to which he may lawfully be entitled, nor shall anything herein contained restrict the right of the corporation to indemnify or reimburse such officer in any proper case, even though specifically not provided for herein. The Commission, its directors, officers, employees and agents shall be fully protected when taking any action or making any payment under this section, or in refusing to do so, in reliance upon the advice of counsel.

ARTICLE XII. PARLIAMENTARY RULES

The rules of procedure of the Board and of all other committees and groups of the Commission may be established by majority vote of such group. In the absence thereof, the Parliamentary Rules prescribed in and by "Roberts Rules of Order", last available edition shall govern the conduct of the meetings of this Commission.

ARTICLE XIII. AMENDMENTS

These By-Laws may be altered, amended, or repealed, and new By-Laws may be adopted, by a two-thirds vote of the directors entitled to vote at any regular meeting, provided that the proposed amendment shall have been sent to each director at least five (5) days in advance of such meeting.

ARTICLE XIV.

Limitations

Section 1. Distribution. The Commission will distribute its income for each tax year at such time and in such manner as not to become subject to the tax on undistributed income imposed by Section 4942 of the Internal Revenue Code or corresponding section of any future federal income tax code.

Section 2. Self Dealing. The Commission will not engage in any act of self-dealings as defined in Section 4941(d) of the Internal Revenue Code, or corresponding section of any future federal tax code.

Section 3. Business Holdings. The Commission shall not retain any excessive

business holdings as defined in Section 4943(c) of the Internal Revenue Code or corresponding section of any future federal tax code.

Section 4. Investments. The Commission will not make any investments in such manner as to subject it to tax under Section 4944 of the Internal Revenue Code or corresponding section of any future federal tax code.

Section 5. Expenditures. The Commission will not make any taxable expenditures as defined in Section 4945(d) of the Internal Revenue Code or corresponding section of any future federal tax code.

DRAFT
To be approved @ next meeting

Miami-Dade Sports Commission
BOARD OF DIRECTOR'S MEETING
February 16, 2010 – 8:00 AM
Sun Life Stadium – 2269 Dan Marino Blvd.

Members of the Board Present:
Comm. Jose "Pepe" Diaz – Chairman
Jeffery Solomon
Jayne Greenberg
Isaac Salver
William Talbert
Eric Poms
Jack Kardys
Arnaldo Alonso
Adam Barrett
Laura Courtly-Todd
Bryce Epstein
Alan Fertel
Sean Flynn
Kevin Greenwood
Nizam Ishmael
Claudio Pico
Luis Quintero
Frankie Ruiz
Mark Thompson
Emilio Vazquez
Mike Walker
Tony Walton
John Williams

Members Absent:
Dorrin Rolle
Ron Albert
Alex Munoz
John Mulrey
Pete Garcia
Mark Auerbacher
Lance Benson
Eddie Carbone
Michael Covone
Aaron Davidson
Kirby Hocutt

Desmond Howard
Barry Kates
Art Noriega
Tony Segreto
Bruce Schulze
Junior Silva
Mike Tomas

MDSC Staff:
Mike Sophia, Executive Director
Elizabeth Gunn, Administrative Coordinator

Others Present:
Olga Vega, Commissioner Jose "Pepe" Diaz's Office
Jose Rodriguez, USA Judo
Don Worth, Miami Marine Stadium
Dick Anderson, Super Bowl Host Committee

I. Welcome and Introductions:
The Meeting was called to order at 8:07 AM. Commissioner Diaz welcomed the Board members and introductions went around the room.

II. Annual Meeting:
Mr. Sophia continued to the renewal of the at-large members of the Board. Mr. Salver made a motion to renew the at-large members. Mr. Fertel seconded the motion. The motion was unanimously approved by the executive committee.

The at-large members that were renewed are as follows:

Mr. Arnie Alonso
Mr. Mark Aurbacher
Mr. Lance Benson
Mr. Eddie Carbone
Ms. Laura Courtley-Todd
Mr. Michael Covone
Mr. Aaron Davidson
Dr. Bryce Epstein
Mr. Sean Flynn
Sgt. Kevin Greenwood
Mr. Kirby Hocutt
Mr. Desmond Howard
Lt. Nizam Ishmael
Mr. Barry Kates
Mr. Art Noriega
Mr. Claudio Pico
Mr. Luis Quintero
Mr. Frankie Ruiz
Mr. Tony Segreto
Mr. Bruce Schulze

Mr. Junior Silva
Mr. Mark Thompson
Mr. Emilio Vazquez
Mr. Mike Walker
Mr. John Williams

Mr. Sophia confirmed that at this point in the meeting all current members are part of the Board and a quorum of the full board has been met.

Mr. Sophia moved forward to discuss changes that need to be made to the by-laws. Mr. Sophia recommended that a committee be developed to review these changes. Mr. Fertel was appointed to chair that committee.

Mr. Sophia went over the process of assigning members to a Board committee.

III. Approval of Minutes:
Commissioner Diaz moved forward in the agenda to the approval of minutes from the previous meeting. Mr. Alonso made a motion to approve the minutes. Mr. Williams seconded the motion. The minutes were unanimously approved by the Board.

IV. Member Review Committee:
Mr. Walker went over the committee report for the board. Mr. Walker asked the Board to approve the new Board members. Mr. Walker made a motion to approve the Member Review Committee report. Mr. Salver seconded the motion. The report was unanimously approved by the Board.

The new members elected to the Board are as follows:

Mr. Matthew Becherer, President, Homestead-Miami Speedway
Mr. Drake Corrigan, EWM Commercial
Mr. Marshall Paternack, Bilzin Sumberg

V. Old Business:
Mr. Sophia moved forward in the agenda to approve the Sunshine Review Questionnaire. Mr. Alonso made a motion to approve the Sunshine Review Questionnaire. Mr. Williams seconded the motion. The Questionnaire was unanimously approved by the Board.

Mr. Sophia went over the World Cup Resolution that was enacted by Miami-Dade County, approving the Host City Agreement and giving the MDSC the authority to sign the Host City Agreement. Mr. Alonso made a motion to approve the Host City Agreement. Mr. Williams seconded the motion. The Agreement was unanimously approved by the Board.

Mr. Sophia moved forward in the agenda to approve the MDSC office lease. Mr. Alonso made a motion to approve the Lease. Mr. Salver seconded the motion. The Lease was unanimously approved by the Board.

VI. Special Presentations:
Mr. Anderson discussed the issue of improving Sun Life Stadium in favor of winning future Super Bowl bids. Mr. Anderson gave a history of Super Bowls that have been held in Miami and the reason for gaps of time without hosting them. Mr. Anderson continued to discuss the other

cities that have or will host Super Bowls and how those cities compare to Miami. Mr. Anderson stated that South Florida would bid for the 2014 Super Bowl. Mr. Anderson discussed the lasting impact that the Super Bowl has in the community it's hosted in.

Mr. Anderson continued to discuss the subcommittee that has been organized to determine what needs to be done to renovate Sun Life Stadium so that it leads to South Florida winning the 2014 bid. Mr. Anderson noted that Tampa, Phoenix, Miami and New York were all being considered for 2014.

Mr. Anderson discussed the addition of 3,000 seats to Sun Life Stadium once the Marlins move to its own stadium, as a way to improve fan experience. The second addition would be a flat roof with HD approved lighting. Mr. Anderson noted the most significant aspect of the subcommittee is determining where the funding for these improvements would come from.

Mr. Worth discussed the restoration efforts of the Miami Marine Stadium. He talked about the history of the Stadium and the events that have been held there. Mr. Worth continued to discuss the initiatives and efforts that have taken place to improve the Stadium. He noted that the process has been long and complicated.

Commissioner Diaz wanted to discuss forming a committee to support the efforts of Miami Marine Stadium.

Mr. Sophia jumped ahead in the agenda to discuss approving the Olympic/Pan Am feasibility study. Dr. Solomon made a motion to approve the report. Mr. Walton seconded the motion. The motion was unanimously approved by the Board.

At this point Commission Diaz and Mr. Talbert left the meeting.

Mr. Worth continued his presentation. Dr. Solomon asked Mr. Salver to chair a committee to support the efforts of the Friends of Miami Marine Stadium. Mr. Salver asked Mr. Alonso to join the committee.

Mr. Sophia noted that there is still a national interest from sport event organizers looking to host events at Miami Marine Stadium.

VII. Media / Marketing Committee:
Mr. Alonso went over the current activities of the committee, and discussed how this committee can get more involved. Mr. Alonso added that any sports initiatives in the County should come through the Sports Commission. He mentioned ways to strengthen the MDSC brand. Mr. Alonso voiced his concern on the lack of presence the MDSC has in the community. Mr. Barrett added to the discussion by stating that the MDSC is still determining what kind of organization it is. Mr. Barrett continued to state the importance of making it clear how important it is to voice the financial needs of the MDSC.

Sgt. Greenwood wanted to know how much involvement the MDSC Board really has in the events that come to Miami. Mr. Sophia clarified that the MDSC needs to strengthen its message. Mr. Sophia continued by asking the Board if they thought the MDSC needs to own and operate its own events, as some other sports commission do.

Dr. Greenberg added that she believes every Board member is already involved in each event even if it's indirectly.

Mr. Ruiz stated that the MDSC should provide a letter of endorsement to all events that come to the County to serve as a clearinghouse for these events and strengthen the message that the MDSC has an influence.

Sgt. Greenwood continued to ask that there is some form of MDSC representation at all sporting events in the County.

Mr. Fertel added that all members need to attend more MDSC events. Mr. Alonso suggested holding a press conference to discuss the current activities of the MDSC.

The discussion moved back to the issue of facilitating a system for the MDSC to approve all sporting events that come to Miami-Dade County.

Mr. Salver made a motion to approve the Media/Marketing Report. Mr. Walker seconded the motion. The report was unanimously approved by the Board.

Dr. Solomon wanted to approve the direction that the MDSC will take in its media/marketing efforts. Mr. Sophia added that the focus will revolved around the MDSC brand/logo, PR campaign, event affiliation, and MDSC owned property.

Mr. Salver made a motion to approve the directions of the Media/Marketing Committee. Mr. Williams seconded the motion. The direction was unanimously approved by the Board.

IX. Finance and Fundraising:
Mr. Sophia went through the finance and fundraising report. Mr. Sophia noted that the financial situation of the MDSC is still in poor condition. Mr. Sophia discussed the outstanding payroll owed to the GMCVB.

Mr. Sophia discussed the staff changes with Ms. Kurstin becoming part-time and Ms. Gunn becoming part-time at MDSC and part-time with USA Judo. Mr. Sophia mentioned the importance of getting the remaining balance of the County funding that could be awarded at the middle of this fiscal year. Mr. Sophia went over the sponsor development initiatives that Mr. Eckart has been working on. Mr. Barrett added that the Board has not been doing its job in fundraising for the MDSC.

X. Executive Directors Report:
Mr. Sophia let the board members know that the Executive Director's Report will be emailed to them for their review.

XI. Board Meeting Schedule:

Thursday, April 29 – 8:00 a.m.
Thursday, June 24 – 8:00 a.m.
Thursday, September 30 – 8:00 a.m.
Thursday, December 2 – 8:00 a.m.

Mr. Salver made a motion to adjourn. Mr. Alonso seconded the motion. The meeting was adjourned at 10:09 AM

MEMORANDUM
OFFICE OF THE MAYOR

Date: June 3, 2010

Agenda Item No. 2B1

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

From: Carlos Alvarez
Mayor

Subject: Approval of Departmental Agenda Items

This statement is provided pursuant to the Board of County Commissioners Rules of Procedure and Ordinance 07-66 adopted by the Board on May 8, 2007.

The following items including any alternates, substitutes, or supplements included in this agenda have been approved and are recommended for your approval.

Specific Items:

1F1	8J1B	10A3
4A	8J1C	12A1
5B	8J1D	12A2
5C	8K1A	12A3
5D	8K1B	12A4
5E	8L1A	12A5
5F	8L1B	12A6
5G	8L1C	12B1
5H	8M1A	12B2
5I	8O1A	12B3
5J	8O1B	
5K	8O1C	
5M	8O1D	
7F	8O1E	
7G	8O1F	
7H	8P1A	
7I	8P1B	
8D1A	8P1C	
8F1A	9A1	
8F1B	9A2	
8F1C	9A3	
8G1A	9A4	
8I1A	10A1	
8J1A	10A2	

WITHDRAWN

Memorandum

MIAMI-DADE COUNTY

Date: June 3, 2010

Agenda Item No. 4(A)

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

From: George M. Burgess
County Manager

Subject: Jackson South Community Hospital
Street Lighting Special Taxing District

Recommendation

It is recommended that the Board of County Commissioners (BCC) approve a petition submitted in accordance with Article 1, Chapter 18 of the Code, for creation of the Jackson South Community Hospital Street Lighting Special Taxing District. The creation of this District is a subdivision requirement pursuant to Chapter 28 of the Code of Miami-Dade County.

Scope

This proposed special taxing district lies within Commission District Eight (8) and will provide street lighting services.

Fiscal Impact/Funding Source

Creation of this District will result in no economic impact on the County's budget. The developer, pursuant to Chapter 18 of the Code, is required to fund the District's first year's lease of the equipment and electricity costs to operate the system and all costs incidental to creation and administration incurred by Miami-Dade County.

After the first year, the economic impact on the private sector will be a perpetual annual special assessment for the cost of street lighting to all property owners within the District. The Florida Power and Light Company is the owner of the system and therefore will derive revenues from it.

At this time there will be no increase or decrease in County staffing due to this District. The private sector may increase its staffing levels to provide the service requirements created by this special taxing district.

Track Record/Monitoring

Contingent upon BCC approval of this District, the Public Works Department's Special Taxing Districts Division will monitor the Florida Power and Light Company's agreement, installation and billing process.

Background

Boundaries:	On the North, SW 150th Street; On the East, SW 93rd Avenue; On the South, SW 152nd Street; On the West, Canal C-100.
Number of Parcels:	1 (Tentative plat proposes 1 commercial tract -Tract A).
Number of Owners:	1
Number of Owners With Homestead Exemption Signing Petition:	None - The petition was submitted by Miami-Dade County, the sole property owner and developer.
Preliminary Public Meeting:	None necessary.
Type of Improvements:	The installation, operation and maintenance of thirteen (13) 22,000 lumen sodium vapor bracket-arm streetlights mounted on concrete poles.
Required Referendum:	The creation of the District will be subject only to BCC approval; no election will be necessary as 100 percent of the property owners signed the petition.
Preliminary Assessment Roll:	Submitted on the same agenda is a separate agenda item for consideration and adoption by the BCC and contingent upon the approval of this District's creation ordinance. The implementation of the assessment roll will be in accordance with the procedures defined in Chapter 18 of the Code.
Estimated Completion:	March 2011.
Estimated Initial Billing:	November 2011. Assessment billed annually as an itemized portion of the annual tax bill.

	First Year	Second Year
Estimated Total District Cost:	$14,130	$4,410
Method Of Apportionment:	Front Footage	
Estimated Annual Assessment:		
Per Assessable Front Foot	Cost to be provided by	$1.836
For Tract A	petitioner	$4,410

The annual assessment shown above is representative of costs for Tract A.

State or Federal grants are not applicable to this special taxing district.

Each street lighting special taxing district is unique due to its geographical boundaries, affected property owners, and level of services to be provided. Creation of a new special taxing district to provide this service is the best and most cost-effective method to achieve this benefit.

In accordance with the requirements of Chapter 28 of the Code to provide street lighting in new subdivisions through the creation of street lighting special taxing districts, and in compliance with the provisions of Section 18-3 (c) of the Code, I have reviewed the facts submitted by the Public Works Director and concur with her recommendation that this District be created pursuant to Section 18-2 of the Code.

Assistant County Manager

MEMORANDUM
(Revised)

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

DATE: June 3, 2010

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

SUBJECT: Agenda Item No. 4(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
Veto _____
Override _____

Agenda Item No. 4(A)
6-3-10

ORDINANCE NO. _____

ORDINANCE CREATING AND ESTABLISHING A SPECIAL TAXING DISTRICT IN MIAMI-DADE COUNTY, FLORIDA, KNOWN AND DESCRIBED AS JACKSON SOUTH COMMUNITY HOSPITAL STREET LIGHTING SPECIAL TAXING DISTRICT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Miami-Dade County Home Rule Amendment to the Florida Constitution (Article VIII, Section 6) grants to the electors of Miami-Dade County power to adopt a home rule charter of government for Miami-Dade County, Florida, and provides that such charter may provide a method for establishing special taxing districts and other governmental units in Miami-Dade County from time to time; and

WHEREAS, the Home Rule Charter adopted by the electors of Miami-Dade County on May 21, 1957, provides that the Board of County Commissioners, as the legislative and governing body of Miami-Dade County, shall have the power to establish special purpose districts within which may be provided essential facilities and services, including street lighting and that all funds for such districts shall be provided by service charges, special assessments, or general tax levies within such districts only, and that the County Commission shall be the governing body of all such districts; and

WHEREAS, pursuant to such provisions of the Florida Constitution and the Home Rule Charter, the Board of County Commissioners duly enacted Chapter 18 of the Code of Miami-Dade County, Florida, providing for the creation and establishment of special taxing districts and prescribing the procedures therefor; and

WHEREAS, in accordance with the provisions of Chapter 18 of the Code of Miami-Dade County, Florida, a petition for the creation of a special taxing district to be known as the JACKSON SOUTH COMMUNITY HOSPITAL STREET LIGHTING SPECIAL TAXING DISTRICT duly signed by 100% of the owners (developer/petitioner) of property within the proposed district, was filed with the Clerk of the County Commission. Such petition prayed for the creation and establishment of a special taxing district for the purpose of providing street lighting to be financed solely by means of special assessments levied and collected within the area therein and hereinafter described; and

WHEREAS, upon receipt of such petition the Clerk of the County Commission transmitted a copy thereof to the County Manager who examined it and filed a written report with the Clerk certifying that such petition was sufficient in form and substance and signed and properly presented in accordance with the requirements of Chapter 18 of the Code of Miami-Dade County, Florida; and

WHEREAS, the County Manager, after making appropriate investigations, surveys, plans and specifications, compiled and filed with the Board of County Commissioners his written report and recommendations setting forth the boundaries of the proposed special taxing district, the location, nature and character of the street lighting improvements to be provided and maintained within the proposed district, an estimate of the cost of constructing such improvements, an estimate of the cost of maintaining and operating such improvements and/or services, his certification that the proposed district's improvements and/or services conform to the master plan of development for the County, and setting forth his recommendations concerning the need for and desirability of the requested district, the ability of the affected property to bear special assessments to fund the cost of maintaining and operating such improvements and/or services, and an estimate of the amount to be assessed against each front foot of the benefited property within the proposed district, and expressing his opinion that the property to be specially assessed will be benefited in excess of the special assessments to be levied, and the County Manager attached to such report and recommendations a map or sketch

showing the boundaries and location of the proposed district. Such Report and Recommendations of the County Manager was filed with the Clerk and transmitted to the Chairperson; and

WHEREAS, it appearing to the Board of County Commissioners from such report of the County Manager and other investigations that the district petitioned for would be of special benefit to all property within the proposed boundaries and that the total amount of the special assessments to be levied would not be in excess of such special benefit; the Clerk of the Board will certify the place, date and hour for a public hearing on the petition of the owners (developer/petitioner) and the report and recommendations of the County Manager -- said hearing will be held on Tuesday, . Copies of the public notice will be duly published in a newspaper of general circulation published in Miami-Dade County, Florida, and copies thereof will be posted in not less than five (5) public places within the proposed district, and copies thereof will be mailed to all owners of taxable real property within the boundaries of the proposed district as their names and addresses appear on the latest Miami-Dade County Real Property Tax Roll; and

WHEREAS, pursuant to said notice, the Board of County Commissioners on Tuesday, , will hold a public hearing, at which all interested persons will be afforded the opportunity to present their objections, if any, to the creation and establishment of the proposed special taxing district; and

WHEREAS, the Board of County Commissioners, upon review and consideration of the report and recommendations of the County Manager and the views expressed by the property owners within the proposed special taxing district, has determined to create and establish such special taxing district in accordance with the report and recommendations of the County Manager, and the provisions of Chapter 18 of the Miami-Dade County Code,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. In accordance with the provisions of Chapter 18 of the Code of Miami-Dade County, Florida, a special taxing district, to be known and designated as the JACKSON SOUTH COMMUNITY HOSPITAL STREET LIGHTING SPECIAL TAXING DISTRICT is hereby created and established in the unincorporated area of Miami-Dade County.

Section 2. The area or boundaries of this proposed special taxing district are as follows:

> A portion of Section 21, Township 55 South, Range 40 East, Miami-Dade County, Florida; being more particularly described as follows:
>
> The E ½ of the SE ¼ of the SW ¼ of the SW ¼ of said Section 21, less the south 35.00 feet thereof, and less the east 25.00 feet thereof;
>
> And
>
> The W ½ of the SE ¼ of the SW ¼ of the SW ¼ of said Section 21, less the south 35.00 feet thereof;
>
> And
>
> That portion of the E ½ of the SW ¼ of the SW ¼ of the SW ¼ of said Section 21, lying east and northeast of the easterly Rights-of-Way line for Canal C-100, less the south 35.00 feet thereof;
>
> Less
>
> The East 400.62 feet of the SE ¼ of the SW ¼ of the SW ¼ of said Section 21, less of the south 55.00 feet, the east 25.00 feet and less all that part of the east 400.62 feet of the SE ¼ of the SW ¼ of the SW ¼ of said Section 21, which lies within the external area formed by a 25.00 foot radius arc, concave to the northwest, tangent to the west line of the east 25.00 feet of the SE ¼ of the SW ¼ of the SW ¼ of said Section 21, and tangent to the north line of the south 55.00 feet of said Section 21;
>
> And less
>
> That portion of the south 55.00 feet as depicted on Rights-of-Way map for SW 152nd Street (Coral Reef Drive) according to the map thereof, as recorded in Road Map Book 112 at Page 54 of the Public Records of Miami-Dade County, Florida;
>
> And

Commence at the northeast corner of the SW ¼ of the SE ¼ of the SW ¼ of said Section 21; thence S 02°24'08" E, along the east line of the SW ¼ of the SE¼ of the SW ¼ of said Section 21, for 49.45 feet; thence S 87°35'52" W for 25.00 feet to a point on the westerly Rights-of-Way line of SW 93rd Avenue, and 25.00 feet west of and parallel to the east line of the SW ¼ of the SE ¼ of said Section 21; said point also being the POINT-OF-BEGINNING; thence S 02°24'08" E along the westerly Rights-of-Way line of SW 93rd Avenue for 537.16 feet to the point of curvature of a curve concave to the northwest, having for its elements a radius of 25.00 feet and a central angle of 90°33'34"; thence continue southwesterly along the arc of said curve for 39.51 feet to a point on the northerly Rights-of-Way line of said Section 21; thence S 88°09'25" W along said northerly Rights-of-Way line for 617.59 feet, to a point on the east line of the SE ¼ of the SW ¼ of the SW ¼ of said Section 21; thence continue along said northerly Rights-of-Way line S 88°09'25" W for 400.64 feet to a point on a line 400.62 feet west of and parallel to the east line of the SE ¼ of the SW ¼ of the SW ¼ of said Section 21; thence N 02°24'07" W for 588.40 feet to a point on the southerly Rights-of-Way line of SW 150th Street, said point being 25.00 feet south of and parallel to the north line of the SE ¼ of the SW ¼ of said Section 21; thence N 88°13'36" E along said southerly Rights-of-Way line for 400.64 feet to a point on the west line of the SW ¼ of the SE ¼ of the SW ¼ of said Section 21; thence continue N 88°13'36" E along said southerly Rights-of-Way line of SW 150th Street for 618.11 feet to a point of curvature of a curve concave to the southwest, having for its elements a radius of 25.00 feet and a central angle of 89°22'15"; thence continue southeasterly along the arc of said curve for an arc distance of 39.00 feet to the POINT-OF-BEGINNING (a.k.a. Tentative Plat # T-23021, Jackson South Community Hospital).

The area and location of this proposed special taxing district are shown on the map or sketch, which is made a part hereof by reference.

Section 3. The improvements and services to be provided within this proposed special taxing district will consist of the following:

Installation, operation and maintenance of thirteen (13) 22,000 lumen sodium vapor bracket-arm street lights mounted on concrete poles..

Section 4. The installation of such street lighting project will be accomplished pursuant to an agreement between Miami-Dade County and the Florida Power & Light

Company. The cost of furnishing electric energy to the street lighting project, together with the costs of service, maintenance, and administration for handling billing, collecting assessments, and processing for the first year is estimated to be $14,130 and shall be advanced by petitioners. The cost of furnishing electric energy to the street lighting project, together with the costs of service, maintenance, and administration for handling billing, collecting assessments, and processing for the second year is estimated to be $4,410. The estimated cost per assessable front foot of real property within the proposed district for the second year is $1.836. The succeeding years' assessments will be adjusted from actual experience.

Section 5. It is hereby declared that said improvements and/or services will be a special benefit to all property within the proposed special taxing district and the total amount of special assessments to be levied as aforesaid will not be in excess of such special benefit.

Section 6. The proposed Street Lighting agreement between Miami-Dade County and Florida Power & Light Company is hereby approved and made a part hereof by reference, and the County Manager or designee and the Clerk or Deputy Clerk of the County Commission are hereby authorized and directed to execute said agreement for and on behalf of Miami-Dade County.

Section 7. The County Manager is authorized and directed to cause the installation of said streetlights to be accomplished within the district in accordance with the provisions of said agreement and with the terms of this Ordinance.

Section 8. The County Manager is further directed to cause to be prepared and filed with the Clerk of the County Commission a Preliminary Assessment Roll in accordance with the provisions of Section 18-14 of the Code of Miami-Dade County, Florida. As authorized by Section 197.363, Florida Statutes, all special assessments levied and imposed under the

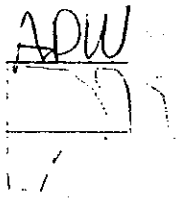
provisions of this Ordinance shall be collected, subject to the provisions of Chapter 197, Florida Statutes, in the same manner and at the same time as ad valorem taxes. In accordance with utilization of the ad valorem tax collection method, if such special assessments are not paid, when due, the potential for loss of title to the property exists.

Section 9. A duly certified copy of this Ordinance shall be filed in the Office of the Clerk of the Circuit Court of Miami-Dade County, Florida, and recorded in the appropriate book of records.

Section 10. The provisions of this Ordinance shall become effective ten (10) days after the date of enactment, unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:

James K. Kracht

REPORT AND RECOMMENDATIONS
ON THE CREATION OF JACKSON SOUTH COMMUNITY HOSPITAL
STREET LIGHTING SPECIAL TAXING DISTRICT
MIAMI-DADE COUNTY, FLORIDA

Pursuant to Chapter 18 of the Code, and as a result of a detailed investigation of a duly petitioned for special taxing district, the following facts are submitted by the Public Works Department Director concerning the creation of Jackson South Community Hospital Street Lighting Special Taxing District.

1. BOUNDARIES OF THIS DISTRICT

The proposed District is located entirely within a portion of unincorporated Miami-Dade County, and the boundaries, as set forth in the petition, are as follows:

A portion of Section 21, Township 55 South, Range 40 East, Miami-Dade County, Florida; being more particularly described as follows:

The E ½ of the SE ¼ of the SW ¼ of the SW ¼ of said Section 21, less the south 35.00 feet thereof, and less the east 25.00 feet thereof;

And

The W ½ of the SE ¼ of the SW ¼ of the SW ¼ of said Section 21, less the south 35.00 feet thereof;

And

That portion of the E ½ of the SW ¼ of the SW ¼ of the SW ¼ of said Section 21, lying east and northeast of the easterly Rights-of-Way line for Canal C-100, less the south 35.00 feet thereof;

Less

The East 400.62 feet of the SE ¼ of the SW ¼ of the SW ¼ of said Section 21, less of the south 55.00 feet, the east 25.00 feet and less all that part of the east 400.62 feet of the SE ¼ of the SW ¼ of the SW ¼ of said Section 21, which lies within the external area formed by a 25.00 foot radius arc, concave to the northwest, tangent to the west line of the east 25.00 feet of the SE ¼ of the SW ¼ of the SW ¼ of said Section 21, and tangent to the north line of the south 55.00 feet of said Section 21;

And less

That portion of the south 55.00 feet as depicted on Rights-of-Way map for SW 152nd Street (Coral Reef Drive) according to the map thereof, as recorded in Road Map Book 112 at Page 54 of the Public Records of Miami-Dade County, Florida;

And

Commence at the northeast corner of the SW ¼ of the SE ¼ of the SW ¼ of said Section 21; thence S 02°24'08" E, along the east line of the SW ¼ of the SE¼ of the SW ¼ of said Section 21, for 49.45 feet; thence S 87°35'52" W for 25.00 feet to a point on the westerly Rights-of-Way line of SW 93rd Avenue, and 25.00 feet west of and parallel to the east line of the SW ¼ of the SE ¼ of said Section 21; said point also being the POINT-OF-BEGINNING; thence S 02°24'08" E along the westerly Rights-of-Way line of SW 93rd Avenue for 537.16 feet to the point of curvature of a curve concave to the northwest, having for its elements a radius of 25.00 feet and a central angle of 90°33'34"; thence continue southwesterly along the arc of said curve for 39.51 feet to a point on the northerly Rights-of-

Way line of said Section 21; thence S 88°09'25" W along said northerly Rights-of-Way line for 617.59 feet, to a point on the east line of the SE ¼ of the SW ¼ of the SW ¼ of said Section 21; thence continue along said northerly Rights-of-Way line S 88°09'25" W for 400.64 feet to a point on a line 400.62 feet west of and parallel to the east line of the SE ¼ of the SW ¼ of the SW ¼ of said Section 21; thence N 02°24'07" W for 588.40 feet to a point on the southerly Rights-of-Way line of SW 150th Street, said point being 25.00 feet south of and parallel to the north line of the SE ¼ of the SW ¼ of said Section 21; thence N 88°13'36" E along said southerly Rights-of-Way line for 400.64 feet to a point on the west line of the SW ¼ of the SE ¼ of the SW ¼ of said Section 21; thence continue N 88°13'36" E along said southerly Rights-of-Way line of SW 150th Street for 618.11 feet to a point of curvature of a curve concave to the southwest, having for its elements a radius of 25.00 feet and a central angle of 89°22'15"; thence continue southeasterly along the arc of said curve for an arc distance of 39.00 feet to the POINT-OF-BEGINNING (a.k.a. Tentative Plat # T-23021, Jackson South Community Hospital).

The boundaries are shown on the attached plan entitled Jackson South Community Hospital Street Lighting Special Taxing District and hereinafter referred to as Exhibit A.

2. LOCATION OF THE INSTALLATIONS TO BE CONSTRUCTED

The facilities to be provided under the District will consist of sodium vapor bracket-arm streetlights mounted on concrete poles located within the street Rights-of-Way as shown in Exhibit A. The spacing of the streetlights will be between 92 and 140 feet.

3. ESTIMATED COST FOR THIS DISTRICT

As provided for under Section 18-2 of the Code, the property owner(s), the developer(s), within the proposed District shall guarantee payment of all costs and expenses incidental to the creation of such District and shall pay the entire cost of providing street lighting within the District for the first year. The Florida Power and Light Company will install the lights, poles and service lines at its expense. However, the special taxing district, the developer(s), may be required to pay a differential cost if rapid construction techniques cannot be used on this project. This cost is estimated and shown as Florida Power and Light Company restoration cost in the District's cost estimate.

4. ESTIMATE OF THE ANNUAL EXPENSE FOR MAINTENANCE, REPAIR AND OPERATION OF THIS DISTRICT

The facilities provided will remain the property of the Florida Power and Light Company, which will be responsible for the maintenance of the light standards, fixtures, lamps, and all connecting service lines. The cost of streetlights in this District will be continual and is based on a preliminary estimate using Rate Schedule No. SL-1 prepared by the Florida Power and Light Company and approved by the Florida Public Service

Commission, a copy of which is attached. The District will pay the Florida Power and Light Company a monthly rental fee on each installation. There will be 13 lights and 13 pole rentals served by 2,340 feet of underground wiring for an annual cost of $3,900 for the first and second years.

As provided by Chapter 18 of the Code of Miami-Dade County, the petitioner shall advance the above first year's estimated streetlight costs and pay all costs incurred to create and maintain the District for its first year of operation. The District's property owners shall pay these costs for the second and succeeding years. The engineering and administrative costs involved in establishing and maintaining the district are estimated to be $2,740 the first year and $140 the second year. The cost of handling the billing, collecting the assessment, and processing the payments to the Florida Power and Light Company is estimated to be $2,400 the first year and $160 the second year. Additionally, contingency funds in the amount of $1,840 the first year and $210 the second year are provided.

ESTIMATED ANNUAL COSTS

	First Year	Second Year
13 - 22,000 Lumen Sodium Vapor Luminaires	$1,480	$1,480
13 - Concrete Poles	560	560
2,340 Ft. - Underground Wiring	640	640
Annual Fuel Adjustments (Based on 13,728 KWH at $0.07292 Per KWH)	1,000	1,000
Franchise Cost (Based on 5.91 % of $3,680)	220	220
TOTAL STREET LIGHTING SERVICE COSTS	$3,900	$3,900
FP&L RESTORATION COST	3,250	0
ENGINEERING & ADMINISTRATIVE COSTS	2,740	140*
BILLING, COLLECTING & PROCESSING COSTS	2,400	160*
CONTINGENCIES	1,840	210*
TOTAL COST COVERED BY PETITIONER	$14,130	
TOTAL COST TO DISTRICT EACH YEAR THEREAFTER		$4,410*

*To be adjusted from actual experience.

5. PROCEDURE

Following the creation of the District by the Board of County Commissioners (BCC), and upon receipt of the payment by the developer of the total estimated cost for the first year as specified in Item 4 above, the County Manager shall cause the petitioner's plat to be placed on a Commission Agenda for acceptance and subsequent recordation.

Miami-Dade County may then enter into an agreement with the Florida Power and Light Company, form attached, wherein Miami-Dade County will pay to the Florida Power and Light Company any costs associated with the streetlight installation, and monthly payments for the annual cost of the streetlight service estimated at $3,900 or approximately $325 per month. These amounts will be charged during the first year's operation against funds advanced by the petitioners. Based on front footage, each property owner along the lighted roadway will pay the County, through a special assessment, a proportionate share of the total annual cost each year thereafter.

6. CONFORMITY TO THE MASTER PLAN OF MIAMI-DADE COUNTY

The proposed District conforms to and in no way conflicts with the Comprehensive Development Master Plan of Miami-Dade County (see attached memorandum from the Department of Planning and Zoning).

7. RECOMMENDATION CONCERNING THE DESIRABILITY OF THIS DISTRICT

The need for street lighting in Miami-Dade County is apparent. Residents and property owners of Miami-Dade County continue to demonstrate their desire for street lighting through numerous petitions and personal requests.

In my opinion, the proposed streetlights will provide special benefits to property within the District exceeding the amount of special assessments to be levied.

8. ESTIMATE OF ASSESSMENT AGAINST BENEFITED PROPERTY

As was determined in Item 4 above, each property owner along the lighted roadway will pay the County, through a special assessment, a proportionate share of the total annual cost the second year and each succeeding year thereafter. The annual assessment shown below is representative of costs for Tract A within the District.

Estimated Annual Assessment:	**First Year**	**Second Year**
Per Assessable Front Foot		$1.836
For Tract A	Cost to be provided by the petitioner	$4,410

These costs are based on a preliminary estimate of 2,402 total assessable front feet and will be adjusted from actual experience.

9. RECOMMENDATION

I recommend that Jackson South Community Hospital Street Lighting Special Taxing District be created pursuant to Section 18-2 of the Code, which provides for the creation of special taxing districts for street lighting in new subdivisions. The creation of the District will be subject to BCC approval; no election will be necessary as 100 percent of the property owners signed the petition. Following adoption of the creation ordinance, it is further recommended that the BCC adopt the District's Preliminary Assessment Roll Resolution. Adoption of this resolution will enable the Miami-Dade County Tax Collector to provide the funding necessary to administer the District, as well as provide funds for payment to the Florida Power and Light Company for the District's monthly power bills for the second and succeeding years. In the event actual costs are lower than the costs estimated, the Director of the Public Works Department or her designee shall adjust and decrease the front foot rate of assessment. In the event actual second year costs are higher than the costs estimated, the County Manager may, at his discretion, cause to be prepared a revised preliminary assessment roll and file the same with the Clerk of the Board for a scheduled public hearing to adopt the revised assessment roll. The ordinance creating the District shall take effect ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, it shall become effective only upon an override by the BCC. My office will also be available to answer any questions from the public or your office in regard to the financial and/or engineering facts of this project. We further recommend that the County Manager forward the attached report to the BCC after he has reviewed it and concurred with our findings.

Attachments:
(1) Copy of Petition and Attachments
(2) Copy of FP&L Rate Schedule No. SL-1
(3) Copy of FP&L Street Lighting Agreement Form
(4) Copy of Memo from Department of Planning and Zoning
(5) District Boundary Map (Exhibit A)

Memorandum

MIAMI-DADE COUNTY

Date: March 3, 2010

To: Diane Collins, Interim Director
Office of the Clerk of the Board
Attn: Felicia Hurst

From: Donald L. Tock, Jr., Chief
Special Taxing Districts Division

Subject: Jackson South Community Hospital Street Lighting Special Taxing District

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In reference to the subject petition, we hereby certify that, in compliance with Section 18-2 of the Miami-Dade County Code, this Department has verified the attached name against the records of the Property Appraisal Department, and has concluded that said petition relates to real property in a new subdivision and the signator is an owner and/or individual signing in his official capacity as representative of the owner of the property in question. We are therefore submitting the following information:

1.	Total number of parcels of land within district boundaries	3
2.	Total number of owners of property within district boundaries	1
3.	Total number of resident owners within district boundaries (this is a new subdivision area)	0
4.	Total number of signatures on the petition	1
5.	Total number of owners or representatives signing the petition in an official capacity	1
6.	Percentage of owners or representatives signing the petition in their official capacity	100%

Pursuant to Section 18-2 of the Code, this is a valid petition.

By copy of this memorandum, I am forwarding this petition for review by the County Attorney for legal sufficiency.

Attachment

cc: James Kracht

MIAMI-DADE COUNTY ATTORNEY'S OFFICE
MEMORANDUM

TO: Don Tock
Chief, Special Taxing

FROM: James K. Kracht JKK/cg DATE: March 4, 2010
Assistant County Attorney

RE: Jackson South Community Hospital
Street Lighting Special Taxing District

Please be advised that I have reviewed the above refetenced petition and find it to be legally sufficient.

JKK/cg

MIAMI-DADE COUNTY
PUBLIC WORKS DEPARTMENT
SPECIAL TAXING DISTRICTS DIVISION

Document Preparation
Date: 12-28-2009

Departmental Acceptance Date
(Government Use Only)

PETITION FOR MULTIPURPOSE SPECIAL TAXING DISTRICT

To the Board of County Commissioners of Miami-Dade County, Florida:

We, the undersigned property owners, do hereby petition Miami-Dade County, Florida, for the creation of the Special Taxing District(s) required by the respective plat(s) pursuant to Chapter 18 of the Code of Miami-Dade County, Florida, for any or all of the following: installation, operation and maintenance of sodium vapor street lights of an intensity of 9,500 up to 50,000 lumens, mounted on concrete, fiber glass or existing poles; landscape, lake, entrance features and wall maintenance services (requested landscape, lake, entrance features and wall maintenance services shall be more fully described on the attached Exhibit B). The petitioned for district lies within that portion of the unincorporated area of Miami-Dade County more fully described on the attached Exhibit A.

Tentative Plat(s) Name(s) JACKSON SOUTH COMMUNITY HOSPITAL

It is understood and agreed that the boundaries of this district and the type and level of services to be provided by this district will be reviewed by the appropriate County authorities. It is also understood that the street lights and other improvements to be provided shall be in accordance with minimum standards and requirements set forth by the Miami-Dade County Public Works Department.

OWNER'S NAME	OWNER'S ADDRESS	LEGAL DESCRIPTION OF PROPERTY	TAX FOLIO NUMBER
Miami-Dade County	111 N.W. 1st Street, Miami, Florida 33128	As described on the attached Exhibit "A"	30-5021-000-0261
Miami-Dade County	111 N.W. 1st Street, Miami, Florida 33128	As described on the attached Exhibit "A"	30-5021-000-0269
Miami-Dade County	111 N.W. 1st Street, Miami, Florida 33128	As described on the attached Exhibit "A"	30-5021-000-0240

OWNER'S SIGNATURE:

On behalf of Miami-Dade County:

Mayor Carlos Alvarez

PLACE NOTARY STATEMENT AND STAMP HERE:

State of Florida
County of Miami-Dade
The foregoing instrument was acknowledged before me this 1ST day of Feb. 2010, by Carlos Alvarez, Mayor, Miami-Dade County, who is personally known to me.

Diane Collins

DIANE COLLINS
MY COMMISSION # DD 567115
EXPIRES: October 22, 2010
Bonded Thru Notary Public Underwriters

DEPARTMENTAL ACCEPTANCE DATE
(GOVERNMENT USE ONLY)

EXHIBIT "A"

EXHIBIT A TO THE PETITION FOR THE PLAT KNOWN AS **JACKSON SOUTH COMMUNITY HOSPITAL** DATED **12-28-2009** FOR THE CREATION OF SPECIAL TAXING DISTRICT.

Legal Description:

LEGAL DESCRIPTION:
The East Half of the SE. 1/4, of the SW. 1/4, of the SW. 1/4, of Section 21, Township 55 South, Range 40 East, less the South 35 feet thereof and less the East 25 feet thereof.
AND
The West 1/2, of the SE. 1/4, of the SW. 1/4, of the SW. 1/4, of Section 21, Township 55 South, Range 40 East, less the South 35 feet thereof.
AND
That portion of the East 1/2, of the SW. 1/4, of the SW. 1/4, of the SW. 1/4, of Section 21, Township 55 South, Range 40 East, lying East of the Northeast of the Right of Way for Canal C-100, less the South 35 feet thereof.
ALL OF THE ABOVE LESS,
The East 400.62 feet of the Southeast 1/4 of the Southwest 1/4 of the Southwest 1/4 of Section 21, Township 55 South, Range 40 East, Dade County, Florida; LESS the South 55 feet, the East 25 feet and all that part of the East 400.62 feet of the Southeast 1/4 of the Southwest 1/4 of the Southwest 1/4 of said Section 21, which lies within the external area formed by a 25.00 foot radius arc, concave to the Northwest, tangent to the West Line of the East 25 feet of the Southeast 1/4 of the Southwest 1/4 of the Southwest 1/4 of said Section 21, and tangent to the North Line of the South 55 feet of said Section 21.
AND ALSO LESS
That portion of the South 55 feet as depicted on Right of Way Map for SW. 152nd Street (Coral Reef Drive), according to the Map thereof, as recorded in Road Map Book 112, at Page 54, of the Public Records of Miami-Dade County, Florida.
AND
A parcel of land lying in Section 21, Township 55 South, Range 40 East, Miami-Dade County, Florida, being more particularly described as follows:
COMMENCE at the NE. Corner of the SW. 1/4 of the SE. 1/4 of the SW. 1/4 of Sec. 21-55-40; thence S02deg 24min 08sec E, along the East Line of the SW. 1/4 of the SE. 1/4 of the SW. 1/4 of Section 21-55-40 for 49.45 feet; thence S87deg 35min 52sec W for 25.00 feet to a point on the Westerly Right of Way Line of SW. 93rd Avenue and 25 feet West of and parallel to the East Line of the SW. 1/4 of the SE. 1/4 of the SW. 1/4 of Sec. 21-55-40, said point also being the POINT OF BEGINNING; thence S02deg 24min 08sec E along the Westerly Right of Way Line of SW. 93rd Avenue for 537.16 feet to the Point of Curvature of a curve, concave to the Northwest, having for its elements a radius of 25.00 feet and a central angle of 90deg 33min 34sec; thence continue Southwesterly along the arc of said curve for 39.51 feet to a point on the Northerly Right of Way Line of SW. 152nd Street, said point lying on a line 55.00 feet North of and parallel to the South Line of Section 21-55-40; thence S88deg 09min 25sec W along said Northerly Right of Way Line for 617.59 feet to a point on the East Line of the SE. 1/4 of the SW. 1/4 of the SW. 1/4 of Sec. 21-55-40; thence continue along said Northerly Right of Way Line S88deg 09min 25sec W for 400.64 feet to a point on a line 400.62 feet west of and parallel to the East Line of the SE. 1/4 of the SW. 1/4 of the SW. 1/4 of Section 21-55-40; thence N02deg 24min 07sec W for 588.40 feet to a point on the Southerly Right of Way Line of SW. 150th Street, said line being 25.00 feet South of and parallel to the North Line of the SE. 1/4 of the SW. 1/4 of the SW. 1/4 of Section 21-55-40; thence N88deg 13min 36secE along said Southerly Right of Way Line for 400.64 feet to a point on the West Line of the SW. 1/4 of the SE. 1/4 of the SW. 1/4 of Section 21-55-40; thence continue N88deg 13min 36sec E along said Southerly Right of Way Line of SW. 150th Street for 618.11 feet to a Point of Curvature of a curve, concave to the Southwest, having for its elements a radius of 25.00 feet and a central angle of 89deg 22min 15sec; thence continue Southeasterly along the arc of said curve for an arc distance of 39.00 feet to the POINT OF BEGINNING.

Containing 830,705 Square Feet or 19.07 Acres, more or less, by calculations.

STREET LIGHTING

RATE SCHEDULE: SL-1

AVAILABLE:

In all territory served.

APPLICATION:

For lighting streets and roadways, whether public or private, which are thoroughfares for normal flow of vehicular traffic. Lighting for other applications such as: municipally and privately-owned parking lots; parks and recreational areas; or any other area not expressly defined above, is not permitted under this schedule.

TYPE OF INSTALLATION:

FPL-owned fixtures normally will be mounted on poles of FPL's existing distribution system and served from overhead wires. On request of the Customer, FPL will provide special poles or underground wires at the charges specified below. Customer-owned systems will be of a standard type and design, permitting service and lamp replacement at no abnormal cost to FPL.

SERVICE:

Service includes lamp renewals, patrol, energy from dusk each day until dawn the following day and maintenance of FPL-owned Street Lighting Systems.

LIMITATION OF SERVICE:

For Mercury Vapor, Fluorescent and Incandescent luminaires, no additions or changes in specified lumen output on existing installations will be permitted under this schedule after October 4, 1981 except where such additional lights are required in order to match existing installations.

Stand-by or resale service is not permitted hereunder.

CUSTOMER CONTRIBUTIONS:

A Contribution-in-Aid-of-Construction (CIAC) will be required for:

a) the differential cost between employing rapid construction techniques in trenching, backfilling and pole installation work where no obstructions exist, and the added cost to overcome obstructions such as sprinkler systems, paved surfaces (such as sidewalks, curbs, gutters, and roadways), landscaping, sodding and other obstructions encountered along the Street Light System installation route, including repair and replacement. If the Customer elects to perform work such as trenching and restoration, they will be reimbursed by FPL with a credit (not to exceed the total CIAC cost) for the value of this work as determined by FPL;

b) the installation cost of any new overhead distribution facilities and/or the cost of alterations to existing distribution facilities which are required in order to serve the Street Lighting System less four (4) times the additional annual non-fuel energy revenue generated by the installation or alteration of the Street Lighting System, plus where underground facilities are installed, the differential installation cost between underground and overhead distribution facilities.

These costs shall be paid by the Customer prior to the initiation of any construction work by FPL. The Customer shall also pay any additional costs associated with design modifications requested after the original estimate has been made.

(Continued on Sheet No. 8.716)

(Continued from Sheet No. 8.715)

REMOVAL OF FACILITIES:

If Street Lighting facilities are removed either by Customer request or termination or breach of the agreement, the Customer shall pay FPL an amount equal to the original installed cost of the removed facilities less any salvage value and any depreciation (based on current depreciation rates as approved by the Florida Public Service Commission) plus removal cost.

MONTHLY RATE:

Luminaire Type		Lamp Size Initial Lumens/Watts		KWH/Mo. Estimate	Charge for FPL-Owned Unit ($) Fixtures	Maintenance	Energy Non-Fuel **	Total ***	Charge for Customer-Owned Unit $) Relamping/ Energy ****	Energy Only
High Pressure Sodium Vapor		5,800	70	29	3.67	1.40	.61	5.68	1.32	.61
" "		9,500	100	41	3.74	1.41	.86	6.01	1.58	.86
" "		16,000	150	60	3.84	1.45	1.26	6.55	1.98	1.26
" "		22,000	200	88	5.82	1.85	1.84	9.51	2.57	1.84
" "		50,000	400	168	5.90	1.82	3.52	11.24	4.25	3.52
	*	12,800	150	60	4.01	1.61	1.26	6.88	2.22	1.26
" "	*	27,500	250	116	6.20	1.96	2.43	10.59	3.19	2.43
" "	*	140,000	1,000	411	9.34	3.58	8.61	21.53	10.31	8.61
Mercury Vapor	*	6,000	140	62	2.90	1.27	1.30	5.47	2.01	1.30
" "	*	8,600	175	77	2.93	1.27	1.61	5.81	2.33	1.61
" "	*	11,500	250	104	4.90	1.83	2.18	8.91	2.94	2.18
" "	*	21,500	400	160	4.88	1.81	3.35	10.04	4.10	3.35
" "	*	39,500	700	272	6.90	3.06	5.70	15.66	7.31	5.70
" "	*	60,000	1,000	385	7.07	2.97	8.07	18.11	9.08	8.07
Incandescent	*	1,000	103	36				7.13	2.53	.75
"	*	2,500	202	71				7.38	3.26	1.49
"	*	4,000	327	116				8.64	4.25	2.43
"	*	6,000	448	158				9.64	5.13	3.30
"	*	10,000	690	244				11.60	7.07	5.11
Fluorescent	*	19,800	300	122				-	3.49	2.55
"	*	39,600	700	264				-	6.75	5.54

* These units are closed to new FPL installations.
** The non-fuel energy charge is 2.095¢ per kwh.
*** Bills rendered based on "Total" charge. Unbundling of charges is not permitted.
**** New Customer installations of those units closed to FPL installations cannot receive relamping service.

Charges for other FPL-owned facilities:

Wood pole used only for the street lighting system	$ 2.62
Concrete pole used only for the street lighting system	$ 3.60
Fiberglass pole used only for the street lighting system	$ 4.27
Underground conductors not under paving	1.97¢ per foot
Underground conductors under paving	4.81¢ per foot

The Underground conductors under paving charge will not apply where a CIAC is paid pursuant to section "a)" under "Customer Contributions." The Underground conductors not under paving charge will apply in these situations.

(Continued on Sheet No. 8.717)

(Continued from Sheet No. 8.716)

On Customer-owned Street Lighting Systems, where Customer contracts to relamp at no cost to FPL, the Monthly Rate for non-fuel energy shall be 2.095¢ per kwh of estimated usage of each unit plus adjustments. On Street Lighting Systems, where the Customer elects to install Customer-owned monitoring systems, the Monthly Rate for non-fuel energy shall be 2.095¢ per kwh of estimated usage of each monitoring unit plus adjustments. The minimum monthly kwh per monitoring device will be 1 kilowatt-hour per month, and the maximum monthly kwh per monitoring device will be 5 kilowatt-hours per month.

During the initial installation period:
Facilities in service for 15 days or less will not be billed;
Facilities in service for 16 days or more will be billed for a full month.

WILLFUL DAMAGE:

Upon the second occurrence of willful damage to any FPL-owned facilities, the Customer will be responsible for the cost incurred for repair or replacement. If the lighting fixture is damaged, based on prior written instructions from the Customer, FPL will:

a) Replace the fixture with a shielded cutoff cobrahead. The Customer shall pay $120.00 for the shield plus all associated costs. However, if the Customer chooses to have the shield installed after the first occurrence, the Customer shall only pay the $120.00 cost of the shield; or

b) Replace with a like unshielded fixture. For this, and each subsequent occurrence, the Customer shall pay the costs specified under "Removal of Facilities"; or

c) Terminate service to the fixture.

Option selection shall be made by the Customer in writing and apply to all fixtures which FPL has installed on the Customer's behalf. Selection changes may be made by the Customer at any time and will become effective ninety (90) days after written notice is received.

Conservation Charge	See Sheet No. 8.030
Capacity Payment Charge	See Sheet No. 8.030
Environmental Charge	See Sheet No. 8.030
Fuel Charge	See Sheet No. 8.030
Franchise Fee	See Sheet No. 8.031
Tax Clause	See Sheet No. 8.031

TERM OF SERVICE:

Initial term of ten (10) years with automatic, successive five (5) year extensions unless terminated in writing by either FPL or the Customer at least ninety (90) days prior to the current term's expiration.

RULES AND REGULATIONS:

Service under this schedule is subject to orders of governmental bodies having jurisdiction and to the currently effective "General Rules and Regulations for Electric Service" on file with the Florida Public Service Commission. In case of conflict between any provision of this schedule and said "General Rules and Regulations for Electric Service", the provision of this schedule shall apply.

FPL

FPL Account Number: _____
FPL Work Order Number: _____
Taxing District: L-_____

STREET LIGHTING AGREEMENT

In accordance with the following terms and conditions, _____ Street Lighting Special Taxing District (hereinafter called the Customer), requests on this _____ day of _____, _____, from FLORIDA POWER & LIGHT COMPANY (hereinafter called FPL), a corporation organized and existing under the laws of the State of Florida, the following installation or modification of street lighting facilities at (general boundaries) _____, located in Miami-Dade County, Florida.
(city/county)

(a) Installation and/or removal of FPL-owned facilities described as follows:

Lights Installed			Lights Removed		
Fixture Rating (in Lumens)	Fixture Type	# Installed	Fixture Rating (in Lumens)	Fixture Type	# Removed

Poles Installed		Poles Removed		Conductors Installed	Conductors Removed
Pole Type	# Installed	Pole Type	# Removed	Feet not Under Paving	Feet not Under Paving
				Feet Under Paving	Feet Under Paving

(b) Modification to existing facilities other than described above (explain fully):_____

That, for and in consideration of the covenants set forth herein, the parties hereto covenant and agree as follows:

FPL AGREES:

1. To install or modify the street lighting facilities described and identified above (hereinafter called the Street Lighting System), furnish to the Customer the electric energy necessary for the operation of the Street Lighting System, and furnish such other services as are specified in this Agreement, all in accordance with the terms of FPL's currently effective street lighting rate schedule on file at the Florida Public Service Commission (FPSC) or any successive street lighting rate schedule approved by the FPSC.

THE CUSTOMER AGREES:

2. To pay a contribution in the amount of $_____ prior to FPL's initiating the requested installation or modification.

3. To purchase from FPL all of the electric energy used for the operation of the Street Lighting System.

4. To be responsible for paying, when due, all bills rendered by FPL pursuant to FPL's currently effective street lighting rate schedule on file at the FPSC or any successive street lighting rate schedule approved by the FPSC, for facilities and service provided in accordance with this agreement.

5. To provide access, final grading and, when requested, good and sufficient easements, suitable construction drawings showing the location of existing and proposed structures, identification of all non-FPL underground facilities within or near pole or trench locations, and appropriate plats necessary for planning the design and completing the construction of FPL facilities associated with the Street Lighting System.

6. To perform any clearing, compacting, removal of stumps or other obstructions that conflict with construction, and drainage of rights-of-way or easements required by FPL to accommodate the street lighting facilities.

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IT IS MUTUALLY AGREED THAT:

7. Modifications to the facilities provided by FPL under this agreement, other than for maintenance, may only be made through the execution of an additional street lighting agreement delineating the modifications to be accomplished. Modification of FPL street lighting facilities is defined as the following:

   a. the addition of street lighting facilities:
   b. the removal of street lighting facilities; and
   c. the removal of street lighting facilities and the replacement of such facilities with new facilities and/or additional facilities.

   Modifications will be subject to the costs identified in FPL's currently effective street lighting rate schedule on file at the FPSC, or any successive schedule approved by the FPSC.

8. FPL will, at the request of the Customer, relocate the street lighting facilities covered by this agreement, if provided sufficient right-of-ways or easements to do so. The Customer shall be responsible for the payment of all costs associated with any such Customer- requested relocation of FPL street lighting facilities. Payment shall be made by the Customer in advance of any relocation.

9. FPL may, at any time, substitute for any luminaire/lamp installed hereunder another luminaire/lamp which shall be of at least equal illuminating capacity and efficiency.

10. This Agreement shall be for a term of ten (10) years from the date of initiation of service, and, except as provided below, shall extend thereafter for further successive periods of five (5) years from the expiration of the initial ten (10) year term or from the expiration of any extension thereof. The date of initiation of service shall be defined as the date the first lights are energized and billing begins, not the date of this Agreement. This Agreement shall be extended automatically beyond the initial the (10) year term or any extension thereof, unless either party shall have given written notice to the other of its desire to terminate this Agreement. The written notice shall be by certified mail and shall be given not less than ninety (90) days before the expiration of the initial ten (10) year term, or any extension thereof.

11. In the event street lighting facilities covered by this agreement are removed, either at the request of the Customer or through termination or breach of this Agreement, the Customer shall be responsible for paying to FPL an amount equal to the original installed cost of the facilities provided by FPL under this agreement less any salvage value and any depreciation (based on current depreciation rates as approved by the FPSC) plus removal cost.

12. Should the Customer fail to pay any bills due and rendered pursuant to this agreement of otherwise fail to perform the obligations contained in this Agreement, said obligations being material and going to the essence of this Agreement, FPL may cease to supply electric energy or service until the Customer has paid the bills due and rendered or has fully cured such other breach of this Agreement. Any failure of FPL to exercise its rights hereunder shall not be a waiver of its rights. It is understood, however, that such discontinuance of the supplying of electric energy or service shall not constitute a breach of this Agreement by FPL, nor shall it relieve the Customer of the obligation to perform any of the terms and conditions of this Agreement.

13. The obligation to furnish or purchase service shall be excused at any time that either party is prevented from complying with this Agreement by strikes, lockouts, fires, riots, acts of God, the public enemy, or by cause or causes not under the control of the party thus prevented from compliance and FPL shall not have the obligation to furnish service if it is prevented from complying with this Agreement by reason of any partial, temporary or entire shut-down of service which, in the sole opinion of FPL, is reasonably necessary for the purpose of repairing or making more efficient all or any part of its generating or other electrical equipment.

14. This Agreement supersedes all previous Agreements or representations, either written, oral or otherwise between the Customer and FPL, with respect to the facilities referenced herein and constitutes the entire Agreement between the parties. This Agreement does not create any rights or provide any remedies to third parties or create any additional duty, obligation or undertakings by FPL to third parties.

15. This Agreement shall inure to the benefit of, and be binding upon the successors and assigns of the Customer and FPL.

16. This Agreement is subject to FPL's Electric Tariff, including, but not limited to, the General Rules and Regulations for Electric Service and the Rules of the FPSC, as they are written, or as they may be hereafter revised, amended or supplemented. In the event of any conflict between the terms of this Agreement and the provisions of the FPL Electric Tariff or the FPSC Rules, the provisions of the Electric Tariff and FPSC Rules shall control, as they are now written, or as they may be hereafter revised, amended or supplemented.

IN WITNESS WHEREOF, the parties hereby caused this Agreement to be executed in triplicate by their duly authorized representatives to be effective as of the day and year first written above.

Charges and Terms Accepted:

Miami-Dade County Special Taxing Districts Division Customer (Print or type name of Organization)	FLORIDA POWER & LIGHT COMPANY
By:_____ Signature (Authorized Representative)	By:_____ (Signature)
_____ (Print or type name)	_____ (Print or type name)
Title:_____	Title:_____

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MEMORANDUM

To: Aristides Rivera, P.E., P.L.S., Director
Public Works Department

Date: January 15, 2002

From: Diane O'Quinn Williams, Director
Department of Planning and Zoning

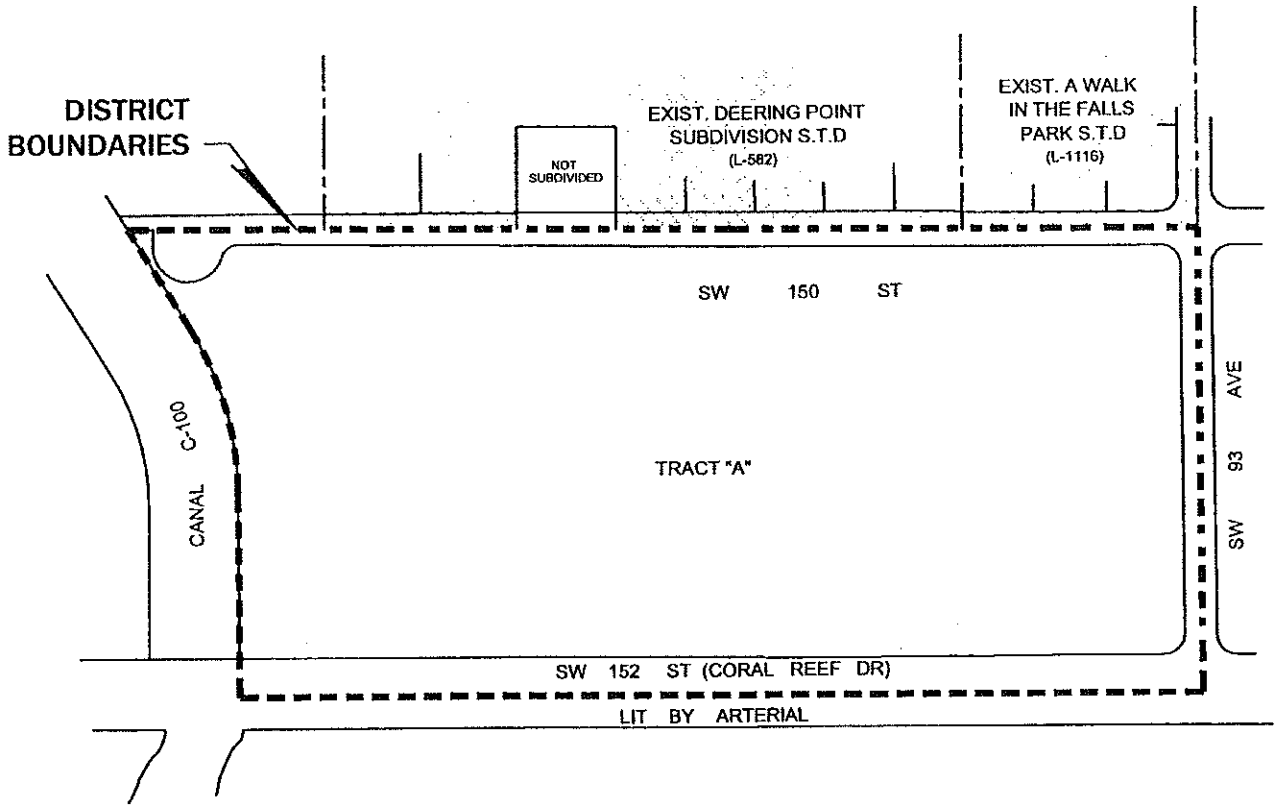
Subject: Street Lighting, Maintenance of Landscape, Walls Adjacent to Double-Frontage Lots and Lakes Special Taxing Districts

Section: As Required
District: As Required
Council: As Required

Effective September 5, 2001, all tentative plats in the unincorporated area of Miami-Dade County submitted to the Land Development Division of the Public Works Department, must be accompanied by a properly executed petition for all applicable special taxing districts including, but not limited to street lights, maintenance of landscape, walls adjacent to double frontage lots, entrance features and lakes. Final Plats will not be presented to the Board of County Commissioners for consideration until the applicable special taxing districts are created, and all fees have been paid. In that regard, to ensure expeditious processing, this Memorandum may serve as approval for certain future special taxing district application requests as being consistent with the intent and purpose of the adopted 2005-2015 Comprehensive Development Master Plan (CDMP). Policy 4A – Capital Improvement Element states: Appropriate funding mechanisms will be adopted and applied by Miami-Dade County in order to assure the fiscal resources to maintain acceptable levels of service. Such funding mechanisms include special tax districts, municipal taxing service units, local option taxes, user fees, local gas tax, general obligation bond, impact fees, and special purpose authorities, or others as appropriate and feasible (Adopted Components as Amended through April 2001, page IX-10). The provision for services over and above minimum for neighborhoods and communities may be accomplished through the special taxing district as may be prescribed by the code.

The Department of Planning and Zoning (DP&Z) has no objection to a blanket approval with condition to establish future special taxing districts as limited to requests for street lighting, landscape maintenance, walls adjacent to double-frontage lots and lake maintenance districts. The previously noted special taxing districts may be established on the condition that the DP&Z review all landscape maintenance districts for compliance with plantings in public rights-of-way and lake maintenance districts for consistency with Landscape Code (Chapter 18A) Section 18A-6(L) Storm Water Retention/Detention Areas.

DO'QW: GA: TBS

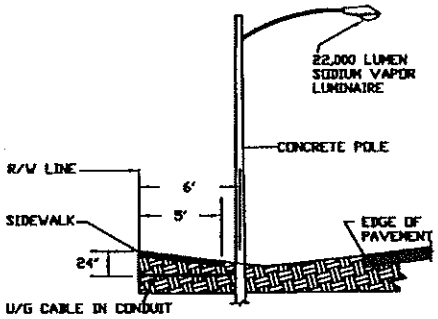


N

JACKSON SOUTH COMMUNITY HOSPITAL

STREET LIGHTING SPECIAL TAXING DISTRICT

13 - 22,000 LUMEN SODIUM VAPOR BRACKET-ARM STREETLIGHTS MOUNTED ON NEW CONCRETE POLES TO BE INSTALLED APPROXIMATELY 92' TO 140' APART ALONG SW 150 ST AND SW 93 AVE.



TYPICAL UNDERGROUND INSTALLATION N.T.S.

L-1278 (COMM. 0008)
SECTION: 21 - 55 - 40

EXHIBIT "A" 27

Memorandum

MIAMI-DADE COUNTY

Date:	June 3, 2010
To:	Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners
From:	George M. Burgess County Manager
Subject:	Jackson South Community Hospital Street Lighting Special Taxing District

Substitute
Agenda Item No. 4(A)

This substitute item differs from the original in that it clarifies the source of funding for the creation, and perpetual maintenance and operation of this street lighting special taxing district.

Recommendation

It is recommended that the Board of County Commissioners (BCC) approve a petition submitted in accordance with Article 1, Chapter 18 of the Code, for creation of the Jackson South Community Hospital Street Lighting Special Taxing District. The creation of this District is a subdivision requirement pursuant to Chapter 28 of the Code of Miami-Dade County.

Scope

This proposed special taxing district lies within Commission District Eight (8) and will provide street lighting services.

Fiscal Impact/Funding Source

Creation of this District will result in no economic impact on the County's budget. The Public Health Trust (PHT) shall guarantee payment of all costs and expenses incidental to the creation and the ongoing maintenance and operation of this street lighting special taxing district.

The economic impact on the PHT after the first year will be a perpetual annual special assessment for the cost of street lighting within the District. The Florida Power and Light Company is the owner of the system and therefore will derive revenues from it.

At this time there will be no increase or decrease in County staffing due to this District. The private sector may increase its staffing levels to provide the service requirements created by this special taxing district.

Track Record/Monitoring

Contingent upon BCC approval of this District, the Public Works Department's Special Taxing Districts Division will monitor the Florida Power and Light Company's agreement, installation and billing process.

Background

Boundaries:	On the North, SW 150th Street; On the East, SW 93rd Avenue; On the South, SW 152nd Street; On the West, Canal C-100.
Number of Parcels:	1 (Tentative plat proposes 1 commercial tract -Tract A).
Number of Owners:	1
Number of Owners With Homestead Exemption Signing Petition:	None - The petition was submitted by Miami-Dade County, the sole property owner and developer.
Preliminary Public Meeting:	None necessary.
Type of Improvements:	The installation, operation and maintenance of thirteen (13) 22,000 lumen sodium vapor bracket-arm streetlights mounted on concrete poles.
Required Referendum:	The creation of the District will be subject only to BCC approval; no election will be necessary as 100 percent of the property owners signed the petition.
Preliminary Assessment Roll:	Submitted on the same agenda is a separate agenda item for consideration and adoption by the BCC and contingent upon the approval of this District's creation ordinance. The implementation of the assessment roll will be in accordance with the procedures defined in Chapter 18 of the Code.
Estimated Completion:	March 2011.
Estimated Initial Billing:	November 2011. Assessment billed annually as an itemized portion of the annual tax bill.

	First Year	Second Year
Estimated Total District Cost:	$14,130	$4,410
Method Of Apportionment:	Front Footage	
Estimated Annual Assessment:		
Per Assessable Front Foot	Cost to be provided by petitioner	$1.836
For Tract A		$4,410

The annual assessment shown above is representative of costs for Tract A.

State or Federal grants are not applicable to this special taxing district.

Each street lighting special taxing district is unique due to its geographical boundaries, affected property owners, and level of services to be provided. Creation of a new special taxing district to provide this service is the best and most cost-effective method to achieve this benefit.

In accordance with the requirements of Chapter 28 of the Code to provide street lighting in new subdivisions through the creation of street lighting special taxing districts, and in compliance with the provisions of Section 18-3 (c) of the Code, I have reviewed the facts submitted by the Public Works Director and concur with her recommendation that this District be created pursuant to Section 18-2 of the Code.

Assistant County Manager

MEMORANDUM

(Revised)

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

DATE: June 3, 2010

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

SUBJECT: Substitute Agenda Item No. 4(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**

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Approved _____ Mayor
Veto _____
Override _____

Substitute
Agenda Item No. 4 (A)
6-3-10

ORDINANCE NO. _____

ORDINANCE CREATING AND ESTABLISHING A SPECIAL TAXING DISTRICT IN MIAMI-DADE COUNTY, FLORIDA, KNOWN AND DESCRIBED AS JACKSON SOUTH COMMUNITY HOSPITAL STREET LIGHTING SPECIAL TAXING DISTRICT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Miami-Dade County Home Rule Amendment to the Florida Constitution (Article VIII, Section 6) grants to the electors of Miami-Dade County power to adopt a home rule charter of government for Miami-Dade County, Florida, and provides that such charter may provide a method for establishing special taxing districts and other governmental units in Miami-Dade County from time to time; and

WHEREAS, the Home Rule Charter adopted by the electors of Miami-Dade County on May 21, 1957, provides that the Board of County Commissioners, as the legislative and governing body of Miami-Dade County, shall have the power to establish special purpose districts within which may be provided essential facilities and services, including street lighting and that all funds for such districts shall be provided by service charges, special assessments, or general tax levies within such districts only, and that the County Commission shall be the governing body of all such districts; and

WHEREAS, pursuant to such provisions of the Florida Constitution and the Home Rule Charter, the Board of County Commissioners duly enacted Chapter 18 of the Code of Miami-Dade County, Florida, providing for the creation and establishment of special taxing districts and prescribing the procedures therefor; and

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WHEREAS, in accordance with the provisions of Chapter 18 of the Code of Miami-Dade County, Florida, a petition for the creation of a special taxing district to be known as the JACKSON SOUTH COMMUNITY HOSPITAL STREET LIGHTING SPECIAL TAXING DISTRICT duly signed by 100% of the owners (developer/petitioner) of property within the proposed district, was filed with the Clerk of the County Commission. Such petition prayed for the creation and establishment of a special taxing district for the purpose of providing street lighting to be financed solely by means of special assessments levied and collected within the area therein and hereinafter described; and

WHEREAS, upon receipt of such petition the Clerk of the County Commission transmitted a copy thereof to the County Manager who examined it and filed a written report with the Clerk certifying that such petition was sufficient in form and substance and signed and properly presented in accordance with the requirements of Chapter 18 of the Code of Miami-Dade County, Florida; and

WHEREAS, the County Manager, after making appropriate investigations, surveys, plans and specifications, compiled and filed with the Board of County Commissioners his written report and recommendations setting forth the boundaries of the proposed special taxing district, the location, nature and character of the street lighting improvements to be provided and maintained within the proposed district, an estimate of the cost of constructing such improvements, an estimate of the cost of maintaining and operating such improvements and/or services, his certification that the proposed district's improvements and/or services conform to the master plan of development for the County, and setting forth his recommendations concerning the need for and desirability of the requested district, the ability of the affected property to bear special assessments to fund the cost of maintaining and operating such improvements and/or services, and an estimate of the amount to be assessed against each front foot of the benefited property within the proposed district, and expressing his opinion that the property to be specially assessed will be benefited in excess of the special assessments to be levied, and the County Manager attached to such report and recommendations a map or sketch

showing the boundaries and location of the proposed district. Such Report and Recommendations of the County Manager was filed with the Clerk and transmitted to the Chairperson; and

WHEREAS, it appearing to the Board of County Commissioners from such report of the County Manager and other investigations that the district petitioned for would be of special benefit to all property within the proposed boundaries and that the total amount of the special assessments to be levied would not be in excess of such special benefit; the Clerk of the Board will certify the place, date and hour for a public hearing on the petition of the owners (developer/petitioner) and the report and recommendations of the County Manager -- said hearing will be held on Tuesday, . Copies of the public notice will be duly published in a newspaper of general circulation published in Miami-Dade County, Florida, and copies thereof will be posted in not less than five (5) public places within the proposed district, and copies thereof will be mailed to all owners of taxable real property within the boundaries of the proposed district as their names and addresses appear on the latest Miami-Dade County Real Property Tax Roll; and

WHEREAS, pursuant to said notice, the Board of County Commissioners on Tuesday, , will hold a public hearing, at which all interested persons will be afforded the opportunity to present their objections, if any, to the creation and establishment of the proposed special taxing district; and

WHEREAS, the Board of County Commissioners, upon review and consideration of the report and recommendations of the County Manager and the views expressed by the property owners within the proposed special taxing district, has determined to create and establish such special taxing district in accordance with the report and recommendations of the County Manager, and the provisions of Chapter 18 of the Miami-Dade County Code,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. In accordance with the provisions of Chapter 18 of the Code of Miami-Dade County, Florida, a special taxing district, to be known and designated as the JACKSON SOUTH COMMUNITY HOSPITAL STREET LIGHTING SPECIAL TAXING DISTRICT is hereby created and established in the unincorporated area of Miami-Dade County.

Section 2. The area or boundaries of this proposed special taxing district are as follows:

A portion of Section 21, Township 55 South, Range 40 East, Miami-Dade County, Florida; being more particularly described as follows:

The E ½ of the SE ¼ of the SW ¼ of the SW ¼ of said Section 21, less the south 35.00 feet thereof, and less the east 25.00 feet thereof;

And

The W ½ of the SE ¼ of the SW ¼ of the SW ¼ of said Section 21, less the south 35.00 feet thereof;

And

That portion of the E ½ of the SW ¼ of the SW ¼ of the SW ¼ of said Section 21, lying east and northeast of the easterly Rights-of-Way line for Canal C-100, less the south 35.00 feet thereof;

Less

The East 400.62 feet of the SE ¼ of the SW ¼ of the SW ¼ of said Section 21, less of the south 55.00 feet, the east 25.00 feet and less all that part of the east 400.62 feet of the SE ¼ of the SW ¼ of the SW ¼ of said Section 21, which lies within the external area formed by a 25.00 foot radius arc, concave to the northwest, tangent to the west line of the east 25.00 feet of the SE ¼ of the SW ¼ of the SW ¼ of said Section 21, and tangent to the north line of the south 55.00 feet of said Section 21;

And less

That portion of the south 55.00 feet as depicted on Rights-of-Way map for SW 152nd Street (Coral Reef Drive) according to the map thereof, as recorded in Road Map Book 112 at Page 54 of the Public Records of Miami-Dade County, Florida;

And

Commence at the northeast corner of the SW ¼ of the SE ¼ of the SW ¼ of said Section 21; thence S 02°24'08" E, along the east line of the SW ¼ of the SE¼ of the SW ¼ of said Section 21, for 49.45 feet; thence S 87°35'52" W for 25.00 feet to a point on the westerly Rights-of-Way line of SW 93rd Avenue, and 25.00 feet west of and parallel to the east line of the SW ¼ of the SE ¼ of said Section 21; said point also being the POINT-OF-BEGINNING; thence S 02°24'08" E along the westerly Rights-of-Way line of SW 93rd Avenue for 537.16 feet to the point of curvature of a curve concave to the northwest, having for its elements a radius of 25.00 feet and a central angle of 90°33'34"; thence continue southwesterly along the arc of said curve for 39.51 feet to a point on the northerly Rights-of-Way line of said Section 21; thence S 88°09'25" W along said northerly Rights-of-Way line for 617.59 feet, to a point on the east line of the SE ¼ of the SW ¼ of the SW ¼ of said Section 21; thence continue along said northerly Rights-of-Way line S 88°09'25" W for 400.64 feet to a point on a line 400.62 feet west of and parallel to the east line of the SE ¼ of the SW ¼ of the SW ¼ of said Section 21; thence N 02°24'07" W for 588.40 feet to a point on the southerly Rights-of-Way line of SW 150th Street, said point being 25.00 feet south of and parallel to the north line of the SE ¼ of the SW ¼ of said Section 21; thence N 88°13'36" E along said southerly Rights-of-Way line for 400.64 feet to a point on the west line of the SW ¼ of the SE ¼ of the SW ¼ of said Section 21; thence continue N 88°13'36" E along said southerly Rights-of-Way line of SW 150th Street for 618.11 feet to a point of curvature of a curve concave to the southwest, having for its elements a radius of 25.00 feet and a central angle of 89°22'15"; thence continue southeasterly along the arc of said curve for an arc distance of 39.00 feet to the POINT-OF-BEGINNING (a.k.a. Tentative Plat # T-23021, Jackson South Community Hospital).

The area and location of this proposed special taxing district are shown on the map or sketch, which is made a part hereof by reference.

Section 3. The improvements and services to be provided within this proposed special taxing district will consist of the following:

Installation, operation and maintenance of thirteen (13) 22,000 lumen sodium vapor bracket-arm street lights mounted on concrete poles..

Section 4. The installation of such street lighting project will be accomplished pursuant to an agreement between Miami-Dade County and the Florida Power & Light

Company. The cost of furnishing electric energy to the street lighting project, together with the costs of service, maintenance, and administration for handling billing, collecting assessments, and processing for the first year is estimated to be $14,130 and shall be advanced by petitioners. The cost of furnishing electric energy to the street lighting project, together with the costs of service, maintenance, and administration for handling billing, collecting assessments, and processing for the second year is estimated to be $4,410. The estimated cost per assessable front foot of real property within the proposed district for the second year is $1.836. The succeeding years' assessments will be adjusted from actual experience.

Section 5. It is hereby declared that said improvements and/or services will be a special benefit to all property within the proposed special taxing district and the total amount of special assessments to be levied as aforesaid will not be in excess of such special benefit.

Section 6. The proposed Street Lighting agreement between Miami-Dade County and Florida Power & Light Company is hereby approved and made a part hereof by reference, and the County Manager or designee and the Clerk or Deputy Clerk of the County Commission are hereby authorized and directed to execute said agreement for and on behalf of Miami-Dade County.

Section 7. The County Manager is authorized and directed to cause the installation of said streetlights to be accomplished within the district in accordance with the provisions of said agreement and with the terms of this Ordinance.

Section 8. The County Manager is further directed to cause to be prepared and filed with the Clerk of the County Commission a Preliminary Assessment Roll in accordance with the provisions of Section 18-14 of the Code of Miami-Dade County, Florida. As authorized by Section 197.363, Florida Statutes, all special assessments levied and imposed under the

provisions of this Ordinance shall be collected, subject to the provisions of Chapter 197, Florida Statutes, in the same manner and at the same time as ad valorem taxes. In accordance with utilization of the ad valorem tax collection method, if such special assessments are not paid, when due, the potential for loss of title to the property exists.

Section 9. A duly certified copy of this Ordinance shall be filed in the Office of the Clerk of the Circuit Court of Miami-Dade County, Florida, and recorded in the appropriate book of records.

Section 10. The provisions of this Ordinance shall become effective ten (10) days after the date of enactment, unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

James K. Kracht

REPORT AND RECOMMENDATIONS
ON THE CREATION OF JACKSON SOUTH COMMUNITY HOSPITAL
STREET LIGHTING SPECIAL TAXING DISTRICT
MIAMI-DADE COUNTY, FLORIDA

Pursuant to Chapter 18 of the Code, and as a result of a detailed investigation of a duly petitioned for special taxing district, the following facts are submitted by the Public Works Department Director concerning the creation of Jackson South Community Hospital Street Lighting Special Taxing District.

1. BOUNDARIES OF THIS DISTRICT

The proposed District is located entirely within a portion of unincorporated Miami-Dade County, and the boundaries, as set forth in the petition, are as follows:

A portion of Section 21, Township 55 South, Range 40 East, Miami-Dade County, Florida; being more particularly described as follows:

The E ½ of the SE ¼ of the SW ¼ of the SW ¼ of said Section 21, less the south 35.00 feet thereof, and less the east 25.00 feet thereof;

And

The W ½ of the SE ¼ of the SW ¼ of the SW ¼ of said Section 21, less the south 35.00 feet thereof;

And

That portion of the E ½ of the SW ¼ of the SW ¼ of the SW ¼ of said Section 21, lying east and northeast of the easterly Rights-of-Way line for Canal C-100, less the south 35.00 feet thereof;

Less

The East 400.62 feet of the SE ¼ of the SW ¼ of the SW ¼ of said Section 21, less of the south 55.00 feet, the east 25.00 feet and less all that part of the east 400.62 feet of the SE ¼ of the SW ¼ of the SW ¼ of said Section 21, which lies within the external area formed by a 25.00 foot radius arc, concave to the northwest, tangent to the west line of the east 25.00 feet of the SE ¼ of the SW ¼ of the SW ¼ of said Section 21, and tangent to the north line of the south 55.00 feet of said Section 21;

And less

That portion of the south 55.00 feet as depicted on Rights-of-Way map for SW 152nd Street (Coral Reef Drive) according to the map thereof, as recorded in Road Map Book 112 at Page 54 of the Public Records of Miami-Dade County, Florida;

And

Commence at the northeast corner of the SW ¼ of the SE ¼ of the SW ¼ of said Section 21; thence S 02°24'08" E, along the east line of the SW ¼ of the SE¼ of the SW ¼ of said Section 21, for 49.45 feet; thence S 87°35'52" W for 25.00 feet to a point on the westerly Rights-of-Way line of SW 93rd Avenue, and 25.00 feet west of and parallel to the east line of the SW ¼ of the SE ¼ of said Section 21; said point also being the POINT-OF-BEGINNING; thence S 02°24'08" E along the westerly Rights-of-Way line of SW 93rd Avenue for 537.16 feet to the point of curvature of a curve concave to the northwest, having for its elements a radius of 25.00 feet and a central angle of 90°33'34"; thence continue southwesterly along the arc of said curve for 39.51 feet to a point on the northerly Rights-of-

Way line of said Section 21; thence S 88°09'25" W along said northerly Rights-of-Way line for 617.59 feet, to a point on the east line of the SE ¼ of the SW ¼ of the SW ¼ of said Section 21; thence continue along said northerly Rights-of-Way line S 88°09'25" W for 400.64 feet to a point on a line 400.62 feet west of and parallel to the east line of the SE ¼ of the SW ¼ of the SW ¼ of said Section 21; thence N 02°24'07" W for 588.40 feet to a point on the southerly Rights-of-Way line of SW 150th Street, said point being 25.00 feet south of and parallel to the north line of the SE ¼ of the SW ¼ of said Section 21; thence N 88°13'36" E along said southerly Rights-of-Way line for 400.64 feet to a point on the west line of the SW ¼ of the SE ¼ of the SW ¼ of said Section 21; thence continue N 88°13'36" E along said southerly Rights-of-Way line of SW 150th Street for 618.11 feet to a point of curvature of a curve concave to the southwest, having for its elements a radius of 25.00 feet and a central angle of 89°22'15"; thence continue southeasterly along the arc of said curve for an arc distance of 39.00 feet to the POINT-OF-BEGINNING (a.k.a. Tentative Plat # T-23021, Jackson South Community Hospital).

The boundaries are shown on the attached plan entitled Jackson South Community Hospital Street Lighting Special Taxing District and hereinafter referred to as Exhibit A.

2. LOCATION OF THE INSTALLATIONS TO BE CONSTRUCTED

The facilities to be provided under the District will consist of sodium vapor bracket-arm streetlights mounted on concrete poles located within the street Rights-of-Way as shown in Exhibit A. The spacing of the streetlights will be between 92 and 140 feet.

3. ESTIMATED COST FOR THIS DISTRICT

As provided for under Section 18-2 of the Code, the property owner(s), the developer(s), within the proposed District shall guarantee payment of all costs and expenses incidental to the creation of such District and shall pay the entire cost of providing street lighting within the District for the first year. The Florida Power and Light Company will install the lights, poles and service lines at its expense. However, the special taxing district, the developer(s), may be required to pay a differential cost if rapid construction techniques cannot be used on this project. This cost is estimated and shown as Florida Power and Light Company restoration cost in the District's cost estimate.

4. ESTIMATE OF THE ANNUAL EXPENSE FOR MAINTENANCE, REPAIR AND OPERATION OF THIS DISTRICT

The facilities provided will remain the property of the Florida Power and Light Company, which will be responsible for the maintenance of the light standards, fixtures, lamps, and all connecting service lines. The cost of streetlights in this District will be continual and is based on a preliminary estimate using Rate Schedule No. SL-1 prepared by the Florida Power and Light Company and approved by the Florida Public Service

Commission, a copy of which is attached. The District will pay the Florida Power and Light Company a monthly rental fee on each installation. There will be 13 lights and 13 pole rentals served by 2,340 feet of underground wiring for an annual cost of $3,900 for the first and second years.

As provided by Chapter 18 of the Code of Miami-Dade County, the petitioner shall advance the above first year's estimated streetlight costs and pay all costs incurred to create and maintain the District for its first year of operation. The District's property owners shall pay these costs for the second and succeeding years. The engineering and administrative costs involved in establishing and maintaining the district are estimated to be $2,740 the first year and $140 the second year. The cost of handling the billing, collecting the assessment, and processing the payments to the Florida Power and Light Company is estimated to be $2,400 the first year and $160 the second year. Additionally, contingency funds in the amount of $1,840 the first year and $210 the second year are provided.

ESTIMATED ANNUAL COSTS

	First Year	Second Year
13 - 22,000 Lumen Sodium Vapor Luminaires	$1,480	$1,480
13 - Concrete Poles	560	560
2,340 Ft. - Underground Wiring	640	640
Annual Fuel Adjustments (Based on 13,728 KWH at $0.07292 Per KWH)	1,000	1,000
Franchise Cost (Based on 5.91 % of $3,680)	220	220
TOTAL STREET LIGHTING SERVICE COSTS	$3,900	$3,900
FP&L RESTORATION COST	3,250	0
ENGINEERING & ADMINISTRATIVE COSTS	2,740	140*
BILLING, COLLECTING & PROCESSING COSTS	2,400	160*
CONTINGENCIES	1,840	210*
TOTAL COST COVERED BY PETITIONER	$14,130	
TOTAL COST TO DISTRICT EACH YEAR THEREAFTER		$4,410*

*To be adjusted from actual experience.

5. PROCEDURE

Following the creation of the District by the Board of County Commissioners (BCC), and upon receipt of the payment by the developer of the total estimated cost for the first year as specified in Item 4 above, the County Manager shall cause the petitioner's plat to be placed on a Commission Agenda for acceptance and subsequent recordation.

Miami-Dade County may then enter into an agreement with the Florida Power and Light Company, form attached, wherein Miami-Dade County will pay to the Florida Power and Light Company any costs associated with the streetlight installation, and monthly payments for the annual cost of the streetlight service estimated at $3,900 or approximately $325 per month. These amounts will be charged during the first year's operation against funds advanced by the petitioners. Based on front footage, each property owner along the lighted roadway will pay the County, through a special assessment, a proportionate share of the total annual cost each year thereafter.

6. CONFORMITY TO THE MASTER PLAN OF MIAMI-DADE COUNTY

The proposed District conforms to and in no way conflicts with the Comprehensive Development Master Plan of Miami-Dade County (see attached memorandum from the Department of Planning and Zoning).

7. RECOMMENDATION CONCERNING THE DESIRABILITY OF THIS DISTRICT

The need for street lighting in Miami-Dade County is apparent. Residents and property owners of Miami-Dade County continue to demonstrate their desire for street lighting through numerous petitions and personal requests.

In my opinion, the proposed streetlights will provide special benefits to property within the District exceeding the amount of special assessments to be levied.

8. ESTIMATE OF ASSESSMENT AGAINST BENEFITED PROPERTY

As was determined in Item 4 above, each property owner along the lighted roadway will pay the County, through a special assessment, a proportionate share of the total annual cost the second year and each succeeding year thereafter. The annual assessment shown below is representative of costs for Tract A within the District.

Estimated Annual Assessment:	**First Year**	**Second Year**
Per Assessable Front Foot		$1.836
For Tract A	Cost to be provided by the petitioner	$4,410

These costs are based on a preliminary estimate of 2,402 total assessable front feet and will be adjusted from actual experience.

9. **RECOMMENDATION**

I recommend that Jackson South Community Hospital Street Lighting Special Taxing District be created pursuant to Section 18-2 of the Code, which provides for the creation of special taxing districts for street lighting in new subdivisions. The creation of the District will be subject to BCC approval; no election will be necessary as 100 percent of the property owners signed the petition. Following adoption of the creation ordinance, it is further recommended that the BCC adopt the District's Preliminary Assessment Roll Resolution. Adoption of this resolution will enable the Miami-Dade County Tax Collector to provide the funding necessary to administer the District, as well as provide funds for payment to the Florida Power and Light Company for the District's monthly power bills for the second and succeeding years. In the event actual costs are lower than the costs estimated, the Director of the Public Works Department or her designee shall adjust and decrease the front foot rate of assessment. In the event actual second year costs are higher than the costs estimated, the County Manager may, at his discretion, cause to be prepared a revised preliminary assessment roll and file the same with the Clerk of the Board for a scheduled public hearing to adopt the revised assessment roll. The ordinance creating the District shall take effect ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, it shall become effective only upon an override by the BCC. My office will also be available to answer any questions from the public or your office in regard to the financial and/or engineering facts of this project. We further recommend that the County Manager forward the attached report to the BCC after he has reviewed it and concurred with our findings.

Attachments:
(1) Copy of Petition and Attachments
(2) Copy of FP&L Rate Schedule No. SL-1
(3) Copy of FP&L Street Lighting Agreement Form
(4) Copy of Memo from Department of Planning and Zoning
(5) District Boundary Map (Exhibit A)

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Memorandum

MIAMI-DADE COUNTY

Date: March 3, 2010

To: Diane Collins, Interim Director
Office of the Clerk of the Board
Attn: Felicia Hurst

From: Donald L. Tock, Jr., Chief
Special Taxing Districts Division

Subject: Jackson South Community Hospital Street Lighting
Special Taxing District

In reference to the subject petition, we hereby certify that, in compliance with Section 18-2 of the Miami-Dade County Code, this Department has verified the attached name against the records of the Property Appraisal Department, and has concluded that said petition relates to real property in a new subdivision and the signator is an owner and/or individual signing in his official capacity as representative of the owner of the property in question. We are therefore submitting the following information:

1.	Total number of parcels of land within district boundaries	3
2.	Total number of owners of property within district boundaries	1
3.	Total number of resident owners within district boundaries (this is a new subdivision area)	0
4.	Total number of signatures on the petition	1
5.	Total number of owners or representatives signing the petition in an official capacity	1
6.	Percentage of owners or representatives signing the petition in their official capacity	100%

Pursuant to Section 18-2 of the Code, this is a valid petition.

By copy of this memorandum, I am forwarding this petition for review by the County Attorney for legal sufficiency.

Attachment

cc: James Kracht

MIAMI-DADE COUNTY ATTORNEY'S OFFICE
MEMORANDUM

TO: Don Tock
Chief, Special Taxing

FROM: James K. Kracht JKK/cg DATE: March 4, 2010
Assistant County Attorney

RE: Jackson South Community Hospital
Street Lighting Special Taxing District

Please be advised that I have reviewed the above referenced petition and find it to be legally sufficient.

JKK/cg

MIAMI-DADE COUNTY
PUBLIC WORKS DEPARTMENT
SPECIAL TAXING DISTRICTS DIVISION

Document Preparation
Date: 12-28-2009

Departmental Acceptance Date
(Government Use Only)

PETITION FOR MULTIPURPOSE SPECIAL TAXING DISTRICT

To the Board of County Commissioners of Miami-Dade County, Florida:

We, the undersigned property owners, do hereby petition Miami-Dade County, Florida, for the creation of the Special Taxing District(s) required by the respective plat(s) pursuant to Chapter 18 of the Code of Miami-Dade County, Florida, for any or all of the following: installation, operation and maintenance of sodium vapor street lights of an intensity of 9,500 up to 50,000 lumens, mounted on concrete, fiber glass or existing poles; landscape, lake, entrance features and wall maintenance services (requested landscape, lake, entrance features and wall maintenance services shall be more fully described on the attached Exhibit B). The petitioned for district lies within that portion of the unincorporated area of Miami-Dade County more fully described on the attached Exhibit A.

Tentative Plat(s) Name(s) JACKSON SOUTH COMMUNITY HOSPITAL

It is understood and agreed that the boundaries of this district and the type and level of services to be provided by this district will be reviewed by the appropriate County authorities. It is also understood that the street lights and other improvements to be provided shall be in accordance with minimum standards and requirements set forth by the Miami-Dade County Public Works Department.

OWNER'S NAME	OWNER'S ADDRESS	LEGAL DESCRIPTION OF PROPERTY	TAX FOLIO NUMBER
Miami-Dade County	111 N.W. 1st Street, Miami, Florida 33128	As described on the attached Exhibit "A"	30-5021-000-0261
Miami-Dade County	111 N.W. 1st Street, Miami, Florida 33128	As described on the attached Exhibit "A"	30-5021-000-0269
Miami-Dade County	111 N.W. 1st Street, Miami, Florida 33128	As described on the attached Exhibit "A"	30-5021-000-0240

OWNER'S SIGNATURE:

On behalf of Miami-Dade County:

Mayor Carlos Alvarez

PLACE NOTARY STATEMENT AND STAMP HERE:

State of Florida
County of Miami-Dade
The foregoing instrument was acknowledged before me this 1ST day of Feb 2010, by Carlos Alvarez, Mayor, Miami-Dade County, who is personally known to me.
Diane Collins

DIANE COLLINS
MY COMMISSION # DD 567115
EXPIRES: October 22, 2010
Bonded Thru Notary Public Underwriters

DEPARTMENTAL ACCEPTANCE DATE
(GOVERNMENT USE ONLY)

EXHIBIT "A"

EXHIBIT A TO THE PETITION FOR THE PLAT KNOWN AS JACKSON SOUTH COMMUNITY HOSPITAL DATED 12-28-2009 FOR THE CREATION OF SPECIAL TAXING DISTRICT.

Legal Description:

LEGAL DESCRIPTION:
The East Half of the SE. 1/4, of the SW. 1/4, of the SW. 1/4, of Section 21, Township 55 South, Range 40 East, less the South 35 feet thereof and less the East 25 feet thereof.
AND
The West 1/2, of the SE. 1/4, of the SW. 1/4, of the SW. 1/4, of Section 21, Township 55 South, Range 40 East, less the South 35 feet thereof.
AND
That portion of the East 1/2, of the SW. 1/4, of the SW. 1/4, of the SW. 1/4, of Section 21, Township 55 South, Range 40 East, lying East of the Northeast of the Right of Way for Canal C-100, less the South 35 feet thereof.
ALL OF THE ABOVE LESS,
The East 400.62 feet of the Southeast 1/4 of the Southwest 1/4 of the Southwest 1/4 of Section 21, Township 55 South, Range 40 East, Dade County, Florida; LESS the South 55 feet, the East 25 feet and all that part of the East 400.62 feet of the Southeast 1/4 of the Southwest 1/4 of the Southwest 1/4 of said Section 21, which lies within the external area formed by a 25.00 foot radius arc, concave to the Northwest, tangent to the West Line of the East 25 feet of the Southeast 1/4 of the Southwest 1/4 of the Southwest 1/4 of said Section 21, and tangent to the North Line of the South 55 feet of said Section 21.
AND ALSO LESS
That portion of the South 55 feet as depicted on Right of Way Map for SW. 152nd Street (Coral Reef Drive), according to the Map thereof, as recorded in Road Map Book 112, at Page 54, of the Public Records of Miami-Dade County, Florida.
AND
A parcel of land lying in Section 21, Township 55 South, Range 40 East, Miami-Dade County, Florida, being more particularly described as follows:
COMMENCE at the NE. Corner of the SW. 1/4 of the SE. 1/4 of the SW. 1/4 of Sec. 21-55-40; thence S02deg 24min 08sec E, along the East Line of the SW. 1/4 of the SE. 1/4 of the SW. 1/4 of Section 21-55-40 for 49.45 feet; thence S87deg 35min 52sec W for 25.00 feet to a point on the Westerly Right of Way Line of SW. 93rd Avenue and 25 feet West of and parallel to the East Line of the SW. 1/4 of the SE. 1/4 of the SW. 1/4 of Sec. 21-55-40, said point also being the POINT OF BEGINNING; thence S02deg 24min 08sec E along the Westerly Right of Way Line of SW. 93rd Avenue for 537.16 feet to the Point of Curvature of a curve, concave to the Northwest, having for its elements a radius of 25.00 feet and a central angle of 90deg 33min 34sec; thence continue Southwesterly along the arc of said curve for 39.51 feet to a point on the Northerly Right of Way Line of SW. 152nd Street, said point lying on a line 55.00 feet North of and parallel to the South Line of Section 21-55-40; thence S88deg 09min 25sec W along said Northerly Right of Way Line for 617.59 feet to a point on the East Line of the SE. 1/4 of the SW. 1/4 of the SW. 1/4 of Sec. 21-55-40; thence continue along said Northerly Right of Way Line S88deg 09min 25sec W for 400.64 feet to a point on a line 400.62 feet west of and parallel to the East Line of the SE. 1/4 of the SW. 1/4 of the SW. 1/4 of Section 21-55-40; thence N02deg 24min 07sec W for 588.40 feet to a point on the Southerly Right of Way Line of SW. 150th Street, said line being 25.00 feet South of and parallel to the North Line of the SE. 1/4 of the SW. 1/4 of the SW. 1/4 of Section 21-55-40; thence N88deg 13min 36secE along said Southerly Right of Way Line for 400.64 feet to a point on the West Line of the SW. 1/4 of the SE. 1/4 of the SW. 1/4 of Section 21-55-40; thence continue N88deg 13min 36sec E along said Southerly Right of Way Line of SW. 150th Street for 618.11 feet to a Point of Curvature of a curve, concave to the Southwest, having for its elements a radius of 25.00 feet and a central angle of 89deg 22min 15sec; thence continue Southeasterly along the arc of said curve for an arc distance of 39.00 feet to the POINT OF BEGINNING.

Containing 830,705 Square Feet or 19.07 Acres, more or less, by calculations.

STREET LIGHTING

RATE SCHEDULE: SL-1

AVAILABLE:

In all territory served.

APPLICATION:

For lighting streets and roadways, whether public or private, which are thoroughfares for normal flow of vehicular traffic. Lighting for other applications such as: municipally and privately-owned parking lots; parks and recreational areas; or any other area not expressly defined above, is not permitted under this schedule.

TYPE OF INSTALLATION:

FPL-owned fixtures normally will be mounted on poles of FPL's existing distribution system and served from overhead wires. On request of the Customer, FPL will provide special poles or underground wires at the charges specified below. Customer-owned systems will be of a standard type and design, permitting service and lamp replacement at no abnormal cost to FPL.

SERVICE:

Service includes lamp renewals, patrol, energy from dusk each day until dawn the following day and maintenance of FPL-owned Street Lighting Systems.

LIMITATION OF SERVICE:

For Mercury Vapor, Fluorescent and Incandescent luminaires, no additions or changes in specified lumen output on existing installations will be permitted under this schedule after October 4, 1981 except where such additional lights are required in order to match existing installations.

Stand-by or resale service is not permitted hereunder.

CUSTOMER CONTRIBUTIONS:

A Contribution-in-Aid-of-Construction (CIAC) will be required for:

a) the differential cost between employing rapid construction techniques in trenching, backfilling and pole installation work where no obstructions exist, and the added cost to overcome obstructions such as sprinkler systems, paved surfaces (such as sidewalks, curbs, gutters, and roadways), landscaping, sodding and other obstructions encountered along the Street Light System installation route, including repair and replacement. If the Customer elects to perform work such as trenching and restoration, they will be reimbursed by FPL with a credit (not to exceed the total CIAC cost) for the value of this work as determined by FPL;

b) the installation cost of any new overhead distribution facilities and/or the cost of alterations to existing distribution facilities which are required in order to serve the Street Lighting System less four (4) times the additional annual non-fuel energy revenue generated by the installation or alteration of the Street Lighting System, plus where underground facilities are installed, the differential installation cost between underground and overhead distribution facilities.

These costs shall be paid by the Customer prior to the initiation of any construction work by FPL. The Customer shall also pay any additional costs associated with design modifications requested after the original estimate has been made.

(Continued on Sheet No. 8.716)

(Continued from Sheet No. 8.715)

REMOVAL OF FACILITIES:

If Street Lighting facilities are removed either by Customer request or termination or breach of the agreement, the Customer shall pay FPL an amount equal to the original installed cost of the removed facilities less any salvage value and any depreciation (based on current depreciation rates as approved by the Florida Public Service Commission) plus removal cost.

MONTHLY RATE:

Luminaire Type		Lamp Size Initial Lumens/Watts		KWH/Mo. Estimate	Charge for FPL-Owned Unit ($) Fixtures	Maintenance	Energy Non-Fuel **	Total ***	Charge for Customer-Owned Unit $) Relamping/ Energy ****	Energy Only
High Pressure Sodium Vapor		5,800	70	29	3.67	1.40	.61	5.68	1.32	.61
" "		9,500	100	41	3.74	1.41	.86	6.01	1.58	.86
" "		16,000	150	60	3.84	1.45	1.26	6.55	1.98	1.26
" "		22,000	200	88	5.82	1.85	1.84	9.51	2.57	1.84
" "		50,000	400	168	5.90	1.82	3.52	11.24	4.25	3.52
	*	12,800	150	60	4.01	1.61	1.26	6.88	2.22	1.26
" "	*	27,500	250	116	6.20	1.96	2.43	10.59	3.19	2.43
" "	*	140,000	1,000	411	9.34	3.58	8.61	21.53	10.31	8.61
Mercury Vapor	*	6,000	140	62	2.90	1.27	1.30	5.47	2.01	1.30
" "	*	8,600	175	77	2.93	1.27	1.61	5.81	2.33	1.61
" "	*	11,500	250	104	4.90	1.83	2.18	8.91	2.94	2.18
" "	*	21,500	400	160	4.88	1.81	3.35	10.04	4.10	3.35
" "	*	39,500	700	272	6.90	3.06	5.70	15.66	7.31	5.70
" "	*	60,000	1,000	385	7.07	2.97	8.07	18.11	9.08	8.07
Incandescent	*	1,000	103	36				7.13	2.53	.75
"	*	2,500	202	71				7.38	3.26	1.49
"	*	4,000	327	116				8.64	4.25	2.43
"	*	6,000	448	158				9.64	5.13	3.30
"	*	10,000	690	244				11.60	7.07	5.11
Fluorescent	*	19,800	300	122				-	3.49	2.55
"	*	39,600	700	264				-	6.75	5.54

* These units are closed to new FPL installations.
** The non-fuel energy charge is 2.095¢ per kwh.
*** Bills rendered based on "Total" charge. Unbundling of charges is not permitted.
**** New Customer installations of those units closed to FPL installations cannot receive relamping service.

Charges for other FPL-owned facilities:

Wood pole used only for the street lighting system	$ 2.62
Concrete pole used only for the street lighting system	$ 3.60
Fiberglass pole used only for the street lighting system	$ 4.27
Underground conductors not under paving	1.97¢ per foot
Underground conductors under paving	4.81¢ per foot

The Underground conductors under paving charge will not apply where a CIAC is paid pursuant to section "a)" under "Customer Contributions." The Underground conductors not under paving charge will apply in these situations.

(Continued on Sheet No. 8.717)

(Continued from Sheet No. 8.716)

On Customer-owned Street Lighting Systems, where Customer contracts to relamp at no cost to FPL, the Monthly Rate for non-fuel energy shall be 2.095¢ per kwh of estimated usage of each unit plus adjustments. On Street Lighting Systems, where the Customer elects to install Customer-owned monitoring systems, the Monthly Rate for non-fuel energy shall be 2.095¢ per kwh of estimated usage of each monitoring unit plus adjustments. The minimum monthly kwh per monitoring device will be 1 kilowatt-hour per month, and the maximum monthly kwh per monitoring device will be 5 kilowatt-hours per month.

During the initial installation period:
Facilities in service for 15 days or less will not be billed;
Facilities in service for 16 days or more will be billed for a full month.

WILLFUL DAMAGE:

Upon the second occurrence of willful damage to any FPL-owned facilities, the Customer will be responsible for the cost incurred for repair or replacement. If the lighting fixture is damaged, based on prior written instructions from the Customer, FPL will:

a) Replace the fixture with a shielded cutoff cobrahead. The Customer shall pay $120.00 for the shield plus all associated costs. However, if the Customer chooses to have the shield installed after the first occurrence, the Customer shall only pay the $120.00 cost of the shield; or

b) Replace with a like unshielded fixture. For this, and each subsequent occurrence, the Customer shall pay the costs specified under "Removal of Facilities"; or

c) Terminate service to the fixture.

Option selection shall be made by the Customer in writing and apply to all fixtures which FPL has installed on the Customer's behalf. Selection changes may be made by the Customer at any time and will become effective ninety (90) days after written notice is received.

Conservation Charge	See Sheet No. 8.030
Capacity Payment Charge	See Sheet No. 8.030
Environmental Charge	See Sheet No. 8.030
Fuel Charge	See Sheet No. 8.030
Franchise Fee	See Sheet No. 8.031
Tax Clause	See Sheet No. 8.031

TERM OF SERVICE:

Initial term of ten (10) years with automatic, successive five (5) year extensions unless terminated in writing by either FPL or the Customer at least ninety (90) days prior to the current term's expiration.

RULES AND REGULATIONS:

Service under this schedule is subject to orders of governmental bodies having jurisdiction and to the currently effective "General Rules and Regulations for Electric Service" on file with the Florida Public Service Commission. In case of conflict between any provision of this schedule and said "General Rules and Regulations for Electric Service", the provision of this schedule shall apply.

FPL

FPL Account Number: _____
FPL Work Order Number: _____
Taxing District: L-_____

STREET LIGHTING AGREEMENT

In accordance with the following terms and conditions, _____ Street Lighting Special Taxing District (hereinafter called the Customer), requests on this _____ day of _____, _____, from FLORIDA POWER & LIGHT COMPANY (hereinafter called FPL), a corporation organized and existing under the laws of the State of Florida, the following installation or modification of street lighting facilities at (general boundaries) _____, located in Miami-Dade County, Florida.
(city/county)

(a) Installation and/or removal of FPL-owned facilities described as follows:

Lights Installed			Lights Removed		
Fixture Rating (in Lumens)	Fixture Type	# Installed	Fixture Rating (in Lumens)	Fixture Type	# Removed

Poles Installed		Poles Removed		Conductors Installed	Conductors Removed
Pole Type	# Installed	Pole Type	# Removed	Feet not Under Paving	Feet not Under Paving
				Feet Under Paving	Feet Under Paving

(b) Modification to existing facilities other than described above (explain fully):_____

That, for and in consideration of the covenants set forth herein, the parties hereto covenant and agree as follows:

FPL AGREES:

1. To install or modify the street lighting facilities described and identified above (hereinafter called the Street Lighting System), furnish to the Customer the electric energy necessary for the operation of the Street Lighting System, and furnish such other services as are specified in this Agreement, all in accordance with the terms of FPL's currently effective street lighting rate schedule on file at the Florida Public Service Commission (FPSC) or any successive street lighting rate schedule approved by the FPSC.

THE CUSTOMER AGREES:

2. To pay a contribution in the amount of $_____ prior to FPL's initiating the requested installation or modification.

3. To purchase from FPL all of the electric energy used for the operation of the Street Lighting System.

4. To be responsible for paying, when due, all bills rendered by FPL pursuant to FPL's currently effective street lighting rate schedule on file at the FPSC or any successive street lighting rate schedule approved by the FPSC, for facilities and service provided in accordance with this agreement.

5. To provide access, final grading and, when requested, good and sufficient easements, suitable construction drawings showing the location of existing and proposed structures, identification of all non-FPL underground facilities within or near pole or trench locations, and appropriate plats necessary for planning the design and completing the construction of FPL facilities associated with the Street Lighting System.

6. To perform any clearing, compacting, removal of stumps or other obstructions that conflict with construction, and drainage of rights-of-way or easements required by FPL to accommodate the street lighting facilities.

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IT IS MUTUALLY AGREED THAT:

7. Modifications to the facilities provided by FPL under this agreement, other than for maintenance, may only be made through the execution of an additional street lighting agreement delineating the modifications to be accomplished. Modification of FPL street lighting facilities is defined as the following:

   a. the addition of street lighting facilities:
   b. the removal of street lighting facilities; and
   c. the removal of street lighting facilities and the replacement of such facilities with new facilities and/or additional facilities.

   Modifications will be subject to the costs identified in FPL's currently effective street lighting rate schedule on file at the FPSC, or any successive schedule approved by the FPSC.

8. FPL will, at the request of the Customer, relocate the street lighting facilities covered by this agreement, if provided sufficient right-of-ways or easements to do so. The Customer shall be responsible for the payment of all costs associated with any such Customer- requested relocation of FPL street lighting facilities. Payment shall be made by the Customer in advance of any relocation.

9. FPL may, at any time, substitute for any luminaire/lamp installed hereunder another luminaire/lamp which shall be of at least equal illuminating capacity and efficiency.

10. This Agreement shall be for a term of ten (10) years from the date of initiation of service, and, except as provided below, shall extend thereafter for further successive periods of five (5) years from the expiration of the initial ten (10) year term or from the expiration of any extension thereof. The date of initiation of service shall be defined as the date the first lights are energized and billing begins, not the date of this Agreement. This Agreement shall be extended automatically beyond the initial the (10) year term or any extension thereof, unless either party shall have given written notice to the other of its desire to terminate this Agreement. The written notice shall be by certified mail and shall be given not less than ninety (90) days before the expiration of the initial ten (10) year term, or any extension thereof.

11. In the event street lighting facilities covered by this agreement are removed, either at the request of the Customer or through termination or breach of this Agreement, the Customer shall be responsible for paying to FPL an amount equal to the original installed cost of the facilities provided by FPL under this agreement less any salvage value and any depreciation (based on current depreciation rates as approved by the FPSC) plus removal cost.

12. Should the Customer fail to pay any bills due and rendered pursuant to this agreement of otherwise fail to perform the obligations contained in this Agreement, said obligations being material and going to the essence of this Agreement, FPL may cease to supply electric energy or service until the Customer has paid the bills due and rendered or has fully cured such other breach of this Agreement. Any failure of FPL to exercise its rights hereunder shall not be a waiver of its rights. It is understood, however, that such discontinuance of the supplying of electric energy or service shall not constitute a breach of this Agreement by FPL, nor shall it relieve the Customer of the obligation to perform any of the terms and conditions of this Agreement.

13. The obligation to furnish or purchase service shall be excused at any time that either party is prevented from complying with this Agreement by strikes, lockouts, fires, riots, acts of God, the public enemy, or by cause or causes not under the control of the party thus prevented from compliance and FPL shall not have the obligation to furnish service if it is prevented from complying with this Agreement by reason of any partial, temporary or entire shut-down of service which, in the sole opinion of FPL, is reasonably necessary for the purpose of repairing or making more efficient all or any part of its generating or other electrical equipment.

14. This Agreement supersedes all previous Agreements or representations, either written, oral or otherwise between the Customer and FPL, with respect to the facilities referenced herein and constitutes the entire Agreement between the parties. This Agreement does not create any rights or provide any remedies to third parties or create any additional duty, obligation or undertakings by FPL to third parties.

15. This Agreement shall inure to the benefit of, and be binding upon the successors and assigns of the Customer and FPL.

16. This Agreement is subject to FPL's Electric Tariff, including, but not limited to, the General Rules and Regulations for Electric Service and the Rules of the FPSC, as they are written, or as they may be hereafter revised, amended or supplemented. In the event of any conflict between the terms of this Agreement and the provisions of the FPL Electric Tariff or the FPSC Rules, the provisions of the Electric Tariff and FPSC Rules shall control, as they are now written, or as they may be hereafter revised, amended or supplemented.

IN WITNESS WHEREOF, the parties hereby caused this Agreement to be executed in triplicate by their duly authorized representatives to be effective as of the day and year first written above.

Charges and Terms Accepted:

Miami-Dade County Special Taxing Districts Division	FLORIDA POWER & LIGHT COMPANY
Customer (Print or type name of Organization)	
By:_____	By:_____
Signature (Authorized Representative)	(Signature)
_____	_____
(Print or type name)	(Print or type name)
Title:_____	Title:_____

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MEMORANDUM

To: Aristides Rivera, P.E., P.L.S., Director
Public Works Department

Date: January 15, 2002

From: Diane O'Quinn Williams, Director
Department of Planning and Zoning

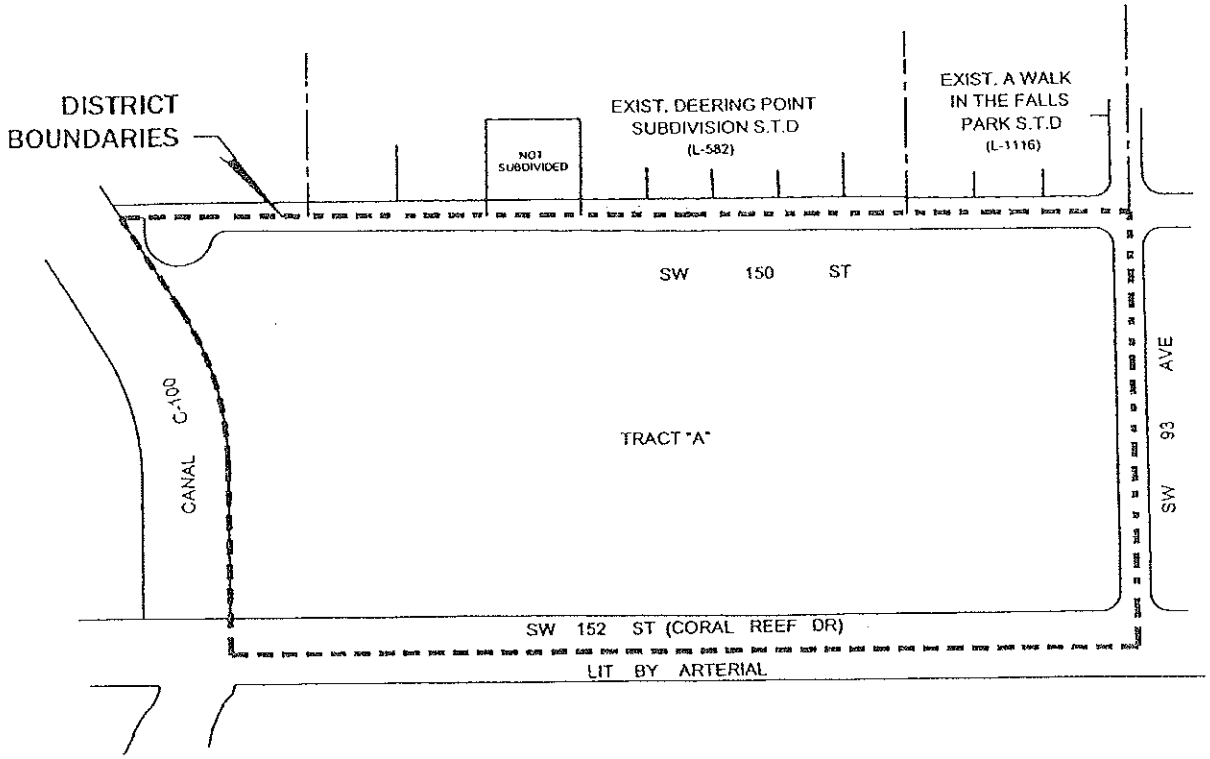
Subject: Street Lighting, Maintenance of Landscape, Walls Adjacent to Double-Frontage Lots and Lakes Special Taxing Districts

Section: As Required
District: As Required
Council: As Required

Effective September 5, 2001, all tentative plats in the unincorporated area of Miami-Dade County submitted to the Land Development Division of the Public Works Department, must be accompanied by a properly executed petition for all applicable special taxing districts including, but not limited to street lights, maintenance of landscape, walls adjacent to double frontage lots, entrance features and lakes. Final Plats will not be presented to the Board of County Commissioners for consideration until the applicable special taxing districts are created, and all fees have been paid. In that regard, to ensure expeditious processing, this Memorandum may serve as approval for certain future special taxing district application requests as being consistent with the intent and purpose of the adopted 2005-2015 Comprehensive Development Master Plan (CDMP). Policy 4A – Capital Improvement Element states: Appropriate funding mechanisms will be adopted and applied by Miami-Dade County in order to assure the fiscal resources to maintain acceptable levels of service. Such funding mechanisms include special tax districts, municipal taxing service units, local option taxes, user fees, local gas tax, general obligation bond, impact fees, and special purpose authorities, or others as appropriate and feasible (Adopted Components as Amended through April 2001, page IX-10). The provision for services over and above minimum for neighborhoods and communities may be accomplished through the special taxing district as may be prescribed by the code.

The Department of Planning and Zoning (DP&Z) has no objection to a blanket approval with condition to establish future special taxing districts as limited to requests for street lighting, landscape maintenance, walls adjacent to double-frontage lots and lake maintenance districts. The previously noted special taxing districts may be established on the condition that the DP&Z review all landscape maintenance districts for compliance with plantings in public rights-of-way and lake maintenance districts for consistency with Landscape Code (Chapter 18A) Section 18A-6(L) Storm Water Retention/Detention Areas.

DO'QW: GA: TBS

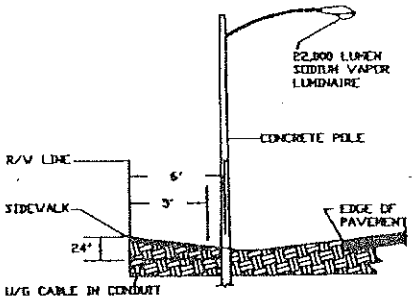


N

JACKSON SOUTH COMMUNITY HOSPITAL

STREET LIGHTING SPECIAL TAXING DISTRICT

13 - 22,000 LUMEN SODIUM VAPOR BRACKET-ARM STREETLIGHTS MOUNTED ON NEW CONCRETE POLES TO BE INSTALLED APPROXIMATELY 92' TO 140' APART ALONG SW 150 ST AND SW 93 AVE.



TYPICAL UNDERGROUND INSTALLATION N.T.S.

L-1278 (COMM. 0008)
SECTION: 21 - 55 - 40

EXHIBIT "A" 27

MEMORANDUM

Agenda Item No. 4(B)

TO:	Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners	**DATE:**	June 3, 2010
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Ordinance relating to Conflict of Interest and Code of Ethics Ordinance; amending Section 2-11.1(s) of the Code, to provide that twenty percent of funds generated by lobbyist registration fees shall be deposited into a separate account to be used by Miami-Dade County Commission on Ethics and Public Trust to fund educational outreach, the rendering of advisory opinions and enforcement of provisions regarding lobbyists

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Joe A. Martinez.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

MEMORANDUM
(Revised)

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

DATE: June 3, 2010

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

SUBJECT: Agenda Item No. 4(B)

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

Veto _____

Override _____

Agenda Item No. 4(B)

6-3-10

ORDINANCE NO. _____

ORDINANCE RELATING TO CONFLICT OF INTEREST AND CODE OF ETHICS ORDINANCE; AMENDING SECTION 2-11.1(S) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO PROVIDE THAT TWENTY PERCENT OF FUNDS GENERATED BY LOBBYIST REGISTRATION FEES SHALL BE DEPOSITED INTO A SEPARATE ACCOUNT TO BE USED BY MIAMI-DADE COUNTY COMMISSION ON ETHICS AND PUBLIC TRUST TO FUND EDUCATIONAL OUTREACH, THE RENDERING OF ADVISORY OPINIONS AND ENFORCEMENT OF PROVISIONS REGARDING LOBBYISTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 2-11.1(s) of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

Chapter 2

ADMINISTRATION

* * *

Sec. 2-11.1. Conflict of Interest and Code of Ethics Ordinance.

* * *

[1] Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

(s) *Lobbying.*

* * *

(2) All lobbyists shall register with the Clerk of the Board of County Commissioners within five (5) business days of being retained as a lobbyist or before engaging in any lobbying activities, whichever shall come first. Every person required to so register shall:

(a) Register on forms prepared by the Clerk;

(b) State under oath his or her name, business address and the name and business address of each person or entity which has employed said registrant to lobby. If the lobbyist represents a corporation, the corporation shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five (5) percent or more ownership interest in such corporation, partnership, or trust. Registration of all lobbyists shall be required prior to January 15 of each year and each person who withdraws as a lobbyist for a particular client shall file an appropriate notice of withdrawal. The fee for annual registration shall be four hundred and ninety dollars ($490.00). Every registrant shall be required to state the extent of any business or professional relationship with any current person described in subsection (b)(1). The registration fees required by this subsection shall be deposited by the Clerk into a separate account and shall be expended for the purpose of recording, transcribing, administration and other costs incurred in maintaining these records for availability to the public. >>Notwithstanding the foregoing, twenty (20) percent of existing and future funds generated by lobbyist registration fees shall be deposited into a separate account, and shall be expended by the Ethics Commission for the purposes of educational outreach, the rendering of advisory opinions and enforcement of the provisions of Section 2-11.1(s) relating to lobbyists.<< There shall be no fee required for filing a notice of withdrawal and the Board of County Commissioners may, in its discretion, waive the registration fee upon a finding of financial hardship.

* * *

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

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

Prepared by: GKS

Gerald K. Sanchez

Prime Sponsor: Commissioner Joe A. Martinez

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MEMORANDUM

WITHDRAWN

Agenda Item No. 4(C)

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

DATE: June 3, 2010

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

SUBJECT: Ordinance amending Sections of the Code to include additional penalties and creating Section 8CC-5.1

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman and Co-Sponsor Commissioner Barbara J. Jordan.

R. A. Cuevas, Jr.
County Attorney

RAC/up

MEMORANDUM
(Revised)

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

DATE: June 3, 2010

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

SUBJECT: Agenda Item No. 4(C)

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
Veto _____
Override _____

Agenda Item No. 4(C)
6-3-10

ORDINANCE NO. _____

ORDINANCE AMENDING SECTIONS 7-3, 8A-172, 8A-276(B), 8CC(10), 21-28, 21-31.2(B)(1) AND (2), 21-31.4(B), 26-1, 30-468, 30-469 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; INCLUDING ADDITIONAL PENALTIES; CREATING SECTION 8CC-5.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Chapter 7 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

Sec. 7-3. Swimming or fishing from road bridges.

* * *

(e) Violations of this section may be punished by [[~~a fine not to exceed two hundred dollars ($200.00) or imprisonment not to exceed thirty (30) days in the County Jail, or by both such fine and imprisonment, in the discretion of the court of appropriate jurisdiction.~~]]

>>(1) a fine not to exceed two hundred dollars ($200.00);

(2) imprisonment in the county jail for a period not to exceed thirty (30) days;

(3) both such fine and imprisonment in the discretion of the court having jurisdiction over the cause;

[1] Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

(4) fines in accordance with Chapter 8CC of the Code of Miami-Dade County; or

(5) completion of the Miami-Dade County Diversion Program, pursuant to Implementing Order of the Board of County Commissioners.<<

Section 2. Chapter 8A of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 8A-172. Doing business without local business tax receipt.

>>It shall be unlawful and a violation of this section for<<[[A]]>>a<<ny person [[~~who shall~~]] >>to<< carry on or conduct any business or profession for which a receipt is required without first obtaining such receipt >>. Any person convicted of a violation of this section shall be punished by (i) a fine not to exceed double the amount required for such receipt; (ii) imprisonment in the county jail for a period not to exceed sixty (60) days; (iii) both such fine and imprisonment in the discretion of the court having jurisdiction over the cause; (iv) fines in accordance with Chapter 8CC of the Code of Miami-Dade County; or (v) completion of the Miami-Dade County Diversion Program, pursuant to Implementing Order of the Board of County Commissioners.<<[[~~shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than double the amount required for such receipt or imprisonment not exceeding six (6) months.~~]]

Section 3. Chapter 8A of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 8A-276. Requirements.

* * *

(c) *Violations.* Any person convicted of

>>(1) A<<[[a]] violation of this section shall be punished by

>>a.<<not more than thirty (30) days imprisonment>>;<<[[~~, or by~~]]

>>b.<<a fine >>of <<not more than two hundred fifty dollars ($250.00)>>;<< [[~~or~~]]

>>c. both such fine and imprisonment in the discretion of the court having jurisdiction over the cause;<<[[~~both.~~]]

>>d. fines in accordance with Chapter 8CC of the Code of Miami-Dade County; or

e. completion of the Miami-Dade County Diversion Program, pursuant to Implementing Order of the Board of County Commissioners.

(2)<< [[~~Any person convicted of a~~]]>>A<< second violation of this section shall be punished by

>>a.<<not more than thirty (30) days imprisonment>>;<<[[~~, or by~~]]

>>b.<<a fine not more than five hundred dollars ($500.00)>>;

c. both such fine and imprisonment in the discretion of the court having jurisdiction over the cause;

d. fines in accordance with Chapter 8CC of the Code of Miami-Dade County; or

e. completion of the Miami-Dade County Diversion Program, pursuant to Implementing Order of the Board of County Commissioners.

(3)<< [[~~or both.~~]]Any subsequent violations of this section shall be punished by

>>a.<<not more than thirty (30) days imprisonment>>;<<[[~~,~~]]

>>b.<<[[~~or by~~]]a fine not more than one thousand dollars ($1,000.00)>>;

c. both such fine and imprisonment in the discretion of the court having jurisdiction over the cause;

d. fines in accordance with Chapter 8CC of the Code of Miami-Dade County; or

e. completion of the Miami-Dade County Diversion Program, pursuant to Implementing Order of the Board of County Commissioners.<<[[~~or both.~~]]

* * *

Section 4. Chapter 8CC of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 8CC-10. Schedule of civil penalties.

The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

* * *

Code Section	*Description of Violation*	*Civil Penalty*
	* * *	
2-8.1	Disclosing false information	$ 500.00
	* * *	
>>7-3<<	>>Swimming or fishing from prohibited road bridges<<	>>$100.00<<
	* * *	
>>8A-172<<	>>Doing business without local business tax receipt<<	>>$100.00<<
	* * *	
>>8A-276(b)<<	>>Failure to display commercial vehicle markings<<	>>$200.00<<
	* * *	

>>21.31.2(b)(1) & (2)<<	>>Alcohol possession or consumption near a store<<	>>$100.00<<
* * *		
>>21.31.4(B)<<	>>Obstructing traffic or aggressively begging<<	>>$100.00<<

Section 5. Chapter 21 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 21-28. Noises; unnecessary and excessive prohibited.

It shall be unlawful for any person to make, continue, or cause to be made or continued any unreasonably loud, excessive, unnecessary or unusual noise.>> Any person violating any of the provisions of this section shall be punished by (i) a fine not to exceed five hundred dollars ($500.00); (ii) imprisonment in the county jail for a period not to exceed sixty (60) days; (iii) both such fine and imprisonment in the discretion of the court having jurisdiction over the cause; (iv) fines in accordance with Chapter 8CC of the Code of Miami-Dade County; or (v) completion of the Miami-Dade County Diversion Program, pursuant to Implementing Order of the Board of County Commissioners.<< The following acts, among others, are declared to be unreasonably loud, excessive, unnecessary or unusual noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

* * *

Section 6. Chapter 21 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 21-31.2. Consumption or possession of alcohol in open containers near store selling alcoholic beverages, religious property, and other locations. Signs required in such stores.

* * *

(b) *Public nuisance; unlawful acts.*

(1) It is a public nuisance and shall be unlawful and in violation of this section for any person to consume any alcoholic beverage while within one hundred (100) feet of any

package store or food store selling alcoholic beverages, property regularly used for religious purposes, community center, senior citizens' center, day care center, funeral home, or school.

(2) It is a public nuisance and shall be unlawful and in violation of this section for any person to possess an open container of alcoholic beverages while stopping, standing, or remaining within one hundred (100) feet of any package store or food store selling alcoholic beverages, property regularly used for religious purposes, community center, senior citizens' center, day care center, funeral home, or school.

>>(c) Any person violating any of the provisions of sections 21-31.2(b)(1) or 21-31.2(b)(2) shall be punished by

(1) a fine not to exceed five hundred dollars ($500.00);

(2) imprisonment in the county jail for a period not to exceed sixty (60) days;

(3) both such fine and imprisonment in the discretion of the court having jurisdiction over the cause;

(4) fines in accordance with Chapter 8CC of the Code of Miami-Dade County; or

(5) completion of the Miami-Dade County Diversion Program, pursuant to Implementing Order of the Board of County Commissioners.<<

Section 7. Chapter 21 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 21-31.4. Aggressive or obstructive panhandling prohibited.

* * *

(D) *Penalties.* >>Any person convicted of

(1) A violation of this section shall be punished by

a. not more than thirty (30) days imprisonment;

b. a fine of not more than one hundred dollars ($100.00);

c. both such fine and imprisonment in the discretion of the court having jurisdiction over the cause;.

d. fines in accordance with Chapter 8CC of the Code of Miami-Dade County; or

e. completion of the Miami-Dade County Diversion Program, pursuant to Implementing Order of the Board of County Commissioners.

(2) A second or subsequent violation of this section shall be punished by

a. not more than sixty (60) days imprisonment;

b. a fine not more than two hundred dollars ($200.00);

c. both such fine and imprisonment in the discretion of the court having jurisdiction over the cause;

d. fines in accordance with Chapter 8CC of the Code of Miami-Dade County; or

e. completion of the Miami-Dade County Diversion Program, pursuant to Implementing Order of the Board of County Commissioners.<<[[~~The first violation of this provision shall be punishable by not more than a fine of one hundred dollars ($100.00) and thirty (30) days incarceration; second and subsequent violations shall be punishable by not more than a fine of two~~

~~hundred dollars ($200.00) and sixty (60) days incarceration.~~]]

* * *

Section 8. Chapter 26 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 26-1. Rules and regulations adopted.

>>Any person violating any of the rules and regulations provided in this section shall be punished by (i) a fine not to exceed five hundred dollars ($500.00); (ii) imprisonment in the county jail for a period not to exceed sixty (60) days; (iii) both such fine and imprisonment in the discretion of the court having jurisdiction over the cause; (iv) fines in accordance with Chapter 8CC of the Code of Miami-Dade County; or (v) completion of the Miami-Dade County Diversion Program, pursuant to Implementing Order of the Board of County Commissioners.<<

* * *

Section 9. Chapter 30 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 30-468. Manifest or trip records.

* * *

(c) Each licensee shall maintain for no less than three (3) years the original of each manifest or trip record. No person providing the service shall destroy, mutilate, alter or deface any manifest or trip record prior to the expiration of three (3) years without written approval of the CSD. All manifests and trip records shall be available for inspection by personnel authorized by the CSD or any police agency during regular business hours.

>>(d) Any person violating any of provisions of this section shall be punished by (i) a fine not to exceed five hundred dollars ($500.00); (ii) imprisonment in the county jail for a period not to exceed sixty (60) days; (iii) both such fine and imprisonment in the discretion of the court having jurisdiction over the cause; (iv) fines in accordance with

Chapter 8CC of the Code of Miami-Dade County; or (v) completion of the Miami-Dade County Diversion Program, pursuant to Implementing Order of the Board of County Commissioners.<<

Section 10. Chapter 30 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 30-469. Towing safety standards.

It shall be unlawful for any person to recover, tow or remove a vehicle by use of a towing vehicle, equipment or car carrier in a manner which violates the standards for use of such towing vehicle, equipment or car carrier as set by the manufacturer thereof. It shall be unlawful to tow without the use of safety chains.

It shall be unlawful to operate a tow truck if the vehicle has failed to pass the critical items of any vehicle inspection performed by personnel authorized by the CSD, or if the owner thereof has failed to correct other inspection deficiencies within the time period specified by the CSD, or is operating without the proper insurance coverage. When a vehicle has failed to pass inspection, inspection deficiencies have not been corrected or when the vehicle is operating without the proper insurance coverage, personnel authorized by the CSD may affix to the upper left corner of the vehicle windshield a notice stating the date of the inspection or action and the reasons for the inspection rejection or action. It shall be unlawful for the licensee or any other person other than personnel authorized by the CSD to remove this notice from the windshield of the vehicle.

>>Any person violating any of the provisions of this section shall be punished by (i) a fine not to exceed five hundred dollars ($500.00); (ii) imprisonment in the county jail for a period not to exceed sixty (60) days; (iii) both such fine and imprisonment in the discretion of the court having jurisdiction over the cause; (iv) fines in accordance with Chapter 8CC of the Code of Miami-Dade County; or (v) completion of the Miami-Dade County Diversion Program, pursuant to Implementing Order of the Board of County Commissioners.<<

Section 11. Section 8CC-5.1 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

Sec. 8CC-5.1. Miami-Dade County Diversion Program.

Notwithstanding the provisions of 8CC-5, a violator who has been served with a civil violation notice may enter the Miami-Dade County Diversion Program, pursuant to Implementing Order of the Board of County Commissioners, provided the civil violation notice is issued for the violation of an ordinance listed in the table below, which may be amended from time to time.

The "descriptions of violations" below are for informational purposes only and are not meant to limit or define the nature of the violations or the subject matter of the listed Code sections, except to the extent that different types of violations of the same Code section may carry different civil penalties. To determine the exact nature of any activity proscribed or required by this Code, the relevant Code section must be examined.

Code Section	*Description of Violation*
7-3	Swimming or fishing from prohibited road bridges
8A-172	Conducting business without a local business tax receipt
8A-276(b)	Failure to display commercial vehicle markings
21-28	Producing loud or excessive noise
21-31.2(b)(1) & (2)	Alcohol possession or consumption near a store
21-31.4(B)	Obstructing traffic or aggressively begging
26-1	Parks violations
30-468	Towing, Manifest / Trip Records violations
30-469	Towing Safety Standards violations

Section 12. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 13. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 14. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Ben Simon

Prime Sponsor: Commissioner Sally A. Heyman
Co-Sponsor: Commissioner Barbara J. Jordan

MEMORANDUM

Substitute
Agenda Item No. 4(C)

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

DATE: June 3, 2010

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

SUBJECT: Ordinance amending Sections of the Code to include additional penalties and creating Section 8CC-5.1

This substitute ordinance differs from the original item in that it seeks to amend eight code sections instead of ten code sections. The code sections that are not being amended by this substitute ordinance are sections 30-468, relating to towing records, and 30-469, relating to towing safety standards, which are referenced in sections 9 and 10 of the original item. Subsequent sections in this substitute ordinance have been renumbered accordingly. The title of this substitute ordinance has been changed to include only the code sections being amended. In addition, Commissioner Barbara J. Jordan was mistakenly listed as a Co-Sponor and is being removed.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

MEMORANDUM
(Revised)

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

DATE: June 3, 2010

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

SUBJECT: Substitute Agenda Item No. 4(C)

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
Veto _____
Override _____

Substitute
Agenda Item No. 4(C)
6-3-10

ORDINANCE NO. _____

ORDINANCE AMENDING SECTIONS 7-3, 8A-172, 8A-276(B), 8CC(10), 21-28, 21-31.2(B)(1) AND (2), 21-31.4(B), 26-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; INCLUDING ADDITIONAL PENALTIES; CREATING SECTION 8CC-5.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Chapter 7 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

Sec. 7-3. Swimming or fishing from road bridges.

* * *

(e) Violations of this section may be punished by [[~~a fine not to exceed two hundred dollars ($200.00) or imprisonment not to exceed thirty (30) days in the County Jail, or by both such fine and imprisonment, in the discretion of the court of appropriate jurisdiction.~~]]

>>(1) a fine not to exceed two hundred dollars ($200.00);

(2) imprisonment in the county jail for a period not to exceed thirty (30) days;

(3) both such fine and imprisonment in the discretion of the court having jurisdiction over the cause;

[1]Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

(4) fines in accordance with Chapter 8CC of the Code of Miami-Dade County; or

(5) completion of the Miami-Dade County Diversion Program, pursuant to Implementing Order of the Board of County Commissioners.<<

Section 2. Chapter 8A of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 8A-172. Doing business without local business tax receipt.

>>It shall be unlawful and a violation of this section for<<[[A]]>>a<<ny person [[~~who shall~~]] >>to <<carry on or conduct any business or profession for which a receipt is required without first obtaining such receipt>>. Any person convicted of a violation of this section shall be punished by (i) a fine not to exceed double the amount required for such receipt; (ii) imprisonment in the county jail for a period not to exceed sixty (60) days; (iii) both such fine and imprisonment in the discretion of the court having jurisdiction over the cause; (iv) fines in accordance with Chapter 8CC of the Code of Miami-Dade County; or (v) completion of the Miami-Dade County Diversion Program, pursuant to Implementing Order of the Board of County Commissioners.<<[[~~shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than double the amount required for such receipt or imprisonment not exceeding six (6) months.~~]]

Section 3. Chapter 8A of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 8A-276. Requirements.

* * *

(c) *Violations.* Any person convicted of

>>(1) A<<[[a]] violation of this section shall be punished by

>>a.<<not more than thirty (30) days imprisonment>>;<<[[~~, or by~~]]

>>b.<<a fine >>of <<not more than two hundred fifty dollars ($250.00)>>;<< [[~~or~~]]

>>c. both such fine and imprisonment in the discretion of the court having jurisdiction over the cause;<<[[~~both.~~]]

>>d. fines in accordance with Chapter 8CC of the Code of Miami-Dade County; or

e. completion of the Miami-Dade County Diversion Program, pursuant to Implementing Order of the Board of County Commissioners.

(2)<< [[~~Any person convicted of a~~]]>>A<< second violation of this section shall be punished by

>>a.<<not more than thirty (30) days imprisonment>>;<<[[~~, or by~~]]

>>b.<<a fine not more than five hundred dollars ($500.00)>>;

c. both such fine and imprisonment in the discretion of the court having jurisdiction over the cause;

d. fines in accordance with Chapter 8CC of the Code of Miami-Dade County; or

e. completion of the Miami-Dade County Diversion Program, pursuant to Implementing Order of the Board of County Commissioners.

(3)<< [[~~or both.~~]]Any subsequent violations of this section shall be punished by

>>a.<<not more than thirty (30) days imprisonment>>;<<[[~~,~~]]

>>b.<<[[~~or by~~]]a fine not more than one thousand dollars ($1,000.00)>>;

c. both such fine and imprisonment in the discretion of the court having jurisdiction over the cause;

d. fines in accordance with Chapter 8CC of the Code of Miami-Dade County; or

e. completion of the Miami-Dade County Diversion Program, pursuant to Implementing Order of the Board of County Commissioners.<<[[~~or both.~~]]

* * *

Section 4. Chapter 8CC of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 8CC-10. Schedule of civil penalties.

The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

* * *

Code Section	*Description of Violation*	*Civil Penalty*
	* * *	
2-8.1	Disclosing false information	$ 500.00
	* * *	
>>7-3<<	>>Swimming or fishing from prohibited road bridges<<	>>$100.00<<
	* * *	

Code Section	*Description of Violation*	*Civil Penalty*
>>8A-172<<	>>Doing business without local business tax receipt<<	>>$100.00<<
	* * *	
>>8A-276(b)<<	>>Failure to display commercial vehicle markings<<	>>$200.00<<
	* * *	
>>21.31.2(b)(1) & (2)<<	>>Alcohol possession or consumption near a store<<	>>$100.00<<
	* * *	
>>21.31.4(B)<<	>>Obstructing traffic or aggressively begging<<	>>$100.00<<

Section 5. Chapter 21 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 21-28. Noises; unnecessary and excessive prohibited.

It shall be unlawful for any person to make, continue, or cause to be made or continued any unreasonably loud, excessive, unnecessary or unusual noise.>> Any person violating any of the provisions of this section shall be punished by (i) a fine not to exceed five hundred dollars ($500.00); (ii) imprisonment in the county jail for a period not to exceed sixty (60) days; (iii) both such fine and imprisonment in the discretion of the court having jurisdiction over the cause; (iv) fines in accordance with Chapter 8CC of the Code of Miami-Dade County; or (v) completion of the Miami-Dade County Diversion Program, pursuant to Implementing Order of the Board of County Commissioners.<< The following acts, among others, are declared to be unreasonably loud, excessive, unnecessary or unusual noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

* * *

Section 6. Chapter 21 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 21-31.2. Consumption or possession of alcohol in open containers near store selling alcoholic beverages, religious property, and other locations. Signs required in such stores.

* * *

(b) *Public nuisance; unlawful acts.*

(1) It is a public nuisance and shall be unlawful and in violation of this section for any person to consume any alcoholic beverage while within one hundred (100) feet of any package store or food store selling alcoholic beverages, property regularly used for religious purposes, community center, senior citizens' center, day care center, funeral home, or school.

(2) It is a public nuisance and shall be unlawful and in violation of this section for any person to possess an open container of alcoholic beverages while stopping, standing, or remaining within one hundred (100) feet of any package store or food store selling alcoholic beverages, property regularly used for religious purposes, community center, senior citizens' center, day care center, funeral home, or school.

>>(c) Any person violating any of the provisions of sections 21-31.2(b)(1) or 21-31.2(b)(2) shall be punished by

(1) a fine not to exceed five hundred dollars ($500.00);

(2) imprisonment in the county jail for a period not to exceed sixty (60) days;

(3) both such fine and imprisonment in the discretion of the court having jurisdiction over the cause;

(4) fines in accordance with Chapter 8CC of the Code of Miami-Dade County; or

(5) completion of the Miami-Dade County Diversion Program, pursuant to Implementing Order of the Board of County Commissioners.<<

Section 7. Chapter 21 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 21-31.4. Aggressive or obstructive panhandling prohibited.

* * *

(D) *Penalties.* >>Any person convicted of

(1) A violation of this section shall be punished by

a. not more than thirty (30) days imprisonment;

b. a fine of not more than one hundred dollars ($100.00);

c. both such fine and imprisonment in the discretion of the court having jurisdiction over the cause;

d. fines in accordance with Chapter 8CC of the Code of Miami-Dade County; or

e. completion of the Miami-Dade County Diversion Program, pursuant to Implementing Order of the Board of County Commissioners.

(2) A second or subsequent violation of this section shall be punished by

a. not more than sixty (60) days imprisonment;

b. a fine not more than two hundred dollars ($200.00);

c. both such fine and imprisonment in the discretion of the court having jurisdiction over the cause;

d. fines in accordance with Chapter 8CC of the Code of Miami-Dade County; or

e. completion of the Miami-Dade County Diversion Program, pursuant to Implementing Order of the Board of County Commissioners.<<[[~~The first violation of this provision shall be punishable by not more than a fine of one hundred dollars ($100.00) and thirty (30) days incarceration; second and subsequent violations shall be punishable by not more than a fine of two hundred dollars ($200.00) and sixty (60) days incarceration.~~]]

* * *

Section 8. Chapter 26 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 26-1. Rules and regulations adopted.

>>Any person violating any of the rules and regulations provided in this section shall be punished by (i) a fine not to exceed five hundred dollars ($500.00); (ii) imprisonment in the county jail for a period not to exceed sixty (60) days; (iii) both such fine and imprisonment in the discretion of the court having jurisdiction over the cause; (iv) fines in accordance with Chapter 8CC of the Code of Miami-Dade County; or (v) completion of the Miami-Dade

County Diversion Program, pursuant to Implementing Order of the Board of County Commissioners.<<

* * *

Section 9. Section 8CC-5.1 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

Sec. 8CC-5.1. Miami-Dade County Diversion Program.

Notwithstanding the provisions of 8CC-5, a violator who has been served with a civil violation notice may enter the Miami-Dade County Diversion Program, pursuant to Implementing Order of the Board of County Commissioners, provided the civil violation notice is issued for the violation of an ordinance listed in the table below, which may be amended from time to time.

The "descriptions of violations" below are for informational purposes only and are not meant to limit or define the nature of the violations or the subject matter of the listed Code sections, except to the extent that different types of violations of the same Code section may carry different civil penalties. To determine the exact nature of any activity proscribed or required by this Code, the relevant Code section must be examined.

Code Section	*Description of Violation*
7-3	Swimming or fishing from prohibited road bridges
8A-172	Conducting business without a local business tax receipt
8A-276(b)	Failure to display commercial vehicle markings
21-28	Producing loud or excessive noise
21-31.2(b)(1) & (2)	Alcohol possession or consumption near a store
21-31.4(B)	Obstructing traffic or aggressively begging
26-1	Parks violations

Code Section	*Description of Violation*
[[~~30-468~~	~~Towing, Manifest / Trip Records violations~~
~~30-469~~	~~Towing Safety Standards violations~~]][2]

Section 10. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 11. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 12. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Ben Simon

Prime Sponsor: Commissioner Sally A. Heyman

[2] The differences between the substitute and the original item are indicated as follows: words double stricken through and/or [[double bracketed]] shall be deleted, words double underlined and/or >>double arrowed<< constitute the amendment proposed.

MEMORANDUM

Agenda Item No. 4(D)

TO:	Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners	**DATE:**	June 3, 2010
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Ordinance creating the Miami-Dade County Olympic Exploratory Committee; setting forth duties and responsibilities and membership requirements of such committee; providing for appointment of members; requiring annual reports and providing for staff support; providing severability, inclusion in the Code, and an effective date

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairman Dennis C. Moss.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

MEMORANDUM
(Revised)

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

DATE: June 3, 2010

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

SUBJECT: Agenda Item No. 4(D)

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
Veto _____
Override _____

Agenda Item No. 4(D)
6-3-10

ORDINANCE NO. _____

ORDINANCE CREATING THE MIAMI-DADE COUNTY OLYMPIC EXPLORATORY COMMITTEE; SETTING FORTH DUTIES AND RESPONSIBILITIES AND MEMBERSHIP REQUIREMENTS OF SUCH COMMITTEE; PROVIDING FOR APPOINTMENT OF MEMBERS; REQUIRING ANNUAL REPORTS AND PROVIDING FOR STAFF SUPPORT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the Olympic Games is the most enduring festival of sports in the history of civilization; and

WHEREAS, after the advent of the modern Olympic Games in Athens in 1896, host cities have competed for the honor of hosting the Olympic Games; and

WEHREAS, hosting the Olympic Games is beneficial in that it brings prestige and international exposure to the host city; and

WHEREAS, the process of submitting bids to compete for the hosting of the Olympic Games commences many years in advance; and

WHEREAS, as an example of the advance planning required, on June 4, 2008, the International Olympic Committee announced that Chicago, Tokyo, Rio de Janeiro, and Madrid have made it on to the shortlist of cities bidding to host the 2016 Olympic Games; and

WHEREAS, the Code of Miami-Dade County sections 2-11.36-2-11.40 provides for the creation of advisory boards to the Board of County Commissioners; and

WHEREAS, given the benefits of hosting the Olympic Games and the advance planning required, it is in the best interest of the County to establish an Olympic Exploratory Committee

to serve as an advisory board and working group to study the feasibility and methodology for Miami-Dade County to compete to host the Olympic Games,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. *Creation of Committee.* There is hereby created and established in Miami-Dade County an advisory board to be known as the Miami-Dade County Olympic Exploratory Committee.

Section 2. *Membership.* The members of the Miami-Dade Sports Commission shall serve as the members of the Miami-Dade County Olympic Exploratory Committee. Eligibility for membership on the Miami-Dade County Olympic Exploratory Committee shall be the same as membership for the Miami-Dade Sports Commission, as codified in Section 2-1603 of the Code of Miami-Dade County.

Section 3. *Duties and Responsibilities.* The Miami-Dade County Olympic Exploratory Committee shall:

(a) Seek input and support from the public and private sectors during the evaluation of the feasibility of submitting a bid for and potentially hosting the Olympic Games or the Pan American Games or any other comparable international athletic events; and

(b) Submit an annual report to the Board of County Commissioners as to its findings.

Section 4. Staff Support. The Mayor or his designee shall provide staff support to the Miami-Dade County Olympic Exploratory Commission.

Section 5. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 6. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 7. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Eric A. Rodriguez

Prime Sponsor: Chairman Dennis C. Moss

MEMORANDUM

Agenda Item No. 4(E)

TO:	Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners	**DATE:**	June 3, 2010
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Ordinance amending Chapter 25A of the Code; removing certain non-voting ex officio members of the Public Health Trust Board of Trustees

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

MEMORANDUM
(Revised)

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

DATE: June 3, 2010

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

SUBJECT: Agenda Item No. 4(E)

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
Veto _____
Override _____

Agenda Item No. 4(E)
6-3-10

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 25A OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REMOVING CERTAIN NON-VOTING EX OFFICIO MEMBERS OF THE PUBLIC HEALTH TRUST BOARD OF TRUSTEES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 25A-3(a) of the Code of Miami-Dade County, Florida, is hereby amended as follows:[1]

Sec. 25A-3. Governing body.

(a) *Composition.* The governing body of the Trust shall be a Board of Trustees composed of seventeen (17) voting members none of whom shall be employees of the Trust. The voting membership shall include a member of the University of Miami Board of Trustees. In addition, the voting membership shall include the Chairperson of the Board of County Commissioners and a Commissioner designated by the Chairperson, or, alternatively, in his or her discretion, the Chairperson of the Board of County Commissioners may designate two (2) Commissioners to serve as voting members. The remaining voting membership shall be selected in accordance with Section 25A-3(d).

Additionally, the following shall be non-voting, ex officio members of the Board of Trustees: [[~~the Mayor or his or her designee; the Chief Executive Officer of the Trust;~~]] the Director, Office of Countywide Healthcare Planning; the Senior Vice President of Medical Affairs; Dean, University of Miami School of Medicine; Dean, Florida International School of Medicine; the Senior Vice President of Patient Care Services; Dean, University of Miami School of Nursing; the President of the Public Health Trust Medical Staff; and one of the Presidents from the local collective bargaining units representing employees of the Trust, who shall be selected by all such unit Presidents.

* * *

[1] Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

3

Section 2. This ordinance shall supersede those provisions of any existing ordinance, resolution or policy in conflict herewith.

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

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

Prepared by: RAC for ES

Eugene Shy, Jr.

Prime Sponsor: Commissioner Rebeca Sosa

MEMORANDUM

Agenda Item No. 4 (F)

TO:	Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners	**DATE:**	June 3, 2010
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Ordinance amending Section 2-11.1(t) of the Conflict of Interest and Code of Ethics Ordinance repealing Cone of Silence

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan and Co-Sponsor Commissioner Natacha Seijas.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

MEMORANDUM
(Revised)

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

DATE: June 3, 2010

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

SUBJECT: Agenda Item No. 4(F)

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

Veto _____

Override _____

Agenda Item No. 4(F)

6-3-10

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 2-11.1(T) OF THE CONFLICT OF INTEREST AND CODE OF ETHICS ORDINANCE REPEALING CONE OF SILENCE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 2-11.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

Sec. 2-11.1. Conflict of Interest and Code of Ethics Ordinance.

* * *

(t)>>Reserved<< [[~~*Cone of Silence.*~~

~~1. Contracts for the provision of goods and service other than audit and independent private sector inspector general (IPSIG) contracts.~~

~~(a) "Cone of Silence" is hereby defined to mean a prohibition on: (i) any communication regarding a particular RFP, RFQ or bid between a potential vendor, service provider, bidder, lobbyist, or consultant and the County's professional staff including, but not limited to, the County Manager and his or her staff; (ii) any communication regarding a particular RFP, RFQ or bid between the Mayor, County Commissioners or their respective staffs and any member of~~

[1] Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

~~the County's professional staff including, but not limited to, the County Manager and his or her staff; (iii) any communication regarding a particular RFP, RFQ or bid between a potential vendor, service provider, bidder, lobbyist, or consultant and any member of the selection committee therefor; (iv) any communication regarding a particular RFP, RFQ or bid between the Mayor, County Commissioners or their respective staffs and any member of the selection committee therefor; and (v) any communication regarding a particular RFP, RFQ or bid between a potential vendor, service provider, bidder, lobbyist, or consultant and the Mayor, County Commissioners and their respective staffs and (vi) any communication regarding a particular RFP, RFQ, or bid between any member of the County's professional staff and any member of the selection committee therefore. The County Manager and the Chairperson of the selection committee may communicate about a particular selection recommendation, but only after the committee has submitted an award recommendation to the manager and provided that should any change occur in the committee recommendation, the content of the communication and of the corresponding change as well as the reasons for such change shall be described in writing and filed by the Manager with the Clerk of the Board and be included in any recommendation submitted by the Manager to the Board of County Commissioners. Notwithstanding the foregoing, the Cone of Silence shall not apply to (i) competitive processes for the award of CDBG, HOME, SHIP and Surtax Funds administered by the Miami-Dade County Office of Community and Economic Development and the community based organization (CBO) competitive grant processes administered by the Park and Recreation, Library, Water and~~

~~Sewer, and Solid Waste Departments, Cultural Affairs and Tourist Development Councils and the Department of Environmental Resources Management; (ii) communications with the County Attorney and his or her staff; (iii) communications between a potential vendor, service provider, bidder, consultant or lobbyist and employees of the Management and Technical Assistance Unit of the Department of Business Development regarding small business and/or minority business programs, the Community Business Enterprise and Equitable Distribution Programs; (iv) communications between a potential vendor, service provider, bidder, consultant or lobbyist and employees responsible for administering disadvantaged business enterprise programs in County departments receiving federal funds, provided the communications are limited strictly to matters of programmatic process or procedure; (v) duly noticed site visits to determine the competency of bidders regarding a particular bid during the time period between the opening of bids and the time the County Manager makes his or her written recommendation; (vi) any emergency procurement of goods or services pursuant to Administrative Order 3-2; (vii) communications regarding a particular RFP, RFQ or bid between any person and the Vendor Information Center staff, the procurement agent or contracting officer responsible for administering the procurement process for such RFP, RFQ or bid, provided the communication is limited strictly to matters of process or procedure already contained in the corresponding solicitation document; and (viii) communications between a potential vendor, service provider or bidder and employees of the Department of Procurement Management or other department identified in the solicitation document as the issuing~~

~~department; and (ix) consultations by employees of the Department of Procurement Management with professional procurement colleagues in determining an appropriate approach or option involving a solicitation in progress.~~

~~(b) Procedure.~~

~~(i) A Cone of Silence shall be imposed upon each RFP, RFQ and bid after the advertisement of said RFP, RFQ or bid. At the time of imposition of the Cone of Silence, the County Manager or his or her designee shall provide for public notice of the Cone of Silence. The County Manager shall issue a written notice thereof to the affected departments, file a copy of such notice with the Clerk of the Board, with a copy thereof to each Commissioner, and shall include in any public solicitation for goods and services a statement disclosing the requirements of this ordinance.~~

~~(ii) The Cone of Silence shall terminate at the time the Manager makes his or her written recommendation to the County Commission; provided, however, that if the Commission refers the Manager's recommendation back to the Manager or staff for further review, the Cone of Silence shall be reimposed until such time as the Manager makes a subsequent written recommendation. The foregoing notwithstanding, for contracts and purchases which the County Manager has the delegated authority to award under Sec. 2-8.1(b) of this Code, the Cone of Silence shall terminate: (i) at the time the award recommendation letter is issued and~~

~~filed with the Clerk of the Board for such contracts and purchases involving the expenditure of over one hundred thousand dollars ($100,000); (ii) at the time the written award recommendation is posted in accordance with Section III of A.O. 3-21 for such contracts or purchases involving the expenditure of over $25,000 up to $100,000; or (iii) at the time the award recommendation is issued in accordance with Section IV of A.O. 3-21 for contracts and purchases involving the expenditure of $25,000 or less.~~

~~(iii)~~ ~~While the Cone of Silence is in effect, County Staff shall create a written record of any oral communications with potential vendor, service provider, bidder, lobbyist, or consultant related to or regarding a solicitation, bid, proposal, or other competitive process. The record shall indicate the date of such communication, the persons to whom staff communicated, and a general summation of the communication. This subsection applies to all communications made while the Cone of Silence is in effect for a particular solicitation.~~

~~(c)~~ ~~Exceptions.~~

~~(i)~~ ~~The provisions of this ordinance shall not apply to oral communications at pre-bid conferences, oral presentations before selection committees, contract negotiations during any duly noticed public meeting, public presentations made to the Board of County~~

~~Commissioners during any duly noticed public meeting or communications in writing at any time with any county employee, official or member of the Board of County Commissioners unless specifically prohibited by the applicable RFP, RFQ or bid documents. The bidder or proposer shall file a copy of any written communication with the Clerk of the Board. The Clerk of the Board shall make copies available to any person upon request.~~

~~(ii)~~ ~~The provisions of this ordinance shall also not apply to oral communications at briefings held by county commissioners and the County Mayor or his designee, after the selection committee or other evaluating group makes its recommendation to the County Manager, provided that the briefings are not intended to influence the outcome of the selection committee or other evaluating group's recommendation to the County Manager; provided, however, that this exception shall not apply to outside groups such as lobbyists or representatives of the responding or bidding companies or entities.~~

~~2.~~ ~~Audit and IPSIG contracts.~~

~~(a)~~ ~~"Cone of Silence" is hereby defined to mean a prohibition on: (a) any communication regarding a particular RFP, RFQ or bid between a potential vendor, service provider, bidder, lobbyist, or consultant and the Mayor, County Commissioners or their respective staffs and any member of the County's professional staff including, but not limited to, the County Manager and his~~

~~or her staff; (b) any oral communication regarding a particular RFP, RFQ or bid between the Mayor, County Commissioners or their respective staffs and any member of the County's professional staff including, but not limited to, the County Manager and his or her staff. Notwithstanding the foregoing, the Cone of Silence shall not apply to (a) communications with the County Attorney and his or her staff; (b) communications between a potential vendor, service provider or bidder and employees of the Department of Procurement Management or other department identified in the solicitation document as the issuing department; and (c) consultations by employees of the Department of Procurement Management with professional procurement colleagues in determining an appropriate approach or option involving a solicitation in progress.~~

~~(b)~~ ~~Except as provided in Subsections 2(c) and 2(d) hereof, a Cone of Silence shall be imposed upon each RFP, RFQ and bid for audit and IPSIG services after the advertisement of said RFP, RFQ or bid. At the time of the imposition of the Cone of Silence, the County Manager or his or her designee shall provide for the public notice of the Cone of Silence. The Cone of Silence shall terminate when the County Manager executes a particular audit or IPSIG contract.~~

~~(c)~~ ~~Nothing contained herein shall prohibit any bidder or proposer: (i) from making public presentations at duly noticed pre-bid conferences or before duly noticed selection committee meetings; (ii) from engaging in contract negotiations during any duly noticed public meeting; or (iii) from communicating in writing with any County employee or official for purposes of seeking clarification or additional information from the County or responding to the County's~~

~~request for clarification or additional information, subject to the provisions of the applicable RFP, RFQ or bid documents. The bidder or proposer shall file a copy of any written communication with the Clerk of the Board. The Clerk of the Board shall make copies available to the general public upon request.~~

~~(d)~~ ~~Nothing contained herein shall prohibit any lobbyist, bidder, proposer or other person or entity from publicly addressing the Board of County Commissioners during any duly noticed public meeting regarding action on any audit or IPSIG contract. The County Manager shall include in any public solicitation for auditing or IPSIG services a statement disclosing the requirements of this ordinance.~~

~~3.~~ ~~Penalties. In addition to the penalties provided in Subsections (s) and (v) hereof, violation of this Subsection (t) by a particular bidder or proposer shall render any RFP award, RFQ award or bid award to said bidder or proposer voidable. Any person who violates a provision of this ordinance shall be prohibited from serving on a Miami-Dade County competitive selection committee. In addition to any other penalty provided by law, violation of any provision of this ordinance by a Miami-Dade County employee shall subject said employee to disciplinary action up to and including dismissal. Additionally, any person who has personal knowledge of a violation of this ordinance shall report such violation to the State Attorney and/or may file a complaint with the Ethics Commission.~~

~~4.~~ ~~The requirements of Section 2-11.1(t) shall not apply to any municipality in Miami-Dade County that has adopted an ordinance providing that the cone of silence shall not apply to that municipality. Any municipality that opts out of the requirements of Section 2-11.1(t) shall provide the Ethics Commission with a copy of the ordinance.~~

~~5. Within thirty days of a recommendation from a selection committee, the County Mayor or his designee shall either appoint a negotiation committee or take other affirmative action with respect to the solicitation, including but not limited to rejection of proposals or recommendation for award. In the event that negotiations have not commenced within thirty days, or if such other affirmative action has not been taken within thirty days, the County Mayor or his designee shall report such event, and the reasons therefore, to the Board of County Commissioners. Additionally, the County Mayor or his designee shall present the Clerk of the Board with a recommendation for award, or a recommendation to reject proposals, within ninety days from the date a selection committee makes a recommendation. In the event that the County Mayor or his designee has not provided such recommendation to the Clerk of the Board within ninety days, the County Mayor or his designee shall provide a report on the status of the solicitation to the Board of County Commissioners, including the reasons for any delay.]]~~

* * *

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as to form and legal sufficiency:

Prepared by: GKS

Gerald K. Sanchez

Prime Sponsor: Commissioner Barbara J. Jordan
Co-Sponsor: Commissioner Natacha Seijas

MEMORANDUM

Agenda Item No. 4(G)

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

DATE: June 3, 2010

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

SUBJECT: Ordinance amending Code of Miami-Dade County, Florida, by two-thirds vote (2/3) of the Board of County Commission membership relating to the Citizens' Independent Transportation Trust (Trust) and the Peoples' Transportation Plan

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

MEMORANDUM
(Revised)

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

DATE: June 3, 2010

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

SUBJECT: Agenda Item No. 4(G)

Please note any items checked.

	"3-Day Rule" for committees applicable if raised
✓	**6 weeks required between first reading and second reading (per Ordinance No. 02-116, 02-117)**
	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)

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 4 (G)

6-3-10

ORDINANCE NO. _____

ORDINANCE AMENDING CODE OF MIAMI-DADE COUNTY, FLORIDA, BY TWO-THIRDS VOTE (2/3) OF THE BOARD OF COUNTY COMMISSION MEMBERSHIP RELATING TO THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (TRUST) AND THE PEOPLE'S TRANSPORTATION PLAN; REQUIRING THE ESTABLISHMENT OF A FIVE YEAR IMPLEMENTATION PLAN; ESTABLISHING PROCEDURES FOR MODIFICATIONS TO THE FIVE YEAR IMPLEMENTATION PLAN; PROVIDING THAT THE TRUST SUBMIT A RECOMMENDATION TO THE COUNTY COMMISSION PRIOR TO COUNTY COMMISSION AWARDING OF CERTAIN CONTRACTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, on July 9, 2002, the Board of County Commissioners adopted Ordinance 02-116, approving, subject to voters' approval, the levying of a one half percent surtax for the development and construction of new transit and transportation projects throughout Miami-Dade County; and

WHEREAS, Exhibit One, which was attached to and incorporated into Ordinance 02-116, listed specific transportation and transit projects to be paid for in whole or in part with the half percent surtax funds; and

WHEREAS, on July 9, 2002, the Board of County Commissioners adopted Ordinance 02-117, creating the Citizens' Independent Transportation Trust to "monitor, oversee, review, audit, and investigate implementation of the transportation and transit projects funded in whole or in part with surtax proceeds"; and

WHEREAS, on November 5, 2002, the voters of Miami-Dade County agreed to tax themselves in order to implement the projects outlined in Exhibit One to Ordinance 02-116; and

WHEREAS, a more autonomous Citizens' Independent Transportation Trust is consistent with the commitment made to the voters,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Article XCVII of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

ARTICLE XCVII.

CITIZENS' INDEPENDENT TRANSPORTATION TRUST

Sec. 2-1421. Citizens' Independent Transportation Trust created; powers over expenditure and use of proceeds of proposed Charter County Transit System Surtax.

* * *

(a) *Creation.* A Citizens' Independent Transportation Trust ("Trust") is hereby created. The Trust will have fifteen (15) members: one residing in each of Miami-Dade County's thirteen commission districts, one appointed by the Mayor without regard to such appointee's district of residence, and one appointed by the Miami-Dade League of Cities without regard to such appointee's district of residence. Members of the Trust shall be residents of Miami-Dade County who possess outstanding reputations for civic involvement, integrity, responsibility, and business and/or professional ability and experience or interest in the fields of transportation mobility improvements or operations, or land use planning. No person shall be eligible to serve as a member of the Trust who has any interest, direct or indirect, in a contract with the County or in any corporation, partnership or other entity that has a contract with the County, or who is a member of a community council. The Trust and the Nominating Committee, as defined below, will be comprised of members who are representative of the geographic, ethnic, racial and gender make-up of the County.

(b) *Initial members.* The initial members of the Trust shall be nominated and

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1 Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

appointed in the manner set forth in this subsection. The Board of County Commissioners shall appoint a nominating committee (the "Nominating Committee") comprised of seventeen (17) members as set forth below who are representative of the geographical, ethnic, racial and gender make-up of the County:

(1) The Executive Director of the Miami-Dade League of Cities or one of the League's officers shall serve as a member of the Nominating Committee;

(2) The Chairperson of the United Way or his or her designee shall serve as a member of the Nominating Committee;

(3) The Chairperson of the Greater Miami Visitors and Convention Bureau or his or her designee shall serve as a member of the Nominating Committee;

(4) The Chairperson of the Citizen's Transportation Advisory Committee or his or her designee shall serve as a member of the Nominating Committee;

(5) The Chairpersons of the Community Councils shall meet and shall, by majority vote, appoint one member of the Nominating Committee;

(6) The Chair of the Ethics Commission or his or her designee;

(7) The President or CEO of the Urban Environment League shall appoint one member of the Nominating Committee;

(8) The President or CEO of the local branch of the Urban League shall appoint one member of the Nominating Committee;

(9) The President or CEO of the Alliance for Aging shall appoint one member of the Nominating Committee;

(10) The President or CEO of the Miami-Dade Branch NAACP shall appoint one member of the Nominating Committee;

(11) The President or CEO of the Coalition of Chambers shall appoint one member of the Nominating Committee;

(12) The President or CEO of Florida International University shall appoint one member of the Nominating Committee;

(13) The President or CEO of Miami-Dade Community College shall appoint one member of the Nominating Committee;

(14) The President or CEO of People Acting for the Community Together (P.A.C.T.) shall appoint one member of the Nominating Committee;

(15) The President or CEO of Underrepresented People's Positive Action Council (UP-PAC) shall appoint one member of the Nominating Committee;

(16) The Executive Director of the local chapter of the League of Women Voters shall appoint one member of the Nominating Committee; and

(17) The Executive Director of the Haitian American Grass Roots Coalition shall appoint one member.

The Nominating Committee shall submit a slate of four (4) candidates from each Commission District to the Commissioner of each District for selection. The District Commissioner must select from the slate submitted by the Nominating Committee; however, the District Commissioner may request one additional slate of entirely new nominations. The Board of County Commissioners shall ratify each District Commissioner's selection. The Nominating Committee shall submit a slate of four (4) candidates without regard to district to the Miami-Dade League of Cities for selection. The Miami-Dade League of Cities must select from the slate submitted by the Nominating Committee; however, the League may request one additional slate of entirely new nominations. The Nominating Committee shall also submit a slate of four (4) candidates without regard to district to the Mayor for selection. The Mayor must select from the slate submitted by the Nominating Committee; however, the Mayor may request one additional slate of entirely new nominations.

(c) *Term of initial members.* The initial members from Districts 1 to 5, inclusive, shall serve two-year terms; the initial members from Districts 6 to 9, inclusive, shall serve three-year terms; and, the initial members from Districts 10 to 13, inclusive, shall serve four-year terms. The selection of the Mayor shall serve an initial term of four years. The selection of the Miami-Dade League of Cities shall serve an initial term of two years. The foregoing notwithstanding, such initial terms shall be subject to automatic expiration as provided in subsection (c) of Section 2-11.38.2 of this Code provided however, a District Commissioner appointed Trust member may continue to serve until the appointment and ratification of the succeeding District Commissioner's selection.

(d) *Subsequent membership and term.* Any vacancy on the Trust that occurs after appointment of the initial membership, as well as appointment of successors to those members whose terms have expired shall be filled directly by appointment of the Commissioner for the district for in which a vacancy occurs, or, in the case of a vacancy in a Miami-Dade League of Cities appointment shall be filled by appointment of the League, or, in the case of a vacancy in a mayoral appointment shall be filled by appointment of the Mayor. Such appointments shall have the qualifications for Trust membership set forth in subsection (a) above. The foregoing notwithstanding, an incoming District Commissioner or Mayor may elect to re-appoint his or her predecessor's currently serving appointee, in which case there shall be no need for the Nominating Committee to submit a slate of candidates for such vacancy. The term of any Trust member appointed or re-appointed pursuant to this subsection after the initial terms set forth in (c) above shall be for a term of four years, and in the case of Commissioner or Mayor appointees

shall be subject to automatic expiration as provided in subsection (c) of Section 2-11.38.2 of this Code provided however, a District Commissioner or Mayor appointed Trust member may continue to serve until the appointment and ratification of the succeeding District Commissioner's or Mayor's selection. Members may be re-appointed, however no member shall serve more than the maximum number of years provided in subsection (b) of Section 2-11.38.2 of this Code. If an appointment is not made by the District Commissioner (or the League or Mayor where applicable) within thirty (30) days from the date on which the Nominating Committee submits the required slate of candidates, the County Commission may appoint the successor.

(e) *Leave of absence for CITT members on active military duty.* Any Trust member who as a result of being called into active duty of any of the branches of the United >>States<< [~~Services~~] Armed Services is unable to continue serving on the CITT may request a leave of absence from the CITT for a period not to exceed ninety (90) days. Said leave of absence may be renewed so long as the Trust member remains in active duty of the United Services Armed Services, but may only extend until the expiration of the term for that Trust member. Upon a Trust member's leave of absence, the applicable District Commissioner, Mayor, or League of Cities may directly appoint an interim Trust member, who shall serve on the CITT until the expiration of the term of the Trust member on leave of absence or the return of the Trust member from leave of absence, whichever is sooner.

(f) *Attendance and quorum requirements.* Any Trust or Nominating Committee member shall be automatically removed if, in a given fiscal year: (i) he or she is absent from two (2) consecutive meetings without an acceptable excuse; or, (ii) if he or she is absent from three (3) of the Trust's or Nominating Committee's meetings without an acceptable excuse. A member of the Trust or Nominating Committee shall be deemed absent from a meeting when he or she is not present at the meeting at least seventy-five (75) percent of the time. An "acceptable excuse" is defined as an absence for medical reasons, business reasons, personal reasons, or any other reason which the Trust or Nominating Committee, by two-thirds (2/3) vote of its membership, deems appropriate. The requirements of this section may be waived by two-thirds (2/3) vote of the members of the full Board of County Commissioners. A quorum of the Trust or Nominating Committee shall consist of a majority of those persons duly appointed to the Trust or Nominating Committee, provided that at least one-half (1/2) of the full Trust or Nominating Committee membership has been appointed.

(g) *Powers and duties.* The Trust shall have the following duties, functions, powers, responsibilities and jurisdiction with regard to use and expenditure of proceeds of any Charter County Transit System Surtax that is levied by the County under authority of Section 212.055(1), Florida Statutes:

(1) To monitor, oversee, review, audit, and investigate implementation of the transportation and transit projects listed in any levy of the surtax, and all other projects funded in whole or in part with surtax proceeds;

(2) To assure compliance with any limitations imposed in the levy on the expenditure of surtax proceeds, including but not limited to:

(a) Any limitation that surtax proceeds only be expended for the transportation and transit purposes specified in Section 212.055(1)(d)1—[~~3~~]>>4<<, Florida Statutes (2001);

(b) Any limitation that no more than five (5) percent of surtax proceeds be expended on administrative costs, exclusive of project management and oversight for projects funded by the surtax;

(c) The limitation that the County Commission may not delete or materially change any County project listed >>in the approved Five Year Implementation Plan or << on Exhibit 1 attached to the ordinance levying the surtax nor add any project thereto except as provided in this subsection (c) >>and Section 29-124(d)(e).<< A proposed deletion, material change or addition of such a County project shall be initially reviewed by the Citizens' Independent Transportation Trust ("Trust"), which shall forward a recommendation thereon to the County Commission. The County Commission may either accept or reject the Trust's recommendation. If the County Commission rejects the recommendation, the matter shall be referred back to the Trust for its reconsideration and issuance of a reconsidered recommendation to the County Commission. The County Commission may approve, change or reject the Trust's reconsidered recommendation. A two-thirds (2/3) vote of the Commission membership shall be required to take action other than as contained in the reconsidered recommendation of the Trust. The foregoing notwithstanding, the list of County projects contained in said Exhibit 1 >>and the Five Year Implementation Plan<< may be

changed as a result of the MPO process as mandated by federal and state law; and

(d) Any requirement with regard to maintenance of effort of general fund support for MDTA.

(3) To assure compliance with federal and state requirements applicable thereto;

(4) To require monthly reports from the Manager, County agencies and instrumentalities regarding the implementation of the projects funded by surtax proceeds (which reports shall be posted on-line, i.e., made publicly accessible on the Internet);

(5) To file a report, including any recommendations, with the Mayor and the County Commission on a quarterly basis regarding the implementation of the projects funded by surtax proceeds; [[~~and~~]]

(6) To monitor, oversee and periodically report to the County Commission on the level of participation by CSBEs and CBEs in contracts funded in whole or in part with surtax proceeds, and to recommend ways to increase such participation[[~~.~~]]>>; and<<

(7) Notwithstanding any provision to the contrary, to retain the services of consultants the Trust deems necessary to assist in its monitoring functions without the need for action by the County Commission, so long as the retaining of such consultants does not result in the budget for the Trust exceeding the amount approved by the County Commission during the annual budget approval process.

(h) *Staff support.* The County Attorney shall serve as legal counsel to the Trust. The Trust may by a majority vote of its membership hire an Executive Director. The Executive Director shall provide to the Trust adequate staff and support services to enable the Trust to carry out its duties and responsibilities. The Executive Director is authorized to hire and/or remove staff in order to provide adequate support for the Trust. The Executive Director may be removed by a two-thirds (2/3) vote of the Trust members present.

(i) *Trust subject to Florida Open Government law, the Conflict of Interest and Code of Ethics Ordinance and the investigatory powers of the Inspector General.* The Trust shall at all times operate under the Florida Open Government Laws, including the "Sunshine" and Public Records laws, and shall be governed by the Conflict of Interest and Code of Ethics Ordinance, Section 2-11.1 of this Code providing, among other things, a proscription on transacting business with the County and on oral communications with bidders or their representatives during the bid process, and a requirement for financial disclosure. The Trust and its actions shall be subject to the investigatory powers of the Inspector General provided in Section 2-1076 of this Code. Additionally, Trust members shall not lobby, directly or indirectly, the Mayor, any member of the County Commission or any member of County staff regarding a project funded in whole or in part by surtax proceeds, or regarding any person or business bidding for or under contract for a project funded in whole or in part with surtax proceeds. Trust members shall not have [[~~from~~]] any interest, direct or indirect, in any contract with the County or in any corporation, partnership or other entity that has a contract with the County.

(j) *Removal of Trust members.* A finding by the Ethics Commission that a person serving as a member of the Trust has in the course of his or her service willfully violated any provision of Section 2-11.1 of this Code (the Conflict of Interest and Code of Ethics Ordinance) shall constitute malfeasance in office and shall effect an automatic forfeiture of such person's position as a member of the Trust.

Section 2. Section 29-124 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 29-124. Special fund created; uses of surtax proceeds; and role of Citizens' Independent Transportation Trust.

The surtax proceeds collected by the State and distributed hereunder shall be deposited in a special fund set aside from other County funds in the custody of the Finance Director of the County. Moneys in the special fund shall be expended for the transportation and transit projects (including operation and maintenance thereof)

set forth in Exhibit 1 to this article (including those projects referenced in the ballot question presented to the electors to approve this levy) >>and the adopted Five Year Implementation Plan<<, subject to any amendments thereto made in accordance with the MPO process or made in accordance with the procedures specified in subsection (d) of this Section.

Expenditure of surtax proceeds shall be subject to the following limitations:

(a) Surtax proceeds shall be applied to expand the Golden Passport Program to all persons (regardless of income level who are over the age of 65 or are drawing Social Security benefits, and to provide fare-free public transportation service on Metromover, including extensions.

(b) Surtax proceeds may only be expended for the transportation and transit purposes specified in Section 212.055(1)(d)1—[3]>>4<< Fla. Stats. (2001).

(c) The County shall not expend more than five percent of the County's share of surtax proceeds on administrative costs, exclusive of project management and oversight for projects funded by the surtax.

>>(d) The Trust shall in consultation with the Mayor recommend to the County Commission a Five Year Implementation Plan. The Five Year Implementation Plan shall include a detailed scope of work, schedule and budget, consistent with the federal requirements for the MPO TIP and Long Range Plan, for each project included in Exhibit 1 of the People's Transportation Plan, as amended, anticipated to be implemented in whole or in part during the five year period. The Five Year Implementation Plan shall be approved by the County Commission in accordance with the procedures established in paragraph (f) of this Section. The initial Five Year Implementation Plan shall be approved no later than November 1, 2010. The Five Year Implementation Plan shall be updated annually no later than thirty days from the commencement of Miami-Dade County's fiscal

year. The Trust shall review and monitor projects included in the Five Year Implementation Plan and provide to the County Commission and post online an annual report no later than December 31 of each year. The annual report shall detail the progress on each project included in the Five year Work Plan.<<

[[(d)]] >>(e)<< The County Commission shall not delete or materially change any County project contained in the list attached as Exhibit 1 to this article nor add any project to the list >>or delete, materially change or add any project to the Five Year Implementation Plan<< except in accordance with the procedures set forth in this subsection [[(d)]]>>(e)<<. [[A]] >> The Five Year Implementation Plan and any << proposed deletion, material change or addition of a County project shall be initially reviewed by the Citizens' Independent Transportation Trust ("Trust"), which shall forward a recommendation thereon to the County Commission. The County Commission may either accept or reject the Trust's recommendation. If the County Commission rejects the recommendation, the matter shall be referred back to the Trust for its reconsideration and issuance of a reconsidered recommendation to the County Commission. The County Commission may approve, change or reject the Trust's reconsidered recommendation. A two-thirds vote of the Commission membership shall be required to take action other than as contained in the reconsidered recommendation of the Trust. The foregoing notwithstanding, the list of County projects contained in Exhibit 1 >>and the Five Year Implementation Plan<< may be changed as a result of the MPO process as mandated by federal and state law.

[[(e)]]>>(f)<< No surtax proceeds may be used to pay the costs of a contract [[~~awarded by action of the County Commission until such action has become final (either by expiration of ten days after such action without veto by the Mayor, or by Commission override of a veto) and either: i) the Trust has approved same; or, ii) in response to the Trust's disapproval, the County Commission re-affirms its award by two-thirds (2/3) vote of the Commission's~~

~~membership.~~]] >>unless the Trust has submitted a recommendation to the County Commission regarding said contract award. The County Commission, if in agreement with the Trust's recommendation, may award a contract by majority vote. The County Commission may modify or reject the recommendation of the Trust by a two thirds (2/3) vote of the Commission's membership. If the Trust has failed to forward a recommendation to the County Commission within 45 days of the County Mayor or his designee filing his award recommendation with the Clerk of the Board, the County Commission may take action on the contract award recommendation without any Trust recommendation. Notwithstanding any other provision to the contrary, a committee of the Commission may consider a contract award recommendation prior to receipt of a recommendation of the Trust.<< [[~~The bid documents for all County contracts funded in whole or in part with surtax proceeds shall provide that no award shall be effective and no contractual relationship shall arise with the County unless and until approved by the Trust or re-affirmed by the County Commission as provided in this subsection.~~]]>>The Trust shall, in consultation with the County Mayor or his designee, schedule Trust meetings monthly so as to ensure that a Trust recommendation is provided to the Commission with the Commission's agenda package. << [~~The foregoing notwithstanding, awards of contracts for services in support of the administration of the Trust or in support of the Trust's oversight function shall not require County Commission or Trust approval, so long as the individual contract amount does not exceed one thousand dollars ($1,000).~~]

[[(~~f~~)]]>>(g)<< On a quarterly basis, the Executive Director of the CITT shall submit a written report to the Commission, the Mayor and the Manager of all expenditures made pursuant to Section 29-124 herein.

[[(~~g~~)]]>>(h)<<Twenty percent of surtax proceeds shall be distributed annually to those cities existing as of

November 5, 2002 that meet the following conditions:

(i) That continue to provide the same level of general fund support for transportation that is in their FY 2001-2002 budget in subsequent Fiscal Years. Any surtax proceeds received shall be applied to supplement, not replace a city's general fund support for transportation;

(ii) That apply 20 percent of any surtax proceeds received to transit uses in the nature of circulator buses, bus shelters, bus pullout bays or other transit-related infrastructure. Any city that cannot apply the 20 percent portion of surtax proceeds it receives as provided in the preceding sentence, may contract with the County for the County to apply such proceeds on a County project that enhances traffic mobility within that city and immediately adjacent areas. If the city cannot expend such proceeds in accordance with either of the preceding sentences, then such proceeds shall carry over and be added to the overall portion of surtax proceeds to be distributed to the cities in the ensuing year and shall be utilized solely for the transit uses enumerated in this subsection (ii); and

(iii) Surtax proceeds distributed amongst the existing cities shall be distributed on a pro rata basis based on the ratio such city's population bears to the total population in all such cities (as adjusted annually in accordance with the Estimates of Population prepared by the Bureau of Economic and Business Research of the University of Florida) annually to those cities that continue to meet the foregoing conditions. For purposes of the foregoing, whenever an annexation occurs in an existing city, the number of persons residing in such annexed area at the time it is annexed shall be excluded from all calculations. Increases in

population in areas annexed over and above the population in such area at the time of annexation which occur after annexation shall be included in subsequent years' calculations.

(iv) that do not expend more than 5% of its municipal share of surtax proceeds on administrative costs, exclusive of project management and oversight for projects funded by the surtax. Administrative costs shall be defined as overhead expenses which are not readily attributable to any one particular project funded in whole or in part by transit surtax funds.

[[(~~h~~)]]>>(i)<< Newly incorporated municipalities shall have the right to negotiate with the County for a pro rata share of the sales surtax, taking into consideration the neighborhood and municipal projects identified in Exhibit 1, as amended, within the boundaries of the new municipalities. The preceding sentence shall not affect the twenty (20) percent share provided herein for municipalities existing on November 5, 2002.

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Bruce Libhaber

Prime Sponsor: Commissioner Barbara J. Jordan

MEMORANDUM

Agenda Item No.4(H)

TO:	Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners	**DATE:**	June 3, 2010
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Ordinance relating to sexual offenders and predators; renaming the Miami-Dade County Sexual Offender and Sexual Predator Ordinance in honor of Lauren Book-Lim and her work in protecting children from sexual abuse

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Vice-Chairman Jose "Pepe" Diaz.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

MEMORANDUM
(Revised)

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

DATE: June 3, 2010

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

SUBJECT: Agenda Item No. 4(H)

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
Veto _____
Override _____

Agenda Item No. 4(H)
6-3-10

ORDINANCE NO. _____

ORDINANCE RELATING TO SEXUAL OFFENDERS AND PREDATORS; RENAMING THE MIAMI-DADE COUNTY SEXUAL OFFENDER AND SEXUAL PREDATOR ORDINANCE IN HONOR OF LAUREN BOOK-LIM AND HER WORK IN PROTECTING CHILDREN FROM SEXUAL ABUSE; MAKING CERTAIN SCRIVENER'S CHANGES AND PROVIDING FOR PENALTIES, SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, it is a grim reality that one in three girls and one in six boys are sexually abused before the age of eighteen; that there are 39 million survivors of sexual abuse in America today; and that most childhood sexual abuse can be prevented through education; and

WHEREAS, Lauren Book-Lim is a survivor of childhood sexual abuse who turned her horrific personal experience into a vehicle to prevent childhood sexual abuse of other children and heal survivors of past abuse; and

WHEREAS, through her foundation "Lauren's Kids" and her books, Lauren teaches children and families how to prevent child abuse and how to heal survivors, by teaching kids, "I survived. I'm Okay…it is always okay to tell;" and

WHEREAS, children and parents need to hear her message because sexual abuse of children is at heart a crime of denial and deception; predators tell child-victims that they themselves are to blame and often say their parents will be harmed if the child speaks out; and

WHEREAS, Lauren's work as an ambassador and activist for child safety and protection has lead to enactment of many laws protecting women and children, including the establishment of child safety zones where convicted sexual offenders cannot loiter; the restriction of convicted sexual offender's ability to move into neighborhoods near schools; the mandating of HIV testing

for charged sex offenders; the elimination of statutes of limitation for sexual crimes against a minor; the establishment of enhanced penalties for cyber-sex crimes; the creation of a trust fund to fund a network of sexual assault treatment centers across Florida; and ensuring victims of sexual assault have access to basic services including crisis intervention, therapy, and medical intervention; and

WHEREAS, in her "Walk in My Shoes Campaign," Lauren recently lead a 500 mile walk across Florida from Aventura to Tallahassee to symbolize the survivor's long, painful healing journey to shed the shame – a walk in which she visited not only city halls and neighborhoods, but also rape crisis centers, sexual assault treatment centers, clinics, hot-line telephone banks, and woman's shelters where she was greeted with tears and hugs by survivors, and their mothers, fathers, sisters, brothers, social workers, therapists, doctors and others who share Lauren's vision that the journey to healing "requires love, support and understanding from family, friends, and trained professionals;" and

WHEREAS, she herself has had the love, support and understanding of her family including her mother, father, brother, sister, and loving husband; and

WHEREAS, Lauren Book-Lim has a lesson to teach all of us about the real meaning of courage, character, and service,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. That the above recitals of legislative intent and findings are fully incorporated herein as part of this ordinance.

Section 2. Article XVII of Chapter 21 of the Code of Miami-Dade County ("the Code") is hereby amended to read as follows:[1]

ARTICLE XVII. THE >>LAUREN BOOK-LIM CHILD SAFETY ORDINANCE<< [[~~MIAMI-DADE COUNTY SEXUAL OFFENDER AND SEXUAL PREDATOR ORDINANCE.~~]]

Sec. 21-277. Title.

Article XVII shall be known and may be cited as "The >>Lauren Book-Lim Child Safety Ordinance"<< [[~~Miami-Dade County Sexual Offender and Sexual Predator Ordinance."~~]]

Sec. 21-278. Finding and Intent.

(a) Repeat sexual offenders, sexual offenders who use physical violence and sexual offenders who prey on children are sexual predators who present an extreme threat to the public safety. Sexual offenders are extremely likely to use physical violence and to repeat their offenses. Most sexual offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sexual offender victimization to society at large, while incalculable, clearly exorbitant.

(b) The intent of this article is to serve the County's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the County, particularly children, by prohibiting sexual offenders and sexual predators from establishing temporary or permanent residence in certain areas where children are known to regularly congregate, to prohibit renting or leasing certain property to sexual offenders or sexual predators if such property is located where children are known to regularly congregate and to restrict sexual offenders' and sexual predators' access to parks and child care facilities.

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[1] Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Sec. 21-279. Applicability.

(a) This article shall be applicable to the incorporated and unincorporated areas of Miami-Dade County.

(b) This article shall be applicable in all municipalities in Miami-Dade County on the effective date of this ordinance. All municipal ordinances in Miami-Dade County establishing sexual offender or predator residency restrictions are hereby preempted and shall stand repealed.

Sec. 21-280. Definitions.

The following terms and phrases when used in this article shall have the meanings ascribed to them in this section unless the context otherwise requires:

(1) "Child" or "children" means any person(s) less than sixteen (16) years of age.

(2) "Child care facility" means day nurseries, and family day care homes, licensed by the Department of Children and Families, and as defined in Section 33-151.11 of the Code.

(3) "Child safety zone" means an area three hundred (300) feet extending from schools, child care facilities, parks, and school bus stops measured in a manner similar to the measurement of the residency restriction area provided in this ordinance.

(4) "Convicted" or "conviction" means a determination of guilt which is the result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld. A conviction for a similar offense includes, but is not limited to: a conviction by a federal or military tribunal, including courts-martial conducted by the Armed Forces of the United States, and includes a conviction or entry of a plea of guilty or nolo contendere resulting in a sanction in any state of the United States or other jurisdiction. A sanction includes, but is not limited to, a fine, probation, community control, parole, conditional release, control release, or incarceration in a state prison, federal prison, private correctional facility, or local detention facility.

(5) "Legal guardian" or "guardian" shall mean biological or adoptive parent of a child registered at a child care facility or a person who is responsible for the care and maintenance of said child pursuant to Florida Statutes or similar laws of another jurisdiction.

(6) "Park" means a County or municipal park excluding a park that includes a shooting range.

(7) "Permanent residence" means a place where a person abides, lodges, or resides for fourteen (14) or more consecutive days.

(8) "Reside" or "residence" means to have a place of permanent residence or temporary residence.

(9) "School" means a public or private kindergarten, elementary, middle or secondary (high) school.

(10) "Sexual offender" shall have the meaning ascribed to such term in Section 943.0435, Florida Statutes.

(11) "Sexual offense" means a conviction under Section 794.011, 800.04, 827.071, 847.0135(5) or 847.0145, Florida Statutes, or a similar law of another jurisdiction in which the victim or apparent victim of the sexual offense was less than sixteen (16) years of age, excluding Section 794.011(10), Florida Statutes.

(12) "Sexual predator" shall have the meaning ascribed to such term in Section 775.21, Florida Statutes.

(13) "Temporary residence" means a place where the person abides, lodges, or resides for a period of fourteen (14) or more days in the aggregate during any calendar year and which is not the person's permanent address, or a place where the person routinely abides, lodges, or resides for a period of four (4) or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.

Sec. 21-218. Sexual Offender and Sexual Predator Residence Prohibition; Penalties.

(a) It is unlawful for any person who has been convicted of a violation of Section 794.011 (sexual battery), 800.04 (lewd and lascivious acts on/in presence of persons under age 16), 827.071 (sexual performance by a child), 847.0135(5) (sexual acts transmitted over computer) or 847.0145 (selling or buying of minors for portrayal in sexually explicit conduct), Florida Statutes, or a similar law of another jurisdiction, in which the victim or apparent victim of the offense was less than sixteen (16) years of age, to reside within 2,500 feet of any school.

(b) The 2,500-foot distance shall be measured in a straight line from the outer boundary of the real property that comprises a sexual offender's or sexual predator's residence to the nearest boundary line of the real property that comprises a school. The distance may not be measured by a pedestrian route or automobile route, but instead as the shortest straight line distance between the two points.

(c) *Penalties.* A person who violates section 21-281(a) herein shall be punished by a fine not to exceed $1,000.00 or imprisonment in the County jail for not more than 364 days or by both such fine and imprisonment.

Sec. 21-282. Exceptions.

(1) A sexual offender or sexual predator residing within 2,500 feet of any school does not commit a violation of this section if any of the following apply:

(a) The sexual offender or sexual predator established a residence prior to the effective date of this ordinance. The sexual offender or sexual predator shall not be deemed to have established a residence or registered said residence for purposes of this section, if the residence is an illegal multifamily apartment unit within a neighborhood zoned for single-family residential use.

(b) The sexual offender or sexual predator was a minor when he or she committed the sexual offense and was not convicted as an adult.

(c) The school was opened after the sexual offender or sexual predator established the residence.

(2) Section 21-282(1)(a) and (1)(c) herein shall not apply to a sexual offender or sexual predator who is convicted of a subsequent sexual offense as an adult after residing at a registered residence within 2,500 feet of a school.

Sec. 21-283. Property Owners or Lessors Prohibited from Renting Real Property to Certain Sexual Offenders or Sexual Predators; Penalties.

(a) It is unlawful to let or rent any place, structure, or part thereof, trailer or other conveyance, with knowledge that it will be used as a permanent or temporary residence by any person prohibited from establishing such permanent or temporary residence pursuant to this Article of the Code, if such place, structure, or part thereof, trailer or other conveyance, is located within 2,500 feet of a school. Knowingly renting to a sexual offender or predator shall include, but shall not be limited to, renting or leasing a residence after being notified that the prospective renter, lessee or adult resident is a sexual offender or predator as defined in this ordinance.

(b) Prior to letting, renting or leasing any place, structure, or part thereof, trailer or other conveyance for use as a permanent or temporary residence that is located within 2,500 feet of a school, and annually thereafter if a rental agreement is entered into, the owner or lessor shall obtain confirmation of a nationwide search from the Miami-Dade County Police Department or other law enforcement agency that the prospective renter, lessee or adult resident is not a registered sexual offender or sexual predator as a result of a conviction of a sexual offense as defined in section 21-280(~~10~~) herein. A person may call the Miami-Dade County Answer Center (311) to obtain assistance or referrals to determine whether a prospective renter, lessee or adult resident is a sexual offender or predator and to determine whether a residence is 2,500 feet, from a particular school.

(c) Penalties.

(1) A person who violates section 21-283(a) herein shall be punished by a fine not to exceed $500.00 or imprisonment in the County jail for not more than 60 days, or both such fine and imprisonment. A person who is convicted of a second or subsequent violation of section 21-283(a) herein shall be punished by a fine not to exceed $1,000.00 or imprisonment in the County jail for not more than 364 days, or by both such fine and imprisonment.

(2) A person who violates section 21-283(b) herein shall be punished by a civil penalty of five hundred dollars ($500.00) in the manner established by Chapter 8CC of this Code. Each day of violation or noncompliance shall constitute a separate offense.

Sec. 21-284. Sexual Offender and Sexual Predator Access to Parks and Child Care Facilities Restricted; Penalties.

(a) It is unlawful for a sexual offender or sexual predator convicted of a sexual offense, as defined in section 21-280[[~~(10)~~]], to knowingly be present in a County or municipal park, when a child under the age of sixteen (16) years is present, unless the sexual offender or sexual predator is the parent or legal guardian of a child present in the park.

(b) Signage at the entrance of County and municipal parks shall include notification that a person convicted of a sexual offense, as defined in section 21-280[[~~(10)~~]] herein, shall not be present in a park when a child under the age of sixteen (16) years is present, unless the sexual offender or sexual predator is the parent or guardian of a child present in the park.

(c) It is unlawful for a sexual offender or sexual predator convicted of a sexual offense, as defined in section 21-280[[~~(10)~~]], to knowingly enter or remain in a child care

facility ("facility") or on its premises unless the sexual offender or sexual predator:

(1) Is dropping off or picking up a child registered at the facility and is the parent or legal guardian of said child; and

(2) Remains under the supervision of a facility supervisor or his or her designee while on the facility premises.

(d) *Penalties.* A person who violates section 21-284(a) or (c) herein shall be punished by a fine not to exceed $500.00 or imprisonment in the County jail for not more than 60 days, or by both such fine and imprisonment. A person who is convicted of a second or subsequent violation of section 21-284(a) or (c) herein shall be punished by a fine not to exceed $1,000.00 or imprisonment in the County jail for not more than 364 days, or by both such fine and imprisonment.

Sec. 21-285. Loitering or prowling in child safety zone; penalties.

(a) It is unlawful for any sexual offender or sexual predator:

(1) To loiter or prowl with the intent to commit a sexual offense as listed in Section 21-280[[~~(11)~~]] of this article;

(2) While knowingly within a child safety zone when children are present; and

(3) To engage in overt conduct that, under the circumstances, manifests an intent to commit a sexual offense as listed in Section 21-280[[~~(11)~~]] of this article.

(b) Conduct which may, under the circumstances, be deemed adequate to manifest an intent to commit a sexual offense

as listed in Section 21-280[[~~(11)~~]] of this article includes, but is not limited to, conduct such as the following:

(1) Making sexual conversation or sexual remarks to a child;

(2) Making lewd or sexual gestures to a child, or exposing sexual organs to a child;

(3) Giving gifts of candy, money, music, or other items to a child to which he or she is not related or acquainted.

(c) Unless flight by the sexual offender or sexual predator or other circumstance makes it impracticable, a law enforcement officer shall, prior to any arrest for an offense under this section, afford the sexual offender or predator an opportunity to explain his or her presence and conduct. No sexual offender or predator shall be convicted of an offense under this section if the law enforcement officer did not comply with this procedure or if it is proven at trial that the explanation given by the sexual offender or predator is true, and that the sexual offender or predator had no intent to commit a sexual offense.

(d) As used in this section a sexual offender or predator is related to a child if he or she is the father, mother, step-father, step-mother, grandparent, sibling, cousin, aunt, uncle or resides with the child. As used in this section a sexual offender or predator is acquainted with a child if he or she has been introduced to the child in the presence of an adult with legal authority to supervise the child.

(e) Penalties. A person who violates Section 21-285(a) herein shall be punished by a fine not to exceed $500.00 or imprisonment in the County jail for not more than 60 days or by both fine and such imprisonment.

(f) This provision is not intended to limit or affect the applicability of any general loitering and prowling statutes to sexual offenders or predators, including, but not limited to, F.S. § 856.021.

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

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

Prepared by: _____

Thomas W. Logue

Prime Sponsor: Vice-Chairman Jose "Pepe" Diaz

MEMORANDUM

Agenda Item No. 4(I)

TO:	Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners	**DATE:**	June 3, 2010
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Ordinance amending Chapter 25A of the Code reducing voting membership of the Board of Trustees of the Public Health Trust; providing implementing procedure; removing provisions regarding Public Health Trust Nominating Council; and requiring the Public Health Trust to comply with directives to the Trust set forth from time to time in resolutions of the County Commission

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Joe A. Martinez.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

MEMORANDUM
(Revised)

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

DATE: June 3, 2010

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

SUBJECT: Agenda Item No. 4(I)

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

Veto _____

Override _____

Agenda Item No. 4(I)

6-3-10

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 25A OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REDUCING VOTING MEMBERSHIP OF THE BOARD OF TRUSTEES OF THE PUBLIC HEALTH TRUST; PROVIDING IMPLEMENTING PROCEDURE; REMOVING PROVISIONS REGARDING PUBLIC HEALTH TRUST NOMINATING COUNCIL; AND REQUIRING THE PUBLIC HEALTH TRUST TO COMPLY WITH DIRECTIVES TO THE TRUST SET FORTH FROM TIME TO TIME IN RESOLUTIONS OF THE COUNTY COMMISSION; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 25A-3(a) of the Code of Miami-Dade County, Florida, is hereby amended as follows:[1]

Sec. 25A-3. Governing body.

(a) *Composition.* The governing body of the Trust shall be a Board of Trustees composed of [[~~seventeen (17)~~]] >>eleven (11)<< voting members none of whom shall be employees of the Trust. The voting membership shall include a member of the University of Miami Board of Trustees. In addition, the voting membership shall include the Chairperson of the Board of County Commissioners and a Commissioner designated by the Chairperson, or, alternatively, in his or her discretion, the Chairperson of the Board of County Commissioners may designate two (2) Commissioners to serve as voting members. The remaining voting membership shall be selected in accordance with Section 25A-3(d).

* * *

>> As of September 1, 2010, the voting membership of the Board of Trustees is seventeen (17). So that the reduction in voting members from (17) to eleven (11) is gradual and the terms of Trustees remain staggered, during the annual appointment process for 2010 and 2011, the Commission shall appoint three (3) voting members to the Board of Trustees in each such year in accordance

[1] Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

3

with Section 25A-3(d). During the annual appointment process for 2012, the Commission shall appoint two (2) voting members to the Board of Trustees. After completion of the annual appointment process for 2012, the total voting membership shall have been reduced to the following eleven (11) members: two (2) Voting Commissioners, one (1) member from the University of Miami Board of Trustees and eight (8) members as set forth in this paragraph. <<

* * *

Section 2. Section 25A-3(d) of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 25A-3. Governing body.

* * *

(d) *Appointment and removal of Trustees.* Voting Trustees shall be appointed by resolution of the Board of County Commissioners [[~~after having been selected by the Commission from persons nominated by a Nominating Council established and described herein. The Nominating Council, hereinafter known as the Public Health Trust Nominating Council, shall be comprised of the following five (5) voting members: the Chairperson of the Commission committee of jurisdiction for the Public Health Trust, or a Commissioner of that committee designated by the committee Chairperson; the Chairperson of the Public Health Trust; the Chairperson of the Board of County Commissioners or a Commissioner designated by the Chairperson; the Mayor or a Commissioner designated by the Mayor; and the Chairperson of the Miami-Dade Legislative Delegation or another member of the delegation appointed by Chairperson of the Miami-Dade Legislative Delegation. The Chairperson of the Trust shall not serve on the Nominating Council when being considered for reappointment and shall appoint a Trustee to replace him or her. The County Manager and the County Attorney shall provide appropriate staff support to the Council. The sole function of the Nominating Council shall be to solicit, screen, interview and recommend for appointment the best qualified candidate for each vacancy on the Trust Board~~]]. The membership of the Board of Trustees should be representative of the community at large and should reflect the racial, gender, ethnic and disabled make-up of the community. The >>Commission<<[[~~Council~~]] should consider the most current demographic statistics from Miami-Dade County. [[~~Said Council and the procedures under which it will operate shall be approved by the Board of County Commissioners. All meetings~~

~~of the Nominating Council shall be audio recorded and minutes of the proceedings shall be transcribed and maintained by the Clerk of the Board of the County Commission.~~]] Prior to September 1st of each year, the >>Chairperson of the Commission and the Clerk of the Commission shall compile a list of nominees for membership on the Board of Trustees. The compilation of the list of nominees shall be completed in the manner determined by the Chairperson of the Commission, taking into consideration, among other factors set forth herein, the number of vacancies created by the expiration of terms of incumbent Trustees.<< [[~~Nominating Council shall submit to the Commission a list of nominees containing a total number of names which is equal to one (1) nominee for each vacancy on the Trust Board plus two (2) additional nominees.~~]] The Commission shall select and appoint the voting trustees from the list of nominees >>compiled by the Chairperson and the Clerk<<[[~~submitted by the Nominating Council~~]].

In the event of a vacancy during the term of a voting Trustee, the Trust shall notify the Commission of the vacancy and shall request that it be filled as part of the annual appointment process or >>at such other time as determined by the Chairperson of the Commission<<[[~~by special convening of the Public Health Trust Nominating Council~~]].

A Trustee may be removed by a majority vote of the Board of County Commissioners for cause.

* * *

Section 3. Section 25A-4(j) of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 25A-4. Powers and duties of the Trust.

* * *

(j) *Compliance with law >>and Commission directives<<*. The Trust shall comply with all laws and regulations of the United States, the State of Florida, and Miami-Dade County, including but not limited to the laws relating to the expenditure of funds and the keeping of records and inventories and the operation and governance of health care facilities. >>The Trust shall also comply with any Commission directive to the Trust, as set forth from time to time by resolution of the Commission.<<

* * *

Section 4. This ordinance shall supersede those provisions of any existing ordinance, resolution or policy in conflict herewith.

Section 5. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 6. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 7. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

RAC

Prepared by:

RAC for ES

Eugene Shy, Jr.

Prime Sponsor: Commissioner Joe A. Martinez

Memorandum

MIAMI-DADE COUNTY

Date: June 3, 2010

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

Supplement to
Agenda Item No. 5B

From: George M. Burgess
County Manager

Subject: Supplemental Information Regarding the Issuance of Aviation Revenue Bonds, Series 2010 – BPS Agenda Item 3D

The following provides supplemental information regarding the projects to be funded by the proposed bond issue to support the Aviation Department's Capital Improvement Program (CIP).

The Aviation CIP is an aggregation of projects required to implement the Airport System Master Plan and excludes projects such as tenant improvement projects, financed and managed by third parties. The CIP is funded through a combination of bond funds, equity contributions from federal and state grants, and passenger facilities charges. The proceeds from the proposed $600 million Series 2010 Bond issue, combined with these other revenues, will be used primarily for the completion of North Terminal. The Series 2010 Bonds are expected to be the last bond issue to complete the CIP.

Legislative History

In 2002, the Board of County Commissioners (Board) approved a CIP with estimated expenditures of $4.8 billion through 2015. The Board increased the CIP to $5.237 billion in June 2005 and to $6.2 billion in March 2007. The increases were primarily due to schedule delays and increased project costs. The Board-approved CIP budget effective October 2008 included an additional $76 million in Florida Department of Transportation (FDOT) funding for costs associated with the Miami International Airport (MIA) Mover. In the fall of 2008, Transportation Security Administration (TSA) and the County executed an agreement whereby the TSA would reimburse the County an additional $54 million for baggage screening requirements. The proposed fiscal year 2011 capital budget adds $140 million to the CIP, of which $40 million is funded by grants.

Program Summary

The CIP is categorized into the following programs.

- Airside Program
- Terminal Facilities Program
- Landside Programs (including MIA Mover)
- Airport Support Programs
- Cargo and Aircraft Maintenance Program
- General Aviation Airports Program

Each program consists of various capital projects (see Exhibit A attached). Completed projects represent approximately 56% of the total cost of the CIP. The major capital projects completed under each program and those remaining to be constructed are summarized below.

Airside

The Airside Program was designed to expand airfield capacity, enhance the efficiency and safety of aircraft movement, reduce delays, and accommodate changes in aircraft fleets. Completed airside projects include:

- New fourth runway (8L/26R) and associated parallel taxiways
- New mid-field dual taxiway system and high-speed exits
- Runway 9/27 rehabilitation
- New Air-Traffic Control Tower (ATCT)
- Two new Aircraft Rescue and Fire Fighting (ARFF) facilities
- Re-construction of Midfield/Airfield
- Midfield Tunnel and Utility Corridor
- Various Navigational Aids (NAVAID) Improvements, Blast Fence and Drainage Improvements

The major project remaining is Runway 8R/26L pavement reconstruction (awarded in August 2009) which will extend the useful life of the runway.

Terminal and Concourse Facilities

This program includes the terminals, North, Central and South terminals. The CIP will increase the floor space from 4.8 million to approximately 7.4 million square feet. The North Terminal Development Program (NTD) area previously consisted of Concourses A, B, C and D in a pier configuration. This area is being transformed from a series of separate concourses into a linear terminal which will increase gate utilization and connection efficiencies for American Airlines and its OneWorld alliance partners. The program eliminates Concourses B and C and widens the Terminal Building area between Concourses A and D. As part of the program, the Aviation Department is renovating 1.7 million square feet of the existing Terminal Building and adding 1.8 million square feet of new terminal/concourse space. Upon completion, the terminal will have 48 international/domestic swing gates, two regional jet gates, a Federal Inspection Service facility capable of processing 3,600 international passengers per hour, 278 ticketing positions (including 126 self-service units), a new baggage handling system (discussed below), and support systems to handle an international hub operation of 250 flights per day or more. The terminal is expected to serve 70% to 73% of the of the passenger volume at the Airport.

The South Terminal Program (STP) includes the terminal expansion from Concourse H to Concourse J, construction of a new Concourse J, internationalization of Concourse H, apron construction between Concourses H and J and related utilities infrastructure. The core STP is fully operational and only minor corrective work remains to be completed. The completed STP will provide 1.5 million square feet of new, and 0.2 million square feet of renovated terminal and concourse space. The terminal has a total of 28 gates, on Concourses H and J, of which 19 are international/domestic including one which will be designated for Airbus A-380 airplane operations. The design for the A-380 Gate is complete, and the Aviation Department expects to bid this project in the fourth quarter of 2009. The South Terminal is expected to handle 20% to 22% of the passenger volume at the Airport.

Other Terminal Projects consist of expanding Concourse A from 11 to 20 gates and making improvements to the existing Central Terminal. The major project remaining is the construction of

life-safety improvements. Central Terminal includes the terminal and concourse areas between Concourses E, F and G and will serve domestic and international non-aligned airlines. When completed, the Central Terminal is anticipated to handle 5% to 10% of the passenger volume at the Airport. Other Central Terminal improvements yet to be completed include building code upgrades, tenant relocations to and from the renovated areas, and procurement of new passenger loading bridges.

Terminal projects completed to date include:

- South Terminal Program, including the terminal expansion from Concourse H to Concourse J, construction of a new Concourse J, internationalization of Concourse H, apron construction between Concourses H and J, and related utilities infrastructure
- North Terminal – Extension of Concourse D (added 11 international/domestic swing gates)
- Concourse A expansion (added 9 international/domestic swing gates)
- Renovation projects in Concourses E, F and G
- Relocation of Security Checkpoint to Concourse E
- New baggage handling systems
- Explosive Detection System (EDS) for baggage screening
- Upgrades relating to life safety systems, utilities, building code requirements and requirements of the Americans with Disabilities Act
- Phase II retail transition space preparation
- Terminal 2nd floor carpeting
- Concourse H glass protection

Landside

Landside Programs will improve ground access to the Airport, primarily by relocating the perimeter roadway, extending the upper and lower drives of the Terminal Building's to accommodate South Terminal expansion while also increasing parking capacity. Significant projects yet to be completed include improvements to the Perimeter Road North and an upgrade of the Airport's Upper and Lower Vehicle Drive Accessibility Improvements. The Perimeter Road North project will expand the lanes of the intersection at NW 36th Street, NW 67th Avenue and Perimeter Road, thus allowing this intersection to serve as a second major entry/exit to the west side and north-west cargo areas of the Airport.

Projects completed to date include;

- New 1,540-space parking garage
- Various renovation and expansion projects for parking facilities
- Central revenue collection plaza for long-term parking garages
- Upper and Lower Terminal Vehicular Drives extension
- Perimeter fence for the aircraft operating area

Support Programs

Support Programs to be funded in the CIP include environmental remediation and utility infrastructure, security and business systems. The majority of the environmental remediation and utility infrastructure projects are complete; security and business systems projects are ongoing.

- Premise Distribution System (PDS): Data and communications infrastructure throughout the Terminal

- Common Use Terminal Equipment (CUTE): allows flexible ticket counter and gate assignments to maximize usage
- Central Chiller Plant expansion
- Various security systems improvements throughout the Terminal and at general aviation airports
- Environmental remediation projects including remediation of groundwater and soil contamination, and removing asbestos

Cargo and Aircraft Maintenance

The Cargo and Aircraft Maintenance Program primarily upgrades and expands cargo processing and aircraft maintenance facilities located on the west and north sides of the Airport. Projects include new and upgraded cargo processing buildings, facilities to support the cargo processing function (a new facility for clearing arriving international cargo and private flights), a new facility for clearing international arriving animals, and improved drainage in an area used by aircraft maintenance businesses.

- Six new cargo facilities totaling 1.09 million square feet of space
- New GAC (General Aviation Center) Building

General Aviation Airports

The General Aviation Airports Program includes runway and taxiway improvements, security improvements and support facilities at the County's three general aviation airports (Opa-locka, Kendall-Tamiami and Homestead). The Kendall-Tamiami (TMB) Runway is being extended to allow aircraft to increase their fuel and/or cargo load. This extends their range and allows them to fly to more distant airports without refueling.

The only projects not yet completed in this program are the clearing facility for international arriving animals and the drainage projects. The clearing facility will consist of a 64,000 square feet including an import and export barn area, animal holding quarantine stalls for 102 animals, and an aviary. To date, the following projects have been completed.

- Opa-locka Airport (OPF) Runway 12/30 improvements
- OPF Rescue and Fire Fighting Facility
- Signage and Lighting Improvements at Kendall-Tamiami and Opa-locka airports

Summary

The aggregate expenditures and forecasted cost of the CIP are detailed below. The proceeds from the proposed $600 million bond issue, combined with other revenues, will be used to fund the remainder of the CIP.

Aviation CIP Expenditure
(in Million Dollars)

Program	Expenditure As of February 28, 2010	Remaining Program Expenditure	Total Forecasted Program Cost	Percentage of Program Cost Expended
Airside Program	309.7	48.1	357.8	86.6
Terminal Facilities Program:				
North Terminal	2,354.2	649.0	3,003.2	78.4
South Terminal	1,080.2	45.9	1,126.1	95.9
Other Terminal Projects	454.5	68.5	523.0	86.9
Landside Program:				
Roadways & Parking	147.1	18.5	165.6	88.8
MIA Mover	94.9	204.5	299.4	31.7
Support Programs	640.8	86.3	727.1	88.1
Cargo and Aircraft Maintenance Program	76.2	5.9	182.1	96.7
General Aviation Airports Program	52.9	9.6	62.5	84.6
Total CIP Budget	5,310.5	1,136.4	6,446.9	82.4

Assistant County Manager

EXHIBIT "A"
CIP PROJECTS

The CIP Projects consist of those Improvements to Port Authority Properties comprising a portion of the Aviation Department's capital improvement program and which are a part of the 1995 Authorization, the 1996 Authorization, the 1997 Authorization or the 2008 Authorization. Such CIP Projects include, but are not limited to:

1. Airside: Runway pavement reconstruction. Approximately 94% complete.

2. Terminal and Concourse Improvements:

   North Terminal – Reconfigure the terminal and concourses between Concourses A and D to create a 48-gate linear facility to support the international gateway operations of American Airlines and its partners. Includes utility infrastructure expansion. Approximately 80% complete.

   South Terminal – Renovation of existing terminal space in and adjacent to Concourse H and improving the corresponding taxiway. Approximately 97% complete.

   Other Terminal Projects – Life safety and building code upgrades, remodel and reconstruction of commercial facilities in the Central Terminal. Approximately 91% complete.

3. Landside:

   Roadways & Parking – Improvements to Perimeter Road and an upgrade of the Airport's accessibility facilities. Approximately 93% complete.

   MIA Mover – Construction of an elevated automated people mover system connecting the Terminal Building to remote ground transportation facilities at an inter-modal hub to be built by FDOT. Approximately 32% complete.

4. Support Programs: Replacement or upgrade of security, business systems and maintenance facilities. Approximately 75% complete.

5. Cargo and Aircraft Maintenance: Improving drainage in the area of aircraft maintenance facilities. Approximately 97% complete.

6. General Aviation Airports: Airfield improvements. Approximately 91% complete.

Note: Approximate completion percentages are as of February 28, 2010.

Memorandum

MIAMI-DADE COUNTY

AMENDED
Agenda Item No. 5(D)

Date: June 3, 2010

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

From: George M. Burgess
County Manager

Subject: FY 2009-10 Mid-Year Budget Amendment

Recommendation

It is recommended that the Board of County Commissioners approve the attached resolution amending the FY 2009-10 General Fund Budget and other funds to allocate funds among various County agencies from appropriate sources.

Scope and Fiscal Impact/Funding Source

The scope, fiscal impact and funding are detailed below.

Background

State law prohibits departmental spending in excess of Board approved allocations. However, during the course of the year, there may be expenditures projected to exceed approved appropriations due to extraordinary events that would require a department to need additional budget allocation. Historically, recommendations have been submitted to the Board to adjust budgets to account for such events. Technical adjustments may require further year-end budget amendments. As has been past practice, certain reserves in the General Fund, such as those for separation costs and wage adjustments, are budgeted separately from departmental allocations with the intent to distribute these revenues through the budget amendment process. Among these reserves, we have set aside funds for increases in the Florida Retirement System (FRS) contribution rates and for separation costs. However, we are currently working on determining the fiscal impact associated with the rate adjustments recently approved by the State Legislature. Historically, those funds are allocated to a reserve and not included in the departmental budgets so that actual allocations are limited to those actually required by each department. It may be necessary to further amend the budgets for proprietary departments as part of the end-of-year adjustments to reflect the transfer from operating reserves to fund the personnel costs associated with the delayed implementation of the collective bargaining agreements.

GENERAL FUND
This budget amendment allocates within the General Fund the additional funds ($20.578 million) associated with the Mid-Year Supplemental Budget Ordinance (a separate item on this agenda). This amendment represents 1.20 percent of the total General Fund budget of $1.712 billion.

Board of County Commissioners (BCC)
The budgets for the BCC require a budget amendment of $4.728 million for the allocation of unexpended FY 2008-09 year-end commission offices and BCC division balances.

Department of Human Services (DHS)
The Department of Human Services (DHS) will require a budget amendment of $1.234 million due to the reversal of an uncollectable receivable that was booked in FY 2006-07 for Community Supportive Services provided by DHS to residents of the Scott/ Carver HOPE VI project; a formal request to US HUD for these funds was denied and no other Public Housing Agency funds may be used to cover these costs.

Government Information Center (GIC)
GIC requires a budget amendment of $592,000 as a result of additional personnel expenditures associated with the reinstatement of seven positions that support the BCC Chambers, MDTV programming, and photography functions, and 311 service hours.

Office of the Property Appraiser
The Office of the Property Appraiser requires a budget amendment of $500,000 due to personnel expenditures associated with the addition of 29 positions that are necessary in order to complete the Value Adjustment Board hearing process in a timely manner to avoid potential revenue losses associated with 2009 roll adjustments for the County and other taxing jurisdictions. The problem is especially acute for the Miami-Dade Public School Board, who will be funding 40 percent of the costs of these positions. This adjustment is funded out of the Tax Equalization Reserve.

Park and Recreation Department
The Park and Recreation Department requires an amendment of $3.5 million as a result of underperforming revenues and higher than anticipated personnel expenditures associated with termination and layoff payouts. The Miami Metrozoo requires an amendment $471,000 associated with the delayed implementation of collective bargaining agreements.

General Government
The Wage Adjustment, FRS, Separation, and Energy Reserve will be amended by $10.053 million. As indicated in the accompanying supplemental budget item, there may be other personnel adjustments such as separation costs, and/or delayed implementation of collective bargaining agreements and position reductions contemplated as part of the FY 2009-10 Adopted Budget that may required at the end-of-year.

LIBRARY AND CULTURAL AFFAIRS
The Library Department budget is being amended to reflect the transfer of an additional $1.5 million to the Department of Cultural Affairs for community-based organization funding, as directed by the Board during the October 13, 2009 commission meeting. The funding is provided from Library Taxing District operating reserves.

SUSTAINABILITY
As referenced in the Collective Bargaining and FY 2009-10 Budget memorandum transmitted to the Board on February 25, 2010, the Office of Sustainability will now be supported by interagency transfers of $298,000 for technical assistance, support, and coordination on departmental green initiatives. The funding is provided from Building Code Compliance ($3,000), Environmental Resources Management ($21,000), Solid Waste Management ($113,000), and Water and Sewer ($161,000) operating expenses.

CONVENTION DEVELOPMENT TAX

The Convention Development Tax fund requires an amendment of $1.7 million to reflect a payment to the New World Symphony for the development, construction, and design of a new expanded campus as approved by the Board through Resolution 52-10 on January 21, 2010. The funding is provided from the Performing Art Center Trust Operating Subsidy. Approval of this amendment authorizes the Administration to execute the contract agreement, once approved for legal sufficiency (Attached).

We will continue to work closely with all departments to monitor actual performance relative to the adopted budget and keep you informed of any concerns.

Jennifer Glazer-Moon, Director, OSBM

cmo12410

MEMORANDUM

(Revised)

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

DATE: June 3, 2010

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

SUBJECT: Agenda Item No. 5(D)

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

Veto _____

Override _____

Agenda Item No. 5(D)

6-3-10

RESOLUTION NO. _____

RESOLUTION AMENDING FY 2009-10 COUNTYWIDE GENERAL FUND AND UNINCORPORATED MUNICIPAL SERVICE AREA GENERAL FUND BUDGETS AND AMENDING THE LIBRARY, BUILDING CODE COMPLIANCE, CULTURAL AFFAIRS, CONVENTION DEVELOPMENT TAX FUND, ENVIRONMENTAL RESOURCES MANAGEMENT, SOLID WASTE MANAGEMENT, SUSTAINABILITY, AND WATER AND SEWER BUDGETS; APPROVING TERMS OF AND AUTHORIZING COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXECUTE AGREEMENT BY AND BETWEEN MIAMI-DADE COUNTY AND NEW WORLD SYMPHONY, INC.; AND APPROVING THE INTERAGENCY TRANSFER BETWEEN COUNTY DEPARTMENTS IN ACCORDANCE WITH SECTION 2-1796(a) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA

WHEREAS, Section 129.06(2), Florida Statutes and Section 1.02(A) of the Miami-Dade County Home Rule Charter authorize the Board of County Commissioners to amend the County's budgets and establish procedures for doing so; and

WHEREAS, in accordance with Section 2-1796(a) of the Code of Miami-Dade County, Florida, this Board wishes to approve the departmental interagency transfers detailed in the attached County Manager's memorandum, a copy of which is incorporated herein; and

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum from the County Manager,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The foregoing recitations are incorporated in this resolution and are approved.

Section 2. The FY 2009-10 Countywide General Fund and Unincorporated Municipal Service Area General Fund budgets, the Library, Building Code Compliance, Cultural Affairs, Convention Development Tax Fund, Environmental Resources Management, Solid Waste Management, Sustainability, and Water and Sewer budgets are amended as reflected in the

attached memorandum, are approved and shall be processed through the Office of Strategic Business Management.

Section 3. In accordance with Section 2-1796(a) of the Code of Miami-Dade County, Florida, this Board approves the departmental interagency transfers detailed in the attached County Manager's memorandum, a copy of which is incorporated herein.

Section 4. This Board approves the terms of the agreement by and between Miami-Dade County and New World Symphony, Inc. in substantially the form attached hereto as Exhibit A and incorporated herein by this reference, and authorizes the County Mayor or the Mayor's designee to execute such agreement. In accordance with Resolution No. 974-09, the County Mayor or the Mayor's designee is hereby directed to ensure that the Declaration of Restrictive Covenants has been recorded in the public records of the County and to provide a recorded copy of such instrument to the Clerk of the Board within thirty days of execution and final acceptance. The Clerk of the Board shall attach and permanently store a recorded copy of such instrument(s) together with the certified copy of this resolution.

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	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

60

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of June, 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. GBK

Geri Bonzon-Keenan

ATTACHMENT 1

COUNTYWIDE GENERAL FUND

From:	2009-10
Previously Unallocated Carryover	$17,560,000
Tax Equalization Reserve	500,000
Total	$18,060,000

To:	
Board of County Commissioners	$3,357,000
Human Services	1,234,000
Government Information Center	420,000
Park and Recreation	2,956,000
Property Appraiser	500,000
Wage Adjustment, FRS. Separation, and Energy Reserve	9,593,000
Total	$18,060,000

ATTACHMENT 2

UNINCORPORATED MUNICIPAL SERVICE AREA GENERAL FUND

From:	**2009-10**
Previously Unallocated Carryover	$3,018,000
Total	$3,018,000

To:	
Board of County Commissioners	$1,371,000
Government Information Center	172,000
Park and Recreation	1,015,000
Wage Adjustment, FRS. Separation, and Energy Reserve	460,000
Total	$3,018,000

ATTACHMENT 3

LIBRARY TAXING DISTRICT

	2009-10
From:	
Operating Reserves	$1,500,000
Total	$1,500,000
To:	
Additional Funding for Cultural Programs Grants	$1,500,000
Total	$1,500,000

ATTACHMENT 4

BUILDING CODE COMPLIANCE
FUND 030

	2009-10
From:	
Operating Expenses	$3,000
Total	$3,000
To:	
Transfer to Support Office of Sustainability	$3,000
Total	$3,000

ENVIRONMENTAL RESOURCES MANAGEMENT
FUND 030

	2009-10
From:	
Operating Expenses	$21,000
Total	$21,000
To:	
Transfer to Support Office of Sustainability	$21,000
Total	$21,000

SOLID WASTE MANAGEMENT
WASTE COLLECTION OPERATIONS

	2009-10
From:	
Operating Expenses	$113,000
Total	$113,000
To:	
Transfer to Support Office of Sustainability	$113,000
Total	$113,000

MIAMI-DADE WATER AND SEWER
REVENUE FUND

	2009-10
From:	
Operating Expenses	$161,000
Total	$161,000
To:	
Transfer to Support Office of Sustainability	$161,000
Total	$161,000

ATTACHMENT 5

CONVENTION DEVELOPMENT TAX

	2009-10
From:	
Performing Arts Center Trust Operating Subsidy	$1,700,000
Total	$1,700,000
To:	
Support for New World Symphony Facility	$1,700,000
Total	$1,700,000

MIAMI-DADE COUNTY

MIAMI-DADE COUNTY DEPARTMENT OF CULTURAL AFFAIRS
CULTURAL FACILITIES GRANT

The Miami-Dade County Department of Cultural Affairs and Cultural Affairs Council, the Mayor and the Board of County Commissioners are pleased to announce that Miami-Dade County will award the grant described herein to the **New World Symphony, Inc.** (hereinafter referred to as the Grantee) in consideration for the Grantee's agreement to abide by all the following terms and considerations set forth in Articles I, II, III, IV, & V and the Exhibits herein referenced.

ARTICLE I - DESCRIPTION OF GRANT

1. Grantee:	New World Symphony, Inc. (EIN# 59-2809056) 541 Lincoln Road Miami Beach, Florida 33139 Facility: New World Symphony
2. Total Amount of Grant:	$1,700,000
3. Project Description:	(See Exhibit 1, attached hereto.)
4. Itemized Budget:	(See Exhibits 2A and 2B, attached hereto.)
5. Grant End Date:	September 30, 2010
6. Report Deadline:	Final Report due within 45 days of project completion; Annual update report due September 30th for grant duration

IN WITNESS WHEREOF, the parties hereto have executed this Agreement:

ATTEST:

MIAMI-DADE COUNTY, FLORIDA by its BOARD OF COUNTY COMMISSIONERS on the

____ day of _____, 20_____

_____
Clerk, Miami-Dade County Commission

_____
County Manager/ Designee

GRANTEE:_____

on the ____day of _____, 20_____

(Grantee's Corporate Seal)

By_____
Chairman or President

Neisen O. Kasdin, Chairman
Type or Print Above Signature

By_____
Treasurer / Chief Fiscal Officer

David J. Phillips, Sr. Vice President and CFO
Type or Print Above Signature

Approved for form and legal sufficiency:

By_____
Executive Director

Howard Herring, President and CEO
Type or Print Above Signature

_____
Assistant Miami-Dade County Attorney

ARTICLE II

1. **Parties:** The parties to the Grant Award Agreement, which shall be referenced herein as the "Agreement," are the Grantee listed in Article I.1, and Miami-Dade County, Florida, (the "County") a political subdivision of the State of Florida. The Home Rule Charter authorizes Miami-Dade County to provide for the uniform health and welfare of the residents throughout the County, and further provides that all functions not otherwise specifically assigned to others under the Charter, shall be performed under the supervision of the County Mayor or his designee. The County Mayor delegated the responsibility of administering this grant to the Director of the Miami-Dade County Department of Cultural Affairs, or his designee, who shall be referred to herein as the "Director."

2. **Amount and Payment of Grant Award:** The total amount of the Grant is specified in Article I.2. By making this grant, Miami-Dade County assumes no obligation to provide financial support of any type whatever in excess of the total grant amount. Cost overruns are the sole responsibility of the Grantee. Grant funds are made in accordance with **Resolution R-____-10** passed by the Board of County Commissioners of Miami-Dade County, Florida on _____, **2010**, and will be made available to the Grantee subject to the conditions and limitations as outlined in the Agreement and its accompanying articles and attachments.

Payment(s) of Grant funds will be made to the Grantee upon submission by the Grantee, and upon approval by the Director, of the following: (a) documents showing evidence of the Grantee's unqualified right to occupy the Facility identified in Exhibit 1 for a period not less than twenty-five (25) years; and (b) evidence of equipment having been received or paid for and/or documentation reflecting the amount of design and construction work completed in accordance with items indicated in Exhibit 2B as Grant award expenses. Documentation shall include, but not be limited to, copies of original bills, invoices, contractor's application for payment, vouchers, receipts, and canceled checks (front and rear) clearly designating payment for expenses associated with the project. Cash transactions are not acceptable unless a copy of a contract, invoice, receipt or other satisfactory documentation supporting such cash payment is received, marked "paid" and signed by the recipient of the cash. The Director reserves the right to request original documentation to substantiate Grant expenditures. In addition, the Grantee must supply the Director with evidence that matching funds as specified in the budgets attached hereto as the Restatement of Project Budget, or as revised per written authorization by the Director, have been paid out for project expenses.

Miami-Dade County's obligation to pay the award under the Agreement is contingent upon an annual appropriation by the Board of County Commissioners and subject to the collection of sufficient and legally available Convention Development Tax receipts after payment by the County of all other legal obligations and contractual commitments payable from such funds, including but not limited to: any loan and/or debt service obligations; annual remittances to the City of Miami Beach; annual remittances to the City of Miami; American Airlines Arena Operating Subsidy; PAC (now known as the Adrienne Arsht Performing Arts Center) Subsidy; Miami-Dade County Department of Cultural Affairs grants; South Miami-Dade Cultural Arts Center Operating Subsidy; PAC education and outreach programs; PAC maintenance and operating reserves; the establishment of a public sector PAC endowment; and PAC general operating costs if such costs exceed the PAC Operating Subsidy. In the event that legally available Convention Development Tax receipts do not materialize or are withdrawn, the Agreement is terminated and the County has no further liability to the Grantee. In the event of a legally available Convention Development Tax receipts shortfall, the total grant will be reduced accordingly. Such termination or reduction of the total grant shall not affect the responsibility of the Grantee under the Agreement as to those funds distributed.

3. **Project Description:** The Grantee may use the Grant only for the purpose of building and/or equipping a neighborhood-based cultural facility as specifically described in Article I.3, designated "Project Description," as documented and attached hereto specifically as Exhibit 1. Further, the Grantee expressly understands and agrees that the Grantee's program(s) supported by these Grant funds must be open and accessible to the public, provide public exposure and benefit the public unless otherwise noted under Article VI, "Special Conditions," of this Agreement.

Minor project revisions believed to be necessary for the purpose of completing the Project, but which do not substantially alter the original Project, its quality, impact, or benefit to the organization, the County or its citizens, must be requested in writing to the Director prior to implementation of such revisions with sufficient time for the Director's review and approval. Minor revisions include, but are not limited to those affecting project scope, venue, timeframe and participants. The Director; in his/her sole discretion, will make the final determination on revisions within fourteen (14) business days of the date of receipt of the request in the Department of Cultural Affairs' offices.

4. **Project Budget:** The Grantee agrees to demonstrate fiscal stability and the ability to administer grant funds responsibly and in accordance with standard accounting practices by developing and adhering to a project budget that is based upon reasonable revenue development and expenditures projected to accomplish the Project covered under this Agreement. This budget is attached

hereto as Exhibits 2A and 2B. Further, the Grantee agrees that all expenditures will be subject to the terms of the Agreement as specified in Exhibits 2A and 2B. All budget revisions, including line item changes which substantially alter the original project that may be necessary for the purpose of completing the project, must be requested in writing to the Director prior to implementation of revisions for the Director's review. The Director will approve or disapprove the Grantee's request in writing within fourteen (14) business days of the date of receipt of the request in the Department of Cultural Affairs' offices, and such approval shall be granted or withheld in the sole discretion of the Director.

5. **Grant End Date:** The Grantee shall encumber all Grant and matching funds on or before the Grant End Date as outlined in Article I.5. Any Grant funds not encumbered by the Grant End Date or for which a project extension has not been requested, or any encumbered funds not expensed within forty-five (45) days of the Grant End Date shall revert to the County and the Agreement shall be terminated in accordance with Article IV. A project extension may be requested in writing from the Director at least thirty (30) business days prior to the Grant End Date. The Director, at his discretion, may grant an extension of up to one (1) year of the Grant End Date so long as such extension will not significantly alter the project including its quality, impact, or benefit to the organization, the County or its citizens. Additional one (1) year extensions may be authorized by the Director if the Grantee can document, in a written request, sufficient Grant project progress and cause for such an extension to be warranted.

6. **Report Deadline:** To demonstrate that the Grant award has been used in accordance with the Project Description and Project Budget information as outlined in Exhibits 1, 2A and 2B, and the Grantee has met and fulfilled all requirements as outlined in the Agreement, exhibits, and/or other substantive materials as may be attached or included as a condition to this Grant award, the Grantee must submit to the Director or his designee, a written Final Report and supporting materials as specified by the Director documenting that the Grantee is meeting or has fulfilled all project and financial requirements. This report is to be received by the Director or his designee according to the schedule outlined in Article 1.6. The Grantee shall also submit a written report to the Director on or prior to September 30th of each year from the time of the execution of the Agreement demonstrating that the Grantee is fulfilling, or has fulfilled, its purpose, and has complied with all applicable municipal, Miami-Dade County, state and federal requirements. The Director, at his sole discretion, may require the Grantee to submit interim reports demonstrating progress on the project and accounting for project expenses to date. The Director may also request that a compilation statement or independent financial audit encompassing the entire Grant period and accounting for the expenditure of Grant funds be prepared by an independent certified public accountant at the expense of the Grantee.

In the event that the Grantee fails to submit the required reports according to the schedule outlined in Article I.6. and in this section, the Director may terminate the Agreement in accordance with Article IV. Further, the Director or his designee must approve these reports for the Grantee to be deemed to have met all conditions of the grant award.

7. **Program Monitoring and Evaluation:** The Director or his designee may monitor and conduct an evaluation of the Grantee's operations and the project for which this Grant is provided, which may include visits by County representatives to: observe the project or Grantee's programs, procedures, and operations; discuss the Grantee's programs with the Grantee's personnel; and/or evaluate the public impact of these funded events and activities. Upon request, the Grantee shall provide the Director with notice of all meetings of its Board of Directors or governing board, general activities and project-related events. In the event the Director or his designee conclude, as a result of such monitoring and/or evaluation, that the Grantee is not in compliance with the terms of this Agreement and its attachments referenced herein as "Exhibits," or for other reasons which significantly impact on the Grantee's ability to fulfill the conditions of this grant award, the Director or his designee may provide in writing to the Grantee notice of the inadequacy or deficiencies noted which may significantly impact on the Grantee's ability to complete the project or fulfill the terms of this Agreement. If Grantee refuses or is unable to address the areas of concern within thirty (30) days of receipt of such notice, the Director, at his discretion, may take other actions, which may include the withholding, reduction or rescission of Grant funds until such time as the Grantee can demonstrate that such issues have been corrected. Further, in the event that the Grantee refuses or is unable to address the areas of concern and the Grant award has been disbursed in full or in part, then the Director may request the return of the full or partial Grant payment. At the Director's sole discretion, a Grantee found to be deficient or in default of a previous grant contract may be declared permanently ineligible to apply to the Department of Cultural Affairs' grants programs. Reinstating the Grantee's eligibility to apply is also at the Director's sole discretion, and may only be considered subsequent to all deficient areas on prior grants having been addressed to the satisfaction of the Director.

If Grantee is not in compliance with the conditions of any other County agreement, the Director, at his discretion, may take other actions, which may include the withholding, reduction or rescission of grant funds until such time as the Grantee can demonstrate that such issues have been corrected.

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8. **Bank Accounts and Bonding:** The Grantee shall keep monies received pursuant to this Agreement in accounts in established Florida banks, credit unions or savings and loan associations whose identity shall be disclosed in writing, with the identity and title of individuals whom the Grantee authorizes to withdraw or write checks on Grant funds from the banking institution identified on the "Bank Account Disclosure" form submitted by the Grantee. These accounts need not be accounts which are segregated from other accounts maintained by the Grantee. However, it is highly recommended that the Grantee maintain a separate account for these Grant funds.

9. **Accounting and Financial Review:** The Grantee must keep accurate and complete books and records for all receipts and expenditures of this Grant award and any matching funds required in conformance with reasonable general accounting standards. These books and records, as well as all documents pertaining to payments received and made in conjunction with this Grant, such as vouchers, bills, invoices, receipts and canceled checks, shall be retained in Miami-Dade County in a secure place and in an orderly fashion by the Grantee for at least three (3) years after the later of the following: (a) the Grant End Date specified in Article I.5; (b) the expiration of an extended Grant period as approved by the Director; (c) the completion of a County requested or mandated audit or compliance review; or (d) the conclusion of a legal action involving the Grant award, the Grantee and/or project or activities related to the Grant award.

The Director or his designee may examine these books, records and documents at the Grantee's offices or other approved site under the direct control and supervision of the Grantee during regular business hours and upon reasonable notice. Furthermore, the Director may, upon reasonable notice and at the County's expense, audit or have audited all financial records of the Grantee, whether or not purported to be related to this Grant.

10. **Publicity and Credits:** The Grantee must include the following credit line in all promotional and marketing materials related to this grant including web sites, news and press releases, public service announcements, broadcast media, event programs, and publications: "With the support of the Miami-Dade County Department of Cultural Affairs and the Cultural Affairs Council, the Miami-Dade County Mayor and Board of County Commissioners." The Grantee must also use Miami-Dade County's logo in marketing and publicity materials whenever possible. Please call the Department to request an electronic logo file or download it from our website (www.miamidadearts.org).

By accepting County funds, the Grantee is required to recognize and acknowledge Miami-Dade County's grant support in a manner commensurate with all contributors and sponsors of its activities at comparable dollar levels.

11. **Liability and Indemnification:** It is expressly understood and intended that the Grantee, as the recipient of Grant funds, is not an officer, employee or agent of Miami-Dade County, its Board of County Commissioners, its Mayor, the Department of Cultural Affairs or the Cultural Affairs Council. Further, for purposes of this Agreement, the Grant project or activity, the parties hereto agree that the Grantee, its officers, agents and employees are independent contractors.

The Grantee shall take all actions as may be necessary to ensure that its officers, agents, employees, assignees and/or subcontractors shall not act as nor give the appearance of that of an agent, servant, joint venturer, collaborator or partner of the Department of Cultural Affairs, the Cultural Affairs Council, the Miami-Dade County Mayor, the Miami-Dade County Board of County Commissioners, or its employees.

The Grantee agrees to be responsible for all work performed and all expenses incurred in connection with the project. The Grantee may subcontract as necessary to perform the services set forth in this Agreement, including entering into subcontracts with vendors for services and commodities, provided that it is understood by the Grantee that Miami-Dade County shall not be liable to the subcontractor for any expenses or liabilities incurred under the subcontract and that the Grantee shall be solely liable to the subcontractor for all expenses and liabilities incurred under the subcontract.

The Grantee shall indemnify and hold harmless the County and its officers, employees, agents and instrumentalities from any and all liability, losses or damages, including attorneys' fees and costs of defense, which the County or its officers, employees, agents or instrumentalities may incur as a result of claims, demands, law suits, causes of actions or proceedings of any kind or nature arising out of, relating to or resulting from the performance of this Agreement by the Grantee or its employees, agents, servants, partners, principals or subcontractors. Grantee shall pay all claims and losses in connection therewith and shall investigate and defend all claims, suits, or actions of any kind or nature in the name of the County, where applicable including appellate proceedings, and shall pay all costs, judgments, and attorneys' fees which may issue thereon. The Grantee expressly understands and agrees that any insurance protection required by this Agreement or otherwise provided shall in no way limit the responsibility to indemnify, keep and save harmless, and defend the County or its officers, employees, agents and instrumentalities as herein provided.

12. **Assignment:** The Grantee shall not assign this grant award or any portion thereof. Any purported assignment will render this grant null and void and the Grantee shall be subject to immediate rescission of the full amount of the grant award and reimbursement by the Grantee of its full value to the County.

13. **Compliance with Laws:** It shall be a contractual obligation of the Grantee hereunder, that during the term of the Agreement, the Grantee agrees to abide by and be governed by all applicable federal, state and county laws and terms of grants made to Miami-Dade County and the Miami-Dade County Department of Cultural Affairs and Cultural Affairs Council, of which this Grant is a sub grant, including, but not limited to the following Miami-Dade County Ordinances, Resolutions, sections of the County Code and federal laws:

(a) County Ordinance No. 72-82 - Miami-Dade County's Conflict of Interest and Code of Ethics Ordinance - as amended, which is incorporated herein by reference as if fully set forth herein;
(b) Section 2-8.1- of the Miami-Dade County Code - Ownership Disclosure;
(c) County Ordinance No. 90-133- Amending Sec. 2-8.1; (d)(2) - Employment Disclosure;
(d) Section 2-8.6 -of the County Code - Criminal Record;
(e) County Ordinance No. 92-15 codified as Section 2-8.1.2 of the County Code - Employment Drug-free Workplace;
(f) County Ordinance No. 142-91 codified as Section 11A -29 et. seq. of the County Code - Family Leave; County Resolution R-385-95 - Miami-Dade County Disability Nondiscrimination Affidavit, incorporating the following Federal laws and Acts:
    (1) The Americans with Disabilities Act of 1990 (ADA), Pub.L. 101-336, 104 Stat. 327, 42 U.S.C. 12101-12213 and 47 U.S.C. Sections 225 and 611 including Title I, Employment;
    (2) Title II, Public Services;
    (3) Title III, Public Accommodation and Services Operated by Private Entities; and Section 504 of the Rehabilitation Act of 1973;
    (4) Title IV, Telecommunications;
    (5) Title V, Miscellaneous Provisions: The Rehabilitation Act of 1973,29 U.S.C. Section 794; The Federal Transit Act, as amended 49 U.S.C. Section 1612; The Fair House Act as amended, 42 U.S.C. Section 3601 - The foregoing requirements of this section shall not pertain to contracts with the United States or any department or agency thereof, or the State or any political subdivision or agency thereof or any municipality of this State;
(g) Section 2-8.1 (c) of the County Code regarding Delinquent and Currently Due Fees or Taxes.

The Grantee has certifiably indicated compliance to these laws, ordinances and resolutions by properly executing the affidavits attached hereto. Further, all funded activities must provide equal access and equal opportunity in employment and services, and may not discriminate on the basis of race, color, religion, ancestry, national origin, sex, pregnancy, age, disability, marital status, familial status, sexual orientation or physical ability, in accordance with Title VI and Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972 as amended (42 U.S.C. 2000d et seq.), the Americans with Disabilities Act (ADA) of 1990, Section 504 of the Rehabilitation Act of 1973, and Miami-Dade County ordinances No. 97-170, § 1, 2-25-97 and No. 98-17, § 1, 12-1-98.

Additionally, if the Grant Project involves construction work, the Grantee shall: notify the Director of any applicable federal labor compliance requirements regarding procurement and pre-award procedures prior to scheduling pre-construction conferences; submit to the Director all plans and specifications and receive the approval of the Director prior to issuance and implementation; and comply with all applicable provisions of applicable municipal, state, federal and County laws, regulations and rules.

14. **Remedies:** In the event the Grantee shall fail to materially conform with any of the provisions of the Agreement, including its attachments referenced herein as "Exhibits," the Director may withhold or cancel all, or any, unpaid installments of the Grant upon giving five (5) calendar days written notice to the Grantee, and the County shall have no further obligation to the Grantee under this Agreement. Further, in the event of a material breach of any term or condition of the Agreement, upon five (5) calendar days written demand by the Director, the Grantee shall repay to Miami-Dade County all portions of the Grant which have been received by the Grantee, but which have not actually been disbursed by the Grantee as of the date that the written demand is received. In the event this grant is canceled or the Grantee is requested to repay Grant funds because of a breach of this Agreement, the Grantee may be declared permanently ineligible to apply to Department of Cultural Affairs' grants programs. Reinstating the Grantee's eligibility to apply is at the Director's sole discretion, and may only be considered subsequent to all deficient areas on prior grants having been addressed to the satisfaction of the Director. Further, the Grantee will be liable to reimburse Miami-Dade County for all unauthorized

expenditures discovered after the expiration of the Grant period. The Grantee will also be liable to reimburse the County for all lost or stolen Grant funds.

Grant funds which are to be repaid to Miami-Dade County pursuant to this Section or other Sections in this Agreement, are to be repaid by delivering to the Director, a certified check for the total amount due, payable to Miami-Dade County Board of County Commissioners.

These provisions do not waive or preclude the County from pursuing any other remedy, which may be available to it under the law.

15. **Indulgence Will Not Be A Waiver of Breach:** The indulgence of either party with regard to any breach or failure to perform any provision of this Agreement shall not be deemed to constitute a waiver of the provision or any portion of this Agreement either at the time the breach or failure occurs or at any time throughout the term of the Agreement.

16. **Written Notices:** Any written notices required under the Agreement will be effective when delivered in person or upon the receipt of certified letters addressed to the Grantee at the address specified in Article I.1 of this Agreement, and to the Director when addressed as follows: Director, Miami-Dade County Department of Cultural Affairs, 111 NW First Street, Suite 625, Miami, Florida 33128.

17. **Captions Used in This Agreement:** Captions as used in the Agreement are for convenience of reference only and should not be deemed or construed as in any way limiting or extending the language or provisions to which such captions may refer.

18. **Contract Represents Total Agreement:** The Agreement, including its special conditions and attachments, represents the whole and total agreement of the parties. No representations, except those contained within the Agreement and its attachments, are to be considered in construing its terms. Other than as specified in the agreement, no modifications or amendments may be made to the Agreement unless made in writing, signed by both parties, and approved by appropriate action by the Miami-Dade County Board of County Commissioners.

ARTICLE III - INSURANCE

The Grantee must maintain and shall furnish upon request to the Director or his designee, certificates of insurance indicating that insurance has been obtained which meets the requirements as outlined below:

1. Worker's Compensation Insurance for all employees of the Grantee as required by Florida Statute 440.
2. Commercial General Liability Insurance in an amount not less than $300,000 combined single limit per occurrence for bodily injury and property damage. Miami-Dade County must be shown as an additional insured with respect to this coverage.
3. Automobile Liability Insurance covering all owned, non-owned and hired vehicles used in connection with the project, in an amount not less than $300,000 combined single limit per occurrence for bodily injury and property damage.

The insurance policies required above shall be issued by companies authorized to do business under the laws of the State of Florida, with the following qualifications:

1. The Company must be rated no less than "B" as to the management, and no less than "Class V" as to financial strength by the latest edition of Best's Insurance Guide, published by A.M. Best Company, Oldwick, New Jersey, or its equivalent, subject to the approval of the County Risk Management Division; or,
2. The Company must hold a valid Florida Certificate of Authority as shown in the latest "List of All Insurance Companies Authorized or Approved to Do Business in Florida," issued by the State of Florida Department of Insurance, and is a member of the Florida Guaranty Fund.

Certificates shall indicate no substantive modification or change in insurance shall be made without thirty (30) days written advance notice to the certificate holder.

Modification or waiver of any of the aforementioned insurance requirements is subject to the approval of the County's Risk Management Division. The Grantee shall notify the County of any intended changes in insurance coverage, including any renewals of existing policies.

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ARTICLE IV - TERMINATION

If, for any reason, the Grantee shall fail to fulfill in a timely and proper manner its obligations under the Agreement, or should violate any of the covenants, agreements, or stipulations of this Agreement, the County shall thereupon have the right to terminate the Agreement by giving written notice to the Grantee of such termination and specifying the effective date thereof, at least five (5) days before the effective date of such termination.

Notwithstanding the above, the Grantee shall not be relieved of liability to the County by virtue of any breach of the Agreement by the Grantee, and the County may withhold any payments to the Grantee until such time as the exact amount of damages due to the County from the Grantee is determined.

ARTICLE V – INSPECTOR GENERAL

1. **Accounting and Financial Review:** The Grantee must keep accurate and complete books and records for all receipts and expenditures of this Grant award and any matching funds required in conformance with reasonable general accounting standards. These books and records, as well as all documents pertaining to payments received and made in conjunction with the Grant, such as vouchers, bills, invoices, receipts and canceled checks, shall be retained in Miami-Dade County in a secure place and in an orderly fashion by the Grantee for at least three (3) years after the later of: the Expenditure Deadline specified in Article II Section 5; the extended Expenditure Deadline, as approved by the Director, if any; the completion of a County requested or mandated audit or compliance review; or the conclusion of a legal action involving the Grant award, the Grantee and/or Project or activities related to the Grant award.

The County Manager may examine these books, records and documents at the Grantee's offices or other approved site under the direct control and supervision of the Grantee during regular business hours and upon reasonable notice. Furthermore, the County Manager may, upon reasonable notice and at the County's expense, audit or have audited all financial records of the Grantee, whether or not purported to be related to this grant.

Pursuant to Section 2-1076 of the Miami-Dade County Code the County shall have the right to engage the services of an independent private-sector inspector general ("IPSIG") to monitor and investigate compliance with the terms of this Agreement. The Office of the **MIAMI-DADE COUNTY INSPECTOR GENERAL (IG)** shall have the authority and power to review past, present and proposed County programs, accounts, records, contracts and transactions, and contracts such as this Agreement for improvements some cost of which is funded with County funds.

As such, the IG may, on a random basis, perform audits on this Agreement throughout the duration of said Agreement (hereinafter "random audits"). This random audit is separate and distinct from any other audit by the County.

The IG shall have the power to retain and coordinate the services of an **IPSIG** who may be engaged to perform said random audits, as well as audit, investigate, monitor, oversee, inspect, and review the operations, activities and performance and procurement process including, but not limited to, project design, establishment of bid specifications, bid submittals, activities of the Grantee and contractor and their respective officers, agents and employees, lobbyists, subcontractors, materialmen, staff and elected officials in order to ensure compliance with contract specifications and detect corruption and fraud. The IG shall have the power to subpoena witnesses, administer oaths and require the production of records. Upon ten (10) days written notice to the Grantee (and any affected contractor and materialman) from IG, the Grantee (and any affected contractor and materialman) shall make all requested records and documents available to the IG for inspection and copying.

The IG shall have the power to report and/or recommend to the Board whether a particular project, program, contract or transaction is or was necessary and, if deemed necessary, whether the method used for implementing the project or program is or was efficient both financially and operationally. Monitoring of an existing project or program may include reporting whether the project is on time, within budget and in conformity with plans, specifications, and applicable law. The IG shall have the power to analyze the need for, and reasonableness of, proposed change orders.

The IG is authorized to investigate any alleged violation by a contractor of its Code of Business Ethics, pursuant Miami-Dade County Code Section 2-8.1.

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The provisions in this section shall apply to the Grantee, its contractors and their respective officers, agents and employees. From the time of execution of this Grant Agreement forward, the Grantee shall incorporate the provisions in this section in all contracts and all other agreements executed by its contractors in connection with the performance of this Agreement. Any rights that the County has under this Section shall not be the basis for any liability to accrue to the County from the Grantee, its contractors or third parties for such monitoring or investigation or for the failure to have conducted such monitoring or investigation and the County shall have no obligation to exercise any of its rights for the benefit of the Grantee.

ARTICLE VI - SPECIAL CONDITIONS

The grant is awarded to this Grantee with the understanding that the Grantee is performing a public purpose through the programs, projects, and services recommended for support. Use of these funds for any program component not meeting this condition will be considered a material breach of the terms of this Grant Agreement and will allow Miami-Dade County to seek remedies including, but not limited to those outlined in the Articles and Exhibits of the Grant Agreement.

For at least twenty-five (25) years from the completion of the Grant Project, the Grantee shall use the facility and/or equipment acquired and/or improved under this Grant Project for not-for-profit cultural activities involving cultural programs benefiting artists and audiences, and for no other purposes. The attached restrictive covenant reflecting this requirement shall be recorded by the Grantee.

Allocation of the construction portion of the Grant Project is contingent on the satisfactory submission of a schedule of values (SOV) and a monthly cash flow forecast approved by both the Grantee and their design professionals. In addition, the allocation of the construction portion of the Grant Project is contingent upon the Grantee's providing substantiation of secured revenues sufficient to complete the construction of the facility that is described in this Grant Project and that is ready to be opened to the public. The Grantee must submit for the Director's review and approval, the SOV and a monthly cash flow forecast with specific line items that are identified for Grant funding support that will serve as a basis for the allocation of Grant funding.

The grant is awarded to this Grantee with the understanding that the Grantee has provided evidence of secured matching revenues by its Board through a Board resolution addressed to Miami-Dade County. Each of the matching revenue sources specified in Exhibit 2A of this Grant agreement must be confirmed as secured by the Grantee.

At its sole discretion, Miami-Dade County may generate the funds for this Grant Agreement through the most advantageous financing mechanism available to it, including but not limited to the issuance of a Sunshine State loan and/or the issuance of bonds backed by Convention Development Tax revenues.

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MIAMI-DADE COUNTY DEPARTMENT OF CULTURAL AFFAIRS
CULTURAL FACILITIES GRANT

EXHIBIT 1: PROJECT NARRATIVE AND SCHEDULE

The Project Narrative and Schedule is a complete description of the purchase, construction, rehabilitation, equipment, facility planning aspects of the project along with a project timetable. Please address specific details of the project and include a statement regarding facility/equipment use and accessibility to the general public and other cultural organizations. As necessary attach additional pages, including a project schedule that accounts for the design, bidding, construction and commissioning timetable for the project.

Name/Address of Facility: New World Symphony, Inc. / 1672 Drexel Avenue, Miami Beach, FL 33139

Project Title: New World Symphony's Campus Expansion

Project Dates: 10/01/2009 – 09/30/2010

Narrative/Schedule:

Since 1990, the New World Symphony (NWS) has made its home in the historic Lincoln Theatre, an Art Deco movie house built in 1936. The growth of NWS over the past 22 years and increasing use of cutting-edge technology for education and performance necessitated the construction of a new facility. Because of his affinity to music and ability to translate a vision architecturally, NWS contracted the services of world-renowned architect Frank Gehry to design a new campus. The state-of-the-art facility, adjacent to the Lincoln Theatre, will feature unique rehearsal, educational, webcasting, recording, and performance spaces that support world-class educational and artistic programming delivered by the 86 gifted Fellows of NWS. The new facility invites and encourages NWS's innovative use of technology for advanced arts education, audience development, and community outreach and engagement.

In recruiting award-winning architect Frank Gehry to design the new facility, NWS Artistic Director Michael Tilson Thomas made a significant request: create a space that will attract audiences, but avoids the traditional look and feel of a symphony hall. Beyond the local impact, Gehry's design will transform NWS into a global hub for creative collaboration, where musicians from around the world can meet in person, via internet technology, to explore and advance the art form. It is anticipated that the already significant national and international acclaim generated for South Florida by NWS will increase with the completion of the new facility and will result in increased tourism, as experienced by other cities with Frank Gehry designed buildings.

Specifically, the plans provide a technologically sophisticated concert hall with ideal unamplified acoustics and flexible seating arrangements for an audience of up to 757 that will enable NWS to offer a wide variety of performance formats. In addition to the main performance space and administrative offices, the new facility includes orchestral, chamber group, sectional, and individual practice spaces equipped with global access. Space in the facility has been designed for use in community engagement, the NWS program through which the Fellows share their art and their expertise in person and via the internet with more than 18,000 children and adults each season.

The facility will be located on a portion of the two block area bounded by Washington Avenue, Lincoln Lane, Pennsylvania Avenue, and 17th Street. In addition to the new campus the entire development will include a parking garage, also designed by Frank Gehry, and a new 2.5-acre public park designed the Rotterdam-based firm West 8. The primary façade of the NWS facility will face the park providing a large projection surface; within the park will be an enveloping sound system. NWS concerts as well as artistic and educational projection content from other organizations will be featured on the projection surface. It is important to note that in addition to the land and a $15 million contribution to the construction of the NWS facility, the City of Miami Beach has also committed $17.2 million toward construction of the garage and another $20 million for the design and construction of the park and relevant infrastructure improvements. The City of Miami Beach will own and operate both the park and the garage.

Facchina-McGaughan, has been selected as general contractor and Hines, for project management of the New World Symphony campus expansion project. Construction on the facility began in January 2008 with completion scheduled by September 30, 2010. The facility will open in January 2011 with national/international press coverage anticipated.

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MIAMI-DADE COUNTY DEPARTMENT OF CULTURAL AFFAIRS

EXHIBIT 2A: PROJECT BUDGET

List cash expenses and revenues specifically identified with your project. Round amounts to the nearest dollar (do not show cents).

NOTE: Total project expenses and revenues must equal.

CASH REVENUES

Local/Municipal matching Funds (list sources and amounts):

Miami-Dade County CBO Grant	3,000,000
City of Miami Beach	15,000,000

Other Matching Funds (list sources and amounts):

Private Funds	90,000,000
Sale of Lincoln Theatre	20,500,000
Anticipated grants of future legally available CTD receipts subject to annual appropriation approved by the Board of County Commissioners.	25,300,000
Cultural Facilities Grant Award:	1,700,000

TOTAL REVENUES: 155,500,000

CASH EXPENSES

(Identify specific project items and amounts)

Architectural and Engineering Fees	22,300,000
Construction Costs	116,000,000
Permits, Insurance, Other City Costs	760,000
Owner Expenses	10,650,000
Project Management	5,790,000

TOTAL EXPENSES: 155,500,000

**** NOTE: TOTAL REVENUES MUST EQUAL TOTAL EXPENSES ****

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MIAMI-DADE COUNTY DEPARTMENT OF CULTURAL AFFAIRS

EXHIBIT 2B: GRANT AWARD BUDGET

Itemized cash expenses to be expended from grants award. Expenditures must equal the total amount of the grant award as listed on the cover sheet and Exhibit 2A. Round amounts to the nearest dollar (do not show cents).

CULTURAL FACILITES GRANT EXPENSES ONLY:

Item	Amount
New Construction	1,700,000

TOTAL GRANT AWARD: 1,700,000

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MIAMI-DADE COUNTY DEPARTMENT OF CULTURAL AFFAIRS
UNIVERSAL AFFIDAVITS

Each section of this form must be read, and initialed indicating acceptance and/or compliance with the County's policy related to the particular affidavit. For affidavit sections that you do not believe are applicable to your organization, please indicate this by placing "N/A" in the blank and your initials next to the "N/A." ALL SECTIONS MUST BE COMPLETED, either with your initials indicating compliance or "N/A" indicating non-applicable. **Sections not completed on the Affidavit will render the entire Universal Affidavit null and void and it will be returned to you for completion.**

The MIAMI-DADE COUNTY OWNERSHIP DISCLOSURE AFFIDAVIT, MIAMI-DADE COUNTY EMPLOYMENT DISCLOSURE AFFIDAVIT, MIAMI-DADE COUNTY CRIMINAL RECORD AFFIDAVIT, and MIAMI-DADE COUNTY DISABILITY NONDISCRIMINATION AFFIDAVIT shall not pertain to contracts with the United States or any departments or agencies thereof, the State of Florida or any political subdivision or agency thereof, or any municipality of this State. The MIAMI-DADE COUNTY FAMILY LEAVE AFFIDAVIT shall not pertain to contracts with the United States or any of its departments or agencies, the State of Florida or any political subdivision or agency thereof, it shall, however, pertain to municipalities of the State of Florida.

I, David J. Phillips being first duly sworn state:
(Name of Affiant / Authorized Official)

The full legal name and business address of the person(s) or entity contracting or transacting business with Miami-Dade County are (Post Office addresses are not acceptable):

59-2809056
Federal Employer Identification Number

New World Symphony, Inc.
Name of Entity, Individual(s), Partners, or Corporation

541 Lincoln Road	Miami Beach	FL	33139
Street Address	City	State	Zip Code

I. MIAMI-DADE COUNTY OWNERSHIP DISCLOSURE AFFIDAVIT (Sec. 2-8.1 of the County Code)

1. If the contract or business transaction is with a corporation, the full legal name and business address shall be provided for each officer and director and each stockholder who holds directly or indirectly five percent (5%) or more of the corporation's stock. If the contract or business transaction is with a partnership, the foregoing information shall be provided for each partner. If the contract or business transaction is with a trust, the full legal name and address shall be provided for each trustee and each beneficiary. The foregoing requirements shall not pertain to contracts with publicly traded corporations or to contracts with the United States or any department or agency thereof, the State of Florida or any political subdivision or agency thereof or any municipality of this State. All such names and addresses are (Post Office addresses are not acceptable):

Full Legal Name	Address	Ownership
NONE		%
		%
		%

2. The full legal name and business address of any other individual (other than subcontractors, material men, suppliers, laborers, or lenders) who have, or will have, any interest (legal, equitable, beneficial or otherwise) in the contract or business transaction with Miami-Dade County are (Post Office addresses are not acceptable):

NONE

3. Any person who willfully fails to disclose the information required herein, or who knowingly discloses false information in this regard, shall be punished by a fine of up to five hundred dollars ($500) or imprisonment in the County jail for up to sixty (60) days or both.

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II. MIAMI-DADE COUNTY EMPLOYMENT DISCLOSURE AFFIDAVIT (County Ordinance No. 90-133. Amending sec. 2.8-1: Subsection (d)(2) of the County Code).

Except where precluded by federal or State laws or regulations, each contract or business transaction or renewal thereof which involves the expenditure of ten thousand dollars ($10,000) or more shall require the entity contracting or transacting business to disclose the following information. The foregoing disclosure requirements do not apply to contracts with the United States or any department or agency thereof, the State or any political subdivision or agency thereof or any municipality of this State.

1. Does your firm have a collective bargaining agreement with your employees?
   ___ Yes x No

2. Does your firm provide paid health care benefits for its employees?
   x Yes ___ No

3. Provide current breakdown (number of persons) of your firm's work force and ownership as to race, national origin and gender.

White:	19 Males	17 Females
Black:	3 Males	6 Females
Hispanic:	4 Males	8 Females
Native American:	___ Males	___ Females
Asian:	___ Males	___ Females
Aleut (Eskimo):	___ Males	___ Females
Other _____:	___ Males	1 Females

III. MIAMI-DADE COUNTY CRIMINAL RECORD AFFIDAVIT (Section 2-8.6 of the County Code)

The individual or entity entering into a contract or receiving funding from the County ____ has x has not as of the date of this affidavit been convicted of a felony during the past ten (10) years.

An officer, director, or executive of the entity entering into a contract or receiving funding from the County ____ has x has not as of the date of this affidavit been convicted of a felony during the past (10) years.

IV. MIAMI-DADE COUNTY EMPLOYMENT DRUG-FREE WORKPLACE AFFIDAVIT (County Ordinance No. 92-15 codified as Section 2-8.1.2 of the County Code)

That in compliance with Ordinance No. 92-15 of the Code of Miami-Dade County, Florida, the above named person or entity is providing a drug-free workplace. A written statement to each employee shall inform the employee about:

1. danger of drug abuse in the workplace;
2. the firm's policy of maintaining a drug-free environment at all workplaces;
3. availability of drug counseling, rehabilitation and employee assistance programs;
4. penalties that may be imposed upon employees for drug abuse violations.

The person or entity shall also require an employee to sign a statement, as a condition of employment that the employee will abide by the terms and notify the employer of any criminal drug conviction occurring no later than five (5) days after receiving notice of such conviction and impose appropriate personnel action against the employee up to and including termination.

Compliance with Ordinance No. 92-15 may be waived if the special characteristics of the product or service offered by the person or entity make it necessary for the operation of the County or for the health, safety, welfare economic benefits and well-being of the public. Contracts involving funding which is provided in whole or in part by the United States or the State of Florida shall be exempted from the provisions of this ordinance in those instances where those provisions are in conflict with the requirements of those governmental entities.

V. MIAMI-DADE COUNTY EMPLOYMENT FAMILY LEAVE AFFIDAVIT (County Ordinance No. 142-91 codified as Section 11A-29 et. seq. of the County Code)

That in compliance with Ordinance No. 142-91 of the Code of Miami-Dade County, Florida, an employer with fifty (50) or more employees working in Miami-Dade County for each working day during each twenty (20) or more calendar work weeks, shall provide the following information in compliance with all items in the aforementioned ordinance:

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An employee who has worked for the above firm at least one (1) year shall be entitled to ninety (90) days of family leave during any twenty-four (24) month period, for medical reasons, for the birth or adoption of a child, or for the care of a child, spouse or other close relative who has a serious health condition without risk of termination of employment or employer retaliation.

The foregoing requirements shall not pertain to contracts with the United States or any department or agency thereof, or the State of Florida or any political subdivision or agency thereof. It shall, however pertain to municipalities of this State.

VI. MIAMI-DADE COUNTY DISABILITY NONDISCRIMINATION AFFIDAVIT (County Resolution R-385-95)

That the above named firm, corporation or organization is in compliance with and agrees to continue to comply with, and assure that any subcontractor, or third party contractor under this project complies with all applicable requirements of the laws listed below including, but not limited to, those provisions pertaining to employment, provision of programs and services, transportation, communications, access to facilities, renovations, and new construction in the following laws: The Americans with Disabilities Act of 1990 (ADA), Pub. L. 101-336, 104 Stat. 327, 42 U. S. C. 12101-12213 and 47 U. S. C. Sections 225 and 611 including Title I, Employment; Title II, Public Services; Title III, Public Accommodation and Services Operated by Private Entities; Title IV, Telecommunications; and Title V, Miscellaneous Provisions: The Rehabilitation Act of 1973, 29 U.S.C. Section 794: The Federal Transit Act, as amended 49 U .S. C. Section 1612: The Fair Housing Act as amended, 42 U.S.C. Section 3601-3631. The foregoing requirements shall not pertain to contracts with the United States or any department or agency thereof, or the State or any political subdivision or agency thereof or any municipality of this State.

VII. MIAMI-DADE COUNTY AFFIDAVIT REGARDING DELINQUENT AND CURRENTLY DUE FEES OR TAXES (Sec. 2-8.1(c) of the County Code).

Except for small purchase orders and sole source contracts, the above named firm, corporation, organization or individual desiring to transact business or enter into a contract with the County verifies that all delinquent and currently due fees or taxes -- including but not limited to real and property taxes, utility taxes and occupational licenses -- which are collected in the normal course by the Miami-Dade County Tax Collector as well as Miami-Dade County issued parking tickets for vehicles registered in the name of the firm, corporation, organization or individual have been paid.

VIII. ATTESTATION REGARDING DUE AND PROPER ACKNOWLEDGEMENT OF COUNTY FUNDING SUPPORT

By initialing this subsection and accepting County funds, the above named firm, corporation, organization or individual agrees to abide by the grant contract requirement to recognize and acknowledge Miami-Dade County's grant support in a manner commensurate with all contributors and sponsors of its activities at comparable dollar levels.

I have carefully read this entire three (3) page document entitled, "Universal Affidavit" and have initialed all affidavits that pertain to this contract and have indicated by "NA" all affidavits that do not pertain to this contract.

By: _____ 4/30/10
(Signature of Affiant) (Date)

SUBSCRIBED AND SWORN TO (or affirmed) before me this 30th day of April, 20 10 by

DAVID Phillips
(Name of Affiant - Printed)

He / She: is personally known to ME

☐ has produced _____ as identification.
(Type of Identification)

Lesley Ann E. Wright, Notary Public
(Signature of Notary)

(Name of Notary Typed, Printed or Stamped)

Imprint of Notary Seal

LESLEY-ANN E. WRIGHT
MY COMMISSION # DD654475
EXPIRES March 22, 2011
(407) 398-0153 FloridaNotaryService.com

State of Florida - County of MIAMI DADE

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New World Symphony
Board of Trustees

2009-2010 Season

Officers

Chairman of the Board	Mr. Neisen O. Kasdin Akerman Senterfitt One Southeast Third Avenue, 25th Floor Miami, FL 33131
Vice Chairman	Mrs. Rose Ellen Greene 201 Solano Prado Coral Gables, FL 33156
Secretary	Mr. Robert Moss 445 Grand Bay Drive, #209 Key Biscayne, FL 33149
Treasurer	Mr. Mario de Armas, Managing Partner PricewaterhouseCoopers, LLP 1441 Brickell Avenue, Suite 1100 Miami, FL 33131

Members

Mr. Sheldon Anderson
CEO – Southeast Region
Northern Trust Bank
700 Brickell Avenue
Miami, FL 33131

Mrs. Madeleine Arison
9999 Collins Avenue
Bal Harbour, FL 33154

Ms. Sarah Arison
229 Chrystie Street
New York, NY 10002

Mr. George Bergmann
Village Communities
435 Royal Plaza Drive
Fort Lauderdale, FL 33301

Mr. Matthew W. Buttrick
Stearns Weaver Miller Weissler
Alhadeff & Sitterson, P.A.
150 West Flagler Street
Museum Tower, Suite 2200
Miami, FL 33130

Mr. Adam Carlin
The Bermont/Carlin Group at Smith Barney
220 Alhambra Circle, 10th Floor
Coral Gables, FL 33134

Mr. Bruce E. Clinton, President
The Clinton Companies
Regents Park at Hyde Park
5020 South Lake Shore Drive, Penthouse II
Chicago, IL 60615

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Mr. Jeffrey Roberts
Goldman Sachs
200 S. Biscayne Boulevard, Suite 3700
Miami, FL 33131

Mr. Martin Rozenblum
19112 Fisher Island Drive
Miami Beach, FL 33109

Mr. Richard Sanz, VP/Managing Director
Private Client Group, Wachovia Bank
200 S. Biscayne Boulevard, 15th Floor
Miami, FL 33131

Mr. Sheldon Schneider
BOPA, Inc.
1441 Brickell Avenue, Suite 1150
Miami, FL 33131

Mrs. Diane Sepler, CEO
Diane S. Sepler Design Management
1581 Brickell Avenue, T204
Miami, FL 33129

Mr. Edward Manno Shumsky
5959 Collins Avenue, #1106
Miami Beach, FL 33140

Mr. Richard Skor, President
AFO, LLC
1441 Brickell Avenue, Suite 1150
Miami, FL 33111

Mr. Paul Stebbins, Chairman and CEO
World Fuel Services
9800 NW 41st Street, Suite 400
Miami, FL 33178

Mr. and Mrs. Sherwood Weiser
10 Edgewater Drive, Tower Suite K
Coral Gables, FL 33133

Ms. Jody Wolfe
5255 N. Kendall Drive
Miami, FL 33156

Richard J. Wurtman
300 Boylston Street, Unit 1205
Boston, MA 02116

Ex Officio

Mr. Bruce M. Colan
Holland & Knight
701 Brickell Avenue, #2800
Miami, FL 33131

National Council

Mrs. Linda Coll, Director
Carnival Foundation
3655 NW 87th Avenue, 10th Floor
Miami, FL 33178

Mr. L. Jay Cross
Related Hudson Yards
60 Columbus Circle, 19th Floor
New York, NY 10023

Mrs. Janellen Gerstein
860 Fifth Avenue, #12C
New York, NY 10021

Mr. Stanley Greenstein
3802 NE 207th Street, #1803
Aventura, FL 33180

Mrs. Bobbi Litt
2800 Toledo Street, #6
Coral Gables, FL 33134

Mr. Peter McGrath
3750 Kent Court
Coconut Grove, FL 33133

Return to:
Director
Miami-Dade County Department
of Cultural Affairs
111 N.W. First Street, Suite 625
Miami, Florida 33128

Instrument prepared by:

Miami-Dade County Attorney's Office
111 N.W. First Street, Suite 2810
Miami, Florida 33128-1993

Folio No.

(For Recorder's Use Only)

DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION OF RESTRICTIVE COVENANTS ("Covenant") is made this _____ day of _____, 2010, by New World Symphony, Inc., a not for profit corporation under the laws of the State of Florida, in favor of Miami-Dade County, a political subdivision of the State of Florida.

WHEREAS, New World Symphony, Inc. ("NWS") is constructing a facility scheduled to be open to the public in January, 2011 on land legally described in Exhibit "A" (the "Facility"), attached hereto and incorporated herein by reference, the construction of which is funded in part with funds granted by Miami-Dade County ("the County") to NWS, in the amounts of $3,000,000 approved on September 20, 2006 (Ord. 06-134) and remitted on July 26, 2007 (the "Previous Grant"), and of $1,700,000 approved on _____, 2010 through Resolution _____ ("Grant", and together with the Previous Grant, the "Total Grant"); and

WHEREAS, the Facility will feature unique performance, rehearsal, educational, webcasting, recording, administration, parking, meeting, and storage spaces, and commercially acceptable uses attendant thereto, for the public purpose of educating audiences in the appreciation of concerts and of offering music and arts instruction through the production and presentation of high quality cultural events and educational programs;

NOW, THEREFORE, in consideration of providing the Grant for the construction of the Facility and the development of the Facility and other good and valuable consideration, NWS, hereby voluntarily covenants and agrees to the following restrictions that are intended and shall be deemed to be covenants' running with the land and binding upon NWS, its successors and assigns:

Covenants. The foregoing recitations are true and correct and are hereby incorporated herein by this reference. NWS shall devote the Facility constructed exclusively to the public purpose of providing performance, rehearsal, educational, webcasting, recording, administration, parking, meeting, and storage spaces, and commercially acceptable uses attendant thereto.

During the entire term hereof, NWS covenants that (a) the Facility will continuously be used for and operated by the NWS for the purposes outlined herein; (b) NWS will be the owner and operator of the Facility; (c) NWS will qualify and remain as a not for profit corporation; and (d) NWS will not encumber the Facility in an aggregate amount greater than $75,000,000 without the express written consent of the County. The Board of County Commissioners of Miami-Dade County ("Board") shall determine and decide, in its complete and sole discretion, and such decision shall be final and non-appealable, whether the Facility constructed has ceased to be used for the purposes outlined herein; or NWS has ceased to exist or to own or operate the Facility, or NWS has lost its status as a not for profit corporation. NWS shall be entitled to written notification of any item presented to the Board to determine compliance with the covenants in this Covenant and shall have the same rights as any citizen to be heard by said Board.

In the event that the covenants set forth herein are not met, then upon written notice by the County to NWS, the County shall be entitled to immediate reimbursement of the Total Grant, and any amount of the Total Grant not reimbursed immediately shall be deemed and become an equitable lien on the Facility that may be enforced against the Facility as any other such lien under the laws of the State of Florida. NWS covenants that it will not transfer, convey or sell the Facility or property or any interest therein without the prior written approval of the Board. This Covenant is subordinate to lien(s) in an aggregate amount less than or equal to $75,000,000.

Covenant Running with the Land. This Declaration of Restrictive Covenants shall run with the land for twenty-five (25) years from the date this Covenant is recorded in the public records of the County, unless this Covenant has been modified, amended or released by a written

instrument executed by the Mayor or, if permitted by applicable law, his designee, on behalf of the County as authorized by and through and at the sole discretion of its Board.

NWS agrees that acceptance of this Covenant is legally binding upon it and does not in any way obligate or provide a limitation on the County.

In the event a foreclosure proceeding is filed against the Facility or a deed for the Facility or property in lieu of foreclosure is executed by NWS, the Total Grant shall be deemed and become a mortgage against the Facility and shall have the same force and effect as a purchase money mortgage under the laws of the State of Florida. The County shall have the right of redemption of a holder of a subordinate interest in real estate under Florida law, and at any time before the later of (i) the filing of a certificate of sale by the clerk of the court, or (ii) the time specified in the judgment or order of foreclosure of the first mortgage, the County may cure the mortgagor's indebtedness and prevent the foreclosure sale by paying the amount of money specified in the judgment or order of foreclosure. NWS shall in any loan document evidencing an encumbrance on the Facility include a written requirement that the lender shall notify the County in writing in the event of any material monetary default of NWS by U.S. Mail addressed to: Director, Miami-Dade County Department of Cultural Affairs, 111 NW First Street, #625, Miami, Florida 33128. Any judgment of foreclosure, certificate of title, and/or deed in lieu of foreclosure in favor of any first mortgagee(s), its successors or assigns, arising out of a default of such first mortgage(s), shall be deemed a self-executing release of this Covenant, the intention being that the first mortgagee(s) shall not bear the burden of this Covenant.

Enforcement. The County is the beneficiary of these covenants and restrictions and as such may enforce these covenants and restrictions by an action in law or equity, including without limitation a decree of specific performance or mandatory or prohibitory injunction, against any person or persons, entity or entities, violating or attempting to violate the terms of these covenants and restrictions.

Inspection. It is understood and agreed that any inspector from the County shall have the right at any time during normal working hours to enter and investigate the use of the Facility to determine if the conditions of this Declaration of Restrictive Covenants are being complied with.

Notice and Contact. Any notice required or permitted under this Agreement shall be in writing and shall be deemed to have been given, delivered and received when either (i) delivered in person to the agents designated herein below for that purpose, (ii) on the first business day

after delivery to an overnight courier (e.g. Federal Express, Airborne) as evidenced by the sender's copy, addressed as set forth herein below, or (iii) three (3) business days after deposited in the United States Mail, by certified mail, postage prepaid, return receipt requested, addressed to the other party. The addresses of the parties are as follows:

TO MIAMI-DADE COUNTY:	Miami-Dade County Director Department of Cultural Affairs 111 N.W. First Street, Suite 625 Miami, Florida 33128
TO NEW WORLD SYMPHONY, INC.:	New World Symphony, Inc. Executive Director 541 Lincoln Road Miami Beach, Florida 33139

Severability. If any covenant, restriction or provision contained in this document is held to be invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any other covenant, restriction, condition or provision contained herein, all of which shall remain in full force and effect. This document shall be construed in accordance with the laws of the State of Florida and venue shall be Miami-Dade County, Florida.

Acceptance of Declaration. NWS acknowledges that acceptance of this Covenant does not obligate the County in any manner, and does not entitle NWS to favorable approval of any application, zoning or otherwise, and that the County retains its full power and authority to approve or deny any application, in whole or in part.

Incorporation of Recitals. NWS hereby agrees that the recitals in this Covenant are hereby true and correct, and are incorporated into this Covenant.

Effective Date. This Covenant shall be filed in the public records of Miami-Dade County, Florida at the cost of the NWS immediately following NWS's receipt of Grant funds. This Covenant shall become effective immediately upon recordation. All contracts and deeds or other instruments of conveyance relating to the property or any part thereof, as referenced in Exhibit A, shall contain reference to this Covenant.

New World Symphony, Inc.,
a not for profit Florida corporation

Witness Signature

DIANA PEREZ-GAMA
Witness Name Printed

By: _____
NWS Board Representative Signature

Name: Neisen O. Kasdin
NWS Board Representative Printed Name

Title: Chairman
NWS Board Member Title

Witness Signature

DAVID J. PHILLIPS
Witness Name Printed

Attest: _____
Howard Herring, Executive Director
New World Symphony, Inc.

STATE OF FLORIDA :
: ss
MIAMI-DADE COUNTY :

I HEREBY CERTIFY that on this 30 day of APRIL, 2010, before me an officer authorized to administer oaths and take acknowledgments personally appeared _____ and _____ IS _____, personally known to me, or that produced the following identifications: _____ to be the _____, and _____ of New World Symphony, Inc., a not for profit Florida corporation under the laws of the State of Florida, and in whose names the foregoing instruments is executed and that officer(s) severally acknowledge before me that (he/she) executed said instrument acting under the authority duly vested by said not for profit Florida corporation.

WITNESS my hand and official seal in the County and State aforesaid, the day and year last aforementioned.

LESLEY-ANN E. WRIGHT
MY COMMISSION # DD654475
EXPIRES March 22, 2011
(407) 398-0153 FloridaNotaryService.com

(NOTARY SEAL/STAMP)

Notary Signature

LESLEY-ANN E. WRIGHT
Printed Notary Name

Notary Public, State of Florida
Commission No: MARCH 22, 2011

EXHIBIT "A"

The acquisition includes # folios, as follows:

1. Folio Number Parcel #1: See Attached Memorandum of Lease and Possession Date Certificate and Schedule A

Address:
Owner:
Co-Use:
Legal Description:

CFN 20080R0221063
OR Bk 26272 Pgs 3696 - 3699; (4pgs)
RECORDED 03/17/2008 12:42:22
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

This Instrument Was Prepared By:

Mark C. Alhadeff, Esq.
Stearns Weaver Miller Weissler
Alhadeff & Sitterson, P.A.
150 West Flagler St., Suite 2200
Miami, Florida 33130

Record and Return To:
Mark C. Alhadeff, Esq.
Stearns Weaver Miller Weissler
Alhadeff & Sitterson, P.A.
150 West Flagler St., Suite 2200
Miami, Florida 33130

MEMORANDUM OF LEASE AND POSSESSION DATE CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS of this Memorandum of Lease made as of the 25 day of February, 2008, by and between the City of Miami Beach, Florida, a municipal corporation duly organized and existing under the laws of the State of Florida (herein referred to as "Landlord") and New World Symphony, a Florida not-for-profit (herein referred to as "Tenant").

WITNESSETH:

For good and valuable consideration and in further consideration of the rents reserved and covenants and conditions more particularly set forth in that certain Agreement of Lease ("Lease") by and between Landlord and Tenant of even date herewith, Landlord and Tenant hereby covenant and agree as follows.

1. Landlord does hereby demise unto Tenant and Tenant does hereby take from Landlord for the term hereinafter provided, and any extension thereof, the property described on Schedule "A" attached hereto located in Miami-Dade County, Florida, and hereafter referred to as the "Premises".

2. The lease term shall commence on September 9, 2004 and shall end fifty-five (55) years after such commencement date unless sooner terminated or extended as provided in said Lease.

3. For purposes of the Lease, the Possession Date shall be February 1, 2008 and the delivery date of the Land is January 7, 2008.

4. Landlord's interest shall not be subject to any mechanics' or materialmen's liens or liens of any kind for improvements made by the Tenant upon the Premises. All persons dealing with Tenant must look solely to the credit of Tenant, and not to Landlord's interest or assets.

5. The sole purpose of this instrument is to give notice of said Lease and all its terms, covenants, agreements and conditions to the same extent as if said lease were fully set forth herein. The terms, covenants, agreements and conditions contained in this instrument shall be binding upon and shall inure to the benefit of the parties hereto and their successors and assigns.

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IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

WITNESSES:

PRINT NAME Kerry Hernandez

PRINT NAME FERNANDA SILVA

LANDLORD:
CITY OF MIAMI BEACH, FLORIDA, a municipal corporation duly organized and existing under the laws of the State of Florida

By: Matti H. Bower
Name: Matti H. Bower
Title: Mayor

ATTEST:

By: Robert Parcher
Name: ROBERT PARCHER
Title: City Clerk

APPROVED AS TO FORM AND LANGUAGE AND FOR EXECUTION

By:
Name:
Title: City Attorney

TENANT:
New World Symphony, a Florida not-for-profit

PRINT NAME DAVID PHILLIPS

PRINT NAME Faye Munnings

By: Howard Herring
Name: Howard Herring
Title: President and Chief Executive Officer
541 Lincoln Road
Miami Beach, FL 33139

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

City Attorney 3/4/98 Date

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Schedule A

STONER & ASSOCIATES, INC.
SURVEYORS - MAPPERS
Florida Licensed Survey and Mapping Business No. 6633

4341 S.W. 62nd Avenue
Davie, Florida 33314

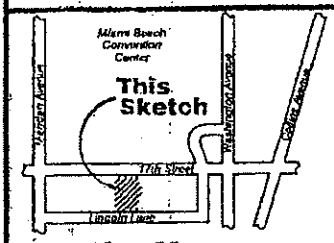
Tel. (954) 585-0997
Fax (954) 585-3927

RECORDING AREA

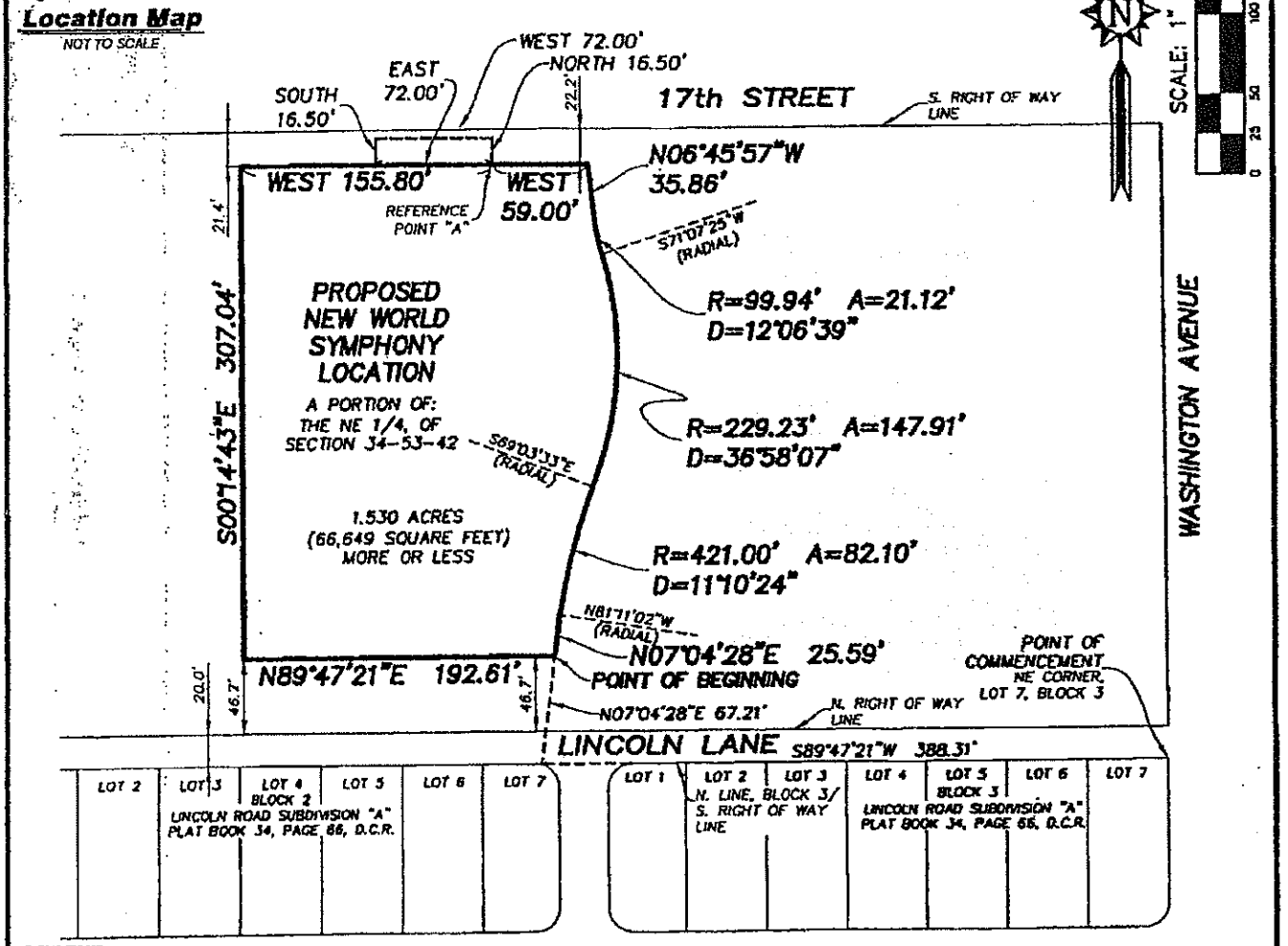
SKETCH OF DESCRIPTION FOR:

THE NEW WORLD SYMPHONY LEASE PARCEL

A PORTION OF THE NE 1/4, SECTION 34,
TOWNSHIP 53 SOUTH, RANGE 42 EAST
CITY OF MIAMI-BEACH, MIAMI-DADE COUNTY, FLORIDA



Location Map
NOT TO SCALE



LEGEND

P.B.	PLAT BOOK	R	RADIUS
PG.	PAGE	A	ARC LENGTH
D.C.R.	DADE COUNTY RECORDS	D	DELTA
L.B.	LICENSED BUSINESS		
℄	CENTERLINE		

THE MATERIAL SHOWN HEREON IS THE PROPERTY OF STONER & ASSOCIATES, INC. AND SHALL NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT PERMISSION OF STONER & ASSOCIATES, INC. COPYRIGHT © 2007

CERTIFICATE:
THIS IS TO CERTIFY THAT THE SKETCH AND LEGAL DESCRIPTION SHOWN HEREON IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SKETCH AND LEGAL DESCRIPTION MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.07, FLORIDA STATUTES.

REVISIONS	DATE	BY
3. Revisions per City Comments	10/8/07	THK
2. Add Scoop Feature	10/8/07	THK
1. New Boundary from Client	9/5/07	THK

James D. Stoner
PROFESSIONAL SURVEYOR AND MAPPER NO. 4039 - STATE OF FLORIDA

DATE OF SKETCH:	DRAWN BY	CHECKED BY	FIELD BOOK
7/26/07	THK	JDS	N/A

SEAL
NOT VALID UNLESS SEALED HERE WITH AN EMBOSSED SURVEYOR'S SEAL

SHEET 1 OF 2

SKETCH No. 04-6594-SMU

DATE: Oct 31, 2007 - 12:16pm EST FILE: G:\Draw\Stoner\Misc\04-6594 New World Symphony\dwg\NWS-building SOD.dwg

37

STONER & ASSOCIATES, INC.
SURVEYORS - MAPPERS
Florida Licensed Survey and Mapping Business No. 6633

4341 S.W. 62nd Avenue
Davie, Florida 33314

Tel. (954) 585-0997
Fax (954) 585-3927

RECORDING AREA

LEGAL DESCRIPTION FOR:

THE NEW WORLD SYMPHONY LEASE PARCEL

A PORTION OF THE NE 1/4, SECTION 34,
TOWNSHIP 53 SOUTH, RANGE 42 EAST
CITY OF MIAMI-BEACH, MIAMI-DADE COUNTY, FLORIDA

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING OF PORTION OF THE NORTHEAST ONE-QUARTER (NE X) OF SECTION 34, TOWNSHIP 53 SOUTH, RANGE 42 EAST, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF LOT 7, BLOCK 3, LINCOLN ROAD SUBDIVISION "A", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 34, PAGE 66 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA;

THENCE S.89°47'21"W., ALONG THE NORTH LINE OF SAID BLOCK 3 AND IT'S WESTERLY EXTENSION (SAID LINE ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF LINCOLN LANE), A DISTANCE OF 388.31 FEET;

THENCE N.07°04'28"E., A DISTANCE OF 67.21 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE N.07°04'28"E., A DISTANCE OF 25.59 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE, CONCAVE TO THE SOUTHEAST, A RADIAL LINE OF SAID CURVE THROUGH SAID POINT HAVING A BEARING OF N.81°11'02"W.;

THENCE NORTHEASTERLY, ALONG THE ARC OF SAID CURVE, TO THE RIGHT, HAVING A CENTRAL ANGLE OF 11°10'24", AND A RADIUS OF 421.00' FEET FOR AN ARC DISTANCE OF 82.10 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE, CONCAVE TO THE NORTHWEST, A RADIAL LINE OF SAID CURVE THROUGH SAID POINT HAVING A BEARING OF S.69°03'33"E.;

THENCE NORTHEASTERLY, NORTHERLY AND NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, TO THE LEFT, HAVING A CENTRAL ANGLE OF 36°58'07", AND A RADIUS OF 229.23' FEET FOR AN ARC DISTANCE OF 147.91 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE, CONCAVE TO THE NORTHEAST, A RADIAL LINE OF SAID CURVE THROUGH SAID POINT HAVING A BEARING OF S.71°07'25"W.;

THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, TO THE RIGHT, HAVING A CENTRAL ANGLE OF 12°06'39 AND A RADIUS OF 99.94 FEET FOR AN ARC DISTANCE OF 21.12 FEET;

LEGAL DESCRIPTION: (CONTINUED)

THENCE N.06°45'57"W., A DISTANCE OF 35.88 FEET;

THENCE WEST, A DISTANCE OF 59.00 FEET TO REFERENCE POINT "A";

THENCE CONTINUE WEST, A DISTANCE OF 155.80 FEET;

THENCE S.00°14'43"E., A DISTANCE OF 307.04 FEET TO A POINT ON A LINE 46.7 FEET NORTH OF AND PARALLEL WITH THE NORTH RIGHT-OF-WAY LINE OF SAID LINCOLN LANE;

THENCE N.89°47'21"E., ALONG SAID PARALLEL LINE, A DISTANCE OF 192.61 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING WITHIN THE CITY OF MIAMI-BEACH, MIAMI-DADE COUNTY, FLORIDA. CONTAINING 1.530 ACRES, (66,649 SQUARE FEET), MORE OR LESS.

TOGETHER WITH:

AN AERIAL EASEMENT FOR THE AIR-SPACE OCCUPIED BY THE SCOOP FEATURE ON THE NORTH SIDE OF THE PROPOSED SYMPHONY BUILDING, SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE AFOREMENTIONED REFERENCE POINT "A"

THENCE NORTH, A DISTANCE OF 16.50';

THENCE WEST, A DISTANCE OF 72.00 FEET;

THENCE SOUTH, A DISTANCE OF 16.50 FEET;

THENCE EAST, A DISTANCE OF 72.00 FEET TO THE POINT OF BEGINNING.

SAID EASEMENT BEGINNING AT AN ELEVATION OF 22.00 FEET AND TERMINATING AT AN ELEVATION OF 52.00 FEET. SAID ELEVATIONS BASED ON THE NATIONAL GEODETIC VERTICAL DATUM OF 1929 (N.G.V.D. OF 1929).

NOTES:

1. THE PROPERTY SHOWN HEREON WAS NOT ABSTRACTED FOR OWNERSHIP, RIGHTS-OF-WAY, EASEMENTS OR OTHER MATTERS OF RECORD.

2. THIS SKETCH IS "NOT VALID" WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

3. THE BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING OF S.89°47'21"W., ALONG THE NORTH LINE OF BLOCK 3, LINCOLN ROAD SUBDIVISION "A", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 34, PAGE 66 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

4. THIS SKETCH DOES NOT REPRESENT A FIELD SURVEY. (THIS IS NOT A SURVEY).

5. THIS SKETCH OF DESCRIPTION WAS PREPARED BY THIS FIRM WITHOUT THE BENEFIT OF A TITLE SEARCH. THE LEGAL DESCRIPTION SHOWN HEREON WAS AUTHORED BY STONER & ASSOCIATES, INC.

6. PARCEL GEOMETRY BASED ON INFORMATION PROVIDED BY KIMLEY HORN, PROJECT No. 043115000

7. SCOOP FEATURE GEOMETRY BASED ON INFORMATION PROVIDED BY GEHRY PARTNERS, LLP, PROJECT No. 2003005

THE MATERIAL SHOWN HEREON IS THE PROPERTY OF STONER & ASSOCIATES, INC. AND SHALL NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT PERMISSION OF STONER & ASSOCIATES, INC. COPYRIGHT © 2007

SKETCH No. 04-6594-nws

DATE: Oct 31, 2007 - 12:16pm EST FILE: G:\Draw\Stoner\Misc\04-6594 New World Symphony\dwg\NWS-building SCO.dwg

Agenda Item No. 6(A)1

MEMORANDUM

OFFICE OF CHAIRMAN DENNIS C. MOSS

MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS

Downtown Office
111 NW 1st Street, Suite 220
Miami, Florida 33128
(305) 375-4832| Fax (305) 372-6011

District North Office
10710 SW 211th Street, Suite 206
Miami, Florida 33189
(305) 234-4938 | Fax (305) 232-2892

District South Office
1634 NW 6th Avenue
Florida City, Florida 33034
(305) 245-4420 | Fax (305) 245-5008

Date: June 3, 2010

To: The Honorable Vice-Chairman Jose "Pepe" Diaz and
Members of the Board of County Commissioners

From: The Honorable Chairman Dennis C. Moss
Miami-Dade County Board of County Commissioners, District 9

Re: **Budget Priorities FY 2010-11**

Attached are three documents which should aid you in our forthcoming discussions on the FY 10-11 budget. The first document is a summary sheet of those budget priorities selected by you that received three (3) or more votes. The second document is a detailed schedule listing all priorities in the groupings that received three (3) or more votes. The third document is the initial tally sheet of all the Budget Priorities which was prepared by the Office of the Clerk of the Board. These documents should assist in adopting an efficient and fiscally prudent budget for FY 2010-11.

Thank you for your cooperation.

Attachments

1-Committees' Budget Priorities-Summary Sheet
2-Committees' Budget Priorities-Detail Sheet
3-Office of the Clerk-Budget Priority Tally Sheet

Cc: Honorable Carlos Alvarez, Mayor
Honorable Harvey Ruvin, Clerk of the Courts
George Burgess, County Manager
R.A. Cuevas, Jr., County Attorney
Charles Anderson, Commission Auditor
Joe Rasco, Office of Intergovernmental Affairs
Diane Collins, Acting Division Chief, Clerk of the Board
Eugene Love, Agenda Coordinator

Miami-Dade Board of County Commissioners
Committees' Budget Priorities - Summary Sheet
FY 2010-11

Budget Priority	Affected Departments	Total Votes
Concentrate on funding and meeting the social service needs for all segments of the community; with a special emphasis on meals, transportation and home health care for the elderly, children's programs, meeting the community healthcare needs, intervention, prevention, and diversion programs.	Various	10
Streamline local government operations by consolidating Departments, reviewing system efficiencies, considering alternative work schedules etc.	Various	9
Minimize layoffs utilizing attrition, retraining, furloughs, freezing cost of living adjustments, step raises and merit raises etc.	Various	6
Maintain current level of bus services.	MDT	5
Maintain current levels of funding for After School and Sports Programming in Miami-Dade Parks.	MDPR	4
Avoid raising property taxes, rates and fees for County services.	Various	4
Complete the North Terminal within its targeted completion date and budget.	MDAD	4
Reduce administrative functions and provide more direct services. Evaluate administrative / management positions on departments with ratio supervisor/staff ratios of 1 to 5 or less.	Various	4
Maintain FY 2009-10 levels of funding for Community Based Organizations.	OGC, Various	4
Evaluate retention of retired County employees (on pension) that are currently on County payroll.	Various	3
Avoid using more of our emergency contingency reserves. Build up our reserves and the only way is to continue to make cuts where possible.	Various	3
Provide affordable housing for our most needy.	MDHA	3
Secure and expedite capital improvements projects.	Various	3
Re-evaluate all WASD capital projects given the decrease in water demand.	WASD	3
Continue funding Mom & Pop Grant Program at current levels.	CEO, BCC	3
Continue funding Boot Camp Program.	MDCR	3

Miami-Dade Board of County Commissioners
Committees' Budget Priorities - Detail Sheet
FY 2010-11

Budget Priority	Affected Departments	New Item Nr	Total Votes
Provide adequate social services.			
Concentrate on funding and meeting the social service needs for all segments of the community; with a special emphasis on meals for the elderly, children's programs, meeting the community healthcare needs, intervention, prevention, and diversion programs.	Various	**GOC-43a**	6
100% funding at FY 2009-10 levels for seniors, including ancillary services such as meals, transportation, home health care, etc.	Various	**HCDC-19**	4
			10
Consolidate Departments/ Improve Efficiency			
Review the possibility of consolidating departments or department locations by evaluating the costs of lease spaces versus need to have multiple locations, etc. per department.	Various	**GOC-45a**	3
Reduce the cost of government by consolidating departments and their functions; examples include the merging of departments with duplicative functions, and the consideration of 4-day workweek alternatives. Reduce layoffs in County workforce; retain as many employees as possible by utilizing attrition; exploring furlough alternatives, and freezing COLAs, merit and step raises in lieu of layoffs.	Various	**HPSIC-23**	3
Streamline local government operations by reducing department volume; via decisively reviewing and critically-thinking about system inefficiencies in an attempt to eliminate any duplication and/or bottlenecks in providing services.	Various	**GOC-44a**	1
Maintain the financial stability of our government. Our tax revenues has decreased substantially and we need to find ways to continue reducing wasteful spending. We must be innovative and provide a long-term budgetary forecast to weather any additional cuts to our budget.	Various	**BPSC-5**	2
			9
Minimize layoffs			
Reduce layoffs in County workforce to the greatest extent possible by utilizing attrition, retraining, furlough, and any other means.	Various	**BPSC-9**	2
To the greatest extent, minimize layoffs in the County workforce by utilizing such means as attrition, retraining, and furloughs.	Various	**GOC-2a**	1
Retain as many jobs and avoid lay-offs whenever possible.	Various	**GOC-16a**	1
Reduce layoffs in the County workforce to the greatest extent possible by utilizing attrition, retraining, furloughs and other means.	Various	**TIRC-10**	1
Even though we approved new labor contracts, we should consider freezing cost of living adjustments, step raises and merit raises in lieu of additional layoffs.	Various	**TIRC-11**	1
			6
Maintain current level of bus services.			
No further reduction of bus miles.	MDT	**TIRC-3**	3
Maintain current level of bus services.	MDT	**TIRC-21**	2
			5

Budget Priority	Affected Departments	New Item Nr	Total Votes
Maintain current levels of funding for After School and Sports Programming in Miami-Dade Parks.	MDPR	**RCTC-12**	4
			4
Avoid raising property taxes, rates and fees . Set a goal to reduce the cost of government and increase efficiency by consolidating departments and their functions, stabilizing or lowering property taxes, stabilizing or lowering county fees.	Various	**BPSC-11**	2
Avoid raising property taxes; avoid raising fees and rates for County services.	Various	**HPSIC-22**	2
			4
Complete the North Terminal within its targeted completion date and budget. Complete the North Terminal. Closely monitor the construction of the North Terminal Development Project to assure that the County stays within its targeted completion date and its projected budget.	MDAD	**ASC-2**	2
Ensure that the North Terminal Project continues to move forward	MDAD	**ASC-22**	1
Focus on the timely completion of the North Terminal at Miami International Airport; in the next year, it is imperative to stay on schedule and finish the terminal within airport budget restraints.	MDAD	**ASC-25**	1
			4
Reduce administrative functions and provide more direct services Do our best to invert the pyramid, so that there are more direct services to the residents of this County. We cannot continue to cut services that directly affect our residents. Find ways to decrease administrative services; if services have decreased then so should administrative functions.	Various	**GOC-25a**	2
Evaluate administrative / management positions on departments with ratio 1 to 5 or less.	Various	**BPSC-18**	1
Reduce, as much as possible, administrative functions in all departments and reallocate those resources and personnel to provide direct services to the public. I have always been an advocate for maximizing the number of "frontline" or "on the street" employees.	Various	**GOC-3a**	1
			4
Maintain FY 2009-10 levels of funding for CBO's. 100% funding at FY 2009-10 levels for CBOs.	Various	**HCDC-20**	2
Maintain current levels of Community Based Organizations (CBOs).	Various	**HCDC-5**	1
Maintain current level of funding for CBOs within the Office of Grants Coordination.	OGC, Various	**HCDC-12**	1
			4
Evaluate retired County employees (on pension) that are currently on County payroll.	Various	**BPSC-12**	3
			3
Avoid using more of our emergency contingency reserves. **Build up our reserves** and the only way is to continue to make cuts where possible.	Various	**GOC-24a**	3
			3

Budget Priority	Affected Departments	New Item Nr	Total Votes
Provide affordable housing for our most needy.	MDHA	**HCDC-18**	3
			3
Secure and expedite capital improvements projects.	Various	**TIRC-30**	3
			3
Re-evaluate of all WASD capital projects Step up engagement with the South Florida Water Management District in order to scale back the capital program requirements for our water consumption permit given the decrease in water demand.	WASD	**GOC-15a**	2
A complete re-evaluation of all capital projects should be performed. Since growth has halted we should not be using as much water that was anticipated according to the 20-year plan.	WASD	**GOC-42a**	1
			3
Continue funding Mom & Pop Grant Program at current levels. Maintain current level of funding to support the Mom & Pop Grant Program.	CEO, BCC	**HCDC-10**	2
Continue funding Mom & Pop program at current level.	CEO, BCC	**HCDC-6**	1
			3
Continue funding Boot Camp Program. Fund Boot Camp (use MDPD Environmental Unit for $1.8m gap).	MDCR	**HPSIC-13**	2
Allocate funds which will re-establish the Boot Camp Program.	MDCR	**HPSIC-39**	1
			3

Committee's Budget Priorities
FY 2010-11

TALLY SHEET

	Commission District													
	1	2	3	4	5	6	7	8	9	10	11	12	13	
Item Nr														TOTAL
ASC-1		X												1
ASC-2		X		X										2
ASC-3														
ASC-4														
ASC-5														
ASC-6		X												1
ASC-7														
ASC-8														
ASC-9				X										1
ASC-10														
ASC-11														
ASC-12														
ASC-13														
ASC-14														
ASC-15												X		1
ASC-16												X		1
ASC-17														
ASC-18														
ASC-19												X		1
ASC-20														
ASC-21														
ASC-22							X							1
ASC-23														
ASC-24														
ASC-25						X								1
ASC-26						X								1
ASC-27						X								1
ASC-28						X							X	2
ASC-29						X							X	2
ASC-30						X								1
ASC-31						X								1
BPSC-1				X				X						2
BPSC-2								X					X	2
BPSC-3								X						1
BPSC-4											X	X		2

Prepared by the Clerk of the Board
May 24, 2010

Committee's Budget Priorities
FY 2010-11

TALLY SHEET

	Commission District													
	1	2	3	4	5	6	7	8	9	10	11	12	13	
Item Nr														TOTAL
BPSC-5											X	X		2
BPSC-6			X											1
BPSC-7														
BPSC-8		X	X											2
BPSC-9							X			X				2
BPSC-10							X							1
BPSC-11							X			X				2
BPSC-12		X		X									X	3
BPSC-13														
BPSC-14														
BPSC-15								X						1
BPSC-16				X				X						2
BPSC-17							X					X		2
BPSC-18							X							1
BPSC-19				X			X							2
BPSC-20	X													1
BPSC-21	X	X												2
BPSC-22														
GOC-1a							X							1
GOC-2a							X							1
GOC-3a										X				1
GOC-4a														
GOC-5a										X				1
GOC-6a							X							1
GOC-7a													X	1
GOC-8a												X	X	2
GOC-9a													X	1
GOC-10a													X	1
GOC-11a													X	1
GOC-12a													X	1
GOC-13a														
GOC-14a														
GOC-15a												X	X	2
GOC-16a												X		1
GOC-17a														
GOC-18a														

Prepared by the Clerk of the Board
May 24, 2010

Committee's Budget Priorities
FY 2010-11

TALLY SHEET

	Commission District													
	1	2	3	4	5	6	7	8	9	10	11	12	13	
Item Nr														TOTAL
GOC-19a														
GOC-20a														
GOC-21a			X											1
GOC-22a													X	1
GOC-23a			X											1
GOC-24a							X			X	X			3
GOC-25a										X	X			2
GOC-26a											X			1
GOC-27a											X			1
GOC-28a		X												1
GOC-29a											X			1
GOC-30a											X			1
GOC-31a											X			1
GOC-32a														
GOC-33a											X			1
GOC-34a											X			1
GOC-35a														
GOC-36a														
GOC-37a											X			1
GOC-38a											X			1
GOC-39a											X			1
GOC-40a								X		X				2
GOC-41a														
GOC-42a											X			1
GOC-43a				X		X	X			X		X	X	6
GOC-44a						X								1
GOC-45a				X		X	X							3
GOC-46a						X								1
GOC-47a						X								1
HPSIC-1				X										1
HPSIC-2														
HPSIC-3				X										1
HPSIC-4				X										1
HPSIC-5				X										1
HPSIC-6														
HPSIC-7														

Prepared by the Clerk of the Board
May 24, 2010

Committee's Budget Priorities
FY 2010-11

TALLY SHEET

	Commission District													
	1	2	3	4	5	6	7	8	9	10	11	12	13	
Item Nr														TOTAL
HPSIC-8				X										1
HPSIC-9				X										1
HPSIC-10				X										1
HPSIC-11														
HPSC-12													X	1
HPSIC-13		X						X						2
HPSIC-14				X			X							2
HPSIC-15								X						1
HPSIC-16						X								1
HPSIC-17						X				X				2
HPSIC-18							X							1
HPSIC-19						X								1
HPSIC-20						X								1
HPSIC-21														
HPSIC-22						X				X				2
HPSIC-23				X		X						X		3
HPSIC-24														
HPSIC-25													X	1
HPSIC-26												X		1
HPSIC-27														
HPSIC-28												X		1
HPSIC-29														
HPSIC-30		X												1
HPSIC-31		X												1
HPSIC-32														
HPSIC-33														
HPSIC-34														
HPSIC-35														
HPSIC-36														
HPSIC-37							X							1
HPSIC-38		X												1
HPSIC-39								X						1
HPSIC-40														
HPSIC-41														
HCDC-1		X	X											2
HCDC-2			X											1

Prepared by the Clerk of the Board
May 24, 2010

Committee's Budget Priorities
FY 2010-11

TALLY SHEET

	Commission District													
	1	2	3	4	5	6	7	8	9	10	11	12	13	
Item Nr														TOTAL
HCDC-3			X										X	2
HCDC-4														
HCDC-5			X											1
HCDC-6			X											1
HCDC-7			X											1
HCDC-8			X											1
HCDC-9	X													1
HCDC-10	X						X							2
HCDC-11	X													1
HCDC-12	X													1
HCDC-13	X													1
HCDC-14	X						X							2
HCDC-15	X													1
HCDC-16	X													1
HCDC-17	X													1
HCDC-18										X	X	X		3
HCDC-19			X							X	X	X		4
HCDC-20											X	X		2
HCDC-21							X				X			2
HCDC-22											X			1
HCDC-23								X						1
HCDC-24								X				X		2
HCDC-25														
HCDC-26														
HCDC-27														
HCDC-28		X												1
HCDC-29														
HCDC-30													X	1
HCDC-31														
RCTC-1										X				1
RCTC-2										X				1
RCTC-3										X				1
RCTC-4										X				1
RCTC-5														
RCTC-6														
RCTC-7				X										1

Prepared by the Clerk of the Board
May 24, 2010

Committee's Budget Priorities
FY 2010-11

TALLY SHEET

	Commission District													
	1	2	3	4	5	6	7	8	9	10	11	12	13	
Item Nr														TOTAL
RCTC-8														
RCTC-9														
RCTC-10														
RCTC-11														
RCTC-12	X	X	X					X						4
RCTC-13	X													1
RCTC-14	X													1
RCTC-15	X													1
RCTC-16	X													1
RCTC-17														
RCTC-18								X						1
RCTC-19								X		X				2
RCTC-20								X						1
RCTC-21						X						X		2
RCTC-22														
RCTC-23						X								1
RCTC-24														
RCTC-25														
RCTC-26														
TIRC-1	X													1
TIRC-2														
TIRC-3	X	X								X				3
TIRC-4														
TIRC-5	X													1
TIRC-6														
TIRC-7	X													1
TIRC-8												X		1
TIRC-9														
TIRC-10		X												1
TIRC-11							X							1
TIRC-12			X											1
TIRC-13														
TIRC-14														
TIRC-15			X											1
TIRC-16			X											1
TIRC-17			X											1

Prepared by the Clerk of the Board
May 24, 2010

Committee's Budget Priorities
FY 2010-11

TALLY SHEET

	Commission District													
	1	2	3	4	5	6	7	8	9	10	11	12	13	
Item Nr														TOTAL
TIRC-18			X	X										2
TIRC-19														
TIRC-20														
TIRC-21								X				X		2
TIRC-22														
TIRC-23		X											X	2
TIRC-24		X												1
TIRC-25		X												1
TIRC-26														
TIRC-27													X	1
TIRC-28														
TIRC-29								X		X				2
TIRC-30		X						X		X				3
TIRC-31								X						1

Prepared by the Clerk of the Board
May 24, 2010

MEMORANDUM WITHDRAWN

Agenda Item No. 7(C)

(Second Reading 6-3-10)

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

DATE: April 20, 2010

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

SUBJECT: Ordinance amending, Articles II, Section 11A-12 of Chapter 11A of the Code, relating to discrimination in housing

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum

MIAMI-DADE COUNTY

Date: June 3, 2010

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

From: George M. Burgess
County Manager

Subject: Ordinance amending Articles II, Section 11A-12 of Chapter 11A of the Code of Miami-Dade County

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The ordinance amending Articles II, Section 11A-12 of Chapter 11A of the Code relating to discrimination in housing will not have a fiscal impact to Miami-Dade County.

Irene Taylor-Wooten,
Special Assistant/Senior Advisor

Fis04610

MEMORANDUM

(Revised)

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

DATE: June 3, 2010

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

SUBJECT: Agenda Item No. 7(C)

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
Veto _____
Override _____

Agenda Item No. 7(C)
6-3-10

ORDINANCE NO. _____

ORDINANCE AMENDING, ARTICLES II, SECTION 11A-12 OF CHAPTER 11A OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO DISCRIMINATION IN HOUSING, PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 11A-12 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:[1]

Sec. 11A-12. Unlawful housing practices.

* * *

(1) *Discrimination in sale or rental of housing and other prohibited practices.* It shall be unlawful for any person, owner, financial institution, real estate broker, real estate agent or any representative of the above to engage in any of the following acts because of race, color, religion, ancestry, national origin, age, sex, pregnancy, disability, marital status, familial status [[~~or~~]] sexual orientation>>, or source of income<< of a prospective buyer, renter, lessee or any person associated with a prospective buyer, renter or lessee:

* * *

[1] Words stricken through and/or [[double]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

* * *

Section 2. The substantive rights that have been created and have accrued in whole or in part under Chapter 11A shall not be extinguished or in any way affected by the repeal and reenactment of Chapter 11A or by the renumbering of Chapter 11A.

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including the sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as to form and legal sufficiency.

Prepared by:

Terrence A. Smith

Prime Sponsor: Commissioner Barbara J. Jordan

Memorandum

MIAMI-DADE COUNTY

WITHDRAWN

Agenda Item No. 7(F)

Date: June 3, 2010

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

From: George M. Burgess
County Manager

Subject: Ordinance relating to Sunpass use in taxicabs

This ordinance was amended at the May 11, 2010 Government Operations Committee to clarify that the chauffeur must obtain the SunPass, that the requirement to utilize the SunPass lanes applies where there is a fixed toll and that where the toll is not fixed the chauffeur shall determine whether the passenger desires to use the SunPass lane and comply with the wishes of the passenger.

RECOMMENDATION

It is recommended that the Board approve the attached ordinance that requires taxicabs to utilize SunPass lanes when transporting passengers.

SCOPE

This ordinance applies countywide.

FISCAL IMPACT/FUNDING SOURCE

There is no fiscal impact to the County.

TRACK RECORD/MONITOR

The Consumer Services Department (CSD) is responsible for administering for-hire regulations.

BACKGROUND

Chapter 31 sets forth the regulations that govern for-hire transportation. Section 31-304 establishes various requirements that apply to chauffeurs providing taxicab services.

The proposed amendment provides that SunPass lanes must be utilized when the taxicab is transporting a passenger. Utilizing the SunPass lane ensures that passengers are afforded the fastest and most economical route to their destination, frees up the taxicab for the next trip more quickly, reduces traffic congestion, and conserves fuel that would otherwise be consumed waiting in toll lanes. Chauffeurs have been required to utilize SunPass under the taxicab fare structure that has been in effect since 2005. This ordinance clarifies the requirement. Chauffeurs collect the toll from the passenger, at the SunPass rate, in addition to the metered fare.

CSD's taxicab industry advisory group indicated support for this ordinance at its meeting of February 16, 2010.

Assistant County Manager

MEMORANDUM
(Revised)

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

DATE: June 3, 2010

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

SUBJECT: Agenda Item No. 7(F)

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**

2

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(F)
6-3-10

ORDINANCE NO. _____

ORDINANCE RELATING TO FOR-HIRE MOTOR VEHICLES; AMENDING SECTION 31-304 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, REQUIRING CHAUFFEUR TO UTILIZE SUNPASS LANE WHEN TRANSPORTING PASSENGERS; AMENDING CHAPTER 8CC OF THE CODE TO PROVIDE FOR A CIVIL PENALTY; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Chapter 31 of the Miami-Dade County Code is hereby amended to read as follows:[1]

CHAPTER 31

VEHICLES FOR HIRE

* * *

ARTICLE V. GENERAL REQUIREMENTS

* * *

Sec. 31-304. Chauffeur's registration-Additional taxicab requirements.

[1]Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Each chauffeur shall:

* * *

>>(6)<< >>Obtain a SunPass and<<[2] [[~~U~~]] >>u<<>>tilize the "SunPass Only" or "SunPass Express" lane, if available, when the route to a trip destination includes a SunPass toll road and/or bridge<< >>where the toll is fixed. Where the "SunPass Only" or "SunPass Express" toll is not fixed, the chauffeur shall determine whether the passenger desires to use the "SunPass Only" or "SunPass Express" Lane and comply with the wishes of the passenger.<< >>For purposes of this section, "SunPass Only" or "SunPass Express" lane shall be defined as lanes that are not equipped with toll attendants or coin-operated toll baskets and installed exclusively for persons using the SunPass device.<<

* * *

Section 2. Chapter 8CC of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

* * *

Sec. 8CC-10. Schedule of civil penalties.

* * *

Code Section	Description of Violation	Civil Penalty
>>31-304(6)	Failure to utilize the SunPass lane when transporting passengers	50.00<<

Section 3. If any section, subsection, sentence, clause or provision of

[2] Committee amendments are indicated as follows: words double stricken through and/or [[double bracketed]] shall be deleted. Words double underlined and/or >>double arrowed<< constitute the amendment proposed.

this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

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

Prepared by: GKS

Gerald K. Sanchez

5

Item 8J1D
Exhibit

FINAL SUBMITTAL - FEBRUARY 2008 (BID & PERMIT PLANS)

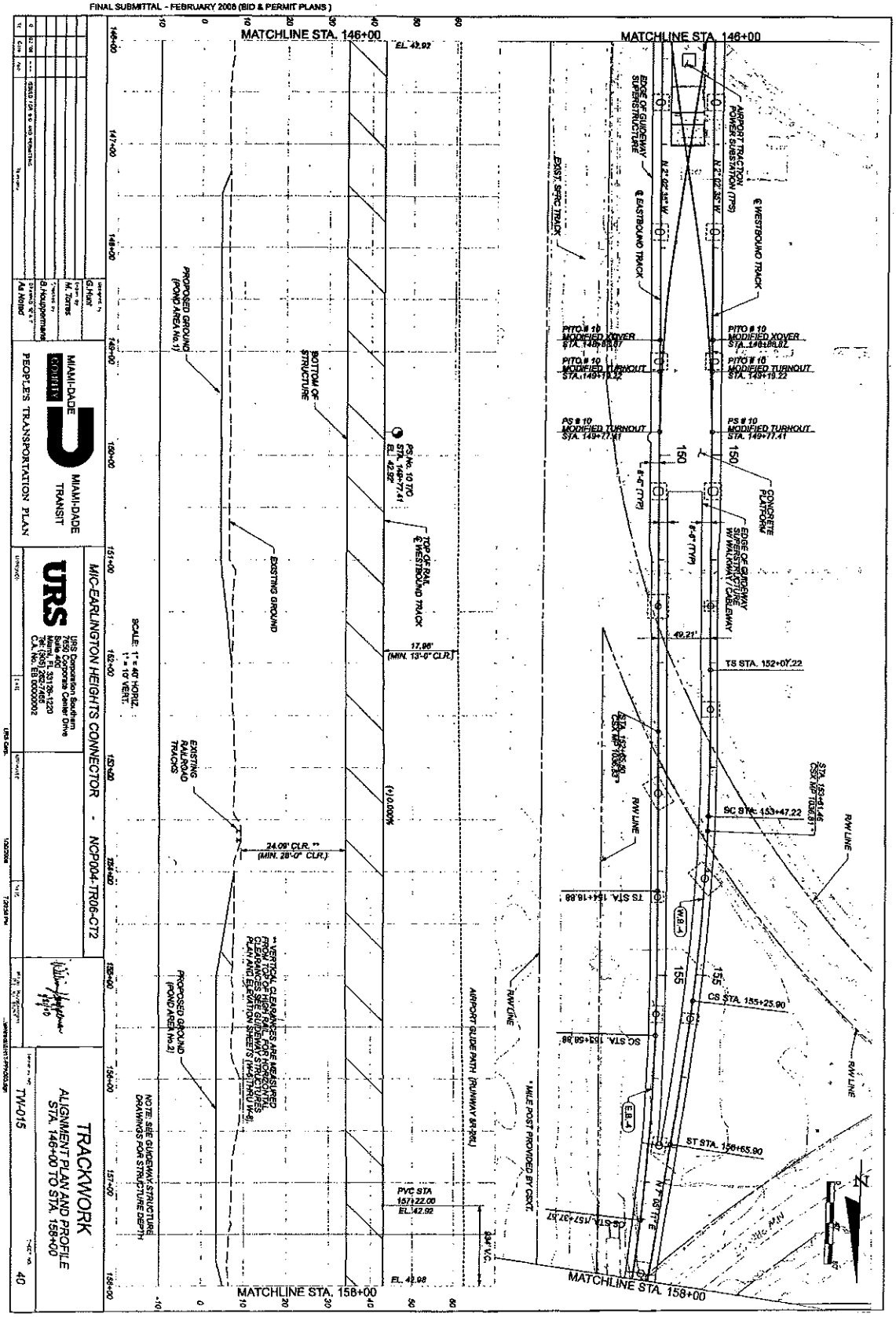
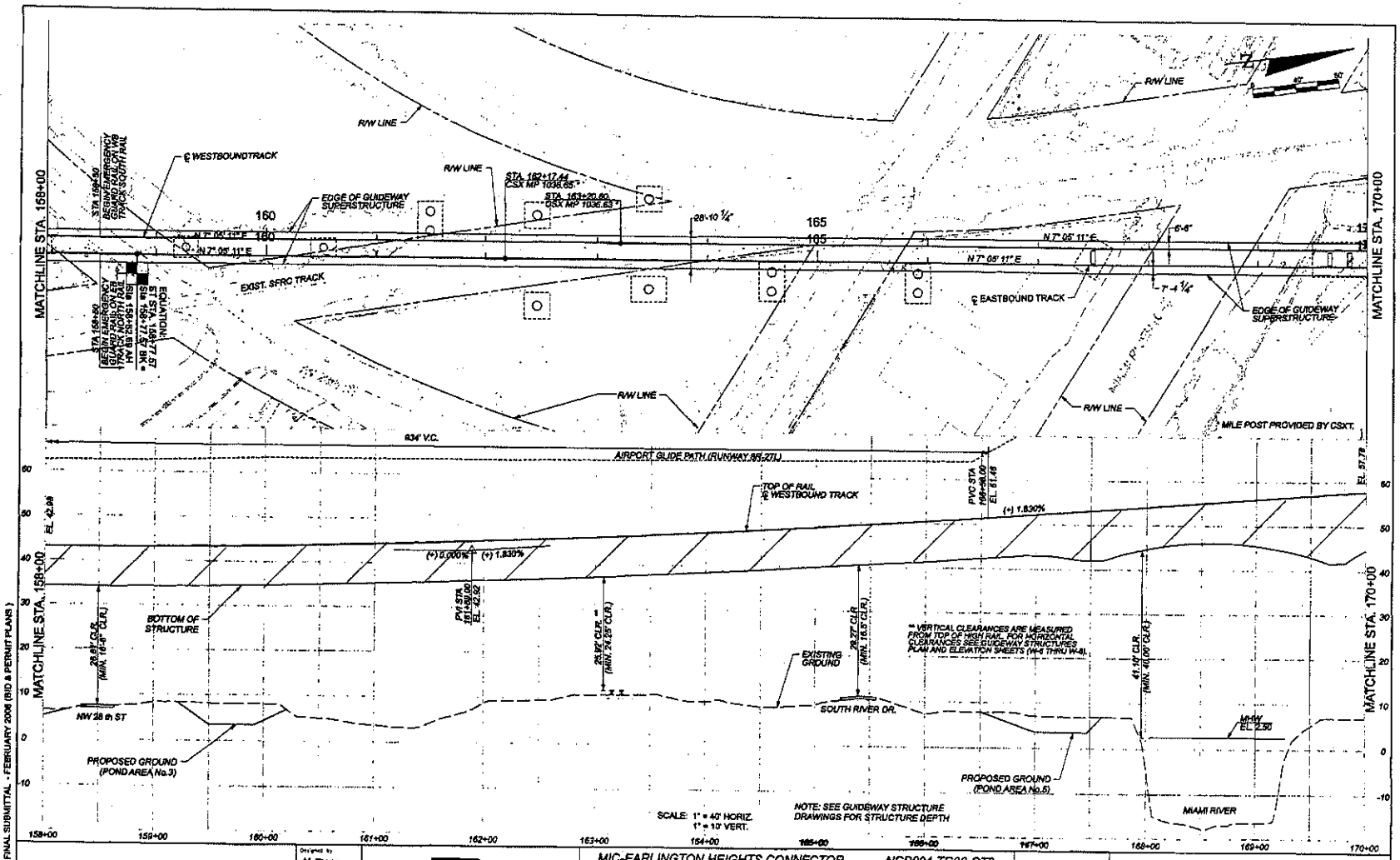


Exhibit 8J1D
6-3-10

FINAL SUBMITTAL - FEBRUARY 2006 (BID & PERMIT PLANS)



0	02/06	---	ISSUED FOR BID AND PERMITTING
No.	Date	Rev.	Description

Designed by M. Torres
Drawn by G. Garayburu
Checked by B. Houppermans
Drawing Scale As Noted

MIAMI-DADE COUNTY — MIAMI-DADE TRANSIT
PEOPLE'S TRANSPORTATION PLAN

MIC-EARLINGTON HEIGHTS CONNECTOR - NCP004-TR06-CT2

URS
URS Corporation Southern
7650 Corporate Center Drive
Suite 400
Miami, FL 33126-1220
Tel: (305) 262-7466
C.A. No. EB 00000002

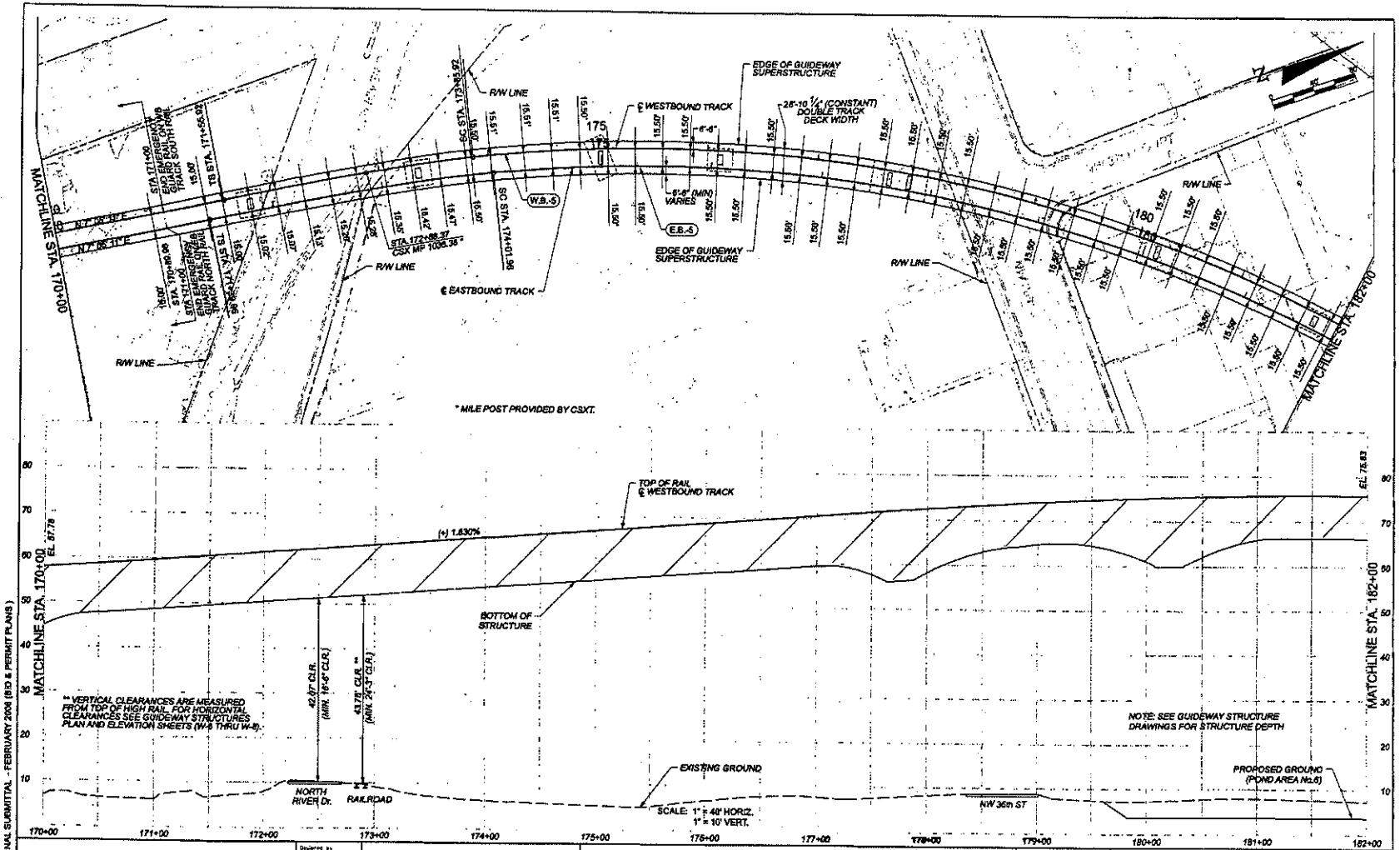
APPROVED | DATE | APPROVED | DATE

URS Corp. 1/09/2006 7:20:55 PM

TRACKWORK

ALIGNMENT PLAN AND PROFILE STA. 158+00 TO STA. 170+00

DRAWING NO. TW-016 SHEET NO. 41



FINAL SUBMITTAL - FEBRUARY 2008 (BID & PERMIT PLANS)

0	02/08	---	ISSUED FOR BID AND PERMITTING
No.	Date	App.	Remarks

Designed by: G. Hunt
Drawn by: G. Garayburu
Checked by: B. Houppermans
Drawing Scale: As Noted

MIAMI-DADE COUNTY — MIAMI-DADE TRANSIT
PEOPLE'S TRANSPORTATION PLAN

MIC-EARLINGTON HEIGHTS CONNECTOR - NCP004-TR06-CT2

URS
URS Corporation Southern
7650 Corporate Center Drive
Suite 400
Miami, FL 33126-1220
Tel: (305) 262-7466
C.A. No. EB 00000002

APPROVED | DATE | APPROVED | DATE

URS Corp. 1/30/2008 7:20:54 PM

TRACKWORK

ALIGNMENT PLAN AND PROFILE STA. 170+00 TO STA. 182+00

DRAWING NO. TW-017 SHEET NO. 42

Memorandum

MIAMI-DADE COUNTY

DEFERRED TO NDC

Agenda Item No. 8(K)(1)(B)

Date: June 3, 2010

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

From: George M. Burgess
County Manager

Subject: Resolution Authorizing Submission of the Substantial Amendment to Miami-Dade County's FY 2008 Action Plan for CDBG-R Funds

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RECOMMENDATION

It is recommended that the Board of County Commissioners (BCC) authorize the Mayor or Mayor's designee to amend the FY 2008 Action Plan to recapture and reallocate $953,723 in unexpended Community Development Block Grant Recovery (CDBG-R) funds as indicated in Exhibit A.

These CDBG-R funds being recaptured are recommended for reallocation to eligible activities in accordance with the regulatory requirements of the U.S. Department of Housing and Urban Development (US HUD).

SCOPE

Exhibit A includes information on the Commission District location for each project to be allocated CDBG-R funds; however, the benefits from certain projects may affect more than one Commission District.

FISCAL IMPACT

Approval of this resolution will not create a fiscal impact to the County. The proposed amendment is a reallocation of existing funding.

Miami-Dade County has until September 30, 2012 to expend the full CDBG-R award. Funds not expended by the deadline will be recaptured by US HUD and returned to the US Treasury Department.

TRACK RECORD/MONITORING

The entity recommended for the reallocation of CDBG-R funding, the Miami-Dade Public Works Department (PWD), has been successful in implementing the projects funded through its original CDBG-R allocation. In compliance with federal regulations, the Department of Housing and Community Development (DHCD) also provides quarterly reports to US HUD regarding the progress of CDBG-R funded activities.

BACKGROUND

The CDBG-R program is part of the federal recovery initiative funded through the American Recovery and Reinvestment Act (ARRA) of 2009. Through ARRA, $1 billion in CDBG funds was appropriated to states and local governments to carry out eligible activities under the CDBG Program on an expedited basis. To facilitate the accelerated use of these modified CDBG funds, US HUD issued a Notice of Program Requirements on May 4, 2009 outlining the rules and regulatory waivers affecting program design and implementation. The Notice required grantees to allocate funds through a substantial amendment to the FY 2008 Action Plan and reduced the public comment period to seven days, in lieu of the standard 30 days.

Funding available under the Recovery Act has clear purposes. CDBG-R recipients are encouraged to:

1. Give preference to projects that can award contracts based on bids within 120 calendar days from the date funds are made available to the recipients;

2. Establish a goal of using at least 50 percent of the funds for those activities that can be initiated within the 120 calendar days; and
3. Use CDBG-R funds to stimulate the economy through measures that modernize the nation's infrastructure.

Moreover, Section 1602 of the Recovery Act requires that grantees use grant funds in a manner that maximizes job creation and economic benefit and that no more than 15 percent of CDBG-R funds be used for public service activities. Finally, up to ten percent may be used for general administration and planning activities.

CDBG-R Program in Miami-Dade County

Miami-Dade County was awarded $4.884 million in CDBG-R funds, and the BCC, through Resolution R-631-09, allocated the full award on June 2, 2009 as part of an amendment to the FY 2008 Action Plan. The CDBG-R funds were allocated as follows: 1) $732,647 (15 percent) for public service through the Foreclosure Prevention program; 2) $1.954 million (40 percent) for the Small Business Assistance Loan Program; 3) $1.709 million (35 percent) for Infrastructure Improvements; and $488,432 (10 percent) for administration and planning.

Reasons for Recapture

The focus of the CDBG-R program is to fund projects that can be initiated quickly in order to help stimulate the economy, and as such, DHCD recommends that $953,723 in unexpended funds be recaptured and reallocated to meet the expedited program requirements and job creation goals of the CDBG-R program. More specifically, DHCD recommends that $953,723 from the Small Business Development Loan Program be reprogrammed. Although $1 million of the total $1.954 million allocated to the program was awarded to eligible agencies through the FY 2010 Action Plan, DHCD was unable to award the remaining $953,723 because of the organizations that applied for funding through the competitive request for application process, too few demonstrated the necessary track record to operate a small business loan program with the enhanced federal reporting requirements.

Reallocation Recommendation

At this time, recaptured CDBG-R funds are recommended towards eight activities, all of which are infrastructure improvements. The reprogramming of funds is to focus on activities that are ready to commence, can meet the expenditure timeline, and can create or retain jobs. Of all the activities funded through CDBG-R, the infrastructure improvement projects carried out by PWD proved to be most suited to meet the CDBG-R program requirements. For this reason, it is recommended that the original allocation of $1,709,509 to PWD be increased by $953,723, for a total of $2,663,232. The additional funds will be utilized to complete eight street resurfacing, drainage and sidewalk improvements activities in low- to moderate-income areas that meet CDBG-R eligibility criteria, as listed below:

- SW 12 Street Sidewalk and Drainage Improvements from SW 68 Avenue to SW 72 Avenue, District 6
- SW 14 Street Drainage Improvements from SW 70 Avenue to SW 72 Avenue, District 6
- SW 21 Street Drainage Improvements from SW 67 Avenue to SW 72 Avenue, District 6
- SW 37 Street Improvements from SW 96 Avenue to SW 97 Avenue, District 10
- SW 95 Avenue Street Improvements from SW 36 Street to SW 37 Street, District 10
- SW 37 Terrace Drainage Improvements from SW 80 Avenue to SW 82 Avenue, District 10
- SW 35 Street Drainage Improvements from SW 92 Avenue to SW 94 Avenue, District 10
- SW 36 Street and SW 87 Court Drainage Improvements, District 10

The projects above adhere to the 120-day implementation period, will help to create or retain jobs, and will promote the CDBG-R objective of investing in infrastructure projects that provide basic services. The following table illustrates the impact of the proposed recapture and reallocation of funds.

Project Title	Agency	Original Award (R-631-09)	Recommended Change	Recommended Adjusted Award	Commission District
Small Business Assistance Loan Program	Miami Dade DHCD	$1,953,723	-$953,723	$1,000,000	Countywide
Infrastructure Improvements	Miami Dade Public Works	1,709,509	953,723	2,663,232	6 and 10
	TOTAL	**$3,663,232**	**$0**	**$3,663,232**	

** This table only reflects the two activities from the original allocation that are recommended for adjustment.*

In compliance with US HUD rules, the public comment period for this substantial amendment extends from May 5 to May 12, 2010, and it will close at the Housing and Community Development Committee. In addition, the attached Exhibit B includes a description of all the activities funded to date, including the recommendations above, with CDBG-R.

Attachment

Irene Taylor-Wooten
Special Assistant to the County Manager

MEMORANDUM
(Revised)

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

DATE: June 3, 2010

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

SUBJECT: Agenda Item No. 8(K)(1)(B)

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**

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_____ **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
Veto _____
Override _____

Agenda Item No. 8(K)(1)(B)
6-3-10

RESOLUTION NO. _____

RESOLUTION APPROVING THE SUBSTANTIAL AMENDMENT TO THE FY 2008 ACTION PLAN TO REFLECT THE REALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT RECOVERY FUNDS (CDBG-R) AS AUTHORIZED BY TITLE XII, OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF FY 2009, IN THE AMOUNT OF $953,723 IN SUBSTANTIALLY THE SAME FORM AS INDICATED IN EXHIBIT AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL CONTRACTS, AGREEMENTS AND AMENDMENTS NECESSARY TO CARRY OUT THE ABOVE PROGRAM; AND AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXERCISE THE CANCELLATION 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 authorizes the County Mayor or the County Mayor's Designee to amend the FY 2008 Action Plan to reflect the reallocation of $953,723 FY 2008 Community Development Block Grant Recovery Funds (CDBG-R) in substantially the same form as indicated in Exhibit A and further authorizes the Mayor or Mayor's Designee to execute such contracts, agreements and amendments, as are required, following approval by the County Attorney's Office and subject to proper execution by the parties; and to exercise the cancellation 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	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of June, 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.

Brenda Kuhns Neuman

MIAMI-DADE COUNTY

Exhibit A: PROPOSED AMENDMENT TO THE FY 2008 ACTION PLAN

Community Development Block Grant Recovery Funds (CDBG-R)

SOURCES OF RECAPTURED CDBG-R FUNDS					RECOMMENDED REDISTRIBUTION OF CDBG-R FUNDS				
Activity Name	**Agency**	**Category**	**District**	**Amount**	**Activity Name**	**Agency**	**Category**	**District**	**Amount**
Small Business Assistance Loan Program	Miami-Dade Department of Housing and Community Development	Economic Development	Countywide	-$953,723	SW 37 Street Improvements	Public Works Department	Infrastructure Improvements	10	15,000
					SW 95 Avenue Street Improvements	Public Works Department	Infrastructure Improvements	10	10,000
					SW 37 Terrace Drainage Improvements	Public Works Department	Infrastructure Improvements	10	90,000
					SW 35 Street Drainage Improvements	Public Works Department	Infrastructure Improvements	10	155,000
					SW 36 Street and SW 87 Court Drainage Improvements	Public Works Department	Infrastructure Improvements	10	130,000
					SW 12 Street Sidewalk and Drainage Improvements	Public Works Department	Infrastructure Improvements	6	278,723
					SW 14 Street Drainage Improvements	Public Works Department	Infrastructure Improvements	6	100,000
					SW 21 Street Drainage Improvements	Public Works Department	Infrastructure Improvements	6	175,000
TOTAL CDBG-R FUNDS RECAPTURED				**-$953,723**	**TOTAL CDBG-R FUNDS TO BE REALLOCATED**				**953,723**

Exhibit B:
CDBG-R Activity Data Spreadsheet

Miami-Dade County		CDBG-R Formula Grant Amount: $4,884,311			Proposed Amendment: May 14, 2010		
Activity Name	*Activity Description*	*Eligibility (Regulatory or HCDA Citation)*	*National Objective Citation*	*CDBG-R Project Budget ($)*	*Additional Recovery Funds ($)*	*Other Leveraged Funding ($)*	*Total Activity Budget*
Foreclosure Prevention	Foreclosure prevention and subsistence payments to 96 low and moderate income homeowners facing foreclosure. The funds can be used only to pay eligible expenses which include delinquent mortgage payments (principal, interest, taxes and insurance), special assessment fees from condominium and/or neighborhood association, late fees associated with delivery costs (but excluding brokerage fees).	570.201(e)	LMC 570.208(a)(2)	$ 732,647			$ 732,647
Public Service				**$ 732,647**		**Subtotal**	**$ 732,647**
Small Business Assistance Loan Program	Small Business Assistance Loan program to small businesses to create or retain jobs for low and moderate income people.	570.203(b)	LMJ 570.208(a)(4)	$ 1,000,000			$ 1,000,000
Economic Development			**Total**	**$ 1,000,000**		**Subtotal**	**$ 1,000,000**
NW 32 Avenue Street Improvements	Street improvements and ADA improvements on NW 32 Avenue from NW 41 Street to NW 46 Street in the Model City NRSA. The area is primarily residential.	570.201(c)	LMA 570.208(a)(1) Census Tract 17.01, 5, 17.02.3	$ 301,106			$ 301,106
NW 38 Street Street Improvements	Street improvements and ADA improvements on NW 38th Street from NW 22 Avenue to NW 27 Avenue in Melrose. The area is primarily residential.	570.201(c)	LMA 570.208(a)(1) Census Tract 17.03.4, 17.03.1, 24.01.5,	$ 195,515			$ 195,515
SW 248 Street Improvements	Street improvements and ADA improvements on SW 248 Street from US 1 to SW 147 Avenue in the Leisure City NRSA. The area is primarily residential.	570.201(c)	LMA 570.208(a)(1) Census Tract 104,3	$ 388,352			$ 388,352
NW 71 Street Street Improvements	Street improvements and ADA improvements on 71 Street from NW 12 Avenue to NW 17 Avenue in the Model City NRSA. The area is primarily residential.	570.201(c)	LMA 570.208(a)(1) Census Tract 10.04,2	$ 250,000			$ 250,000
SW 216 Street Street Improvements	Street improvements and ADA improvements on SW 216 Street from US 1 to SW 112 Avenue in the Goulds NRSA. The area is primarily residential.	570.201(c)	LMA 570.208(a)(1) Census Tract 105,2	$ 285,000			$ 285,000
Street Improvements from SW 264 Street to 268 Street	Street improvements and ADA improvements in the area from SW 264 to 268 Street and SW 137 Avenue to SW 147 Avenue the Leisure City/Naranja NRSA. The area is primarily residential.	570.201(c)	LMA 570.208(a)(1) Census Tract 108.2	$ 150,000			$ 150,000
SW 122 Avenue Sidewalk Improvements	Sidewalk improvements and ADA improvements on SW 122 Avenue from 216 Street to 219 Street in the Goulds NRSA. The area is primarily residential.	570.201(c)	LMA 570.208(a)(1) Census Tract 104.1	$ 139,536			$ 139,536
SW 37 Street Improvements	Street resurfacing on SW 37 Street from SW 96 to 97 Avenue	570.201(c)	LMA 570.208(a)(1) Census Tract 88.01,3	$ 15,000			$ 15,000
SW 95 Avenue Street Improvements	Street resurfacing on SW 95 Avenue from SW 36 to 37 Street	570.201(c)	LMA 570.208(a)(1) Census Tract 88.01,3	$ 10,000			$ 10,000
SW 37 Terrace Drainage Improvements	Drainage improvements on SW 37 Terrace from SW 80 to 82 Avenue	570.201(c)	LMA 570.208(a)(1) Census Tract 88.01,3	$ 90,000			$ 90,000
SW 35 Street Drainage Improvements	Drainage improvements on SW 35 Street from SW 92 to 94 Avenue	570.201(c)	LMA 570.208(a)(1) Census Tract 88.01,3	$ 155,000			$ 155,000
SW 36 Street and SW 87 Court Drainage Improvem	Drainage improvments on SW 36 Street and 87 Court	570.201(c)	LMA 570.208(a)(1) Census Tract 88.01,3	$ 130,000			$ 130,000
SW 12 Street Sidewalk and Drainage Improvement	Sidewalk Installation/repairs/ADA upgrades, and drainage improvements on SW 12 Street from SW 68 to 72 Avenue.	570.201(c)	LMA 570.208(a)(1) Census Tract 59.02,1	$ 278,723			$ 278,723
SW 14 Street Drainage Improvements	Drainage improvements on SW 14 Street from SW 70 to 72 Avenue	570.201(c)	LMA 570.208(a)(1) Census Tract 59.02,1	$ 100,000			$ 100,000
SW 21 Street Drainage Improvements	Drainage improvements on SW 21 Street from SW 67 to SW 72 Avenue	570.201(c)	LMA 570.208(a)(1) Census Tract 59.03,1	$ 175,000			$ 175,000
Infrastructure Improvements			**Total**	**$ 2,663,232**		**Subtotal**	**$ 2,663,232**
Administration and Planning	Administration of and planning for CDBG-R projects including environmental reviews, contract development and monitoring of CDBG-R for compliance with CDBG-R regulations	570.206(a)(1)	570.208(d)(4)	$ 488,432			$ 488,432
Administration and Planning			**Total**	**$ 488,432**		**Subtotal**	**$ 488,432**
			GRAND TOTAL	**$ 4,884,311**			**$ 4,884,311**

PUBLIC HEARING

PROPOSED SUBSTANTIAL AMENDMENT TO THE FY 2008 ACTION PLAN WITH FUNDING FROM THE COMMUNITY DEVELOPMENT BLOCK GRANT RECOVERY (CDBG-R) PROGRAM OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

On May 12, 20010, at 9:30 a.m., the Housing and Community Development Committee (HCD) will hold a public hearing in the Board of County Commission Chambers at the second level of the Stephen P. Clark Center, 111 NW 1st Street, Miami, Florida. The hearing will give the public the opportunity to comment on the proposed Plan Amendment to the FY 2008 Action Plan detailed below. Comments may also be submitted in writing from May 5, 2010 through May 12, 2010 to Ms. Shalley Jones Horn, Director, Miami-Dade County Department of Housing and Community Development (DHCD), at 701 NW 1st Court, , 14th Floor, Miami, Florida 33136. Please contact Rosa Davis, Planning Section Supervisor, at (786) 469-2100, in advance of the hearing if you have any questions concerning this action, or to request accommodations for disabled or non-English speaking persons. The amendment will be available for review at our office, on our web site at miamidade.gov/ced, and at the following locations: South Dade Regional Library, 10750 SW 211 St.; North Dade Regional Library, 2455 NW 183 St.; and the Miami-Dade Homeless Trust, 111 NW 1st St, 27th Floor.

SOURCES OF RECAPTURED CDBG-R FUNDS				
Activity Name	**Agency**	**Category**	**District**	**Amount**
Small Business Assistance Loan Program	Miami-Dade Department of Housing and Community Development	Economic Development	Countywide	-$953,723
TOTAL CDBG-R FUNDS RECAPTURED				**-$953,723**
Activity Name	**Agency**	**Category**	**District**	**Amount**
SW 37 Street Improvements	Miami-Dade Public Works Department	Infrastructure Improvements	10	$15,000
SW 95 Avenue, Street Improvements	Miami-Dade Public Works Department	Infrastructure Improvements	10	$10,000
SW 37 Terrace Drainage Improvements	Miami-Dade Public Works Department	Infrastructure Improvements	10	$90,000
SW 35 Street Drainage Improvements	Miami-Dade Public Works Department	Infrastructure Improvements	10	$155,000
SW 36 Street and SW 87 Court Drainage Improvements	Miami-Dade Public Works Department	Infrastructure Improvements	10	$130,000
SW 12 Street Sidewalk and Drainage Improvements	Miami-Dade Public Works Department	Infrastructure Improvements	6	$278,723
SW 14 Street Drainage Improvements	Miami-Dade Public Works Department	Infrastructure Improvements	6	$100,000
SW 21 Street Drainage Improvements	Miami-Dade Public Works Department	Infrastructure Improvements	6	$175,000
TOTAL CDBG-R FUNDS RECAPTURED				**$953,723**

Memorandum

MIAMI-DADE COUNTY

Date:	June 3, 2010
To:	Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners
From:	George M. Burgess County Manager
Subject:	Supplemental Information for Proposed Change to the Miami-Dade Home Rule Charter Regarding Municipalities

Supplement to Agenda Item No. 8(L)1a

This item provides supplemental information to the proposed amendment to the Miami-Dade Home Rule Charter to allow the Miami-Dade County Board of County Commissioners (BCC) to abolish a municipality with twenty or fewer electors.

As noted in the original item, at the request of the Florida Legislative Joint Legislative Auditing Committee, the item was prepared for BCC consideration. County staff has informed the League of Cities of the item and the reason for the item. Attached are both the letter from the State and our letter to the League of Cities.

Special Assistant to the County Manager

Attachment

cmo13710

MIAMI-DADE COUNTY

Carlos Alvarez, Mayor

County Executive Office
County Manager
111 NW 1st Street • Suite 2910
Miami, Florida 33128-1994
T 305-375-5311 F 305-375-1262

miamidade.gov

May 3, 2010

Honorable Michael Blynn
President
Miami-Dade County League of Cities
226 East Flagler Street, Suite 200
Miami, FL 33131

Dear Councilman Blynn,

I want to bring to the League of Cities' attention a bill currently before the Board of County Commissioners that will likely have little real impact but could be misconstrued by residents and leaders of our municipalities.

Earlier this year, we received the attached letter from the Florida Legislature's Joint Legislative Auditing Committee, encouraging us to dissolve the City of Islandia. The Committee concluded Islandia exists "on paper only," with no real activity or other indication that it operates as a going concern.

Miami-Dade currently has no simple legal mechanism to dissolve a city that has, for all practical matters, ceased to exist. On May 11, the Board's Budget, Planning and Sustainability Committee will consider a bill that would ask voters to amend the County's Home Rule Charter to allow the Board to dissolve cities with fewer than 20 electors. A draft copy of that bill is attached, and I expect the Committee Chair Katy.Sorenson would welcome input from municipal leaders, either in advance or at its public meeting.

If recommended by the committee, a final vote on the bill would likely be scheduled for early this summer.

There are numerous administrative benefits to removing Islandia from the books of both Miami-Dade and Florida. In no way, however, would Mayor Alvarez and I want this to be perceived as a sign of disrespect for municipal government, its leaders or its residents. To the contrary, we have redoubled our efforts in recent years to work more effectively with our municipalities as partners, governing together to serve the same constituents during this uniquely challenging time. I look forward to continuing that partnership into the future, with individual cities and the League of Cities. We would be pleased to send a member of the administration to explain the Islandia proposal at an upcoming League of Cities meeting, as well as making staff available to discuss the bill with individual municipalities.

If you have any questions about this issue, please feel free to contact Matthew I. Pinzur, special assistant to the County Manager, at 305-375-5373, or me directly.

Sincerely,

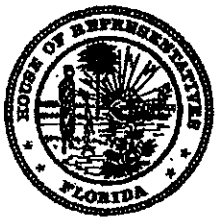
George M. Burgess
County Manager

Attachments

C: Honorable Carlos Alvarez, Mayor
Honorable Dennis C. Moss, Chairman
and Members, Board of County Commissioners
Jennifer Glazer-Moon, Special Assistant/Director, Strategic Business Management
Matthew I. Pinzur, Special Assistant
Jorge Fernandez, Program Coordinator, Strategic Business Management
Charles Anderson, Commission Auditor
Richard Kuper, Executive Director, Miami-Dade League of Cities

JEFF ATWATER
President

LARRY CRETUL
Speaker



THE FLORIDA LEGISLATURE

JOINT LEGISLATIVE AUDITING COMMITTEE

Representative Greg Evers, Chair
Senator Alex Diaz de la Portilla, Vice Chair

Senator Andy Gardiner
Senator Charlie Justice
Senator Jeremy Ring
Senator Stephen R. Wise

Representative Betty Reed
Representative Dwayne L. Taylor
Representative John Tobia
Representative Charles Van Zant

January 13, 2010

The Honorable Carlos Alvarez, Mayor
Miami-Dade County
Stephen P. Clark Center
111 N.W. 1st Street, 29th Floor
Miami, Florida 33128

The Honorable Dennis C. Moss, Chairman
Miami-Dade Board of County Commissioners
Stephen P. Clark Center
111 N.W. 1st Street, Suite 320
Miami, Florida 33128

Dear Mayor Alvarez and Chairman Moss:

During the meeting of the Joint Legislative Auditing Committee on January 11, 2010, the members of the committee adopted a motion to encourage officials of Miami-Dade County to proceed with dissolution of the City of Islandia (City).

The City, created by Dade County Ordinance Number 60-45, has failed to file reports required by the State of Florida for a number of years. The Department of Revenue (DOR) has indicated that the city has failed to submit TRIM compliance since 1995, and each year DOR cites the City for noncompliance. The Department of Financial Services has repeatedly notified our committee of the City's failure to file an Annual Financial Report (AFR). As a result, the committee has repeatedly received notification from the Office of the Auditor General that it cannot be determined whether the City is required to file an audit report in accordance with s. 218.39, F.S. The last AFR filed for the City was for FY 1997-98. On March 16, 2009, the Joint Legislative Auditing Committee voted to take action against four municipalities, including the City, for failure to file required financial reports in accordance with the provisions of Section 11.40(5)(a), F.S. As a result, committee staff contacted DOR and directed them to withhold any funds due to the City that were not pledged for bond debt service satisfaction. DOR, however, notified the committee that the City does not currently receive any funds from them and that the City has not been eligible for any state shared revenues or applied for participation in over 15 years.

Kathryn H. DuBose, Staff Director
111 West Madison Street, Room 876, Claude Pepper Building, Tallahassee, Florida 32399-1400
Telephone (850) 487-4110 Facsimile (850) 922-5667
jlac@leg.state.fl.us

Also, the City appears to be a city on paper only. There is no longer any known activity or contact person for the City. The Florida League of Cities has listed the City as inactive for a decade. Per conversation with staff of the Miami-Dade County Tax Collector's Office, the City did not file the required documents for collection of the 2009 millage; however, ad valorem tax revenue had been collected from property within the City for the previous years. Some of the revenue collected has not been distributed to the City as contact information is not available. The Tax Collector's Office is currently holding the funds in a trust account.

Committee staff are not aware of any opposition to dissolution of the City. On behalf of the members of the committee, I would appreciation your willingness to proceed with what appears to be a housekeeping issue. Numerous state offices spend considerable time determining local government compliance with state laws. Dissolution of the City would assist in this effort. Should you have any questions, please contact the committee's Staff Director, Kathy DuBose, at 850-487-4110. Please keep me advised of your effort.

Sincerely,

Greg Evers

Representative Greg Evers
Chairman

cc: George Burgess, County Manager
R.A. Cuevas, Jr., County Attorney
Representative Juan C. Zapata, Chair, Miami-Dade County Legislative Delegation

GE:KD:cb Letters/2010/Letter to Miami-Dade re Dissolution of Islandia

Memorandum

MIAMI-DADE COUNTY

WITHDRAWN

Agenda Item No. 8(L)(1)(B)

Date: June 3, 2010

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

From: George M. Burgess
County Manager

Subject: Resolution Calling for a Special Election to Modify the Miami-Dade County Home Rule Charter to allow the Miami-Dade County Board of County Commissioners to Approve or Amend Franchise Fee Agreements

---

At the Board of County Commissioners (BCC) special meeting of May 3, 2010, the BCC requested that an action item be placed on the next agenda to consider amending the Miami-Dade County Home Rule Charter allowing the BCC to grant franchise agreements.

Recommendation

It is recommended that the BCC approve the attached resolution calling for a special election to be held in conjunction with a State of Florida primary election on August 24, 2010. This election will ask the electorate whether the Miami-Dade County Home Rule Charter (Charter) should be amended to allow the BCC to approve franchises or amend franchise agreements by supermajority vote of the Board members present without subsequently holding a special election to seek approval of the electorate.

Scope

The franchise agreements under the purview of the BCC are for areas of the Unincorporated Municipal Service Area (UMSA) within Miami-Dade County.

Fiscal Impact

This item will have a positive fiscal impact. Currently the Charter provides for the granting of franchises by the BCC along with a majority vote of the qualified electors. This change in the code will eliminate the referendum requirement and save the cost of future elections.

Track Record/Monitor

All agreements with franchises will be monitored by the Office of Strategic Business Management.

Background

Section 1.01 A 14 (a) of the Charter gives the BCC the authority to enter into franchise agreements. Currently, a franchise can only be granted by a two-thirds vote of the BCC members present and approval by the majority vote of the qualified electors at a special or general election. This change to the Charter would allow the BCC to grant or amend a franchise agreement without a referendum. For example, the BCC approved current electrical franchise fee agreement with Florida Power and Light by ordinance and it was then later approved by the electorate. The Charter can be amended allowing the BCC the authority to enter into franchise agreements without subsequent electorate approval. Not requiring the electorate to approve franchise agreements is consistent with common practice of other counties in the State, and with municipalities in Miami-Dade County.

Currently, any amendments to a franchise agreement would require that the same process be followed as if it were a new agreement, BCC approval by a two-thirds vote and approval by the majority vote of the electorate. If the County is able to re-negotiate more favorable terms to the current agreement, any changes would require the same approval process as a new agreement. The BCC can consider amending the Charter to allow that specific changes in the franchise agreement would only require a two-thirds vote and not a subsequent election.

Jennifer Glazer-Moon, Special Assistant/Director
Office of Strategic Business Management

cmo20610

MEMORANDUM
(Revised)

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

DATE: June 3, 2010

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

SUBJECT: Agenda Item No. 8(L)(1)(B)

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
Veto _____
Override _____

Agenda Item No. 8(L)(1)(B)
6-3-10

RESOLUTION NO. _____

RESOLUTION CALLING FOR A SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A STATE PRIMARY ELECTION TO BE HELD ON TUESDAY, AUGUST 24, 2010, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER THE MIAMI-DADE COUNTY HOME RULE CHARTER BE AMENDED TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS (BOARD) TO GRANT A FRANCHISE OR AMEND A FRANCHISE AGREEMENT UPON APPROVAL OF A TWO-THIRDS VOTE OF BOARD MEMBERS PRESENT WITHOUT REQUIRING SUBSEQUENT APPROVAL OF THE PROPOSED FRANCHISE OR AMENDMENT BY A MAJORITY OF THE ELECTORATE

WHEREAS, the Board wishes to call a special election in Miami-Dade County in conjunction with a primary election to be held on Tuesday, August 24, 2010, for the purpose of submitting to the electors of Miami-Dade County the question stated herein,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA , that:

Section 1. A countywide special election, to be held in conjunction with a primary election, is hereby called and shall be held in Miami-Dade County, Florida on Tuesday, August 24, 2010, for the purpose of submitting to the qualified electors of Miami-Dade County the proposal for amendment to the Home Rule Charter in the form attached hereto and made a part hereof.

Section 2. Notice of such election shall be published in accordance with Section 100.342, Florida Statutes.

Section 3. The result of such election shall be determined by a majority of the qualified electors of Miami-Dade County voting upon the proposal. The polls at such election shall be open from 7:00 a.m. until 7:00 p.m. on the day of such election. All qualified electors of Miami-Dade County, Florida shall be entitled to vote at said election. The County registration books shall remain open at the Office of the Miami-Dade County Supervisor of Elections until

twenty-nine (29) days prior to the date of such election, at which time the registration books will close in accordance with the provisions of general election laws. The question shall appear on the ballot in substantially the following form:

HOME RULE CHARTER AMENDMENT
RELATING TO FRANCHISES

SHALL THE CHARTER BE AMENDED TO ALLOW THE BOARD OF COUNTY COMMISSIONERS TO GRANT A FRANCHISE OR AMEND A FRANCHISE AGREEMENT UPON APPROVAL BY A TWO-THIRDS VOTE OF BOARD MEMBERS PRESENT WITHOUT REQUIRING SUBSEQUENT APPROVAL BY A MAJORITY OF THE ELECTORATE AS IS CURRENTLY PROVIDED FOR IN THE CHARTER?

YES ☐

NO ☐

Section 4. The form of the ballot shall be in accordance with the requirements of general election laws.

Section 5. Early voting shall be conducted in accordance with the requirements of general election laws.

Section 6. Absentee paper ballots may be used by qualified electors of Miami-Dade County for voting on this question. The form of such absentee ballot shall be in accordance with the requirements prescribed by general election laws.

Section 7. A sample ballot showing the manner in which the question or proposal aforesaid will appear at this election shall be published and provided in accordance with the applicable provisions of general election laws.

Section 8. This special election on the proposal aforesaid shall be held and conducted in accordance with applicable provisions of the general laws relating to elections and the provisions of the Miami-Dade County Home Rule Charter. The County Mayor or his or her designee, the Finance Director, and the Clerk of the County Commission are hereby authorized and directed to take all appropriate actions necessary to carry into effect and accomplish the provisions of this resolution. This election shall be a nonpartisan election.

Election officials in connection with this election shall be appointed in accordance with the provisions of general election laws.

Section 9. This election shall be canvassed by the County Canvassing Board, in accordance with the provisions of Section 3.07 of the Home Rule Charter.

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	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of June, 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. CHC/OR

Craig H. Coller
Oren Rosenthal

MIAMI-DADE COUNTY HOME RULE CHARTER

ARTICLE-1[1]

BOARD OF COUNTY COMMISSIONERS

* * *

SECTION 1.01. **POWERS**

* * *

14. Regulate, control, take over, and grant franchises to, or itself operate gas, light, power, telephone, and other utilities, sanitary and sewage collection and disposal systems, water supply, treatment, and service systems, and public transportation systems, provided, however, that:

    (a) Franchises under this subsection may only be granted >>or franchise agreements may only be amended<< by a two-thirds vote of the Board >> members<< present [~~and approved by a majority vote of those qualified electors voting at either a special or general election~~].

[1]Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Memorandum

MIAMI-DADE COUNTY

Date: June 3, 2010

Substitute
Agenda Item No. 8(L)(1)(B)
MOTION TO ADOPT FAILED

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

From: George M. Burgess
County Manager

Subject: Resolution Calling for a Special Election to Modify the Miami-Dade County Home Rule Charter to allow the Miami-Dade County Board of County Commissioners to Approve or Amend Franchise Fee Agreements

---

The following substitute differs from the original in that the ballot question contained in the accompanying resolution includes additional language informing the electorate that this action is consistent with the practice of other Florida counties, as requested at the May 18, 2010 Board of County Commissioners (BCC) meeting.

Recommendation
It is recommended that the BCC approve the attached resolution calling for a special election to be held in conjunction with a State of Florida primary election on August 24, 2010. This election will ask the electorate whether the Miami-Dade County Home Rule Charter (Charter) should be amended to allow the BCC to approve franchises or amend franchise agreements by supermajority vote of the Board members present without subsequently holding a special election to seek approval of the electorate.

Scope
The franchise agreements under the purview of the BCC are for areas of the Unincorporated Municipal Service Area (UMSA) within Miami-Dade County.

Fiscal Impact
This item will have a positive fiscal impact. Currently the Charter provides for the granting of franchises by the BCC along with a majority vote of the qualified electors. This change in the code will eliminate the referendum requirement and save the cost of future elections.

Track Record/Monitor
All agreements with franchises will be monitored by the Office of Strategic Business Management.

Background
Section 1.01 A 14 (a) of the Charter gives the BCC the authority to enter into franchise agreements. Currently, a franchise can only be granted by a two-thirds vote of the BCC members present and approval by the majority vote of the qualified electors at a special or general election. This change to the Charter would allow the BCC to grant or amend a franchise agreement without a referendum. For example, the BCC approved current electrical franchise fee agreement with Florida Power and Light by ordinance and it was then later approved by the electorate. The Charter can be amended allowing the BCC the authority to enter into franchise agreements without subsequent electorate approval. Not requiring the

electorate to approve franchise agreements is consistent with common practice of other counties in the State, and with municipalities in Miami-Dade County.

Currently, any amendments to a franchise agreement would require that the same process be followed as if it were a new agreement, BCC approval by a two-thirds vote and approval by the majority vote of the electorate. If the County is able to re-negotiate more favorable terms to the current agreement, any changes would require the same approval process as a new agreement. The BCC can consider amending the Charter to allow that specific changes in the franchise agreement would only require a two-thirds vote and not a subsequent election.

Jennifer Glazer-Moon, Special Assistant/Director
Office of Strategic Business Management

cmo20610

MEMORANDUM
(Revised)

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

DATE: June 3, 2010

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

SUBJECT: Substitute Agenda Item No. 8(L)(1)(B)

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**

Substitute
Agenda Item No. 8(L)(1)(B)
6-3-10

Approved _____ Mayor
Veto _____
Override _____

RESOLUTION NO. _____

RESOLUTION CALLING FOR A SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A STATE PRIMARY ELECTION TO BE HELD ON TUESDAY, AUGUST 24, 2010, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER THE MIAMI-DADE COUNTY HOME RULE CHARTER BE AMENDED TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS (BOARD) TO GRANT A FRANCHISE OR AMEND A FRANCHISE AGREEMENT UPON APPROVAL OF A TWO-THIRDS VOTE OF BOARD MEMBERS PRESENT WITHOUT REQUIRING SUBSEQUENT APPROVAL OF THE PROPOSED FRANCHISE OR AMENDMENT BY A MAJORITY OF THE ELECTORATE

WHEREAS, the Board wishes to call a special election in Miami-Dade County in conjunction with a primary election to be held on Tuesday, August 24, 2010, for the purpose of submitting to the electors of Miami-Dade County the question stated herein,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. A countywide special election, to be held in conjunction with a primary election, is hereby called and shall be held in Miami-Dade County, Florida on Tuesday, August 24, 2010, for the purpose of submitting to the qualified electors of Miami-Dade County the proposal for amendment to the Home Rule Charter in the form attached hereto and made a part hereof.

Section 2. Notice of such election shall be published in accordance with Section 100.342, Florida Statutes.

Section 3. The result of such election shall be determined by a majority of the qualified electors of Miami-Dade County voting upon the proposal. The polls at such election shall be open from 7:00 a.m. until 7:00 p.m. on the day of such election. All qualified electors of Miami-Dade County, Florida shall be entitled to vote at said election. The County registration books shall remain open at the Office of the Miami-Dade County Supervisor of Elections until

twenty-nine (29) days prior to the date of such election, at which time the registration books will close in accordance with the provisions of general election laws. The question shall appear on the ballot in substantially the following form:

HOME RULE CHARTER AMENDMENT
RELATING TO FRANCHISES

SHALL THE CHARTER BE AMENDED TO >>MAKE IT CONSISTENT WITH THE PRACTICE OF ALL FLORIDA CHARTER COUNTIES BY ALLOWING<<[1] [[~~ALLOW~~]] THE BOARD OF COUNTY COMMISSIONERS TO GRANT A FRANCHISE OR AMEND A FRANCHISE AGREEMENT UPON APPROVAL BY A TWO-THIRDS VOTE OF BOARD MEMBERS PRESENT WITHOUT REQUIRING SUBSEQUENT APPROVAL BY A MAJORITY OF THE ELECTORATE AS IS CURRENTLY PROVIDED FOR IN THE CHARTER?

YES ☐

NO ☐

Section 4. The form of the ballot shall be in accordance with the requirements of general election laws.

Section 5. Early voting shall be conducted in accordance with the requirements of general election laws.

Section 6. Absentee paper ballots may be used by qualified electors of Miami-Dade County for voting on this question. The form of such absentee ballot shall be in accordance with the requirements prescribed by general election laws.

Section 7. A sample ballot showing the manner in which the question or proposal aforesaid will appear at this election shall be published and provided in accordance with the applicable provisions of general election laws.

[1]The differences between the substitute and the original item are indicated as follows: words stricken through and/or [[double bracketed]] shall be deleted, words underscored and/or >>double arrowed<< constitute the amendment proposed.

Section 8. This special election on the proposal aforesaid shall be held and conducted in accordance with applicable provisions of the general laws relating to elections and the provisions of the Miami-Dade County Home Rule Charter. The County Mayor or his or her designee, the Finance Director, and the Clerk of the County Commission are hereby authorized and directed to take all appropriate actions necessary to carry into effect and accomplish the provisions of this resolution. This election shall be a nonpartisan election. Election officials in connection with this election shall be appointed in accordance with the provisions of general election laws.

Section 9. This election shall be canvassed by the County Canvassing Board, in accordance with the provisions of Section 3.07 of the Home Rule Charter.

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	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of June, 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

Approved by County Attorney
to form and legal sufficiency. CHC/OR

By:_____
Deputy Clerk

Craig H. Coller
Oren Rosenthal

MIAMI-DADE COUNTY HOME RULE CHARTER

ARTICLE-1[1]

BOARD OF COUNTY COMMISSIONERS

* * *

SECTION 1.01. **POWERS**

* * *

14. Regulate, control, take over, and grant franchises to, or itself operate gas, light, power, telephone, and other utilities, sanitary and sewage collection and disposal systems, water supply, treatment, and service systems, and public transportation systems, provided, however, that:

    (a) Franchises under this subsection may only be granted >>or franchise agreements may only be amended<< by a two-thirds vote of the Board >> members<< present [[~~and approved by a majority vote of those qualified electors voting at either a special or general election~~]].

[1]Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Memorandum

MIAMI-DADE COUNTY

AMENDED
Agenda Item No. 8(L)(1)(C)
PENDING RECEIPT OF AMENDED VERSION

Date: June 3, 2010

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

From: George M. Burgess
County Manager

Subject: FY 2009-10 Budget for the North Miami Beach Community Redevelopment Agency

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Recommendation
It is recommended that the Board of County Commissioners (BCC) adopt the attached resolution approving the North Miami Beach Community Redevelopment Agency's (CRA's) FY 2009-10 budget for the North Miami Beach Community Redevelopment Area (the "Area"). The CRA's budget includes revenues and expenditures in the amount of $8,962,689.

Scope of Agenda Item
This resolution provides the appropriation of tax increment funds derived from the Area, which lies within Commission Districts 2 and 4.

Fiscal Impact / Funding Source
The CRA's revenue sources are generated through the incremental growth of ad valorem revenues beyond an established base year, Tax Increment Financing (TIF), as defined in Section 163.387 of the Florida State Statutes. The Countywide tax increment revenue into the CRA's Trust Fund for FY 2009-10 is $711,475 and the City of North Miami Beach (City) tax increment revenue payment into the Trust Fund is $1,046,817.

Track Record / Monitor
This resolution does not provide for contracting with any specific entity. The resolution approves the CRA's FY 2009-10 Budget.

Background
On June 7, 2005, the BCC approved the establishment of the CRA when it approved the CRA's Community Redevelopment Plan (Plan) pursuant to Resolution R-611-05 and the funding of the Plan when it enacted Ordinance No. 05-110 (Trust Fund). An Interlocal Agreement between Miami-Dade County and the North Miami Beach CRA was also approved by the BCC on June 7, 2005. The Interlocal Agreement requires the CRA to submit for County approval an annual budget for the implementation of the Plan.

It is recommended that the BCC approve the CRA's FY 2009-10 budget of $8,962,689 which was approved by the CRA and the City of North Miami Beach on September 22, 2009. The budget includes revenue sources of County tax increment revenues ($711,475) and City tax increment revenues ($1,046,817), carryover from prior years ($7,022,554 million), and $181,843 in interest earnings.

Administrative expenditures total $233,395 and represent 13.3 percent of the total tax increment revenues from the County and City ($1,758,292) excluding the 1.5 percent County Administrative Charge ($10,672), satisfying the 20 percent cap in administrative expenditures required by the Interlocal Agreement.

Operating Expenditures total $8,696,861 and are described as follows:

- $5,000,000 for land acquisition projects which may include the purchase of land for recreational use, and a multi-use retail development through a public/private partnership;
- $1,992,000 for infrastructure improvements such as the Commercial Façade Improvement Program ($500,000), Snyder Tennis Center Phase II Master Planning ($550,000), Mischon Field Renovation ($492,000), Taylor Park Renovation ($300,000), and the CRA Way finding Signage Program ($150,000);
- $624,500 for debt service payments on two loans;
- $457,298 for public safety such as the cost of two police officers, equipment, and cars ($372,000), and one code compliance officer ($85,298);
- $208,392 for contractual services of professional consultants to implement redevelopment plans programs and strategies such as services for neighborhood economic action strategies and public outreach ($102,000), Façade Improvement Initiative and Pilot Project Implementation ($66,392), and Design of Entry Features / Public Signage ($40,000);
- $159,671 for the portion of salaries and fringes associated with the three CRA employees providing direct support to the redevelopment projects;
- $85,000 for special events aimed at increasing business volume and residential interest in the redevelopment area such as the Halloween Celebration ($13,000), Snowfest Holiday Celebration ($10,500), Easter Sunday Fun Day ($8,000), City Community Festival ($31,000), Domestic Violence Walk ($7,500), and grants to community organization events ($15,000);
- $84,000 for general legal services related to development agreements, oversight of the façade improvement program, and land acquisition initiative;
- $60,000 for Hanford Boulevard maintenance services;
- $26,000 for other operating expenditures such as printing, publishing, and marketing, and the CRA's contribution to special events

The CRA budget includes a $21,761 contingency reserve.

The Tax Increment Financing Coordinating Committee reviewed the CRA's budget on March 12, 2010 and unanimously recommended it for BCC approval.

Special Assistant to the County Manager

Attachments

cmo12310

MEMORANDUM

(Revised)

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

DATE: June 3, 2010

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

SUBJECT: Agenda Item No. 8(L)(1)(C)

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**

3

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(L)(1)(C)
6-3-10

RESOLUTION NO. _____

RESOLUTION APPROVING THE BUDGET FOR FISCAL YEAR 2009-10 FOR THE NORTH MIAMI BEACH COMMUNITY REDEVELOPMENT AGENCY

WHEREAS, the Interlocal Cooperation Agreement between Miami-Dade County, Florida (the "County") and the North Miami Beach Community Redevelopment Agency (the "Agency") requires that the Agency transmit its adopted annual budget to the Board of County Commissioners of Miami-Dade County, Florida (the "Board") for approval; and

WHEREAS, this Board desires to approve the Agency's adopted annual budget for Fiscal Year 2009-10 for the North Miami Beach Community Redevelopment Area in the form attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, this Board desires to accomplish the purpose 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:

Section 1. The matters contained in the foregoing recitals are incorporated in this Resolution by reference.

Section 2. This Board approves the Agency's annual adopted budget for Fiscal Year 2009-10 related to the North Miami Beach Community Redevelopment Area in the form attached hereto as Exhibit A.

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
Dorrin 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 3rd day of June, 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

Approved by County Attorney as
to form and legal sufficiency.

By:_____
Deputy Clerk

Shannon D. Summerset

EXHIBIT A

CITY OF NORTH MIAMI BEACH

COMMUNITY REDEVELOPMENT AGENCY

FY 2009-2010 BUDGET NARRATIVE

The North Miami Beach Community Redevelopment Agency was created in 2005. A Tax-increment revenue funding mechanism was established to include both the City of North Miami Beach and Miami-Dade County. Additionally, the CRA initiated and received required approval from Miami-Dade County (R-1427-06, Dec. 19, 2006) for the issuance of two lines of credit totaling $8 million for the purpose of capital investment such as infrastructure improvements and property acquisition.

Fiscal Year 2008-2009 activities focused on Capital infrastructure projects. Listed below are some of the projects completed in during the last fiscal year.

- **NE 164th Street (between NE 112th Avenue and NE 12th Avenue)** This project was completed in July 2008 and included road reconstruction with drainage, sidewalks, on-street parking, curbing and landscapes, and the installation of the sewer main.
- **Hanford Boulevard – Phase IVA (NE 17th Avenue between NE 163rd Street and South Glade Drive: and Phase IVC (NE 20th Avenue between NE 163rd Street and South Glade Drive)** This project was completed in December 2008. It included road reconstruction with drainage, on-street parking, decorative street lighting, curbing, sidewalks, streetscapes and landscapes, and dry sewer mains.
- **NE 16th Avenue (between 163rd Street and NE 164th Street)** This project was completed in June 2009 and included drainage, road re-construction, curbing, sidewalks, crosswalks, decorative street lighting, landscapes and streetscapes.
- **NE 168th Street (between NE 18th Avenue and NE 19th Avenue)** this project was completed in August 2009 and included drainage, paving, sidewalks, on-street parking, curbing and landscapes.
- **Amphitheatre Awning Replacement** – This project was completed in July 2009 and included replacement of the awning and cables damaged by Hurricane Wilma. The project was funded partially with FEMA funds.

OVERVIEW OF FISCAL YEAR 2008-2009

A major transition occurred during fiscal year 2008-2009 resulting in newly elected leadership and City management. With new direction from the City Council and the new City Manager, a CRA Coordinator was hired in the latter half of the fiscal year. The current proposed 2009-2010 CRA budget reflects this change in direction with a carryover amount in excess of $7 million.
These carryover funds reflect the recent release of capital from the 2 credit facilities that triggered in mid-2009. The availability of the balance of remaining capital will also allow for a substantial increase in the projected revenue generated by interest during the 2009-2010 fiscal year.

With the advent of a newly elected leadership and professional management, the CRA has recently completed a fully statutorily compliant second-generation Redevelopment Plan. This 175-page plan will replace the existing 70-page plan, and will serve as the vehicle to create innovative financial and economic development strategies that are unique to the powers granted to a CRA and will serve as a major tool to implement the goals and visions of our dynamic community by assisting our most fragile economic and residential neighborhoods. The amended Plan provides the Agency with the programs, tools and specific capital projects it needs to undertake a more aggressive approach to creating an environment to foster private investment needed to achieve redevelopment. All of these capital projects appear in this budget narrative. The Mayor and City Council, who serve as the CRA Board of Commissioners, recognize that the current economic conditions require a competitive edge to attract businesses and developers to North Miami Beach.

The new plan includes twenty-one new programs and tools in the Programs section, a new Capital Improvement Projects section, a section dedicated to CRA Innovations, and updated Tax-Increment Financing projections have been added. The new CRA Plan is complete and was adopted by the CRA Board (Resolution # R2010-02) and City Council (Resolution R2010-3) in January 2010, and has been forwarded to Miami-Dade County for the review and approval process as required in the Interlocal Agreement between the County and the City and CRA.

The amended Plan also includes an expansive Revenue Enhancement section to assist in expanding funds beyond its TIF revenue for achieving its redevelopment goals. The Agency has identified more than 40 revenue enhancement opportunities for both the Agency and its parent City. As the Agency generates capital through the credit facility debt instrument and TIF, these funds may be utilized to leverage the successful pursuit of the funding avenues identified. The CRA is working with the City's CARE (Comprehensive Assessment of Revenue and Expense) Committee to maximize revenue resources available.

Another major initiative undertaken in the latter part of fiscal year 2008-2009 was property acquisition. The current proposed 2009-2010 CRA budget reflects a carryover of allocated funds for property acquisition. The new Redevelopment Plan includes strict new guidelines for property acquisition and disposition to assure compliance with the governing statute and the Interlocal Agreement. The advance engineering and site specific due diligence is currently underway, and the new Plan also includes a manifest of potential properties to be acquired by the CRA. This list is presented in detail in section 7 of this document under Operating Expenses.

NMBCRA 2009-2010 REVENUE

FY 2008-2009 was the fourth year of operation for the North Miami Beach Community Redevelopment Agency (NMBCRA). The Agency's activities in FY 2008-2009 were focused on public infrastructure planning and construction in order to improve the economic environment for future business and developer recruitment.

NMBCRA FY 2009-2010 Revenues

Tax increment revenue in FY 2009-2010 for the NMBCRA will total $1,758,292. The sources of revenue for FY 2009-2010 include tax increment revenue payments from the City of North Miami Beach of $1,046,817 and Miami-Dade County of $711,475 respectively and a carryover from FY 2008-2009 of $7,022,554.

Tax Increment Revenue Payments

TIF City Contribution (09-10)	$ 1,046,817
TIF County Contribution (09-10)	$ 711,475
Carryover	$ 7,022,554
Projected Interest on Investments	$ 181,843
Total Revenues:	**$ 8,962,689**

NMBCRA FY 2009-2010 EXPENSES

Administrative Expenses

1. Employee Salary and Fringe ($82,141)

The administrative personnel costs charged to the CRA are:

30% of CRA Coordinator	$150,091 x .30 = $ 45,027
25% of CRA Financial Coordinator	$ 95,980 x .25 = $ 23,995
30% of CRA Administrative Assistant III	$ 43,731 x .30 = $ 13,119
	$82,141

Note: The operating personnel costs (70%) are listed in the "Operating Expenses" section.

2. Administrative Support as per Interlocal Agreement ($100,000)

As per the interlocal agreement approved by Miami-Dade County BCC, the City of North Miami Beach is governed by a 6% cap of total TIF expenditures within a set fiscal year for the purposes of assessing an indirect cost allocation. To further ratify this administrative relationship, on July 5, 2005, the North Miami Beach City Council and NMBCRA Board approved an Interagency Services Agreement, in which the parties acknowledged that the CRA would need certain support services. The most immediate needs are for the services of the City Attorney, City Clerk, Chief Procurement Officer and a Finance Department. The City and the CRA agreed that the City would provide those services, and that the CRA would make payments to the City's General Fund as compensation.

Breakdown of CRA Administrative Support

For FY- 2010

Position	Salary	Admin Support	Ratio	Rounding % of Admin Support
City Attorney	200,000.00	25,370.73	0.253707298	0.25
City Clerk	88,400.00	11,213.86	0.112138626	0.11
City Manager	200,000.00	25,370.73	0.253707298	0.25
Finance Director	120,000.00	15,222.44	0.152224379	0.15
Asst Finance Director	94,910.00	12,039.68	0.120396798	0.12
Chief Procurement Officer	85,000.00	10,782.56	0.107825602	0.11
Totals	788,310.00	100,000.00	1	1.0000

3. Annual Audit ($10,000)

The CRA is audited as a part of the City of North Miami Beach's annual audit (CAFR) and, as with all funds, pays its pro-rata share of the cost of the audit.

4. Advertising and Notices ($6,000)

Legal notices as required by law.

5. Travel ($4,000)

Travel for conventions / seminars and developer meetings.

6. Office Equipment & Furniture ($20,000)

The CRA Coordinator is currently utilizing an office and equipment in City Hall formerly utilized by the City's Economic Development Coordinator. The CRA has no equipment or furniture at this time. The CRA will be relocating to a building within the CRA area during this fiscal year and will need a functional office and equipment. The $20,000 allocation in the budget for this purpose is necessary and linked to one of the CRA's major initiatives, the Commercial Façade Improvement Program. A basic furniture and equipment inventory is listed below. These are only working estimates for budgeting purposes. All purchases will be subject to the existing procurement procedures and requirements.

ITEM	ESTIMATED COST
Computers (2 PC's and 1 laptop)	$5,000
Printer	$2,000
Fax Machine	$ 500
Phone System	$2,000
Powerpoint Projector and screen	$1,500
Copier	$3,000
Desk (2)	$1,000
Conference table and chairs	$2,000
File cabinets	$1,500
Miscellaneous office equipment	$ 500
Office side chairs	$1,000
TOTAL	**$20,000**

7. Other Administrative Expenses ($11,254)

Miscellaneous overhead expenses include FedEx, courier, bank service charges, professional organization membership dues, subscriptions to publications. Specifically this amount includes professional memberships for Urban Land Institute, Florida Redevelopment Agency, International Downtown Association subscriptions and publications for South Florida Business Journal, Florida Real Estate Journal. This amount also includes any other Administrative expenses that may occur.

8. County Administrative Charge ($10,672)

Required County Fee @ 1.5% of County's tax increment contribution.

Total Administrative Expenses **$244,067**

Allowable Administrative Expense per Interlocal:	**20%**	**$ 351,067**
Actual Administrative Expense Assessed:	**13.88%**	**$ 244,067**

It should be noted that the Interlocal Agreement with Miami-Dade County allows for the City/CRA to expend up to 20% of annual TIF revenue for administrative expenses. The City of North Miami Beach has chosen to limit this amount to only 13.88%. The remaining funds are programmed into operational expenses.

Operating Expenses

1. Employee Salary and Fringe ($159,671)

The operating personnel costs charged to the CRA are:

70% of CRA Coordinator	$150,091 x .70 = $105,064
25% of CRA Financial Coordinator	$ 95,980 x .25 = $ 23,995
70% of CRA Administrative Assistant III	$ 43,731 x .70 = $ 30,612
	$159,671

Note: The administrative personnel costs (30%) are listed in the "Administrative Expenses" section above.

2. Contractual Services ($208,392)

Funding to cover necessary miscellaneous professional services within the Community Redevelopment Area necessary to implement redevelopment plans and strategies.

- SDI Inc, Consulting Services - $102,000 (professional support services, projects as assigned, neighborhood economic action strategies, and public outreach.)
- Façade Improvement Initiative and Pilot Project Implementation (SDI) - $66,392
- Design of Entry Features, Public Signs (consultant) - $40,000

3. Printing and Publishing ($10,000)

Cost of producing annual reports for public information and other documents for developer recruitment, including annual demographic/economic overview of the market and CRA Publications.

4. Marketing ($16,000)

Promoting CRA area through advertising, events, and promotions.

5. Special Events ($85,000)

The NMBCRA is attracting investment to the redevelopment area by providing infrastructure, development incentives and promotion. In order for the community and visitors to become aware of the changes taking place in the CRA district, multi-cultural and seasonal events are sponsored to bring hundreds and in some cases thousands to the heart of the area. This furthers our goal of making the region aware of the improving environment for investment by directly exposing persons

to that environment. We also receive positive media coverage, further expanding outreach. For each event, the CRA contribution is only a part of the total cost so that these amounts are the CRA's contribution to the overall event.

The CRA Plan identifies the need to "assist in the funding for the creation of promotional campaigns aimed at increasing business volume and residential interest in the area." (p. 37). Towards this end, the Agency is assisting in the funding for the creation of marketing and retailing programs aimed at increasing business volume in the area. Appropriate media venues include visual (television commercials), audio (radio commercials), digital (internet web site), and print media (newspaper, magazine, specialty publications, marketing collateral). The Agency shall also consider assisting in the funding of special events. The Agency is empowered to pay for promotional efforts, including but not limited to, staff, consultants, materials production costs, distribution costs, special purpose equipment and systems, and events. For each event, the CRA contribution is only a part of the total cost. The amounts shown below are the CRA's contribution to the overall event:

- Halloween Celebration ($13,000),
- Snowfest Holiday Celebration ($10,500),
- Easter Sunday Fun Day ($ 8,000),
- City Community Festival ($31,000)
- Domestic Violence Walk ($7,500)
- And grants to community organization events totaling $15,000

6. Legal Services/Court Costs ($84,000)

Outside (non-City) legal assistance for development agreements/legal issues and attendance at CRA Board meetings. (This shall include additional legal oversight of the façade improvement program and the land acquisition initiative.) The law firm of Knox Seaton shall provide continuous services as General Counsel and additional services consisting of representation of the CRA, counseling, giving legal advice, formulating legal strategy, and acting as legal counsel with respect to the governance and operations of the CRA. "Legal services" shall include review of contracts and agreements, and the rendering of legal opinions as requested by the CRA or members of its governing board.

7. Land Acquisition for Redevelopment/Development Assistance ($5,000,000)

This is a list of candidate projects that will bring in a public/private partnership for the residents of North Miami Beach. These funds include all engineering, appraisals, legal, environmental audit, and customary costs associated with due diligence of major land acquisition initiatives. All properties are included in the newly adopted redevelopment plan which has been submitted to Miami-Dade County.

NMB Mishcon Park Expansion (The project is described under subsection 9 (Capital Projects)

Property Folio #	Address	Market Value	Land Use
07-2217-003-0010	NE 165 St & NE 15 Avenue		Recreational facility
07-2217-003-0011	NE 165 Street & NE 15 Avenue		
07-2217-003-0060	NE 165 St & NE 15 Avenue		
07-2217-003-0070	NE 165 Street & NE 15 Avenue		
07-2217-003-0080	NE 165 Street & NE 15 Avenue		
07-2217-003-0440	NE 165 Street & NE 15 Avenue		
07-2217-003-0530	NE 165 Street & NE 15 Avenue		
Jiets Investment Corp. 07-2217-003-0020	16501 NE 15 Ave	$648,221	
J&Z Invest LLC 07-2217-003-0570	16451 NE 15 Ave	$681,011	
Barry A Sharpe Tr 07-2217-003-0581	1560 NE 165 St	$2,007,743	

TECO Peoples Gas Vacant Land
The City and the CRA have identified this large parcel for potential multi-use retail development under a public/private partnership in order to create jobs and new business activity in what is now 15-acres of vacant land.

Property Folio #	Address	Market Value	Land Use
07-2216-041-0010	NE 159 St & Dixie Hwy	$1,196,505	Mixed use / Recreational
07-2216-041-0020	NE 159 St & Dixie Hwy	$3,881,692	Mixed use / Recreational

CRA Pilot Project

Budget: $ 383,482

The CRA Office to be relocated into the CRA area. Following acquisition of the property, the CRA office renovation will serve as the initial project for the Agency's area wide Façade Improvement Initiative. The CRA office relocation and building renovation will serve as an example of the commercial façade improvement program, but will not be a recipient of any of the $500,000 allocated for the Commercial Façade Improvement Program. The above listed allocation of $383,482 will cover the cost of the CRA office façade improvement and land/property acquisition.

8. Public Safety ($457,298)

- Under a new CRA initiative, the Agency will fund 2 Police Officers / Equipment / Cars / Specialized Community Training
  Budget: $ 372,000

(As required by Ch 163, part III, FS the Agency-funded officers will utilize Community Policing Innovations. This strategy is acknowledged by State statute to reduce crime by reducing opportunities for criminal activity through the visible presence of police in the community. The officers assigned to the CRA area will utilize innovations including, but not limited to, Community Mobilization, Neighborhood Block Watch, Citizen Patrol, Foot Patrol, Neighborhood Storefront Police Stations, or intensified motorized patrol)

- Under a continuing CRA initiative, the Agency will fund 1 Code Enforcement Officer
  Budget: $ 85,298
  (This Code Enforcement Officer is assigned exclusively to the CRA area)

9. Capital Projects Total ($1,992,000)

This is a list of candidate projects that will bring in a public/private partnership for the residents of North Miami Beach. These funds include all customary engineering, environmental design and other soft costs normally associated with a capital project. All of the projects listed in this section are included in the newly adopted CRA Plan which has been submitted to Miami-Dade County.

Building Construction & Improvement

Wayfinding Signage for CRA

BUDGET: CRA ($150,000)

DESCRIPTION: This project will create new way finding signage and clearly mark public parking, public facilities, and other key locations

Commercial Façade Improvement Program

BUDGET CRA: $500,000 TIF Investment - $500,000 Private match

TOTAL: $1,000,000 investment in improvements

DESCRIPTION: The North Miami Beach Community Redevelopment Area (NMBCRA), under the Community Redevelopment Plan and Chapter 163, Part III, Florida Statutes, may provide financial assistance to qualified owners of commercial properties located within the boundaries of the CRA for eligible building or site improvements that contribute to the physical, economic, social, and aesthetic enhancement of the NMBCRA area. Through the Façade Improvement Grant Program, the NMBCRA seeks to help businesses improve the attractiveness of properties, and thereby work to achieve the agency's goal of eliminating conditions that have a negative impact on economic growth. The grant will pay for 50% of the total cost of an approved project up to a maximum grant of $50,000. All improvements must be in compliance with any and all applicable codes, design standards, and all other restrictions of the City of North Miami Beach. Every project must be approved by the CRA, and is subject to fund availability.

Public Space Improvements

In response to the Citizens' Charrette that revealed strong public support for additional park/recreational facilities, and in an effort to improve the overall image of the CRA area, which is by statutory definition a "slum and blight" area, the CRA is partnering with the City to make the public spaces within the CRA area more useful, more attractive, and safer for the residents of North Miami Beach. These improvements will create move activity in the CRA area, and thereby increase the viability of the existing business community and make the area more desirable for future private sector investment.

Snyder Tennis Center Master Planning

BUDGET: CRA ($ 550,000)

DESCRIPTION: Phase II Master Planning. New Clubhouse with restaurant, Pro Shop, and renovation of the entire complex

Taylor Park Renovation

BUDGET: CRA ($ 300,000)

DESCRIPTION: The design of the restroom is currently in progress. Project will include new scoreboard, replacement of fencing with decorative type, resurface.

Mischon Field Renovations

BUDGET: CRA $492,000

DESCRIPTION: Expansion of football and soccer field capacity and the addition of new park activities that appeal to a diversity of age groups and recreational interests. The project will modify the amphitheater to accommodate and attract more revenue-generating events, and introduce changes that improve safely to encourage residents to use the park. It will also incorporate a specialty magnet school and community center in one building. The building for this charter school will be constructed by the developer and the City will have use of the building after 4:00 p.m., for city-sponsored recreational activities.

10. Hanford Boulevard Maintenance ($60,000)

Hanford Boulevard (NE 164 Street) has been reconstructed by the City to serve as the "Main Street" centerpiece of Fulford City Center, which is located in the CRA district. Now complete, Hanford Boulevard will serve as one of the CRA's most important assets in promoting the CRA district. In its initial year (FY 2008-2009) the Agency found it necessary to expand the maintenance to include side streets off Hanford Boulevard in order to support the newly constructed infrastructure. This included swales, alleys, easements, and medians. These expanded responsibilities resulted in an additional $16,000 above the fiscal year 2008-2009 budget allocation. The City and the CRA have signed a memorandum of understanding for fiscal year 2009-2010 to provide maintenance on Hanford Boulevard to the current and the expanded area at a fee of $60,000.

11. Debt Service ($624,500)

The repayment of borrowed funds drawn down in 2007 and 2008.

- Debt service for the $3,000,000 tax exempt $226,700
- Debt service for the $5,000,000 taxable loan $397,800

12. Reserve/Contingency ($21,761)

The CRA shall retain this line item to cover minor expenses which may occur in either administrative or operational expenses.

Total Administrative Expenses:	**$244,067**
Total Operating Expenses:	**$8,696,861**
Contingency /Reserve	**$21,761**
Total CRA Budget:	**$8,962,689**

(FY 09-10 begins October 1, 2009)

Revenues	FY 07-08 Budget Adopted	FY 07-08 Budget Actual	FY 08-09 Budget Adopted	FY 08-09 Budget Actual	FY 09-10 Budget Adopted
City Tax Increment Revenue	1,145,072	1,145,072	1,217,228	**1,217,228**	**1,046,817**
County Tax Increment Revenue	755,920	755,920	897,748	**897,748**	**711,475**
Carryover from prior year (cash & equiv.)	7,482,462	7,391,096	7,324,255	**7,324,255**	**7,022,554**
Loan Proceeds	0		0		
Interest earnings	22,000	24,395	11,000	**193,783**	**181,843**
Revenue Total	**9,405,454**	**9,316,483**	**9,450,231**	**9,633,014**	**8,962,689**
Expenditures					
Administrative Expenditures:					
Employee salary and fringe	93,892	7,487	56,754	65,862	82,141
Contractual services	72,791	72,791	76,430	76,430	100,000
Insurance					
Audits	7,000	7,000	10,000	10,000	10,000
Printing and publishing					
Marketing					
Advertising and notices	3,500	346	3,000	1,631	6,000
Travel	6,000	4,379	5,000	1,726	4,000
Rent/lease costs					
Office equipment and furniture		0	2,500	2,508	20,000
Other Admin. Exps (attach list)	5,000	10,103	9,500	26,359	11,254
(A) Subtotal Admin Expenses, %	**188,183**	**102,106**	**163,184**	**184,516**	**233,395**
Reimbursement of City Advances	60,200	60,200	0	0	
County Administrative Charge at 1.5%	11,339	11,339	13,466	13,466	10,672
(B) Subtot Adm Exp	**259,722**	**173,645**	**176,650**	**197,982**	**244,067**
Operating Expenditures:					
Employee salary and fringe	284,794	266,318	190,345	153,678	159,671
Contractual services	275,000	196,833	250,000	722,353	208,392
Insurance					
Audits and studies					
Printing and publishing	8,000	5,324	7,500	3,841	10,000
Marketing	25,000	17,797	10,000	4,003	16,000
Special events	50,000	49,997	99,000	83,254	85,000
Legal services/court costs	15,000	7,163	20,000	20,787	84,000
Land/building acquisitions	5,000,000	0	5,000,000	0	5,000,000
Public Safety					457,298
Infrastructure improvements	1,087,241	1,210,591	999,845	967,013	1,992,000
Building Construction & Improvement					
Hanford Blvd Maintenance	50,000	50,000	60,000	76,000	60,000
Debt service payments (property)	175,000	2,528	235,000	218,774	226,700
Debt service payments (capital imp.)	150,000	3,532	175,000	153,850	397,800
Capital Projects					
Transfers out to others (attach list)					
Other Oper. Expenses (attach list)	8,500	8,500	8,675	8,925	
(C) Subtotal Oper. Expenses	**7,128,535**	**1,818,583**	**7,055,365**	**2,412,478**	**8,696,861**
(D) Reserve/Contingency	**2,017,197**	**7,324,255**	**2,218,216**	**7,022,554**	**21,761**
Expenditure Total (B+C+D)	**9,405,454**	**9,316,483**	**9,450,231**	**9,633,014**	**8,962,689**
Cash Position (Rev-Exp)	2,017,197	7,324,255	2,218,216	7,022,554	

Projects	FY 07-08 Budget Expenditures	FY 07-08 Projected Expenditures	FY 08-09 Adopted Expenditures	FY 08-10 Actual Expenditures	FY 09-10 Adopted Expenditures
Land/Building Acquisitions	5,000,000	0	5,000,000	0	5,000,000
Street/Sewer/Stormsewer Reconstruction	1,087,241	1,210,591	999,845	967,013	0
Capital Projects	-	0	0	0	1,992,000
Hanford Blvd Maintenance	50,000	50,000	60,000	76,000	60,000
Total project dollars:	6,087,241	1,210,591	6,059,845	1,043,013	7,052,000

ADMINISTRATIVE MEMORANDUM OF UNDERSTANDING

BETWEEN

NORTH MIAMI BEACH COMMUNITY

REDEVELOPMENT AGENCY (CRA)

AND

THE CITY OF NORTH MIAMI BEACH (CITY)

1. Whereas the North Miami Beach Community Redevelopment has installed extensive infrastructure, streetscape and landscape improvements for Hanford Boulevard (164th Street), pursuant to its powers and plans, and
2. Whereas this completed project requires maintenance and upkeep on a continual basis, and
3. Whereas the CRA desires to utilize the CITY's personnel and resources to perform this service, the following terms and conditions are mutually agreed upon by both parties:
    a. Project area to be maintained: Hanford Blvd between NE 15th Avenue and NE 22nd Avenue.
    b. Scope of maintenance to be performed: landscaping, lighting, trash pick-up, and banners.
    c. Monitoring shall be conducted on a periodically by the CRA Coordinator and the appropriate staff member of the City's Public Works Department.
4. This Memorandum of Understanding between the CRA and the CITY shall be effective October 1, 2009 through September 30, 2010 (Fiscal Year 09-10).

5. The CRA shall pay the CITY $60,000 for maintenance services for a twelve (12) month period.

Effective date: October 1, 2009

Dan Wick, CRA Coordinator

Kelvin Baker, City Manager

12/8/09
(Date)

12/8/09
(Date)

REVIEWED AND APPROVED BY
GEORGE KNOX, GENERAL COUNSEL
FOR THE NORTH MIAMI BEACH
COMMUNITY REDEVELOPMENT
AGENCY (CRA)

COMMUNITY REDEVELOPMENT AGENCY (CRA)
POLICY RESOLUTION NO. 2009-1

A POLICY RESOLUTION OF THE BOARD OF THE NORTH MIAMI BEACH COMMUNITY REDEVELOPMENT AGENCY APPROVING THE FISCAL YEAR 2010 BUDGETAS AMENDED AND CLARIFIED; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on June 7, 2005, the Miami-Dade Board of County Commissioners adopted Resolution R-611-05 approving the Interlocal Cooperation Agreement ("Agreement") among Miami-Dade County ("County"), the City of North Miami Beach ("City"), and the North Miami Beach Community Redevelopment Agency ("Agency"); and

WHEREAS, on July 26, 2005, the Agency adopted Policy Resolution 2005-2 approving the Agreement; and

WHEREAS, on August 16, 2005, the City adopted Resolution R2005-48 approving the Agreement; and

WHEREAS, the Agreement requires that the Agency approve and adopt an annual budget, and transmit its annual budget to the City for approval prior to transmitting said budget for the County for approval.

NOW, THEREFORE,

BE IT RESOLVED by the Board of the North Miami Beach Community Redevelopment Agency:

Section 1. The foregoing recitals are true and correct.

Section 2. The FY2010 Budget for the Agency, attached hereto as "Exhibit A", is hereby approved.

Section 3. The CRA Coordinator is hereby directed to submit the Agency's FY2010 Budget to the City for approval.

Section 4. This resolution shall take effect immediately upon its adoption. Should the Miami-Dade Board of County Commissioners propose to modify its millage such that the Tax Increment contribution to the Community Redevelopment Agency is unissued or decreased, the Community Redevelopment Agency Coordinator is hereby

directed to adjust the Community Redevelopment Agency budget accordingly, to ensure that an accurate and balanced budget is adopted and maintained.

Section 5. All revenues and interest carried forward from FY 08/09 shall be appropriated according to established guidelines and applicable law.

APPROVED AND ADOPTED by the Board of the North Miami Beach Community Redevelopment Agency at the special meeting assembled this **22nd day of September, 2009.**

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

MYRON ROSNER
Chairman

GEORGE F. KNOX
CRA Board Attorney

ATTEST:

SUSAN A. OWENS
Board Clerk

RESOLUTION NO. R2009-55

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING THE FISCAL YEAR 2010 BUDGET OF THE NORTH MIAMI BEACH COMMUNITY REDEVELOPMENT AGENCY AS AMENDED AND CLARIFIED; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on June 7, 2005, the Miami-Dade Board of County Commissioners adopted Resolution R-611-05 approving the Interlocal Cooperation Agreement ("Agreement") among Miami-Dade County ("County"), the City of North Miami Beach ("City"), and the North Miami Beach Community Redevelopment Agency ("Agency"); and

WHEREAS, on July 26, 2005, the Agency adopted Policy Resolution 2005-2 approving the Agreement; and

WHEREAS, on August 16, 2005, the City adopted Resolution R2005-48 approving the Agreement; and

WHEREAS, the Agreement requires that the Agency approve and adopt an annual budget, and transmit its annual budget to the City for approval prior to transmitting said budget for the County for approval; and

WHEREAS, the Agency approved and adopted the FY2010 annual budget at a public meeting on September 22, 2009, as amended and clarified.

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of North Miami Beach

Section 1. The foregoing recitals are true and correct.

Section 2. The FY2010 Budget for the Agency, attached hereto as "Exhibit A", is hereby approved.

Section 3. The CRA Coordinator is hereby directed to submit the Agency's FY2010 Budget to the County for approval.

Section 4. This resolution shall take effect immediately upon its adoption. Should the Miami-Dade Board of County Commissioners propose to modify its millage such that the Tax Increment contribution to the Community Redevelopment Agency is unissued or decreased, the Community Redevelopment Agency Coordinator is hereby directed to adjust the Community Redevelopment Agency budget accordingly, to ensure that an accurate and balanced budget is adopted and maintained.

Section 5. All revenues and interest carried forward from FY 08/09 shall be appropriated according to established guidelines and applicable law.

Section 6. This irresolution shall take effect immediately upon its adoption.

APPROVED AND ADOPTED by the City of North Miami Beach City Council at a special meeting assembled this **22nd day of September, 2009.**

ATTEST:

SUSAN A. OWENS
CITY CLERK
(CITY SEAL)

MYRON ROSNER
MAYOR

APPROVED AS TO FORM:

DARCEE S. SIEGEL
CITY ATTORNEY

Sponsored by: Mayor and Council

RESOLUTION R2009-55

Memorandum

MIAMI-DADE COUNTY

Date: June 3, 2010

Supplement to
Agenda Item No. 8L1C

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

From: George M. Burgess
County Manager

Subject: Supplemental Information for FY 2009-10 Budget for the North Miami Beach Community Redevelopment Agency

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This item provides supplemental information to the proposed FY 2009-10 Budget as detailed in the attached Memorandum from the City of North Miami Beach. Expenditures for categories within three line items were amended without altering the overall allocation to each line item.

The amendments are summarized as follows:

- Infrastructure Improvements: increase the façade grants for qualified businesses from $500,000 to $672,000 and reduces the funding to the Mishcon Athletic Field from $492,000 to $320,000.

- Public Safety: funds a new Commercial Security Grant Program to augment security for businesses in the CRA area of $214,000 and reduces the number of police officers to one from $372,000 to $158,000.

- Special Events: increases funds for events specifically targeted at economic development $46,000 and eliminates funding for the Halloween Celebration, the Snowfest Celebration and the Easter Sunday Fun Day.

It is recommended that the Board approve the FY 2009-10 Budget for the North Miami Beach Community Redevelopment Agency incorporating the amendments set forth in the attached Memorandum. The CRA's budget includes revenues and expenditures in the amount of $8,962,689.

Special Assistant to the County Manager

Attachment

cmo13610

City of North Miami Beach
Memorandum

City Manager's Office

TO: Jorge M. Fernandez, Jr.
Program Coordinator, Office of Strategic Business Management

FROM: Roslyn Weisblum, Assistant City Manager

DATE: May 18, 2010

RE: CRA FY10 Budget Amendments

As a result of reviewing the NMB CRA FY10 budget, a few categories have been amended without affecting the bottom line. The NMB CRA Chairman and Commissioners have been apprised of these changes.

The following are the amendments:

- **$ 1,992,000 Infrastructure Improvements:**

Current		Revised	
Façade Program	**$500,000**	**Façade Program**	**$672,000**
Snyder Tennis Center	$550,000	Snyder Tennis Center	$550,000
Mishcon Athletic Field	**$492,000**	**Mishcon Athletic Field**	**$320,000**
Taylor Park	$300,000	Taylor Park	$300,000
Wayfinding Signage	$150,000	Wayfinding Signage	$150,000
Total: $ 1,992,000		**Total: $ 1,992,000**	

- **$ 457,298 Public Safety:**

Current		Revised	
2 Police Officers	**$372,000**	**1 Police Officer**	**$158,000**
1 Code Officer	$85,298	1 Code Officer	$85,298
		Security Grant Program	**$214,000**
Total: $ 457,298		**Total: $ 457,298**	

- **$ 85,000 Special Events:**

Current		Revised	
Halloween Celebration	**$13,000**	**Halloween Celebration**	**$0**
Snowfest Celebration	**$10,500**	**Snowfest Celebration**	**$0**
Easter Sunday Fun day	**$8,000**	**Easter Sunday Fun day**	**$0**
City Community Festival	$31,000	City Community Festival	$31,000
Domestic Violence Walk	$7,500	Domestic Violence Walk	$7,500
Grants to Organizations	**$15,000**	**Economic Development Events, i.e. street fairs, cleanup events, graffiti paint-outs.**	**$46,500**
Total: $ 85,000		**Total: $ 85,000**	

The amendments can be summarized as follows:

- The Infrastructure Improvements category has been amended to allow for an increase in the façade grants to qualified businesses and the expense to the Mishcon Athletic Field has been reduced.
- The number of police officers in the Public Safety category has been reduced from two to one, and we have created a new Commercial Security Grant Program to augment security for businesses in the CRA area. The program will consist of grants for locks, doors, alarms, cameras, and other business security features. The police office expense of $158,000 is itemized as follows:
    - Base Salary - $46,756
    - Overtime for late arrests, court appearances, etc. - $10,000
    - FICA - $4,342
    - Benefit package including pension and insurance - $35,402
    - Vehicle, laptop, radio, and other equipment (start-up costs) - $41,500
    - Special community training - $5,000
    - Operating costs including uniforms, supplies, fuel, and repairs - $15,000
- The Special Events category has been modified to increase funds for events specifically targeted at economic development.

These amendments will further enhance the goals and objectives of the CRA and its stakeholders.

Memorandum

MIAMI-DADE COUNTY

Date: June 3, 2010

AMENDED
Agenda Item No. 8(M)(1)(A)

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

From: George M. Burgess
County Manager

Subject: Cooperative Agreement with the AARP Foundation for Implementation of the Senior Community Service Employment Program

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Recommendation
It is recommended that the Board adopt the attached resolution authorizing a Cooperative Agreement between the American Association of Retired Persons (AARP) Foundation and Miami-Dade County through its Park and Recreation Department (MDPR) to form the basis for implementation of AARP Foundation's Senior Community Service Employment Program (SCSEP), to provide job seekers age 55 and older with work skills that will enable them to re-enter or remain in the workforce by becoming more viable and qualified applicants. The resolution further authorizes the County Mayor or County Mayor's designee to execute the agreement and to exercise the renewal and cancellation provisions contained therein.

Scope
This agenda item has a countywide impact. SCSEP participants will be placed in various worksites throughout MDPR.

Fiscal Impact/Funding Source
There is no fiscal impact to the County as a result of this agreement. SCSEP is funded by a grant from the U.S. Department of Labor with support from AARP and the AARP Foundation.

Track Record/Monitor
The agreement will be monitored by Angie Gomez, Volunteer Coordinator, Human Resources Division of the Miami-Dade County Park and Recreation Department (MDPR).

Background
The SCSEP is defined as a unique transition program targeted for senior job seekers who will benefit from career training and exploration, and whose future goal is gainful employment. The goal of this short term work experience or training program is to provide community service while temporarily immersing qualified candidates into MDPR's work sites. The participants of the program learn new employability and job skills while assigned to a specific or rotating work site which leads to competitive employment in the community. Individualized job development and placement will be performed by the AARP Foundation and occurs based on the participant's experiences, strengths, and skills. Participants are given support with accommodations, adaptations, and on-the-job coaching. Personnel provided by the AARP Foundation and SCSEP participants will be subject to all Miami-Dade County rules and regulations including MDPR background check screening requirements.

As a host site, MDPR will develop a minimum of 12-15 work site rotations and provide a point of contact at each site for the purpose of teaching competitive, marketable skills to the program participants and provide direction, feedback and evaluation to participants during their work site rotations. Participants will not be used as substitutes for permanent employees at MDPR where it would violate federal regulations of "maintenance of effort". MDPR will consider participants as additions to, not substitute for, regular

agency staff. There is absolutely no promise or guarantee of a job with the County as a result of SCSEP participation.

The term of this Agreement is for one year from the effective date. Upon expiration of the initial term, the Agreement may be extended by mutual consent of the parties for ten additional one-year periods. Either party may terminate this Agreement at any time by giving to the other party notice in writing at least sixty (60) days prior to the intended termination date. In the event of an issue involving health, safety or welfare of the participants, either party may terminate the Agreement immediately. Not withstanding any of the foregoing, AARP Foundation agrees and understands that MDPR makes no commitment and shall have no obligation to expend funds beyond those funds provided by the Federal Government through AARP Foundation for the implementation and continuation of this program.

Attachments

Alex Muñoz,
Assistant County Manager

MEMORANDUM
(Revised)

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

DATE: June 3, 2010

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

SUBJECT: Agenda Item No. 8(M)(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
Veto _____
Override _____

Agenda Item No. 8(M)(1)(A)
6-3-10

RESOLUTION NO. _____

RESOLUTION AUTHORIZING A COOPERATIVE AGREEMENT WITH THE AMERICAN ASSOCIATION OF RETIRED PERSONS (AARP) FOUNDATION TO FORM THE BASIS FOR IMPLEMENTATION OF THE SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM; AND FURTHER AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE THE RENEWAL AND CANCELLATION 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 approves the cooperative agreement between Miami-Dade County through its Park and Recreation Department (MDPR) and the American Association of Retired Persons (AARP) Foundation to form the basis for implementation of AARP Foundation's Senior Community Service Employment Program, a unique transition program targeted for senior job seekers age 55 and older who will benefit from career training and exploration, and whose future goal is gainful employment, in substantially the form attached hereto and made a part hereof; and further authorizes the County Mayor or County Mayor's designee to execute same for and on behalf of Miami-Dade County; and to exercise the renewal and cancellation provisions contained therein after approval by the County Attorney's Office.

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	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of June, 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. MR

Monica Rizo

COOPERATIVE AGREEMENT BETWEEN
MIAMI-DADE COUNTY
AND
AARP FOUNDATION

This Cooperative Agreement, hereinafter referred to as Agreement, entered into this day of , 2010 effective date of plan by and between Miami-Dade County through its Park and Recreation Department, a political subdivision of the State of Florida, hereinafter referred to as PARKS and the AARP Foundation, hereinafter referred to as AARP Foundation, collectively hereinafter referred to as (Parties).

WHEREAS, the Parties wish to establish cooperative efforts on behalf of all parties in providing assistance to job seekers age 55 and older gain work skills that will enable them to re-enter or remain in the workforce by becoming more viable and qualified applicants; and

WHEREAS, this Agreement provides for compliance with federal, state, and local laws and regulations applying to the provision of community service training programs and related services for retired persons over the age of 55.

NOW THEREFORE, in consideration of mutual covenants herein contained and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties agree as follows:

1. The parties intend for this Agreement to form the basis of the implementation of the AARP Foundation's Senior Community Service Employment Program (SCSEP). The SCSEP is defined as a unique transition program targeted for senior job seekers who will benefit from career training and exploration, and whose future goal is gainful employment. The goal of this short term work experience or training program is to provide community service while temporarily immersing the qualified candidates into Miami-Dade County Park and Recreation's

6

work sites. The participants of the program learn new employability and job skills while assigned to a specific or rotating work site which leads to competitive employment in the community. Individualized job development and placement will be performed by AARP Foundation and occurs based on the participant's experiences, strengths, and skills. Participants are given support with accommodations, adaptations, and on-the-job coaching.

2. Overall on-site implementation and monitoring of this Agreement shall be carried out through cooperative efforts of the Parties' administrative staffs. The worksite policies, rules, and guidelines to which the participating candidates shall adhere are contained in the Volunteer Program Manual (which is attached hereto as Attachment A).

3. AARP Foundation and PARKS agree to comply with Title VI of the Civil Rights Act of 1964, Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Fair Labor Standards Act, the Americans with Disabilities Act, and related regulations, and assure that they do not, and will not discriminate against any participant because of or on the basis of gender, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference or disability.

4. It is understood by the Parties that all personnel provided by AARP Foundation are subject to the rules, policies and background check requirements of PARKS including but not limited to those stated below:

a. All policies, rules, and guidelines outlined in the Volunteer Manual (Attachment A)
b. All PARKS property, including keys, parking permits and identification cards issued to all AARP employees and participants must be returned to PARKS upon termination of this Agreement.
c. AARP Foundation employees and participants are subject to all evacuation polices and procedures.
d. AARP Foundation employees and participants are subject to all Miami-Dade County rules and regulations.

5. Facilities and Support Services

With reference to program Facilities and Support Services, the parties agree to the following:

a. PARKS shall:

i. Provide meaningful work experience or training opportunities throughout the existing workforce and work units.

ii. Provide work space, and access to telephone, fax, photocopy equipment, computer and email access to AARP Foundation staff for the purpose of both receiving and sending participants Time Attendance Reports to and from the work sites.

iii. Provide a liaison that is available on a frequent basis to assist with job site development, to introduce AARP Foundation staff to PARKS staff, to market the program internally, to attend periodic meetings to discuss and evaluate program progress, and to work with the AARP Foundation's program coordinator to reinforce workplace procedures.

iv. To the maximum extent possible, develop a minimum of 12-15 work site rotations and provide a point of contact at each site for the purpose of teaching competitive, marketable skills to the program participants and provide direction, feedback and evaluation to participants during their work site rotations. Facilitate job analysis of those sites for the AARP Foundation staff.

v. Provide program participants flexibility from assigned schedules to participate in active employment searches and other activities geared towards furthering or maximizing participants' viability for gainful employment.

vi. Provide County-issued identification badges for AARP Foundation participants.

vii. Assist with performing job/task analyses of participants work sites.

viii. Provide the AARP Foundation with a copy of its emergency response plan to be implemented in the event of a natural disaster or loss of power in order to ensure the continuation of training services to AARP Foundation participants. All PARKS contact numbers should be provided to AARP Foundation at the beginning of community service assignment and updated as needed throughout this Cooperative Agreement.

ix. Ensure that participants are not used as substitutes for permanent employees at PARKS where it would violate federal regulations of "maintenance of effort". PARKS will consider participants as additions to, not substitute for, regular agency staff.

Not withstanding any of the foregoing, AARP Foundation agrees and understands that PARKS makes no commitment and shall have no obligation to expend funds beyond those funds provided by the Federal Government through AARP Foundation for the implementation and continuation of this program.

(b) AARP Foundation shall:

i. Provide a Program Director or Employment Specialist to assist in the placement of the participants based on the PARKS needs and to work with any concerns from the participants at the work sites.

ii. Develop and provide instructional materials that encompass training or orientation through the AARP Foundation's WorkSearch Assessment System, transition, job development and job readiness as specified in their Individual Employment Plan (IEP).

iii. Assist PARKS staff with the development of worksites and to create job and task analysis and identify appropriate accommodations.

iv. Facilitate participant recruitment activities.

v. Provide expertise in adaptations and accommodations, and implement as necessary.

vi. Provide Participant Liability Insurance (Workers' Compensation).

vii. Provide additional support for participants, as indicated in the Individual Employment Plan (IEP).

viii. Coordinate regular meetings to discuss and evaluate program progress.

ix. Assist with public relation activities to promote the AARP Foundation SCSEP.

6. Indemnification

a. AARP Foundation shall indemnify and hold harmless Miami-Dade County and its officers, employees, agents and instrumentalities from any and all liability, losses or damages, including attorney's fees and costs of defense, which Miami-Dade County or its officers, employees, agents or instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature arising out of, relating to or resulting from the performance of the Agreement by the AARP Foundation or its employees, agents, servants, partners, principals or subcontractors. AARP Foundation shall pay all claims and losses in connection therewith, and shall investigate and defend all claims, suits or actions of any kind or nature in the name of Miami-Dade County, where applicable, including appellate proceedings, and shall pay all costs, judgments, and attorney's fees which may issue thereon. Provided, however, this indemnification shall only be to extent and within the limitations of Section 768.28 Florida Statutes, subject to the provisions of the Statute whereby the AARP Foundation shall not be held liable to pay a personal injury or property damage claim or judgment by any one person which exceeds the sum of $100,000, or any claim or judgment or portions thereof, which when totaled with all other claims or judgments paid by AARP Foundation arising out of the same incident or occurrence, exceed the sum of $200,000 from any and all personal injury or property damage claims, liabilities, losses or causes of action which may arise as a result of negligence of the AARP Foundation.

b. Miami-Dade County shall indemnify and hold harmless AARP Foundation and its officers, employees, agents and instrumentalities from any and all liability, losses or damages, including attorney's fees and costs of defense, which AARP Foundation or its officers, employees, agents or instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature arising out of, relating to or resulting from the performance of the Agreement by Miami-Dade County or its employees, agents, servants, partners, principals or subcontractors. Miami-Dade County shall pay all claims and losses in connection therewith, and shall investigate and defend all claims, suits or actions of any kind or nature in the name of AARP Foundation, where applicable, including appellate proceedings, and shall pay all costs, judgments, and attorney's fees which may issue thereon. Provided, however, this indemnification shall only be to extent and within the limitations of Section 768.28 Florida Statutes, subject to the provisions of the Statute whereby Miami-Dade County shall not be held liable to pay a personal injury or property damage claim or judgment by any one person which exceeds the sum of $100,000, or any claim or judgment or portions thereof, which when totaled with all other claims or judgments paid by Miami-Dade County arising out of the same incident or occurrence, exceed the sum of $200,000 from any and all personal injury or property damage claims, liabilities, losses or causes of action which may arise as a result of negligence of Miami-Dade County.

7. PARKS represents that all of its employees and program participants who provide or may provide services under this Cooperative Agreement have met background check screening requirements that are in compliance with the Miami-Dade County Code. The PARKS background check requirements are attached hereto as "Attachment B". The parties further agree that failure by PARKS to comply with the County's background screening requirements shall constitute a material breach of the Cooperative Agreement entitling AARP to terminate this Cooperative Agreement

immediately with no further responsibility to perform any other duties under this agreement.

8. PARKS agrees that it shall maintain a Drug-Free Workplace during the term of this Agreement. PARKS represents and warrants that it currently has a Drug-Free Workplace program.

9. Injury

PARKS shall complete an incident report in the event of any serious bodily injury to anyone within the scope of this Agreement or arising out of the performance of this Agreement. PARKS shall provide verbal notification to the AARP Foundation Project Office without delay after an incident has occurred. PARKS will provide a copy of the incident report to AARP Foundation within three (3) working days. AARP shall provide written notification to PARKS within seven (7) days if any legal action is threatened and/or filed as a result of an injury. Repeated accidents that are the result of inadequate PARKS safety practices and supervision could be cause for AARP Foundation to remove all participants from PARKS.

10. This agreement shall be construed in accordance with the laws of the State of Florida. Any dispute with respect to this agreement is subject to federal law and the laws of Florida, venue in Miami-Dade County. Each party shall be responsible for its own attorney's fees and costs incurred as a result of any action or proceedings under this agreement.

11. Access to Records: Audit

The Parties shall provide access to all of their records which relate to this Agreement at its place of business during regular business hours and upon reasonable notice. AARP Foundation agrees to comply with all County ordinances and administrative orders relating to Inspector General reviews and audits. The Parties agree to provide such assistance as may be necessary to facilitate their review and/or audit.

NOTICES

All notices or communications under this AGREEMENT by either party to the other shall be sufficiently given or delivered as follows:

In case of notice or communication to MIAMI-DADE PARK & RECREATION DEPARTMENT:

MIAMI-DADE COUNTY PARK & RECREATION DEPARTMENT
Ms. Angie Gomez
275 NW 2 Street, 3rd Floor
Miami, FL 33128

In case of notice or communications to AARP Foundation:
Ms. Maria A. "Marylin" Rams, MHS
11285 SW 211 Street, Suite 206
Miami, FL 33189

TERM OF AGREEMENT

The term of this AGREEMENT shall be for one year from the effective date. Upon expirations of the initial term of the AGREEMENT, this AGREEMENT may be extended by mutual consent of the parties for ten additional one-year periods. Either party hereto may terminate this AGREEMENT at any time by giving to the other party notice in writing at least sixty (60) days prior to the intended termination date. In the event of an issue involving health, safety or welfare of the participants, either party may terminate the AGREEMENT immediately.

This AGREEMENT may be modified or amended only in writing by mutual consent of both parties. Upon the request of AARP Foundation, the County Mayor or Mayor's designee may approve an amendment, signed by both parties, to this AGREEMENT to allow additional PARKS facilities to participate in the AARP

Foundation's SCSEP so long as all other terms of this AGREEEMENT remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this AGREEMENT to be executed in their respective corporate names and their corporate seals to be affixed by duly authorized officers, all on the day and year first set forth above.

THE AARP FOUNDATION, SCSEP

By: _____
Program Director

MIAMI-DADE COUNTY
a political subdivision of the State of Florida

By: _____

APPROVED AS TO FORM AND CORRECTNESS:

By: _____
Attorney or Legal Representative

ATTACHMENT A

Miami-Dade County
Park and Recreation

Volunteer Program
Policy Manual

MIAMI-DADE COUNTY
PARKS & RECREATION

Access Statement

Call (305) 755-7848, to request material in accessible format, information on access for persons with disabilities, or sign language interpreter services (7 days in advance), 305-755-7980 (TDD).

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PROGRAM MISSION & VISION

- MISSION STATEMENTS
- VISIONS
- CORE VALUES
- INTRODUCTION
- DEFINITIONS
- VOLUNTEER OPPORTUNITES

Department Mission Statement

We create outstanding recreational, natural and cultural experiences to enrich you and to enhance our community for this and future generations.

Program Mission Statement

The Miami-Dade Parks and Recreation Volunteer Program creates and facilitates opportunities to fulfill our agency's mission by engaging and cultivating relationships with our diverse communities through volunteerism.

Department Vision

Miami-Dade Parks and Recreation will be a nationally-recognized innovative and professional park and recreation system while enhancing the quality of life for our community and visitors.

Program Vision

The Miami-Dade Parks and Recreation Volunteer Program will establish itself as a premier volunteer opportunity offering interesting and meaningful volunteer experiences to our surrounding communities.

CORE VALUES

Outstanding Customer Service

Miami-Dade Park and Recreation will provide outstanding customer service exemplified by a professional, effective, efficient, considerate and friendly attitude towards our community and our co-workers.

Enthusiastic Attitude

Miami-Dade Park and Recreation will work as a team based on respect for our co-workers, our community and our environment. Teamwork embodies loyalty to the Department's mission, vision, core values and goals in order to deliver the best parks and programs.

Accountability and Integrity

Miami-Dade Park and Recreation will be responsive to the community we serve building public trust and confidence. We will provide dependable, consistent and quality facilities and programs.

Creativity and Innovation

Miami-Dade Park and Recreation will seek, foster and support innovative, dynamic and creative solutions, programs and projects placing the Department as a leader in our profession.

Stewardship

Miami-Dade Park and Recreation will be a responsible and committed steward of the Department's and the Community's physical, natural and cultural resources creating a legacy for this and future generations.

Inclusiveness and Accessibility

Miami-Dade Park and Recreation will provide parks, facilities and programs that are inclusive of the diverse residents of our community including those with disabilities.

Leadership and Professional Development

Miami-Dade Park and Recreation will foster and support life-long professional development, training and mentorship by providing education and professional development opportunities which best management, technical and leadership practices.

Excellence

Miami-Dade Park and Recreation will foster and support excellence and professionalism in carrying out our mission, vision, and goals and in the delivery of the very best parks, programs and facilities.

Introduction to Volunteer Opportunities

The achievement of the goals of this Department is best served by the active participation of citizens from the community. To this end, the Department accepts and encourages the involvement of volunteers at all levels of the Department and within all appropriate programs and activities. All agency staff is encouraged to assist in the creation of meaningful and productive roles in which volunteers might serve, and assist in the recruitment of volunteers from the community.

A volunteer is defined as an individual who gives freely of his/her time without contractual agreement to receive any form of payment from Miami-Dade Park and Recreation (MDPR).

Definitions

Short-term Volunteers (STV) – Perform voluntary services in less than three (3) occurrences within a six month period. A short-term volunteer would consist of individuals who are episodic, event workers or only volunteer for special projects during the year.

Long-term Volunteers (LTV) – Perform voluntary services in more than three (3) occurrences within a six month period. A long-term volunteer would consist of individuals fulfilling an academic/school requirement, summer camp/after school care assistance, continuous group involvements with parks, and continuous participants in special projects throughout the year.

Other types of long-term volunteers:

- Academic Volunteers are long term volunteers that perform community service hours in order to complete a limited requirement of service hours specified by the individual's school.
- Government Ordered Volunteers are long term volunteers that are required to perform community service hours in order to receive any benefit from the government.
- Children's Trust volunteers are long term volunteers performing volunteer services at a designated Children's Trust site.

Court Mandated Volunteers – Individuals who are required to perform community service hours in order to comply with an order or mandate by the court system.

Worksite – The worksite shall be established prior to the enrollment of any volunteer. This worksite shall contain necessary facilities, equipment, and space to enable a volunteer to effectively and comfortably perform their duties.

Records – A system of records (post-background check) will be maintained by the Human Resources Division on each volunteer with the department, including dates of service, positions held, duties performed, hours logged and evaluation of work. Volunteers and appropriate staff shall be responsible for submitting all appropriate records and information in a timely and accurate fashion (must be submitted to HR no more than 30 days from the end of the work period).

Volunteer Opportunities

Individual volunteers and groups of volunteers are utilized for a variety of functions throughout the Department. Prior to volunteering their services they must submit a Volunteer Application, Affidavit of Volunteer Service, and a Fingerprint/ID Form (if applicable) that is authorized/approved by the HR Division and undergo local/national background check to include a Florida Department of Law Enforcement Sexual Predator/Offender review in accordance with the governing ordinance, Chapter 26, Section 39.

Examples of the functions that Volunteers perform are as follows:

Types of Work	Site(s)
Ranger/Starter	Golf Courses
Teaching Assistant	Art Center
Grounds Maintenance	Neighborhood Parks
Coaching	Neighborhood Parks
Animal Care	Amelia Farm Village
Swim Team Assistant	Neighborhood Parks
Chaperone	Neighborhood Parks
Counselor Assistant	Neighborhood Parks
Arts/Crafts Assistant	Neighborhood Parks
Pool Maintenance	Regional Pools
Programming Assistants	Neighborhood Parks
Swim Instructor Aide	Regional Pools
Summer Camp Counselors	Neighborhood Parks
Clerical Assistant	Division Offices
Beach Clean-up	Regional Parks
Naturalist Guide	Naturalist Section/Interpretive Programs
Wheel Chair Tennis Tournament Volunteer	Leisure Access Section
Youth Leadership Assistant	Neighborhood Parks
Exotic Plant Removal	Regional Parks and Deering Estate at Cutler
Gardening Assistant	Fruit & Spice Park
Tutor	Neighborhood Parks
Docents	Metrozoo
Metrozoo Animal Science Volunteers	Metrozoo
Administrative Assistants	Various
Internships	Various

PROGRAM ROLES

- ROLE OF HUMAN RESOURCES
- ROLE OF VOLUNTEER COORDINATOR
- ROLE OF PERSONNEL LIAISON
- ROLE OF THE VOLUNTEER COMMITTEE
- ROLE OF SUPERVISOR
- ROLE OF SERVICE AREA MANAGER
- ROLE OF VOLUNTEER

Roles/Responsibilities of Human Resources

The Human Resources (HR) Division shall be responsible for the overall direction and coordination of the volunteer program and its compliance with the policy and guidelines set forth herein.

The **Volunteer Coordinator** (VC) is to create partnerships, perform outreach services, aid in recruitment of volunteers, coordinate the placement and management of volunteers and serves as the head of the volunteer committee. The Volunteer Coordinator is the liaison between the supervisors and the volunteers. This includes the requirement to screen each volunteer candidate as prescribed by the U.S. Department of Justice guidelines for the screening of persons working with the elderly, disabled and children, as well as Florida statute 943.04351 (2004). It is the responsibility of the Volunteer Coordinator to assist the Service Area Manager and/or a subordinate supervisor with any volunteer related activities as needed.

The **Personnel Liaison** is the field personnel whose job it is to ensure guidelines are met by field personnel as it pertains to the volunteer program and the background process. For this reason the assistance and suggestions from the personnel liaisons as designated throughout the Department are encouraged and welcomed.

The **Volunteer Committee** consists of key park personnel such as Personnel Liaisons or those designated to promote the dissemination of information and advocacy as well as provide guidance to staff relating to the course of the volunteer activities occurring within the Parks Department.

It is the job of HR to ensure that individuals have the right to be offered the opportunity to become a volunteer regardless of race, color, religion, sex, age or national origin. The potential volunteer should be interviewed appropriately and assigned to a meaningful job. The individual has the right to receive training and supervision in order to perform their tasks well. The individual has the right to be involved in enhancing the volunteer experience and program. Volunteers shall be recognized in a meaningful way and should be regarded as a unique group of valuable individuals.

Roles/Responsibilities of Supervisor

The **Supervisor** of each volunteer is responsible for providing the volunteer with adequate supervision and training (including safety training) required for the volunteer to carry out their assigned tasks. The Supervisor will coordinate all individual volunteer assignments and group volunteer projects with their Service Area Manager in case there are any maintenance requirements or other related supplies that must be acquired for the successful completion of the volunteer service being provided.

The **Service Area Manager** (SAM) is a representative from the management team of Miami-Dade Parks and Recreation who is responsible for identifying the volunteer opportunities for individuals and for scoping out potential volunteer project opportunities for groups. The SAM or a subordinate supervisor assigned by the SAM acts as the Project Supervisor and is responsible for the successful completion of the project, as well as the scheduling of maintenance requirements pertinent to the assigned project. The SAM is the contact person responsible for providing oversight of the projects in their entirety.

Roles/Responsibilities of Volunteer

It is the volunteer's responsibility to be honest and open with staff regarding intent, goals, needs and skills, so that an appropriate placement can be made. The volunteer should be aware of the time requirements and duties before accepting the assignment; upon acceptance, it is the expectation that the volunteer fulfill the commitment to the best of his or her abilities. The volunteer should work as a recognized and respected member of the team (inappropriate behavior will NOT be tolerated).

The individual volunteer is to complete a Volunteer Application and Affidavit of Volunteer Service. The paperwork is to be submitted to the Volunteer and Background Unit of the HR Division where by the individual will undergo a local/national background check (as needed) as well as the Florida Department of Law Enforcement Sexual Preditor/Offender Search. Once the volunteer applicant has been cleared through the background process, he/she is authorized to commence his or her volunteer service.

The volunteer should be encouraged to participate in planning and enhancing the program in whatever training or learning activities are available. It is welcomed when ideas are shared. This brings valuable new perspectives to the program and others.

Volunteers are expected to seek and accept honest and constructive feedback on their performance with the goal of it providing a valuable opportunity for growth. The individual serves as a goodwill ambassador for Miami-Dade Park and Recreation and Miami-Dade County in the community at large. The volunteer should be informed of all various program policies and procedures. Most importantly, a volunteer should contribute to the priceless gift of service and enthusiasm.

POLICIES & PROCEDURES

- DRUG & ALCOHOL POLICY
- EQUAL OPPORTUNITY
- MEDIA CONTACT
- SEXUAL HARASSMENT & OTHER FORMS OF MISCONDUCT
- SMOKING
- SAFETY GUIDELINES
- RECRUITMENT
- CRIMINAL RECORDS CHECK
- PLACEMENT
- TIME SHEET
- COMPLAINT PROCEDURE

POLICY

Drug & Alcohol Policy

No volunteer shall work, report to work, or be present on park premises or engage in departmental activities while under the influence of alcohol or controlled substances as such significantly affects job safety or performance. The unlawful or unauthorized manufacture, distribution, dispensation, possession, sale or use of alcohol or controlled substances on park premises is strictly prohibited. Any violation of this substance abuse policy may result in immediate termination from the volunteer program and/or involvement of law enforcement.

Equal Opportunity

The Miami-Dade Park and Recreation Department has developed a formal volunteer program to ensure and promote equal opportunities for all volunteers. Volunteer decisions shall be based on interest, merit, qualifications and competence. All aspects of volunteering – including but not limited to selection, placements, assignments, transfers, disciplinary actions, training afforded, terminations and all other conditions of volunteerism with the department – shall not be influenced or affected by a volunteer's race, color, religion, age, gender, national origin, disability because of being a veteran, physical or mental disability or other characteristic protected by law.

Media Contact

Volunteers should direct any inquiries from the media or any outsider who attempts to obtain information about Miami-Dade Park and Recreation, specific parks, or park issues to the Department's Communications division at 305-755-7861. Volunteers are not to speak to any member of the media or group on behalf of MDPR unless authorized.

Sexual Harassment & Other Forms of Misconduct

Miami-Dade Park and Recreation is committed to providing an environment that is free of harassment or discrimination. MDPR will not tolerate adverse treatment of volunteers because they report harassment or provide information related to such complaints. MDPR in exercising reasonable care to prevent and promptly correct harassment or retaliation for reporting harassment will protect victims from further unlawful harassment and retaliation by reassigning the volunteer when appropriate or desired. Unlawful harassment consists of unsolicited, offensive or retaliatory behavior based on race, sex, color, national origin, religion, age, disability, ancestry, marital status, pregnancy, sexual orientation, or an employee's exercise of their constitutional or statutory rights. It does not refer to occasional comments of a socially acceptable nature to a reasonable person; it refers to behavior that is not welcome, that is personally offensive, that lowers morale, and that, therefore, interferes with the work environment.

Smoking

Smoking is not permitted in public while on duty and/or in uniform.

Safety Guidelines

- Determine who is responsible for supervising child participants, away from busy or unsafe areas
- Use the Group Leader's first aid kit for minor scrapes or cuts; call 911 immediately to request assistance for any serious injury, or to report any suspicious or illegal activity present in the area
- Wear sunscreen and a hat for sun protection; wear gloves at all times during the cleanup project (leather gloves recommended; cloth, latex or plastic OK for light pickup)
- Boots or closed-toe shoes are required (no sandals)
- Drink water or hydrating beverages often; avoid caffeinated drinks; alcohol is strictly prohibited
- Stay with your group in the designated cleanup boundaries. Don't trespass on private property or neighbors' yards
- Be cautious when working around construction debris, cactus, insects, wildlife, steep slopes and sharp rocks. Immediately report potentially unsafe or dangerous situations to the Group Leader
- Ask participants to return to the designated meeting place at the end of the cleanup to report problems or area maintenance concerns to Group Leader
- Supervise children at all times.
- Under no circumstances should you pick up any of the following items:
    - Hypodermic needles
    - Medical waste
    - Condoms
    - Chemical containers
    - Dead animals
    - Sharp items (broken glass may be collected with a broom/pan or shovel by an adult, or notify us of location)

Please alert group leader and others in the area immediately if you encounter any of these items!

PROCEDURE

Recruitment

Volunteers shall be actively recruited by the Department with the intent of broadening and expanding the volunteer involvement of the community. Volunteers shall be recruited without regard to gender, handicap, age, race, or other condition. The sole qualification for volunteer recruitment shall be suitability to perform a task on behalf of the Department. Volunteers may be recruited through either an interest in specific functions or through a general interest in volunteering which will later be matched with a specific function.

The various regions' and section's volunteer needs will be planned out every two months in conjunction and collaboration with the Volunteer Coordinator and Committee. These meetings will function as planning sessions where in the Department's needs can be matched with volunteer resources. Volunteers can be requested at any time throughout the year so long as the Regional Manager has sanctioned the event in which they will be needed to ensure a successful event. This helps HR in acknowledging a need for specific volunteer services and what the position entails. A manual table of organization for volunteers will be maintained for record-keeping purposes.

Methods used to recruit volunteers include:

- Walk-ins – Individuals interested in volunteering who walk-in to a MDPR facility must complete a Volunteer Application and Affidavit of Volunteer Service along with a Fingerprint ID Form (if applicable). The park manager will fax/email the forms to the Volunteer and Background Unit via their Personnel Liaison. The VBG Unit will respond within 1 to 2 business days.
- Internet – Individuals should always view the volunteer web page for new volunteer opportunities. On the page, they are guided to call the Volunteer Coordinator for additional information.
- Working in conjunction with other County departments or government entities – Individuals should be referred to the Volunteer Coordinator at 305-961-2781.
- Word-of-mouth – Please refer all individuals to the Volunteer Coordinator located in the Hickman building at 305-961-2781.
- Volunteer Coordinator's outreach efforts –Recruitment drives at high schools, universities and other organizations, blast emails, job/volunteer fairs, cold calls and other recruitment methods.

The Park and Recreation web page will be updated monthly by the Volunteer Coordinator to inform volunteers about new information, volunteering opportunities and other interesting information.

All volunteer projects and/or assignments will state the appropriate age for a volunteer candidate. Anyone under 18 years of age must receive permission granted by a parent or legal guardian on the completed Volunteer Application Form. The individual is not allowed to commence volunteering services until final approval from the Volunteer and Background Unit of the Human Resources Division has been granted.

Criminal Records Check –All volunteers must pass a background check prior to commencing any work activities for the department. Volunteers who do not agree to the background check shall be refused assignment.

The Department is bound by the Ordinance pertaining to Chapter 26 of the Code, entitled "Park and Recreation Department Rules and Regulations: on criminal background checks. On January 10, 2008, the County Commission passed the Ordinance pertaining to Chapter 26, Section 39, paragraph A of the Miami-Dade County Park and Recreation Rules and Regulations which states in part: that the department shall secure a nationwide criminal background check of all volunteers whose duties require physical presence on park property owned or operated by Miami Dade County. Every three (3) years thereafter, the department shall secure nationwide criminal background checks for existing volunteers whose primary duties require physical presence on park property owned or operated by Miami Dade County.

Based on the outcome of the check, consideration will be granted to obtain their services as a volunteer. If no adverse or criminal information is found, the process to obtain volunteers will continue.

If the criminal background check results in adverse or criminal information, this information must be reviewed and approved by either the Director designee (Chief of HR for Misdemeanor Crimes) or the Director (for Felony Crimes).

There is a specific criterion that may exclude someone from being approved to perform services at Parks; based on the Ordinance, Chapter 26, Section 39, these are as follows:

1) One conviction of a violent felony or conspiracy to commit a violent felony within the past five (5) years; or
2) A conviction of a felony involving the trafficking of narcotics within the past five (5) years; or
3) Has two (2) or more convictions for a violent felony, or conspiracy to commit a violent felony, or involving the trafficking of narcotics; or
4) Is a sexual offender or a sexual predator; or
5) Has failed to provide the Miami-Dade Park and Recreation Department with proof of United States citizenship or legal immigration status in the United States.

A violent felony refers to the following felonies: arson; assault and/or battery; sexual battery; robbery; kidnapping; aggravated child abuse; aggravated abuse of an elderly person or disabled adult; aggravated assault with a deadly weapon; murder; manslaughter, aggravated manslaughter of an elderly person or disabled adult; aggravated manslaughter of a child; unlawful throwing placing or discharging of a destructive device or bomb.

All volunteers must also sign an affidavit wherein they agree to report any arrest while in the commission of their services as a volunteer.

The level of background screening a potential volunteer will have to undergo will be determined by the classification of volunteer the individual will be providing services under. They are categorized as long-term, academic long-term, court mandated, government ordered, Children's Trust and short-term volunteers. The fees for fingerprinting will be paid from the index code of

the park where they will volunteer their services with the exception of the court mandated volunteer workers. Community service workers who are mandated by the court system to serve hours are required to pay the thirty-three dollar and twenty-five cent ($33.25) fee at their personal expense. The personal check or money order will be made out to the Board of County Commissioners and processed by the Personnel Liaison for recouping of funds. Fees are as follows:

Classification of Volunteer	Level of Background Required	Fee Charged to the Index Code
Short – Term (less than three occurrences within a six month period and for academic requirement up to the high school level)	Local background check conducted by Volunteer and Background Unit	None
Long – Term (More than three occurrences within a six month period)	VECHS Fingerprint Check conducted by the Employee Relations Department.	$33.25
Court Mandated Volunteer (Performing services dictated by a court order)	VECHS Fingerprint Check conducted by the Employee Relations Department.	$33.25 (The court mandated worker must pay the fee via money order or personal check at the time of application in order to be processed)
Children's Trust (Volunteering services at a Children's Trust site)	VECHS Fingerprint Check conducted by the Employee Relations Department.	$33.25

Placement – When the Volunteer Coordinator places a volunteer in a position attention will be paid to the interests and capabilities of the volunteer. No placement shall be made unless the requirements of both the volunteer and the supervising staff can be met. No volunteer will be assigned to a 'make-work' position and no position will be given to an unqualified or disregardful volunteer.

Volunteer staff must be issued by their supervisor a clear, complete, and current description of the duties and responsibilities of the position, which they are expected to fill. Prior to any volunteer assignment or recruitment effort, a position description must be developed for each volunteer position. This document will be given to each accepted volunteer and utilized in subsequent management and evaluation efforts. Position descriptions should be reviewed and updated at least every two years, or whenever the work involved in the position changes substantially.

All position descriptions shall include a narrative of the purpose and duties of the position, a designated supervisor and worksite, a time frame for the performance of the job and a listing of job qualifications will be maintained in a volunteer database.

Time Sheet – Individual volunteers are responsible for the accurate completion and timely submission of timesheets to the respective Park Manager. A weekly printed schedule will be provided to the volunteer by the Park Manager. A Monthly Volunteer Attendance Record will be completed by the Park Manager and forwarded to the Volunteer and Background Unit by the 10th day of every month for the prior month.

Complaint Procedure – All complaints of harassment, subsequent investigations and corrective actions shall be handled on a confidential basis to the extent possible under the law. Protective measures will be instituted to protect the complainant. Miami Dade Park and Recreation has established procedures for resolving, filing and processing complaints of unlawful harassment.

If the investigation confirms the existence of unlawful harassment, the Fair Employment Practices Office in HR will pursue prompt corrective action, including remedial relief for the victim and appropriate disciplinary action against the offender.

EXPECTATIONS

Dress Code/Appearance – The personal appearance standards required of MDPR volunteers are based on the premise that what we wear and how we wear it reflects not only how we value the institution we serve but also contributes significantly to the respect we receive from visitors, other volunteers and staff alike. As representatives of the Department, volunteers are responsible for presenting a good image to clients and the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Specific Standards:

- Your name badge must be worn at all times while on duty. The name badge will be issued by HR once the application and approval process is complete. The name badge should be displayed in a straight manner above the right pocket (or similar area on the T-shirt) of the T-shirt issued by the Region.
- Moderation and appropriateness should apply to all areas of appearance, such as cosmetics, jewelry, hairstyles and fashions in clothing and accessories. What is worn should reflect current norms for daytime, workplace wear.
- Cleanliness of person and clothing is expected of all volunteers.

TRAINING

Orientation – All volunteers will receive a general orientation provided by HR on the nature and purpose of the Department as well as the nature and operation of the program. The volunteer handbook will be disseminated at this session. A separate orientation will be conducted by the volunteer's supervisor detailing the activity for which they are recruited as well as the purposes and requirements of the position which they are accepting. These orientations are a vital component in the utilization of volunteers. The expectations of the volunteer are formulated after visiting the staff and going through an orientation checklist with the respective supervisor. The orientation checklist (see appendix) provides both the supervisor and the volunteer the opportunity to sit down one-on-one and address any questions the volunteer may have prior to the commencement of any volunteer work.

Scheduling and confirmation of volunteers for the HR general orientation shall be through the Personnel Liaison with the Volunteer Coordinator. These sessions will be conducted by the Volunteer Coordinator on a weekly basis as needed.

Volunteers shall maintain strict confidentiality with any information to which they may have access within their volunteer job. Volunteers are prohibited from using information not generally available to the public and obtained by reason of their volunteer positions for the personal benefit of themselves or others.

Supervision – Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for day to day management and guidance of the work of the volunteer, and shall be available to the volunteer for consultation and assistance.

Volunteer Staff/Paid Staff – Volunteer staff and paid staff are partners in implementing the mission and programs of the Department, with each having an equal but complimentary role to play.

It is essential in the proper operation of this relationship that each partner understands and respects the needs and abilities of the other.

Training and Skill Enhancement – Opportunities for continuing education are offered on a regular basis.

EVALUATION

Volunteers shall receive periodic evaluations to review their work. The evaluation process is a concentrated effort between the Volunteer Coordinator, Park Manager, Supervisor and volunteer. The evaluation session is utilized to review the performance of the volunteer on means of enhancing the volunteer's relationship with the Department, to convey appreciation to the volunteer, and to ascertain the continued interest of the volunteer in serving that position and/or the department. Evaluations should include both an examination of the volunteer's performance of position responsibilities, volunteer hours and a discussion of any suggestions that the volunteer may have concerning the position or project with which the volunteer is connected.

BENEFITS

Insurance – Volunteers are not eligible for Unemployment Compensation benefits from the County. Volunteers are eligible for Workers Compensation – medical expenses only. In case of an accident, the supervisor must be notified. The Supervisor must report the accident through the Tele Claim system (1-877-632-7475) and advise them that the claim is for a volunteer. The Supervisor will be required to provide all personal information of the volunteer in order to answer the questions when calling.

Tax Deductions (expenses that may be deductible):

- Out-of-pocket expenses that you pay in rendering services without compensation
- Fees or assessments that you may have to pay to the Department
- If you are a chosen representative (volunteer liaison) attending a meeting or convention for the Department, you may be able to deduct unreimbursed expenses for travel, transportation, mileage, etc.
- Telephone bills
- Automobile expenses

Check with your tax professional for more details.

RECOGNITION

Recognition and Incentive Benefits

- For every 100 hours of volunteer service, Metrozoo will give the volunteer one entrance admission to the zoo free of charge.
- For every day (usually 8 hours) of volunteer service as a Ranger/Starter, the Golf Division will allow the volunteer to play a round of golf.
- Additional incentive benefits are being developed by the Volunteer Coordinator and shall be published as they become available.

Volunteers Appreciation Event – Volunteers will be recognized through an annual Volunteer Recognition Event hosted in the month of April. This recognition program is to recognize and reward volunteers for their dedication to the Department. This event is coordinated by the Volunteer Coordinator and the operating divisions of the department. It will be held in the Commission Chambers and the Hickman Building (Administration Offices) in downtown where employees and management will be invited to attend.

At the event, Appreciation Certificates from the Board of County Commissioners will be presented to the volunteer groups by the Commission Chair or designee in the chambers. Afterwards, individual Appreciation Certificates will be presented to the volunteers by the Department Director and HR staff along with a small ceremony in appreciation of the outstanding volunteer services that they have performed.

Periodic forums will be held where volunteers can attend to recognize and accommodate their personal needs and problems. These sessions will provide additional training (i.e. service excellence, telephone etiquette, etc...) to develop the volunteer. These sessions also serve to provide a platform for suggestions and ideas to be explored and developed.

TERMINATIONS

If the volunteer's schedule should change and the individual can no longer volunteer in the current assignment, contact the Volunteer Coordinator's office. It may be possible that another position will fit the volunteer's new circumstances. The Volunteer Coordinator may be able to arrange a transfer to another section that will provide the volunteer with your more desirable experience.

Holding a volunteer position with MDPR does not confer to the volunteer any rights with regard to position, length of service, or termination. Volunteers may be asked to leave the position at any time, without notice, for any reason deemed appropriate by the supervisor.

Upon time of resignation or termination of the volunteer position all Park and Recreation items and equipment must be returned.

At least two-week's notice is greatly appreciated and expected for resignations. Please complete an exit evaluation prior to your end of service by logging onto the website address www.miamidade.gov/surveys/snerd_post_employment.asp. The opinions and concerns of the volunteer will help improve the program.

APPENDIX FORMS/ APPLICATIONS

- VOLUNTEER APPLICATION
- AFFIDAVIT FOR VOLUNTEER SERVICE
- FINGERPRINT/ID FORM
- VOLUNTEER WORKSITE ORIENTATION
- MONTHLY VOLUNTEER ATTENDANCE RECORD
- VOLUNTEER EVALUATION
- VOLUNTEER PROCESSING REFERENCE SHEET

Miami-Dade Park and Recreation Department

MIAMI-DADE COUNTY

Volunteer Application

Please print clearly and return completed form to the facility where you would like to volunteer or any Miami-Dade park office.

Today's Date:	Individual ☐ Corporate ☐ Co. Name:			
SS#:	Date of Birth:			Male ☐ Female ☐
Last Name:	First Name:			MI:
Address:	Apt #:	City:	State:	Zip:
Home Phone:	Cell Phone:	E-Mail:		
Are you 18 years of age or older? YES ☐ NO ☐	Driver's License Number or ID Number:			

Will you be volunteering more than three (3) times within the next six months?	Yes ☐	No ☐
When are you available to start as a volunteer?		
Is this volunteer service required by a government agency or court order?	Yes ☐	No ☐
Are you fulfilling requirements for community service hours?	Yes ☐	No ☐

Have you ever been convicted of a felony? Yes ☐ No ☐
If yes, please explain below. (Answering yes does not necessarily exclude you from being selected for volunteer service)

_____

_____

Please check below which areas are of interest to you?

Education	*Customer Relations*	*Administrative / Computer*	*Specialty / Miscellaneous*
☐ Academic Tutoring	☐ Hosting / Greeting	☐ Office / Clerical Work	☐ Dog Park / Maintenance
☐ Sports Development	☐ Chaperone	☐ Research	☐ Fundraising
☐ Teaching Arts / Other ____	☐ Special Event(s) ____	☐ Public Relations	☐ Animal Husbandry
☐ Naturalist / Nature Camp	☐ Other:	☐ Other:	☐ Golf Course / Ranger Starter

Please tell us how you found out about volunteering or the Adopt-A-Park Program with Miami Dade Park and Recreation?

☐ Newspaper	☐ School	☐ Website	☐ Park Employee / Friend	Other:

I request approval to volunteer my services at:

Under the supervision of (park manager or designee):

USE OF SOCIAL SECURITY NUMBER

The Miami-Dade Park & Recreation Department (the "Department") collects your Social Security number for identification and verification, reconciliation, tracking, and record keeping purposes. Social Security numbers are also used as a unique numeric identifier and may be used for internal search purposes.

INDEMNIFICATION

I understand that I am not an employee of Miami-Dade County (the "County") and will not receive payment for my volunteer services. I understand that as a volunteer I am covered under the Workers' Compensation Laws of the State of Florida as outlined in Chapter 440 of the Florida Statutes. I further agree to immediately notify my supervisor if I am injured in the performance of my volunteer duties.

I further understand that as a volunteer I am not allowed to operate any power equipment, drive County vehicles, handle County funds, supervise County employees, provide "life guarding" services or use/handle pesticides, herbicides or other hazardous chemicals. Exceptions to these restrictions must be approved in writing by the Department Director.

By signing this request, I additionally certify that I am aware that the Department will make the appropriate inquiries into my background as prescribed by Florida Statute 943.04351 (2004) and Chapter 26 of the Miami-Dade County Code.

In exchange for the opportunity to perform volunteer services for the County, and the County's permission to access certain County facilities for this purpose, and for other good and valuable consideration, receipt of which is hereby acknowledged, the undersigned hereby releases, indemnifies and saves harmless the County, its officers, officials, agents, employees, successors and assigns, from and against any and all liabilities, actions and causes of action which may arise, directly or indirectly, from the services and work to be performed by me as a volunteer and from the premises which I will occupy in performing those services and matters incidental thereto. I declare that all the information provided on this application is true, and I understand that any falsification or misrepresentation may result in my termination from the County's volunteer program.

If Volunteer is less than 18 years old, please complete the following:

Parent's Name & Address:	
Signature:	Date:

Applicant Signature _____ Date _____

For Office Use Only				
STV	LTV	CMV	DDL:	Index Code (If LT or CMV):
Preliminary Check: Yes ☐ No ☐			PreLim BG Approval:	
VECHS Check: Yes ☐ No ☐			VECHS Results Approval:	

ATTACHMENT B

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Amended
Agenda Item No. 7(B)

TO:	Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners	**DATE:**	January 10, 2008
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Ordinance pertaining to Chapter 26 of the Code, "Park and Recreation Department Rules and Regulations"

0#08-07

The accompanying ordinance was prepared and placed on the agenda at the request of Senator Javier D. Souto.

R. A. Cuevas, Jr.
County Attorney

RAC/bw

Memorandum

MIAMI-DADE COUNTY

Date: January 10, 2008

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Ordinance pertaining to Chapter 26 of the Code entitled "Park and Recreation Department Rules and Regulations"; criminal background checks

---

The ordinance pertaining to the criminal background checks will have an initial estimated fiscal impact of $243,500 to the Miami-Dade County Park and Recreation Department (MDPR). The estimate includes the cost of one staff position in the MDPR Department ($60,000 in salary and fringes) to implement and monitor compliance with the ordinance and the cost of conducting the background checks. The adoption of this ordinance will have an estimated fiscal impact of $243,500 every third fiscal year and approximately $153,100 annually ($90,400 additional every third year for the re-checking of backgrounds on required full-time MDPR employees). The requirements in the ordinance may deter citizens from providing volunteer services. However, that impact cannot be determined at this time. Furthermore, Parks Programming Partners and other groups providing volunteer related services in Miami-Dade County Parks will be financially impacted due to the requirements of the ordinance.

Alex Muñoz
Assistant County Manager

Fiscal01408

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MEMORANDUM
(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: January 10, 2008

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

SUBJECT: Amended Agenda Item No. 7(B)

Please note any items checked.

_____ "4-Day Rule" ("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

_____ Bid waiver requiring County Manager's written recommendation

_____ Ordinance creating a new board requires detailed County Manager's report for public hearing

_____ Housekeeping item (no policy decision required)

_____ No committee review

~~18~~

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Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 7(B)
01-10-08

ORDIDANCE NO. 08-07

ORDINANCE PERTAINING TO CHAPTER 26 OF THE CODE OF MIAMI-DADE COUNTY ENTITLED "PARK AND RECREATION DEPARTMENT RULES AND REGULATIONS"; DELETING SECTION 26-33; CREATING ARTICLE III TO REQUIRE CRIMINAL BACKGROUND CHECKS FOR ALL PERSONS WORKING OR VOLUNTEERING ON COUNTY PARK PROPERTY; PROHIBITING SEXUAL OFFENDERS, SEXUAL PREDATORS, CERTAIN VIOLENT FELONS, AND CERTAIN CONTROLLED SUBSTANCE TRAFFICKERS AND NON-LEGAL IMMIGRANTS FROM WORKING OR VOLUNTEERING ON PARK PROPERTY OWNED OR OPERATED BY MIAMI-DADE COUNTY; PROVIDING AUTHORITY FOR ENFORCEMENT BY CIVIL PENALTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, this Board is concerned about the security and safety of children visiting Miami-Dade County parks; and

WHEREAS, there is a strong likelihood that children visiting County-owned or operated parks will come into direct contact with persons working or volunteering on County-owned or operated parks; and

WHEREAS, the County currently requires criminal background checks only of staff members and volunteers of fairs, carnivals, and Programming Partners operating on County-owned or operated park property; and

WHEREAS, requiring criminal background checks of most persons working or volunteering on County-owned or operated park property would reduce the incidence of direct contact between children and sexual predators or violent felons,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 26-33 of the Code of Miami-Dade County (the "Code") is hereby deleted in its entirety:[1]

[[~~Sec. 26-33. The Shannon Melendi Act.~~

~~A. All Programming Partner staff and volunteers who will have direct contact with program participants, at their expense, must show proof of official statewide background checks (either through the Florida Department of Law Enforcement or the Miami-Dade Police) for substance abuse, family violence and crimes of moral turpitude. The Department will seek a cooperative agreement with the Miami-Dade Police Department to provide such services at a discount for Partners. All Programming Partner staff must show proof of legal immigrant status in the United States. The Programming Partner shall keep records of all background checks and proof of legal immigrant status.~~

~~B. All Programming Partner staff and permanent volunteer coaches shall wear a picture identification at all times while on County property and at all times when in direct contact with program participants.~~

~~C. All fair and carnival employees or agents who will have direct contact with children under the age of 18 in a Miami-Dade County park, shall, at their expense, show proof of official statewide background checks (either through the Florida Department of Law Enforcement or the Miami-Dade Police) for substance abuse, family violence and crimes of moral turpitude. All fair and carnival employees or agents working in a Miami-Dade County park must show either proof of U.S. citizenship or legal immigrant status in the United States. The employer of any fair or carnival employee serving in a Miami-Dade County park shall keep records of all background checks and proof of legal immigrant status.~~

~~D. All fair and carnival employees or agents who will have direct contact with children under the age of 18 in a Miami-Dade County park shall wear a picture identification at all times while on County property and at all times when in direct contact with program participants.~~]]

[1] Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Section 2. Article III of Chapter 26 of the Code is hereby created as follows:

Chapter 26 PARK AND RECREATION DEPARTMENT RULES AND REGULATIONS

* * *

ARTICLE III. THE SHANNON MELENDI ACT

Sec. 26-37. Definitions.

As used in this article the following terms shall have the following meanings:

A. *Community-based Organization (CBO)* shall refer to any not-for-profit agency, group, organization, society, association, partnership, or individual whose primary purpose is to provide a community service to improve or enhance the well-being of the community of Miami-Dade County at large or to improve or enhance the well-being of certain individuals within this community who have special needs.

B. *Child Event Worker* shall refer to any full- or part-time employee, agent, volunteer, independent contractor, or employee or volunteer of an independent contractor of a carnival or fair that hosts amusement rides in a park owned or operated by Miami-Dade County. The following persons shall be exempted from this definition:

(1) Law enforcement personnel;
(2) Emergency or fire rescue personnel;
(3) Persons conducting deliveries; and
(4) Military recruitment personnel.

C. *Conviction* shall refer to a determination of guilt of a criminal charge which is the result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld.

D. *Park vendor* shall refer to any full- or part-time employee, agent, volunteer, independent contractor, or employee or volunteer of an independent contractor that has a contract with, or permit from, Miami-Dade County to rent or sell food, beverages, sporting equipment, or any other goods or services in a park owned or operated by Miami-Dade County. The following persons and events shall be exempted from this definition:

(1) Law enforcement personnel;
(2) Emergency or fire rescue personnel;
(3) Persons conducting deliveries;
(4) International or national sporting events;
(5) One-day events; and
(6) Carnivals, festivals, trade shows, and fairs that do not host amusement rides.

E. *Professional Background Screener* shall refer to any person, company, organization or agency which, for monetary fees, dues, or on a not-for-profit basis, regularly engages in whole or in part in the practice of researching and assembling criminal history information on specific persons for the purpose of furnishing criminal history reports to third parties.

F. *Programming Partner* shall refer to any Not-For-Profit Program Service Provider that is selected by the Department under Article II of this chapter and the accompanying Administrative Order to provide programs in County Park and Recreation Facilities.

G. *Sexual Offender* shall include any individual who meets the criteria of a "sexual predator" as defined in Section 775.21(4) of the Florida Statutes, or a "sexual offender" as defined in Section 943.0435 of the Florida Statutes, or who is listed on the National Sex Offender Public Website owned or operated by the United States Department of Justice.

H. *Violent felony* shall refer to the following felonies: arson; sexual battery; robbery; kidnapping; aggravated child abuse; aggravated abuse of an elderly person or disabled adult; aggravated assault with a deadly weapon; murder; manslaughter; aggravated manslaughter of an elderly person or disabled adult; aggravated manslaughter of a child; unlawful throwing, placing, or discharging of a destructive device or bomb; armed burglary; aggravated battery; or aggravated stalking.

I. *Volunteer* shall refer to any individual performing volunteer duties for a CBO, for a Programming Partner, for the Miami-Dade Park and Recreation Department, as a child event worker, or as a park vendor for more than three (3) days in any six (6) month period. Students volunteering in order to fulfill high school graduation requirements shall be exempted from this definition.

Sec. 26-38. Background checks Required for Child Event Workers, Park Vendors, and Programming Partner or Community-Based Organization (CBO) Employees and Volunteers.

A. Upon adoption of this ordinance, employers of child event workers, employers of park vendors, and Programming Partners and CBOs shall secure a nationwide criminal background check of all existing child event workers, park vendors, employees, and volunteers whose duties require physical presence on park property owned or operated by Miami-Dade County. In addition, prior to employing, or allowing to volunteer, a person whose duties would require physical presence on park property owned or operated by Miami-Dade County, employers of child event workers, employers of park vendors, and Programming Partners and CBOs shall secure a nationwide criminal background check of all such prospective child event workers, park vendors, employees or volunteers.

The nationwide criminal background checks shall be conducted by a Professional Background Screener and shall include a report as to whether each child event

worker, park vendor, staff member or volunteer is listed on the National Sex Offender Public Registry, and a comprehensive report and analysis, obtained from no less than two independent databases/sources, on the nationwide criminal history of such child event worker, park vendor, staff member or volunteer.

B. Every three (3) years thereafter, employers of park vendors, and Programming Partners and CBOs shall secure nationwide criminal background checks for existing park vendors, staff members, and volunteers whose duties require physical presence on park property owned or operated by Miami-Dade County. However, employers of child event workers shall secure nationwide criminal background checks for existing child event workers whose duties require physical presence on park property owned or operated by Miami-Dade County every year thereafter.

C. Any child event worker, park vendor, or staff member or volunteer of a Programming Partner or CBO who:

(1) has been convicted of a violent felony or conspiracy to commit a violent felony within the past five (5) years; or
(2) has been convicted of a felony involving the trafficking of a controlled substance within the past (5) years; or
(3) has two (2) or more convictions for a violent felony, for conspiracy to commit a violent felony, or involving the trafficking of a controlled substance; or
(3) is a sexual offender or a sexual predator; or
(4) has failed to provide the employer, Programming Partner or CBO with proof of United States citizenship or legal immigration status in the United States,

shall be prohibited from working or volunteering on park property owned or operated by Miami-Dade County. All child event workers, park vendors, and staff members and volunteers of a Programming Partner or CBO shall submit to their employer, to the Programming Partner, or to the CBO an affidavit affirming that no work or volunteer duties will be performed on park property owned or operated by Miami-Dade County in violation of this sub-section and that any arrest will be reported to his/her employer within forty-eight (48) hours of such arrest.

D. Employers of child event workers shall maintain copies of the results of the criminal background checks required by this section for a period of two (2) years from the date they were secured, and employers of park vendors, Programming Partners, and CBOs shall maintain such copies for a period of three (3) years from the date they were secured. Employers of child event workers, employers of park vendors, and Programming Partners and CBOs shall maintain the affidavits required by Section 26-38(C) and the copies of the proof of United States citizenship or legal immigration status until the person is no longer a child event worker, park vendor, staff member, or volunteer.

Employers of child event workers, employers of park vendors, and Programming Partners and CBOs shall, upon request, provide copies of these documents to Miami-Dade County or to any law enforcement personnel with jurisdiction.

E. Every child event worker, park vendor, and staff member and volunteer of a Programming Partner or CBO shall wear, in a conspicuous and visible manner, an identification badge that contains his/her photograph and full name while working or volunteering on park property owned or operated by Miami-Dade County, except when in costume and during a performance. The identification badge shall be of a size, design, and format approved by the Miami-Dade Park and Recreation Department.

F. Penalties and Enforcement.

(1) It shall be unlawful for an employer of child event workers, an employer of park vendors, or a Programming Partner or CBO to knowingly permit or allow any child event worker, park vendor, staff member, or volunteer to work or volunteer on park property owned or operated by Miami-Dade County in violation of Sec. 26-38.

(2) It shall be unlawful for any child event worker, park vendor, or staff member or volunteer of a Programming Partner or CBO to work or volunteer on park property owned or operated by Miami-Dade County in violation of Sec. 26-38.

(3) Any person who shall violate a provision of Sec. 26-38, or who shall knowingly or willingly provide false or erroneous information to his/her employer, or fail to comply therewith, or with any of the requirements thereof, shall upon conviction thereof in the County Court, be punished by a fine not to exceed five hundred dollars ($500.00) or by imprisonment in the County Jail for not more than sixty (60) days, or by both such fine and imprisonment.

(4) Any person who violates or fails to comply with Sec. 26-38 may be subject to civil penalties in accordance with Chapter 8CC of this code. Each day of violation or noncompliance shall constitute a separate offense.

Sec. 26-39. Miami-Dade Park and Recreation Department Employees and Volunteers.

A. Upon adoption of this ordinance, the Miami-Dade Park and Recreation Department shall secure a nationwide criminal background check of all existing employees and volunteers whose primary duties require physical presence on park property owned or operated by Miami-Dade County. In addition, the Miami-Dade Park and Recreation Department shall secure a nationwide criminal background fingerprint check prior to employing, or allowing to volunteer, a person whose primary duties would require

physical presence on park property owned or operated by Miami-Dade County. This nationwide criminal background fingerprint check shall be conducted through the Florida Department of Law Enforcement.

B. Every three (3) years thereafter, the Miami-Dade Park and Recreation Department shall secure nationwide criminal background checks for existing employees and volunteers whose primary duties require physical presence on park property owned or operated by Miami-Dade County. These nationwide criminal background checks shall be conducted by a Professional Background Screener and shall include a report as to whether each employee or volunteer is located on the National Sex Offender Public Registry, and a comprehensive report and analysis, obtained from two independent databases/sources, on the nationwide criminal history of such employee or volunteer.

C. Any employee or volunteer of the Miami-Dade Park and Recreation Department who:

(1) has been convicted of a violent felony or conspiracy to commit a violent felony within the past five (5) years; or
(2) has been convicted of a felony involving the trafficking of a controlled substance within the past (5) years; or
(3) has two (2) or more convictions for a violent felony, for conspiracy to commit a violent felony, or involving the trafficking of a controlled substance; or
(4) is a sexual offender or a sexual predator; or
(5) has failed to provide the Miami-Dade Park and Recreation Department with proof of United States citizenship or legal immigration status in the United States,

shall be prohibited from working or volunteering on park property owned or operated by Miami-Dade County. All employees and volunteers of the Miami-Dade Park and Recreation Department shall submit to the Miami-Dade Park and Recreation Department an affidavit affirming that no work or volunteer duties will be performed on park property owned or operated by Miami-Dade County in violation of this sub-section and that any arrest will be reported to his/her employer within forty-eight (48) hours of such arrest.

D. The Miami-Dade Park and Recreation Department shall maintain copies of the results of the criminal background checks required by this section for a period of three (3) years from the date they were secured. The Miami-Dade Park and Recreation Department shall maintain the affidavits required by Section 26-39(C) and shall maintain copies of the proof of United States citizenship or legal immigration status until the person is no longer an employee or volunteer.

E. Every employee and volunteer of the Miami-Dade Park and Recreation Department shall wear, in a conspicuous and visible manner, an identification badge that contains his/her photograph and full name while working or volunteering on park property owned or operated by Miami-Dade County, except when in costume and during a

performance. The identification badge shall be of a size, design, and format approved by the Miami-Dade Park and Recreation Department.

F. Penalties and Enforcement.

(1) It shall be unlawful for any volunteer of the Miami-Dade Park and Recreation Department to volunteer on park property owned or operated by Miami-Dade County in violation of Sec. 26-39.

(2) Any volunteer who shall violate a provision of Sec. 26-39, or who shall knowingly or willingly provide false or erroneous information to the Miami-Dade Park and Recreation Department, or fail to comply therewith, or with any of the requirements thereof, shall upon conviction thereof in the County Court, be punished by a fine not to exceed five hundred dollars ($500.00) or by imprisonment in the County Jail for not more than sixty (60) days, or by both such fine and imprisonment.

(3) Any volunteer who violates or fails to comply with Sec. 26-39 may be subject to civil penalties in accordance with Chapter 8CC of this code. Each day of violation or noncompliance shall constitute a separate offense.

Section 3. Section 8CC-10 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:

Sec. 8CC-10. Schedule of civil penalties.

The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

The "descriptions of violations" below are for informational purposes only and are not meant to limit or define the nature of the violations or the subject matter of the listed Code sections, except to the extent that different types of violations of the same Code section may carry different civil penalties. For each Code section listed in the schedule of civil penalties, the entirety of that section may be enforced by the mechanism provided in this Chapter 8CC, regardless of whether all activities proscribed or required within that particular section are described in the "Description of Violation" column. To determine the exact nature of any activity proscribed or required by this Code, the relevant Code section must be examined.

* * *

Code Section	*Description of Violation*	*Civil Penalty*
26-38(A)	>>Failure to secure nationwide criminal background check of a prospective child event worker, park vendor, or employee or volunteer of a Programming Partner or CBO whose duties would require physical presence on Miami-Dade County-owned or operated park property	500.00
26-38(B)	Failure to secure nationwide criminal background check of an existing park vendor, child event worker, or staff member or volunteer of a Programming Partner or CBO whose duties require physical presence on Miami-Dade County-owned or operated park property	500.00
26-38(C)	Permitting or performing work or volunteerism on Miami-Dade County-owned or operated park property by child event worker, park vendor, or staff member or volunteer of a Programming Partner or CBO who has been convicted of a violent felony or conspiracy to commit a violent felony within the past five (5) years	500.00
	Permitting or performing work or volunteerism on Miami-Dade County-owned or operated park property by child event worker, park vendor, or staff member or volunteer of a Programming Partner or CBO who has been convicted of a felony involving the trafficking of a controlled substance within the past five (5) years	500.00
	Permitting or performing work or volunteerism on Miami-Dade County-owned or operated park property by child event worker, park vendor, or staff member or volunteer of a Programming Partner or CBO who is a sexual offender or a sexual predator	500.00
	Permitting or performing work or volunteerism on Miami-Dade County-owned or operated park property by child event worker, park vendor, or staff member or volunteer of a Programming Partner or CBO who has two (2) or more convictions for a violent felony, for conspiracy to commit a violent felony, or involving the trafficking of a controlled substance	500.00

26-38(D)	Failure to collect or maintain copies of criminal background checks, affidavits, or United States citizenship or legal immigration status proof of a child event worker, park vendor, or staff member or volunteer of a Programming Partner or CBO	500.00
26-38(E)	Failure of child event worker, park vendor, or staff member or volunteer of a Programming Partner or CBO to wear in a conspicuous and visible manner the required identification badge while working or volunteering on Miami-Dade County-owned or operated park property	100.00
26-39(E)	Failure of Park and Recreation Department volunteer to wear in a conspicuous and visible manner the required identification badge while working or volunteering on Miami-Dade County-owned or operated park property	100.00<<

Section 4. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 5. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 6. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: January 10, 2008

Approved by County Attorney as to form and legal sufficiency:

Prepared by: MR

Monica Rizo

Sponsored by Senator Javier D. Souto

Memorandum

MIAMI-DADE COUNTY

Date: January 10, 2008

Supplement to
Agenda Item No. 7(B)

To: Honorable Bruno A. Barreiro, Chairman
And Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Supplemental Information Relating to Ordinance on Park and Recreation Department Rules and Regulations

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This supplemental information is provided in response to discussion at the December 10, 2007 Recreation and Cultural Affairs Committee. This report addresses those questions raised regarding: what type of system works to meet the requirements of the ordinance; cost of checking/verifying immigration status and; the overall cost factors.

Current Policy

On June 21, 2005, the Miami-Dade Board of County Commissioners adopted legislation that requires all programming staff, fair and carnival employees or agents, coaches, umpires, and volunteers who will have direct contact with children to show proof of official statewide background checks for substance abuse, family violence and crimes of moral turpitude. The current County Code also requires that the above individuals provide proof of United States citizenship or legal immigration status and wear a picture identification at all times while on County property. The Board later adopted amendments to include national background checks and to include all fair and carnival employees or agents who will have direct contact with children under the age of 18.

Other Jurisdictions

National and statewide background check policies pertaining to employees, volunteers and vendors on parks property have been adopted in Broward, Palm Beach and Alachua Counties. These policies range from the requirement for sexual predator database screening up to and including the securing of a national, state and local background checks for staff, and volunteers. The National Recreation and Park Association (NRPA), reports that over sixty (60) state, county and municipal park and recreation departments and agencies are participating in a volunteer background screening process as a result of adopted or pending legislation.

Proposed Legislation

The proposed legislation would require a nationwide criminal background and sexual predator database check to be completed prior to employment or volunteering for Miami-Dade Park and Recreation Department (MDPR) employees, volunteers and the employees and volunteers of programming partners, community based organizations, vendors (with some exceptions), and child event workers employed by lessees. Additionally, the proposed legislation prohibits felons convicted of a violent crime or of conspiracy to commit a violent crime and the trafficking of narcotics within the past five (5) years, sexual offenders or sexual predators from being employed by or volunteering with MDPR, and their programming partners, community based organizations, vendors.

Under the proposed ordinance, MDPR would be required to secure a nationwide fingerprint criminal background check for park employees and volunteers upon adoption and every three years thereafter. Currently, the department conducts the national fingerprint background check only during the hiring and pre-volunteering process. Programming partners, community based organizations and non-exempted vendors would be required to secure a national background check upon adoption and every three (3) years thereafter. Employers of child event workers and volunteers would be required to secure a national background check upon adoption and every year thereafter.

The proposed ordinance requires that the employers of child event workers maintain background check results for a period of two (2) years from the date that they were secured and for employers of non-exempt park vendors, programming partners and community based organizations to maintain such copies for three (3) years from the date that they were secured. The above are required to maintain these affidavits until the person is no longer a child event worker, park vendor, staff member or volunteer.

Records maintenance and coordination of the national fingerprint background check for MDPR employees and volunteers is to be the purview of the department, however the securing, records maintenance and coordination of required background checks and affidavits for the employees and volunteers of program partners, community based organizations, and non-exempt vendors will be the responsibility of the hiring organization. Statements regarding adherence to all Miami-Dade County Ordinances in their respective agreements will obligate these organizations to comply with the provisions in the proposed amendment.

The County Attorney's Office has reviewed the proposed amendment and has determined that the County will not assume any additional legal liabilities with the adoption of this ordinance. However, it is important for me to advise you that although MDPR is not responsible for performing the checks for these organizations and verify and manage the data, the perception may be different and the County may be viewed as the responsible party which may lead to more judgements.

Information Reported at Committee

Fiscal Impact to the County
Upon adoption of this ordinance, the total initial estimated fiscal impact to MDPR is $243,500. Included in this total is the salary and fringe of an additional full-time staff person within MDPR who would coordinate and manage the processing of background checks for Park's employees and volunteers. The implementation of this ordinance must take into account the timeframe necessary for MDPR to hire a background check coordinator and to conduct the FDLE-statewide/FBI-national checks on required current employees and volunteers. The timeliness of the actual processing of the FDLE-statewide/FBI-national checks will be contingent upon the staffing levels and processes within the Human Resource Department. It is recommended that a review of the MDPR records maintenance and background check coordination process required if this ordinance be conducted within one year of adoption to ensure adequate staffing and funding levels.

A fiscal and operational impact resulted with the adoption of the current County Code in June, 2005, when the number of court ordered community service workers fulfilling their obligation on parks decreased by approximately 70%. This decrease is attributed to the requirement for individuals to pay the fee for the background check screening. Court ordered community service workers typically fill operational gaps at metropolitan and regional parks by cleaning restrooms, removing litter and augmenting maintenance crews. In order to make up for this operational shortfall, MDPR re-invigorated initiatives requiring volunteer participation. One example of these initiatives is the "Adopt-a-Park" program. However, the anticipated MDPR cost to secure background checks for "Adopt-a-Park" program participants will have a $58,500 fiscal impact, the cost of 1500 screenings.

Impact to Programming Partners
All of the twenty-five (25) MDPR programming partners and community based organizations are currently conducting national background checks for their staff and volunteers either directly with a vendor or through a vendor of their affiliated national organization. The current fiscal impact to MDPR program partners and community based organizations is estimated at $35,000 (based on the average price of $26 for a background check and ID card for 1,300 coaches and regular volunteers). The operational and fiscal impact due to the broad scope of this ordinance will require these entities to

conduct additional background checks for chaperones, boosters and other non-coaching volunteers, further research into the number of staff and volunteers is required, however preliminary figures estimate this ratio as high as one volunteer for every five participants.

The requirement for these entities to conduct the FDLE-statewide/FBI-national checks will increase costs incurred by programming partners, lessees and community based organizations and may deter volunteerism and ultimately increase the costs to program participants.

Overall System Requirements for Background Checks
The type of system needed and required is one that is compliant with the Fair Credit Reporting Act (FCRA).The FCRA is an American federal law that regulates the collection, dissemination, and use of consumer credit information. It forms the base of consumer credit rights in the United States. While some background screening companies do not create credit reports, they may gather the same type of information and as a result may subject some of their actions to the FCRA.

The systems to be used for full compliance with this ordinance must provide definitive information on a person's criminal background and also immigration status. After researching several background screening services the system which best meets the ordinance requirements is a combination of both the Florida Department of Law Enforcement and the web-based E-verify. The E-verify program, formally known as the Basic Pilot or Employment Eligibility Verification System, is jointly administered by the Department of Homeland Security (DHS) through the United States Citizenship and Immigration Services and the Social Security Administration (SSA). E-Verify is described in detail below under the response; there is no cost for this service. The FDLE check, detailed below, costs $47 for a state and national check.

Research yielded other vendors for background screening, including one which provides both a nationwide criminal checking and immigration verification, United Screening Services Corporation (USSC). See the attached table for comparison purposes. The USSC is a company which conducts a criminal background check and also provides a service to verify immigrant status, at a cost of $15 and $5 respectively. USSC is accredited by the National Association of Professional Background Screeners which provides up to date laws and procedures for background screening companies to follow. This vendor currently conducts background checks for the Miami-Dade County Youth Fair and Santa's Enchanted Forest which both employ hundreds of event workers, vendors and volunteers. The USSC criminal background check complies with the requirements of the ordinance.

A system comparison might suggest that USSC may conduct the same services as using both FDLE and the free immigration service of E-Verify. However, a review of the mechanisms used for criminal background determination indicated that the FDLE and USSC base their checks on completely different methods. USSC verifies backgrounds based on information provided by the individual. FDLE verifies the background using fingerprints. Fingerprints are unique to an individual, and therefore, are accepted as the single factor in determining a person's identity and verifying criminal history. Misinformation may be provided by the very persons that this ordinance is intended to identify through altering a digit in a social security number, date of birth, or name information. For a detailed comparison of services and costs, a Comparison Chart of background screening services is attached.

Verification of Applicant's Immigration Status
To comply with Federal Requirements, all employees, citizens and non-citizens hired after November 6, 1986 and working in the United States must complete form I-9 Employment Eligibility Verification of the Department of Homeland Security (referred to as the I-9 form). The purpose of the I-9 form is to document that each new employee (both citizen and non-citizen) hired after November 6, 1986 is authorized to work in the United States. The I-9 form is filled out by both the employee and the employer. The I-9 form is filled out using a number of selected credentials supplied by the employee.

The I-9 form must be kept on file for three years while an active employee, or one year after the employee is inactive with this employer. The I-9 form is subject to inspection by the Federal Government. There is no cost for the I-9 form itself and it is not mandatory that the information provided be verified.

To have USSC verify the information on the I-9 form is an additional charge of $5.00 paid to USSC. The information provided on the I-9 form is done on-line and sent to USSC with the rest of the individual's information required for the background check. This confirmation is instant and provided through a web site set up by USSC through the Department of Homeland Security and the Social Security Administration who instantly verifies the individual's social security number and any legal documentation provided.

The benefits of having USSC verify the I-9 form is that it would be compared to the background information they receive of the individual being checked; the verification is instant; it would allow the I-9 form to be electronically stored and able to retrieve active and inactive I-9 forms, providing anytime, anywhere secure paperless access for updating, re-verification and government inspection as dictated by law; receive automated alerts 90, 60, and 30 days in advance of the expiration of employees' work authorization documents, enabling employees to apply for renewal of their work authorizations, greatly increasing the probability that they can legally continue to work without interruption.

The I-9 form can also be verified at no cost through the website E-verify. The E-verify program, formally known as the Basic Pilot or Employment Eligibility Verification System, is jointly administered by the Department of Homeland Security (DHS) through the United States Citizenship and Immigration Services and the Social Security Administration (SSA). This program allows participating employers to verify whether newly hired employees are authorized to work in the United States by checking the information provided by the employees on their I-9 form against both DHS and SSA databases. The results of the verifications are instant. The Department of Homeland Security United States Citizenship and Immigration Services only requires that paid employees complete the I-9 form. To have volunteers complete the I-9 form to verify United States citizen status would be at the discretion of the employer.

Overall Costs Factors

MDPR conducts criminal background screening of their employees by using FDLE. FDLE conducts statewide background checks by receiving a potential employee's personal information along with their fingerprints. The cost of this service is $23.00. For additional national background screening, FDLE sends the fingerprints and personal information to the Federal Bureau of Investigation (FBI) for a cost of $24.00. The total cost, both by FDLE/statewide screening ($23.00) and the FBI/national ($24.00) is $47.00, per employee. With regard to volunteers, FDLE charges $36.00 to conduct background checks. This is a combined cost for statewide and national checks. Background checks are completed within 72 hours. To document immigration status, another requirement of the ordinance MDPR requires that employees complete an I-9 form; volunteers are required to provide proof of citizenship (such as a driver's license, passport, or other document which verifies the ability to work in the United States). The information provided on the form is not verified, as described above. It is recommended that this be expanded to include the verification available through E-Verify at no additional cost.

In preparing this supplemental report, information was secured for background checking by two event organizations, the Miami-Dade County Youth Fair and Santa's Enchanted Forest. The Miami-Dade County Youth Fair (MDCYF), which employs approximately 700 people with an additional 300 volunteers, complies with the SMA by utilizing the USSC to conduct statewide and national background screening at a cost of $15.00 per applicant. USSC does not utilize fingerprinting in their background screening process. The 3,000 other vendors and their employees that work at the fair must pay for their own background checks using USSC and must fill out an affidavit stating that they comply with the SMA

ordinance. The vendors and their employees pay $5.00 to MDCYF for the identification badges. Employees must complete an I-9 form, and this information is not verified.

Similarly, Santa's Enchanted Forest employees approximately 600 people, and complies with the SMA by utilizing the USSC to conduct statewide and national background screening at a cost of $20.00 per applicant. As stated, USSC does not utilize fingerprinting in their background screening process. Employees must complete an I-9 form, and this information is not verified.

Assistant County Manager

Comparison Table of Background Screening

	Database Services	Costs	Fingerprints Used	Immigration Status Documented and Verified
Florida Department of Law Enforcement (FDLE)	*Uses their own data base. *Only does Statewide criminal background checks. *Will forward checks to the FBI for national background checks for additional fee with approximately 72 hour turnaround. *Includes checks with counties, Department of Corrections and Administration of the Courts. *Checks are instant within the State only and done on-line. *Provides sexual offenders and predators in State of Florida only. *National check only provides criminal record, not sexual offender and predator registry. *Complies with Fair Credit reporting Act. *Currently has a user agreement with the Miami-Dade County Parks Department and the Miami-Dade County School Board.	*No set up fee. *$23.00 per applicant for Florida State background check. *$24.00 per applicant additional charge for national background check. $47.00 total per applicant for national and state background check, **utilizing fingerprints.** *$36.00 per volunteer for background check, **utilizing fingerprints.**	*Uses applicant's fingerprints in their criminal background checks and sends them to the FBI for national background checks.	Does not verify immigration status.

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Comparison Table of Background Screening

Listed below are identified vendors which provide screening services. Currently, a County contract does not exist for these services.				
United Screening Services Corporation	*Uses two data bases. *Researches over 250 million criminal records. * Search results are instant. *Conducts national background checks with most counties reporting *Checks with Department of Corrections and Administration of the Courts. *Checks sexual offenders and predators in all 50 States. *Done on-line ***Does not check fingerprints.** *Is a local company and will provide free training to users. *Currently conducts background checks for the Miami-Dade County Youth Fair and Santa's Enchanted Forest. *Not currently approved as a Miami-Dade County vendor *Complies with Fair Credit Reporting Act.	*No set up fee *$15.00 per applicant for national background check. *$5.00 extra to have U.S. citizenship verified through their service.	Does not use fingerprints in their background checks.	*Using the information provided on the I-9 form. Provides verification instantly via their website through the Department of Homeland Security and the Social Security Administration.
ChoicePoint	*Uses one database (as opposed to two). *Researches over 300 million criminal records. *Search results are instant. *Conducts national background checks with most counties reporting. *Checks with the Department of Corrections and the Administration of Courts *Checks sexual offenders and predators in all 50 States. *Checks are conducted on-line.	*$25.00 onetime initial set up fee. *$100.00 onetime initial set up fee to if invoiced. *$ 5.00 per applicant for national background check. *$8.00 additional fee for social security number verified	Does not use fingerprints in their background checks. Only for financial institutions.	*Will only verify the applicant's social security number. *Does not verify other supplied credentials for U.S. citizenship.

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Comparison Table of Background Screening

	*Is not a local company however supplies on-line customer support ***Does not use fingerprints** *Currently approved as a Miami-Dade County vendor. *Complies with Fair Credit reporting Act.	through their service.		
Criminal Watch Dog	*Uses several databases. *Researches nearly 465 million criminal background checks with most counties reporting. *Checks with Department of Corrections and Administration of the Courts. *Checks with sexual offenders and predators in all 50 States. *Searches are done on-line and results are instant. ***Does not use fingerprints.** *Not a local company however will provide customer service on-line. *Not currently approved as a Miami-Dade County vender. *Complies with Fair Credit Reporting Act.	*No set up fee. $38.95 per applicant for national background check.	*Does not use fingerprints in their background checks.	*Will only verify the applicant's social security number. *Does not verify other supplied credentials for U.S. citizenship.

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Memorandum

MIAMI-DADE COUNTY

Date: June 3, 2010

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

AMENDED PENDING RECEIPT FROM CM
Agenda Item No. 8(O)(1)(A)

From: Carlos Alvarez
Mayor

George M. Burgess
County Manager

Subject: Recommendation to Reject all Proposals, Waive the Competitive Bidding Process and Bid Protest Procedures, and Negotiate with Highest Ranked Proposer for Request for Proposals No. 695: Development of Poinciana Industrial Center

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RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) reject all proposals received for Request for Proposals No. 695, approve waiver of competitive bid procedures pursuant to 4.03(D) of the Home Rule Charter and Section 2-8.1 of the Miami-Dade County Code by a two-thirds vote of the Board members present in the best interest of the County and waiver of the bid protest procedures, pursuant to the requirements of Section 2-8.4 of the Miami-Dade County Code. Furthermore, it is recommended that the Board authorize staff to negotiate an agreement with Innovida Holdings, LLC, the highest ranked vendor resulting from the referenced competitive solicitation process to develop three parcels in the Poinciana Industrial Center.

CONTRACT NO:	RFP 695
CONTRACT TITLE:	Development of Poinciana Industrial Center
DESCRIPTION:	The County issued a solicitation to obtain proposals from qualified firms to present a proposal for development of three parcels in the Poinciana Industrial Center and to create jobs for the surrounding neighborhood and enhance the community's revitalization efforts.
USING AGENCY AND FUNDING SOURCE:	General Services Administration-No funding required.
CONTRACT MEASURES:	Contract Measures do not apply since no County funds are being expended.
LIVING WAGE:	The services being provided are not covered under the Living Wage Ordinance.
USER ACCESS PROGRAM:	The 2% User Access Program provision is not included since there are no County funds are being expended.
LOCAL PREFERENCE:	Applied in accordance with applicable ordinance, and did not affect the outcome.

PROJECT MANAGER: Leland Salomon, Director, GSA Real Estate Development Division

BACKGROUND

A Request for Proposals was issued to obtain proposals for finance, design, construction and management of a development on three parcels of County-owned land located in Liberty City (the Poinciana Industrial Center). Because this property was purchased with CDBG funds, any development must include the creation of a minimum of 97 wage paying opportunities. The ultimate goal of the solicitation is to select a development that will best utilize the site, taking into consideration zoning, sustainability, and the esthetic nature of the development, while enhancing the community's revitalization efforts. Innovida proposes to utilize the parcels to construct a 100,000 square foot facility for manufacturing panels used to assemble prefabricated structures (residential and commercial building solutions), and for loading finished materials for distribution (proposed business).

After completion of oral presentations, the selection committee recommended negotiating with the highest-ranked firm, Innovida. The selection criteria evaluated, among other things, the relevant experience and qualifications of the proposer's key personnel, including key personnel of the development team that would be assigned to the project. Innovida listed Delant Construction as part of their development team, indicating that they would be the general contractor constructing the proposed facility. Subsequent to the ranking, staff learned that Delant has a pending criminal case, one count organized crime to default and one count grand theft (first degree felonies) related to a Miami-Dade County contractual obligation and is the subject of another recent case where Delant and its principal admit wrongdoing that has since been closed involving a City of Miami project. Both of these cases involve felony criminal charges. A responsibility review meeting was held on December 21, 2009 with representatives of Innovida and staff from the Department of Procurement Management and General Services Administration. The questions and responses from this responsibility review are attached. Innovida advised that they are totally independent of Delant and that they have no financial arrangement with Delant and do not need Delant to complete this project either as the construction company or for financial reasons. Due to the pending criminal matters, contained in the informal sworn documents related to the Miami-Dade County cases, the review determined that Innovida with Delant as its general contractor, however, is not a responsible vendor. In order to proceed with this worthwhile project, it is recommended that the Board reject all bids and waive competitive bidding to allow Innovida to replace Delant Construction prior to negotiations. Innovida's proposal meets the requirement for creating jobs, provides for a viable business and real estate plan and is presented by a firm with good experience and financial ability. The resulting contract will be brought back to the Board for consideration.

Attachments

Assistant County Manager

MEMORANDUM

(Revised)

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

DATE: June 3, 2010

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

SUBJECT: Agenda Item No. 8(O)(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

Veto _____

Override _____

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

6-3-10

RESOLUTION NO. _____

RESOLUTION WAIVING COMPETITIVE BIDDING PURSUANT TO SECTION 5.03 (D) OF THE HOME RULE CHARTER, AUTHORIZING NEGOTIATIONS WITH INNOVIDA HOLDINGS, LLS, TO DEVELOP THREE PARCELS KNOWN AS POINCIANA INDUSTRIAL CENTER, WAIVING THE REQUIREMENTS OF SECTIONS 2-8.3 AND 2-8.4 OF THE MIAMI-DADE COUNTY CODE, PERTAINING TO BID PROTESTS, BY A TWO-THIRD VOTE OF THE BOARD MEMBERS PRESENT, AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO NEGOTIATE AN AGREEMENT WHICH WOULD THEN BE PRESENTED TO THE BOARD FOR CONSIDERATION OF AWARD RFP NO. 695

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

WHEREAS, it has been established that specified items and services which cannot be purchased under normal bid procedures,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board finds it is in the best interest of Miami-Dade County to waive formal bid procedures and empower the County Mayor or County Mayor's designee to negotiate an agreement, competitive bidding being waived in this instance pursuant to Section 5.03(D) of the Home Rule Charter by a two-third (2/3) vote of the Board members present. The proposal agreement which may result from the negotiation shall be brought back for approval by the Board.

Furthermore, the Board waives the procedures contained in Section 2-8.3 and 2-8.4 of the County Code, pertaining to bid protests, by a two-third (2/3) vote of the Board members present.

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	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of June, 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.

Hugo Benitez
Edward Z. Shafer

RFP 695
Development Poinciana Industrial Center

Responsibility Review - Innovida

County Staff Present:

Amos Roundtree, Director, Bids and Contracts - DPM
Andrew Zawoyski, Contracting Officer for RFP 695 - DPM
Robin Statfeld, Special Projects Administrator - GSA

Innovida Personnel Present:
Craig Toll, CFO
Mario Sanchez, VP, Construction Operations
Neli Santamarina, Business Development

Q. What is the relationship that exists between Innovida and Delant?

R. Delant is our proposed contractor to build the structure. We have no ownership relationship or any other relationship with them.

Q. Is there a contract between Innovida and Delant as it pertains to this project?

R. Not yet. No.

Q. How much oversight will Delant have over this project?

R. We (Innovida) would be the main oversight of the project because it is going to be our factory. Delant would only be the contractor to build the warehouse.

Q. How critical are they to this project?

Other people can do it. We have been talking to other people.

Q. What is your past experience with Delant and how have they performed for Innovida?

R. Delant had in the past not with Innovida he built a couple of building for me and he was okay. Within Innovida Delant has not had any involvement.

Q. Is there a financial impact created for Innovida if Delant cannot perform?

R. We haven't gotten bids from other people but assuming that other people can bid the same price as Delant then I would say no.

At this point a construction project is a valuable thing. A lot of people would like to bid on it, I am not an expert as qualified as Delant. We have been talking with other people just to have competitive bids and to make sure that they have the same qualifications. So not a problem.

Q. You say you do not have a contract with Delant, and there are possibly other folks who have the qualifications of Delant who can do the construction end of this, how is it that you ended up with Delant in your proposal and you don't have a contract with them and you recognize that others can do this work.

R. We at the beginning picked them because of the experience they had and just the background that they had and the experience with government work, basically. That's how we came to them. We asked them on their nickel to do analysis and drawings and an estimate, which they did, but we haven't paid them anything and we have no obligation to pay them anything.

Q. I am just curious that on a project likes this you only went to that one company, and to a company you have not had any experience with - just by the fact that they had done some government work?

R. Mario is our head of construction of the company, and so the fact that he has personal product experience with them weighed a lot in our decision to go with them first.

Q. The County through its fiduciary responsibility looks at the companies that we are involved with and part of that is past experience relationships and so forth. Do you do a similar type of review with the firms you choose to engage?

R. Before we engage with a firm we actually do due diligence on their background and their responsibilities and experiences in their community.

We haven't engaged Delant or anyone on this situation because we haven't gotten the land. It would be premature. We wanted to prepare for the meeting where would at least have an idea what the project would look like whether the land was suitable for our needs and Mario had a relationship with Delant and they agreed to do that work with the hope that they would get the contract in the future; but we made no obligation or commitment to them.

Q. When you submitted your proposal and in your proposal you identified them as your construction partner. Did you consider that that would be a part of how the evaluation team would consider your proposal, also offering the company that you chose to handle the construction?

R. I think that we felt that Delant was a recognized company in the community. We had not heard anything. We (Mario) had worked with them before and had not heard anything about them, so yeah we thought they would be acceptable.

Q. In your proposal you submitted under fair subcontracting practices Delant's policy, maybe you just misunderstood that we wanted to know the Proposer's fair subcontracting practices and not Delant's. We want to establish clearly that Innovida is the proposer, because you specifically stated that you're the proposer by yourself with Delant doing the construction, and that you can stand by your self without Delant on this. Correct?

R. Yes.

Q. You are not relying on their funding or anything like that.

R. Absolutely not.

Q. You are totally independent of them.

R. Yes.

Q. Is there anything you would like to state on your behalf?

R. I think you have summarized correctly we are totally independent of them and we have no financial arrangement with them we don't need them to do this project either as the construction person or for financial reasons.

Meeting adjourned!

Memorandum

MIAMI-DADE COUNTY

Supplement to
Agenda Item No. 801A

Date: June 3, 2010

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

From: George M. Burgess
County Manager

Subject: Supplement for the Development of Poinciana Industrial Center RFP 695

This memorandum provides supplemental information regarding the referenced solicitation. The County issued a solicitation under full and open competition to obtain proposals from qualified firms for development of three parcels in the Poinciana Industrial Center. The solicitation was advertised on July 29, 2009. Five proposals were received on August 21, 2009 from the following companies: Bald Eagle Security Team Corp., Elite Glass Inc., Innovida Holdings, LLC, Las Palmeras, LLC, and Overnight Success Construction, Inc.

Staff requested responsiveness reviews from the County Attorney's Office (CAO) for two proposals: Bald Eagle Security Team Corp and Elite Glass, Inc. The CAO deemed both proposers non-responsive for failure to provide development proposals. A copy of the CAO opinion is attached (Attachment A).

The Evaluation/Selection Committee completed the evaluation of the three responsive proposals following the guidelines established in the solicitation at meetings held on October 22, 2009 and November 5, 2009. The preliminary scores are as follows:

Pre-Oral Presentations

Proposer	*Technical Score*	*Price Score*	*Total Combined Score*
	(max. 450)	*(max. 50)*	*(max. 500)*
1. Innovida Holdings, LLC	309	18	327
2. Overnight Success Construction, Inc.	165	20	185
3. Las Palmeras, LLC	105	12	117

The Evaluation/Selection Committee held oral presentations with all three responsive proposers on November 5, 2009. The final scores are as follows:

Post-Oral Presentations

Proposer	*Technical Score*	*Price Score*	*Total Combined Score*
	(max. 450)	*(max. 50)*	*(max. 500)*
1. Innovida Holdings, LLC	381	27	408
2. Las Palmeras, LLC	171	18	189
3. Overnight Success Construction, Inc.	160	20	180

Upon completion of the ranking, a Consensus Statement from the Evaluation/Selection Committee was prepared with a recommendation (Attachment B). Copies of the score sheets and composite scores are also included (Attachment C). There were no bid protests filed.

In December 2009, after the conclusion of oral presentations and the Committee's final ranking, staff initiated a responsibility review in response to information involving criminal charges made against Delant Construction, a subcontractor of the highest ranked proposer, Innovida Holdings, LLC (Innovida). Staff conducted a detailed review of responsibility of the proposer and the issues raised in regard to its subcontractor that are documented in the accompanying recommendation to the Board. Following consultation with the County Attorney's Office and the detailed review, a recommendation is being made to reject all proposals, waive the competitive bidding process and protest procedures for this solicitation, commence negotiations with the highest ranked proposer, Innovida, and allow it to replace its general contractor prior to negotiations.

Innovida submitted a letter to the County dated April 16, 2010 in response to being recommended as the highest ranked proposer. The letter re-confirms Innovida's interest in the development of the Poinciana Industrial Center (Attachment D).

Attachments

Assistant County Manager

Shafer, Edward (CAO)

To: Zawoyski, Andrew S. (DPM)

Subject: Resposes to RFP No. 695 : Poinciana Industrial Center

You have asked whether the responses of Elite Glass Inc. and Bald Eagle Security are responsive to above referenced RFP. Per the requirements of 2.0, Scope of Services, solicitations were sought for the financing, design, construction and management of a development of a retail, commercial, industrial, office or manufacturing enterprise on a three acre county owned parcel with a focus on job creation. In addition to describing their job creating business proposal, each proposer was to list the names, background, experience and past performance of their development team. Neither Elite or Bald Eagle submitted any proposal whatsoever descibing a job creating business enterprise for the site. Bald Eagle did not provide any information concerning its experince or past performance in developing a site as requested. In short, it appears that these proposers did not understood what the RFP was asking for. Since they did not outline or even suggest a job creating development for the site, both proposals are nonresponsive. Neither offered to provide the County with what it was seeking in thr RFP - a job creating busines for the county owned land.

Edward Z. Shafer, Esq. EZS 10/13/09
Assistant County Attorney
County Attorney's Office
111 N.W. 1st Street - Suite 2810
Miami, FL 33128
(305) 375-1690 - Direct Line
(305) 375-3911 - Fax
EZS@miamidade.gov - E-mail

Attachment B

MIAMI-DADE COUNTY, FLORIDA
Department of Procurement Management

Evaluation/Selection Comittee Results Memo

RFP No. 695: Development of Poinciana Industrial Center

The Evaluation/Selection Committee was tasked with rating and ranking the proposals received in regard to the RFP for the Development of Poinciana Industrial Center, through GSA. The Evaluation/Selection Committee scoring was conclusive. The Evaluation/Selection Committee recommends that the County enter into negotiations with Innovida Holdings, LLC.

The Evaluation/Selection Committee unanimously agrees that the selected proposers are recommended for negotiations as a result of:

- It's presentation of a viable business plan.
- It's presentation of a viable real/estate plan.
- It's experience, it's financially capability and it's product, which is already being made and used.
- It's presentation of a business that appears to be able to create at least, if not more of the jobs as required for this property by this RFP, from the community.

Leland Salomon – Chief, GSA Real Estate Development

Robin Statfeld – Special Projects Administrator 2 - GSA

Gilberto Blanco – Principal Planner - DZP

Jorge Cibran – Director – Facilities and Development Division - MDPHA

Myrtle Richards – Contract Compliance Officer 2 - SBD

RFP NO. 695

DEVELOPMENT OF POINCIANA INDUSTRIAL CENTER

EVALUATION OF PROPOSALS - Post Orals

COMPOSITE

SELECTION CRITERIA / PROPOSERS	Maximum Points Per Member	Maximum Total Points (5 members)	Innovida Holdings, LLC	Las Palmeras LLC	Overnight Success Construction Inc.
Proposer's relevant experience, qualifications, and past performance	10	50	46	26	25
Relevant experience and qualifications of Proposer's key personnel, including key personnel of the Development Team that will be assigned to this Project	15	75	63	37	33
Proposer's financial capability including stability, capability to provide project equity, ability to secure financing for completion of the Project, nad leverage Project financing (through completion) and efficacy of proposed financing plans	15	75	63	26	16
The proposed development Prjoect's quality of design, layout, landscaping, and projected use, (including sustanability of the Project - implementation of "green" principles)	25	125	101	30	29
The workforce component of the development Project, including the number and type of full-time jobs, salaries, ability to utilize learned employment skills outside of the development Project. (Project must create 97 new permanent full time jobs at a minimum)	15	75	68	22	35
The benefits of the proposed development Project to the improvement and revitalization of the surrounding community	10	50	40	30	22
Financial considerations (purchase price/lease rental amount) proposed to the County	10	50	27	18	20
TOTAL POINTS	100	500	408	189	180

Attachment C

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SIGNATURE: [signature]

Chairperson

J. C. Romano

Reviewed By

PRINT NAME: Andrew Zawoyski

J. C. Romano

DATE: 2.2.10

2/2/10

2/2/2010

RFP NO. 695
DEVELOPMENT OF POINCIANA INDUSTRIAL CENTER
EVALUATION OF PROPOSALS - Post Orals

LELAND SALOMON (GSA)

SELECTION CRITERIA / PROPOSERS	Maximum Points	Innovida Holdings, LLC	Las Palmeras LLC	Overnight Success Construction Inc.
Proposer's relevant experience, qualifications, and past performance	10	10	6	5
Relevant experience and qualifications of Proposer's key personnel, including key personnel of the Development Team that will be assigned to this Project	15	10	10	5
Proposer's financial capability including stability, capability to provide project equity, ability to secure financing for completion of the Project, nad leverage Project financing (through completion) and efficacy of proposed financing plans	15	15	5	0
The proposed development Prjoect's quality of design, layout, landscaping, and projected use, (including sustanability of the Project - implementation of "green" principles)	25	20	10	0
The workforce component of the development Project, including the number and type of full-time jobs, salaries, ability to utilize learned employment skills outside of the development Project. (Project must create 97 new permanent full time jobs at a minimum)	15	15	5	5
The benefits of the proposed development Project to the improvement and revitalization of the surrounding community	10	10	10	5
Financial considerations (purchase price/lease rental amount) proposed to the County	10	0	0	3
TOTAL POINTS	100	80	46	23

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2/2/2010

RFP NO. 695
DEVELOPMENT OF POINCIANA INDUSTRIAL CENTER
EVALUATION OF PROPOSALS - Post Orals

ROBIN STATFELD (GSA)

SELECTION CRITERIA / PROPOSERS	Maximum Points	Innovida Holdings, LLC	Las Palmeras LLC	Overnight Success Construction Inc.
Proposer's relevant experience, qualifications, and past performance	10	9	4	4
Relevant experience and qualifications of Proposer's key personnel, including key personnel of the Development Team that will be assigned to this Project	15	13	4	4
Proposer's financial capability including stability, capability to provide project equity, ability to secure financing for completion of the Project, nad leverage Project financing (through completion) and efficacy of proposed financing plans	15	12	1	1
The proposed development Prjoect's quality of design, layout, landscaping, and projected use, (including sustanability of the Project - implementation of "green" principles)	25	21	2	3
The workforce component of the development Project, including the number and type of full-time jobs, salaries, ability to utilize learned employment skills outside of the development Project. (Project must create 97 new permanent full time jobs at a mini	15	12	1	4
The benefits of the proposed development Project to the improvement and revitalization of the surrounding community	10	7	2	3
Financial considerations (purchase price/lease rental amount) proposed to the County	10	3	3	3
TOTAL POINTS	100	77	17	22

7

2/2/2010

RFP NO. 695
DEVELOPMENT OF POINCIANA INDUSTRIAL CENTER
EVALUATION OF PROPOSALS - Post Orals

GILBERTO BLANCO (DPZ)

SELECTION CRITERIA / PROPOSERS	Maximum Points	Innovida Holdings, LLC	Las Palmeras LLC	Overnight Success Construction Inc.
Proposer's relevant experience, qualifications, and past performance	10	10	8	2
Relevant experience and qualifications of Proposer's key personnel, including key personnel of the Development Team that will be assigned to this Project	15	14	8	5
Proposer's financial capability including stability, capability to provide project equity, ability to secure financing for completion of the Project, nad leverage Project financing (through completion) and efficacy of proposed financing plans	15	12	5	2
The proposed development Prjoect's quality of design, layout, landscaping, and projected use, (including sustanability of the Project - implementation of "green" principles)	25	20	5	0
The workforce component of the development Project, including the number and type of full-time jobs, salaries, ability to utilize learned employment skills outside of the development Project. (Project must create 97 new permanent full time jobs at a mini	15	14	1	2
The benefits of the proposed development Project to the improvement and revitalization of the surrounding community	10	8	5	3
Financial considerations (purchase price/lease rental amount) proposed to the County	10	8	3	3
TOTAL POINTS	100	86	35	17

RFP NO. 695
DEVELOPMENT OF POINCIANA INDUSTRIAL CENTER
EVALUATION OF PROPOSALS - Post Orals

JORGE CIBRAN (MDPHA)

SELECTION CRITERIA / PROPOSERS	Maximum Points	Innovida Holdings, LLC	Las Palmeras LLC	Overnight Success Construction Inc.
Proposer's relevant experience, qualifications, and past performance	10	8	4	6
Relevant experience and qualifications of Proposer's key personnel, including key personnel of the Development Team that will be assigned to this Project	15	12	10	9
Proposer's financial capability including stability, capability to provide project equity, ability to secure financing for completion of the Project, nad leverage Project financing (through completion) and efficacy of proposed financing plans	15	12	5	9
The proposed development Prjoect's quality of design, layout, landscaping, and projected use, (including sustanability of the Project - implementation of "green" principles)	25	20	3	11
The workforce component of the development Project, including the number and type of full-time jobs, salaries, ability to utilize learned employment skills outside of the development Project. (Project must create 97 new permanent full time jobs at a mini	15	12	5	11
The benefits of the proposed development Project to the improvement and revitalization of the surrounding community	10	8	6	6
Financial considerations (purchase price/lease rental amount) proposed to the County	10	8	6	6
TOTAL POINTS	100	80	39	58

6

2/2/2010

RFP NO. 695
DEVELOPMENT OF POINCIANA INDUSTRIAL CENTER
EVALUATION OF PROPOSALS - Post Orals

MYRTLE RICHARDS (SBD)

SELECTION CRITERIA / PROPOSERS	Maximum Points	Innovida Holdings, LLC	Las Palmeras LLC	Overnight Success Construction Inc.
Proposer's relevant experience, qualifications, and past performance	10	9	4	8
Relevant experience and qualifications of Proposer's key personnel, including key personnel of the Development Team that will be assigned to this Project	15	14	5	10
Proposer's financial capability including stability, capability to provide project equity, ability to secure financing for completion of the Project, nad leverage Project financing (through completion) and efficacy of proposed financing plans	15	12	10	4
The proposed development Prjoect's quality of design, layout, landscaping, and projected use, (including sustanability of the Project - implementation of "green" principles)	25	20	10	15
The workforce component of the development Project, including the number and type of full-time jobs, salaries, ability to utilize learned employment skills outside of the development Project. (Project must create 97 new permanent full time jobs at a mini	15	15	10	13
The benefits of the proposed development Project to the improvement and revitalization of the surrounding community	10	7	7	5
Financial considerations (purchase price/lease rental amount) proposed to the County	10	8	6	5
TOTAL POINTS	100	85	52	60

10

2/2/2010

Attachment D

walls of innovation inno

April 16, 2010

Mr. Andrew Zawoyski, CPPO
Miami Dade County
Procurement Management
111 NW 1st Street Suite 1300
Miami, Fl 33128

Dear Mr. Zawoyski:

We have received your letter dated April 7, 2010 indicating that Innovida has been selected as the highest ranked proposer for the development of the Poinciana Industrial Center. We appreciate your recognition of our interest in bringing jobs, new business opportunities and a new technology to the Poinciana Industrial Center area.

We are writing to re-confirm our interest in the project and to inquire how we can take the next step in the process. Please let us know who our contact person or persons will be going forward and their contact information. We will then contact them to take the first steps in turning the Poinciana site into a real business operation.

We look forward to your response.

Sincerely,

Craig Toll

Craig Toll
Chief Financial Officer

560 Lincoln Road, #303 • Miami Beach, FL 33139 • PH 1.786.837.7200 • FX 1.305.674.7954
www.InnoVida.com

Memorandum

MIAMI-DADE COUNTY

ITEM 11A3
EXHIBIT
6/3/2010 BCC

Date: JUN 03 2010

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

From: George M. Burgess
County Manager

Subject: Coconut Grove Playhouse Update

The attached update on the Coconut Grove Playhouse was prepared by the Department of Cultural Affairs in response to recent correspondence and media coverage regarding the State of Florida's rejection of the City of Miami's request to revert the Playhouse property and in reference to item 11A3 on this Thursday's County Commission agenda.

Attachment

c: Honorable Carlos Alvarez, Mayor
Alex Muñoz, Assistant County Manager
Michael Spring, Director, Department of Cultural Affairs
George Navarrete, Assistant Director, Office of Capital Improvements
Charles Anderson, Commissioner Auditor

Exhibit 6-3-10

Memorandum

MIAMI-DADE COUNTY

ITEM 11A3
EXHIBIT
6/3/2010 BCC

Date: June 1, 2010

To: George M. Burgess
County Manager

From: Michael Spring, Director
Department of Cultural Affairs

Subject: Coconut Grove Playhouse Update

In light of current developments, this update is being provided on the work to help return great regional theater to our community at the Coconut Grove Playhouse.

State of Florida Department of Environmental Protection Supports the County's Coconut Grove Playhouse Plan

In a letter dated May 21, 2010 (attached), the State of Florida Department of Environmental Protection (DEP) rejected a request by the City of Miami Commission to revert the Coconut Grove Playhouse property to the State. DEP referenced the plan detailed in my December 2009 Playhouse progress report to you (attached) as the grounds for demonstrating that there is a commitment and an active plan underway to re-open the Coconut Grove Playhouse. DEP's determination was based on a site visit by DEP officials where they met with all interested parties and conducted an impartial and comprehensive review of the facts.

In its letter rejecting the City's request, DEP's Deputy Secretary summarized the work that has been accomplished by Miami-Dade County and our Department to establish GableStage, one of the State's pre-eminent theater companies, as the manager and operator of the theater. On May 6, 2010, Cultural Affairs Council Chair Adolfo Henriques and I met with DEP officials in Miami and provided them with an update on our progress in accomplishing this plan. DEP's ruling is an unequivocal endorsement of the strategy that we are implementing to return great regional theater to the Coconut Grove Playhouse. It also is important to emphasize that by this action, the State has provided a clear expression of its support for establishing GableStage as operator of the Playhouse, confirming that there will be no State issues regarding site control for GableStage's development of a new theater on the property. This accomplishes an important prerequisite for our plan.

City of Miami Letter of May 25, 2010

On Friday of last week, The Miami Herald provided me with a copy of a letter dated May 25, 2010, co-signed by City of Miami Mayor Tomas Regalado and Commissioner Marc Sarnoff and addressed to Mayor Carlos Alvarez and the Board of County Commissioners (attached). The letter contains significant inaccuracies, misstatements and misleading assertions regarding the Coconut Grove Playhouse. It is important to set the record straight, especially in regard to the facts related to the County's involvement in helping the Coconut Grove Playhouse. It should be noted that the letter's deficiencies in regard to facts is all the more

puzzling given the recent conveyance by the County of all Coconut Grove Playhouse files in our Department's possession to Commissioner Sarnoff at his request

The following statements in the City's letter regarding the County's support of returning great regional theater to Coconut Grove are neither true nor accurate:

- *Letter's Inaccurate Statement (page 2):* "Once again, this Board – post closure and 'flush' with Miami-Dade County funds, put on a charrette, conducted by the University of Miami for two days at Ransom Everglades School, which cost $80,000. The general public never learned of this expense."

  The Facts:
  - The cost of the public charrette was covered predominantly by revenues generated by the Coconut Grove Playhouse's parking lot operations and not by County funds.
  - The 3-day public charrette was preceded by pre-charrette sessions with key stakeholder groups, including area merchants, homeowner groups, churches and schools, historic preservationists, cultural community representatives and the Playhouse's partners at the County, City and State. The charrette was followed by weeks of work by architects and planners from the University of Miami's prestigious Center for Urban and Community Design, culminating in a 100-page report that continues to serve as the blueprint for our action plan.
  - This entire process was an extraordinary example of an interactive, open and public planning effort and to suggest that there was anything "hidden" from the public is unfair and misleading.
  - Details regarding the charrette were reported in my March 19, 2008 memorandum to you which was distributed to Mayor Alvarez and the Board on March 20, 2008. In addition, the charrette received considerable press coverage in local media.

- *Letter's Inaccurate Statement (page 2):* "Despite closing but flush with cash provided by the County, the Playhouse hired AMS Planning & Research {'AMS'} as consultants to determine the future viability of the Playhouse by determining the optimum size of a new facility {the total costs paid to AMS is $300,000}, AMS recommended a 600-seat theater tied to a University/College partner (the present theater seats 1,100). Today the Board of Directors is recommending a 300 seat theater intended to be operated by a production company that has never generated a performance with 300 patrons, let alone consistently seated upwards of 100 patrons. AMS' recommendation that the Playhouse partner with a college or university is equally not a part of this board's plans.

  The Facts:
  - In written progress reports to you, Mayor Alvarez and the Board, we have detailed the comprehensive scope of services being performed and accomplished by the respected national arts management firm AMS Planning & Research. AMS not only has provided ongoing staff support to the Playhouse in regard to managing critical financial, legal and operational issues but also has been the driving force in formulating and helping to implement the action plan now underway.

- In regard to this plan, AMS has recommended that the new Playhouse consist of 2 theaters, a 300-seat producing venue which can be built with the $20 million of County capital funds and a "footprint" for a larger (600-seat) theater that can be built at some point in the future when and if warranted.
- This two-theater plan was reported in my March 19, 2008 memorandum to you which was distributed to Mayor Alvarez and the Board on March 20, 2008; our recommended phased approach to the 2-theater plan was outlined in considerable detail (including representative architectural drawings and renderings) in the 100-page charrette report.
- The focus of efforts of AMS and our Department has been to determine the most effective means to return great regional theater to Coconut Grove. AMS's recommendations always have contemplated either a university partner or a non-profit cultural partner as a viable strategy that can accomplish this goal. My March 19, 2008 memorandum to you reported on these two principal strategies being pursued; it states, "...it is anticipated that the next steps will focus on the Coconut Grove Playhouse's completing interlocking business arrangements to secure both an educational or non-profit partner committed to managing the new regional theater..."
- The Playhouse spent a considerable period of time working closely with a local university to explore the establishment of a partnership whereby the university would operate the regional theater. At the end of this period, the university determined that its priorities for programmatic expansion were in other areas of academic endeavors.
- It is important to emphasize that GableStage is one of the most celebrated theater companies in the Southeastern United States and has demonstrated its clear readiness to grow into a 300-seat venue. The letter's derogatory remarks about one of our community's cultural treasures are both ill-informed and uncalled-for.
- Our Department and GableStage are committed to forging a partnership with a college/university to provide learning and performance opportunities for students and faculty to participate in the operations and programming of a great regional theater at the future Playhouse. GableStage has long-standing and widely recognized education and outreach programs.

- *Letter's Inaccurate Statement (page 3):* "The Board allowed 1.) a $350,000 Judgment for mortgage foreclosure on the "Bike Shop" parcel; 2.) the $52,000 Judgment/Garnishment taken by Equity One; 3.) $125,000 reimbursement for the misappropriated State grant to maintain the structure. This Board has received $526,000 in governmental transfer payments and paid out $527,000." *A footnote in the letter related to these governmental transfer funds lists the following:*

  "$150,000 grant from Miami-Dade County
  $300,000 budgeted from Miami-Dade County
  $ 76,000 from City of Miami's Offstreet Parking
  $526,000"

- The Facts:
  - Contrary to the letter's suggestion, no County funds were used for any of the three items listed in the above-referenced section of the City's letter.

- Each of the three items listed in the letter represent positive reconciliations of debt incurred by the Playhouse.

- *Letter's Inaccurate Statement (page 4):* "This Board has persistently acted with secrecy, refusing to create an open and transparent process, so the public could learn how it is spending Miami-Dade County tax dollars."

- The Facts:
  - Over the past three years, regular written reports from our Department have been distributed to you, Mayor Alvarez and the Board of County Commissioners regarding our progress with the Coconut Grove Playhouse project and the use of Miami-Dade County funds. These reports were among the files copied and recently conveyed by the County to Commissioner Sarnoff at his request.
  - Over the past three years, representatives from the Playhouse's Board have been invited to and made presentations at the City of Miami's Coconut Grove Village Council reporting on progress with the Coconut Grove Playhouse project.
  - Over the past three years, representatives from the Playhouse's Board have made presentations at public meetings of the Miami-Dade County Cultural Affairs Council, the Recreation, Culture and Tourism Committee of the County Commission and the Board of County Commissioners.
  - Over the past three years, Playhouse Board members regularly have requested sessions with local media to report on progress with the Coconut Grove Playhouse project, with the objective of utilizing media coverage as the most cost-efficient way to inform the public-at-large. Significant media coverage has resulted.
  - Until recently, Commissioner Sarnoff was a member of the Playhouse Board with access to Board materials and presentations, including financial reports.
  - The Playhouse Board sponsored the Coconut Grove Playhouse charrette, one of the most public, open and interactive sessions regarding the future of a cultural institution ever conducted in our community.

- *Letter's Inaccurate Statement (page 5):* "The Board chose to fight these actions by challenging the Code Enforcement's Board on March 2, 2009, Final Order of Enforcement for the failure to maintain the property. The Playhouse, once again, using County resources, hired the Coral Gables Law Firm of Rascoe *(sic)*, Klock, Reininger, Perez, Esquenazi, Vigil and Nieto, to appeal the Order."

- The Facts:
  - No County funds were used to hire attorneys related to this matter.
  - The firm of Rasco, Klock, Reininger, Perez, Esquenazi, Vigil and Nieto was retained by the Playhouse on a pro bono basis.
  - Rather than "fight" the City's citations, the Playhouse Board filed a motion for mediation (attached) which the City opposed. Repeatedly, the City chose to litigate until ultimately, the Third District Court of Appeal rejected the City's argument and entered an Order denying the City's Petition for Certiorari on May 13, 2010.

- At the request of the City, the Playhouse installed cameras to monitor the property and control the graffiti which the local NET office paints out with paint provided by the Playhouse. The cameras are linked to the NET office to have around-the-clock, live feed. Subsequently, the City decided to cite the Playhouse for the corrective paint not matching the building's color.
- Rather than mediate or even more constructively, offer municipal grounds keeping assistance to the Coconut Grove Playhouse to help with maintaining the exterior property, the City has chosen to issue citations to and pursue litigation against a non-profit organization that clearly is utilizing its very limited resources to develop and implement a plan to reactivate the property with the re-establishment of a great regional theater.

It should be noted that the City's letter contains additional inaccuracies, misstatements and misleading arguments; this memorandum does not attempt to refute each one on a point by point basis. However, since the letter chooses to focus on the current Playhouse Board and misrepresent its role and intentions, it is important to emphasize the following facts, previously reported to you:

- "The board of directors of the Coconut Grove Playhouse has been restructured and now consists of those volunteers who are committed to change and the recovery of the theater. These dedicated individuals continue to contribute their time and resources with the goal of securing an operator of the Playhouse committed to establishing a major, regional non-profit theater company." (source: my memorandum to you of March 18, 2008)
- "It is anticipated that over time, the relationship between the boards of directors of the Coconut Grove Playhouse and GableStage will evolve, and it is likely there will be a transition that will result in the current board of the Playhouse being succeeded by the board of GableStage." (source: my memorandum to you of December 4, 2009)

The rejection by Florida's Department of Environmental Protection of the City's request to have the Playhouse be reverted back to the State is a strong endorsement of the course of action that Miami-Dade County continues to pursue for restoring great regional theater to Coconut Grove. We remain committed to working constructively with all stakeholders to accomplish this important goal.

attachments

c: Adolfo Henriques, Chair and Members, Miami-Dade County Cultural Affairs Council
Bob Ballard, Deputy Secretary, Land and Recreation, Florida Department of Environmental Protection
Shelly Spivack, Chair, Coconut Grove Playhouse Board of Directors

Florida Department of
Environmental Protection
Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

May 21, 2010

Julie O. Bru, Esq.
City Attorney, City of Miami
444 S.W. 2nd Avenue, Suite 945
Miami, Florida 33130-1910

Re: Coconut Grove Playhouse

Dear Ms. Bru:

Secretary Sole has asked me to respond to your letter dated April 8, 2010, regarding the City of Miami's Resolution R-10-0148 related to the use of the Coconut Grove Playhouse (Playhouse).

As you may be aware, once we received your letter I made it a priority to investigate the issues to determine the appropriate course of action. This included a trip to Coconut Grove to discuss the progress of the Playhouse with the City of Miami, the owners (Coconut Grove Playhouse, LLC), and Miami-Dade County. Two main factors were considered: 1) if the property had been used for any purpose other than that contemplated by the Deed, and 2) if there had been any effort on the part of the owner to reopen the Playhouse.

I understand from the Coconut Grove Playhouse December 2009 Progress Report (enclosed), provided by the Miami-Dade County Department of Cultural Affairs (MDCA), that the owner of the Playhouse has entered into a Memorandum of Understanding (MOU) with a well-known theater company, GableStage, to manage and operate the theater. This is a culmination of planning for the recovery of the Playhouse that began in July 2006 with assistance from Miami-Dade County. Upon completion of the MOU, MDCA began working with the Playhouse owner and GableStage to plan the activation of the cultural grants that have been carried over from previous funding years that will be used to begin outdoor productions and complete the master plan. The Miami-Dade County representatives affirmed their commitment for continued funding for the construction of a new facility.

While the Playhouse has suffered financial hardship and has not been able to conduct theater productions for a period of years, the property has not been used for any other purpose;

therefore, I believe Coconut Grove Playhouse, LLC has not violated the deed restriction. Under the circumstances, the Governor and Cabinet who sit as the Board of Trustees of the Internal Improvement Trust Fund cannot revert the property as requested in Resolution R-10-0148. However, during my meetings with the parties, I stressed that there is to be significant progress toward the approval of permits, plans and continued funding to facilitate the reconstruction of the Playhouse. I also proposed having another owner to accelerate the opening of an active theater. Coconut Grove Playhouse, LLC stated a willingness to convey the property over if the deed restriction and reverter were a part of the instrument. In talking with Coconut Grove Playhouse, LLC, the City and the County, it was suggested that Florida International University (FIU) may have an interest in the management/ownership, and I understand that Commissioner Sarnoff was going to confirm this with FIU.

I appreciate the concerns shared in your letter and by Commissioner Sarnoff and Mr. Nelson. Please be assured that my staff will continue to monitor the progress of the Playhouse, and I would encourage the City to support and help facilitate the successful re-opening of the Playhouse. DEP is committed to the success of the Playhouse and will assist with any mediation measures if either party finds that useful or necessary.

If you have any questions or concerns, please contact me at 850-245-2043 or via email at bob.g.ballard@dep.state.fl.us or the Division of State Lands point of contact, Scott Woolam, at 850-245-2806 or via email at scott.woolam@dep.state.fl.us.

Sincerely,

Bob Ballard

Bob Ballard
Deputy Secretary
Land and Recreation

BB/vt/s

Enclosure

cc: The Honorable Marc Sarnoff, Commissioner, City of Miami District 2
Michael W. Sole, Secretary, Florida Department of Environmental Protection
Michael Spring, Director, Miami-Dade County Department of Cultural Affairs
Shelly Spivack, Board Member, Coconut Grove Playhouse, LLC
Scott Woolam, Chief, Bureau of Public Land Administration, DEP

Memorandum

MIAMI-DADE COUNTY

Date: DEC 2 2 2009

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

From: George M. Burgess
County Manager

Subject: Coconut Grove Playhouse Progress Report

The attached progress report on the Coconut Grove Playhouse was prepared by the Department of Cultural Affairs and is being provided as an informational update.

Attachment

c: Honorable Carlos Alvarez, Mayor
Denis Morales, Chief of Staff
Alex Muñoz, Assistant County Manager
Michael Spring, Director, Department of Cultural Affairs
Johnny Martinez, Director, Office of Capital Improvements
Charles Anderson, Commissioner Auditor

Memorandum

MIAMI-DADE COUNTY

Date: December 4, 2009

To: George M. Burgess
County Manager

From: Michael Spring, Director
Department of Cultural Affairs

Subject: Coconut Grove Playhouse Progress Report

This report is being provided as an update on the work to help the Coconut Grove Playhouse return great regional theater to our community. The next important step has just been announced by the Playhouse board: the selection of a theater partner to manage and program the planned new Playhouse in Coconut Grove. In addition, there is an exciting plan to resume theater performances in Coconut Grove in early 2010.

This report will provide an update on the most recent progress, an outline of the next steps essential to complete this work, and a recap of the activities and accomplishments to date. It also outlines the use of operational and programming grant funds approved and available to advance this project during the current fiscal year.

An Outstanding Theater Partner is Selected

Earlier this year, the Coconut Grove Playhouse conducted a public process to identify and select a partner to manage and program the proposed, new 300-seat theater planned for the site. A selection was made and negotiations conducted through the late summer and early fall, culminating in a memorandum of understanding entered into by the boards of the Coconut Grove Playhouse and GableStage in November 2009. Pursuant to a long-term agreement that is currently being negotiated, GableStage will manage and operate the theater, providing professional regional theater and theater education programs for the community. This arrangement offers the following benefits:

- GableStage is one of our community's most celebrated theater companies. Over the past 12 seasons, GableStage has been nominated for 148 Carbonell Awards and won 38, including either Best Production or Best Musical Production every year since 2004. Producing Artistic Director Joseph Adler has been nominated for 20 Carbonells (13 at GableStage) and has won seven Best Director and two Best Director of a Musical awards. This company has demonstrated its capacity to develop into a major regional theater.
- GableStage is currently located in a leased space, generously made available by the Biltmore Hotel. The partnership with the Coconut Grove Playhouse would provide this valued cultural institution with a permanent home in which to grow and to serve our community.
- In the current economic environment, the most prudent course of action in selecting a theater partner is to work collaboratively with an existing, successful cultural organization rather than creating a new operating company for the Playhouse. GableStage has a strong, long-established track record for financial stability and operational excellence. It has

demonstrated the potential to grow and its board of directors is committed to making the necessary transition to Coconut Grove.

- It is anticipated that over time, the relationship between the boards of directors of the Coconut Grove Playhouse and GableStage will evolve, and it is likely there will be a transition that will result in the current board of the Playhouse being succeeded by the board of GableStage. The selection of GableStage to manage and program the new Playhouse can serve as a catalyst to help GableStage continue to develop and expand its board with civic leaders who are committed to helping this talented company grow and dedicated to establishing a major regional theater in Coconut Grove.

The Coconut Grove Playhouse board retains the responsibility of addressing the debt that accumulated before the theater's closing. The Playhouse continues to work closely with creditors in an effort to resolve any remaining issues with the confidence that long-time supporters of the Playhouse will rally to support the recovery plan.

Next Steps

With the selection of GableStage as the theater partner, the Department has entered into planning with GableStage and the Coconut Grove Playhouse to activate, as necessary, the carried-over FY 2007-2008 ($300,000) and FY 2009-2010 ($170,000) Major Cultural Institutions grants approved for the Coconut Grove Playhouse. These grant funds would be used for the following purposes:

- ***Theater Will Return to the Grove in 2010 and Beyond.*** A season of theater in Coconut Grove is being planned to begin in early 2010. GableStage will present theater activities on an outdoor stage designed to occupy part of the Playhouse's parking lot. County grant funds will cover costs including staging, programming, marketing and essential infrastructure costs (e.g., insurance, power, etc.). In addition to returning outstanding theater to Coconut Grove, this initiative can play a role in helping with the revitalization of the Coconut Grove business district. The stage will be designed so it can continue to be used until a new Playhouse is completed.
- ***GableStage Will Begin the Transition to a Regional Theater.*** The Playhouse will continue its relationship with AMS Planning & Research to advise, design and create the management and operational plans and instruments required for this next phase of work. Grant funds will help defray the costs of developing agreements between the Playhouse and GableStage. In addition, the grant funds will be matched by resources from GableStage to help the theater company develop an action plan to transition its programming, fundraising and board to the work of managing the new 300-seat theater.
- ***A Master Plan for the Phased Development Will Be Completed.*** Work will continue on finalizing a site master plan for the phased development that anticipates beginning with a new 300-seat theater. Grant funds will enable the Playhouse to complete payments for work on the charrette that created this phased development option and proceed with a more detailed site master plan that will serve as the basis for selecting an architect for the new theater project.

Summary of the Work to Date on Returning Great Regional Theater to Coconut Grove

Since the Coconut Grove Playhouse closed to the public at the end of its 2006 season, our department, with the support of the County Executive Office and with funding approved by the Board of County Commissioners, has been working with the board of the Playhouse to develop and implement a plan to return great regional theater to Coconut Grove. The Playhouse's closing was precipitated principally by a mounting and paralyzing operational debt; in addition, the physical structure of the theater building was in a serious state of deterioration that jeopardized the viability and safety of the structure for public cultural events.

Miami-Dade County has been a supporter of the Coconut Grove Playhouse for more than three decades, providing annual operating grants and allocating funds to help with the capital needs of the Playhouse. The County has committed $20 million to help address the capital needs of the theater (i.e., $5 million from Convention Development Tax bond funds and $15 million from the Building Better Communities – GOB program). Given the suspended operational status of the Playhouse and the ongoing work on a Playhouse recovery plan, none of these capital dollars has been allocated to date.

In July 2006, the Board of County Commissioners approved a special grant of $150,000 to help the Coconut Grove Playhouse develop a recovery plan. The resources helped our department initiate work with the Playhouse board with the objectives of helping to: 1) stabilize the organization; 2) identify partners and resources to return great regional theater to Coconut Grove; and 3) activate the capital work necessary to develop a safe, accommodating and technologically equipped theater complex in which great regional theater can occur. The goal is to re-establish the Playhouse as one of our nation's pre-eminent, producing regional theaters - a place where our own resident theater professionals can develop their craft at the highest levels and provide South Florida's residents and visitors, families and children with the finest entertainment and educational experiences throughout the year.

It is important to reiterate the key principles for redeveloping the Playhouse as a major regional theater. These cultural and economic policy benefits continue to be:

- enhancing the overall cultural infrastructure of Miami-Dade County (cosmopolitan cities that are international cultural centers have at least one major regional theater);
- presenting full-time, year-round theater that ranges from classics to new works;
- providing educational programs for families and children;
- contributing to the "ecosystem" of theater offerings in our community;
- developing a critical mass of jobs for local theater professionals so they can remain and make a living in Miami-Dade County;
- preserving the history of one of the oldest and best-known theaters in Miami-Dade County;
- strengthening the local business community in Coconut Grove, whose restaurants, retail shops and vendors depend on the theater-goers; and
- improving the image of our community for tourism and business development.

The following are highlights of the Playhouse's redevelopment activities and accomplishments to date:

- ***Streamlining the Board.*** The board of directors of the Coconut Grove Playhouse has been restructured and now consists of those volunteers who are committed to change and the recovery of the theater. These dedicated individuals continue to contribute their time and resources with the goal of establishing a major, regional non-profit theater company.
- ***Securing Expert Volunteer Services.*** A team of outstanding legal, accounting and public relations firms contributed services to help the Playhouse address key immediate issues, ranging from communications with stakeholders (e.g., creditors, former employees, etc.) to fulfilling important organizational requirements (e.g., IRS reporting, insurance renewals, etc.)
- ***Compensating Former Staff Members.*** The board of the Playhouse compensated and fully addressed all eligible wages, substantiated out-of-pocket expenses, outstanding severance and accumulated sick/vacation leave owed to former employees of the non-profit organization.
- ***Offering Free Tickets to Subscribers.*** For the 2007 and 2008 seasons, our Department worked with the Playhouse to develop a free ticket offer mailed to 2,000 Playhouse subscribers with generous offers from some of our community's best theater companies.
- ***Resolving State Grant Issues.*** The Playhouse repaid the Florida Department of State $125,000 of Cultural Facilities grant funds that had been misused by the previous management team. The Department of State responded by notifying the Playhouse that its status as eligible for future State grants has been restored.
- ***Developing a Viable Playhouse for the Future.*** AMS Planning & Research, a national arts management firm, has played an essential role in assisting the Playhouse with every aspect of its recovery plan. One important finding of the work of AMS was that at 1,100 seats, the existing Playhouse was too big to be financially successful. Nationally, regional theaters thrive in major cities when they are more appropriately sized. The approach being pursued for the Playhouse is a phased development starting with a 300-seat theater. A team of theater experts, led by Fisher Dachs Associates, a respected theater consulting firm, confirmed that the $20 million of County capital funds could accomplish this first phase. When resources and demand exist, the development of a second, larger theater could be accommodated on the Playhouse site.
- ***Communicating Progress.*** Public presentations about progress on the Playhouse have been made to the Coconut Grove Village Council, the Coconut Grove Chamber of Commerce, the Miami-Dade Cultural Affairs Council and the Recreation, Culture and Tourism Committee of the Board of County Commissioners.
- ***Convening a Major Public Charrette.*** In March 2008, the Playhouse convened a three-day public charrette, led by the University of Miami School of Architecture's Center for Urban and Community Design (CUCD). The CUCD has a distinguished track record of organizing action-oriented planning initiatives and has experience in working on redevelopment plans in Coconut Grove, including the Grand Avenue Vision Plan and the West Grove Restoration and Building Projects. The charrette team was selected for its expertise in historic preservation, preservation planning and master planning of large-scale projects. Meetings with key stakeholder/interest groups preceded the charrette, including area merchants, homeowner groups, churches and schools, historic preservationists, cultural community representatives and the Playhouse's partners at the County, City and State. The public sessions of the charrette provided an opportunity for these stakeholders and a talented team of architects, engineers and planners to collaborate on a comprehensive plan for the

site. The full charrette report can be viewed online at http://www.ams-online.com/docs/coconut_grove.pdf.

- ***Implementing the Plan.*** A number of options were developed by the charrette process for the site, and these recommendations serve as the basis for the plan now being advanced by the Playhouse board. In summary, a phased development is the most realistic and practical option and is comprised of the following: 1) building a new, 300-seat theater on the site; 2) leaving a "footprint" for an additional, larger theater that could be developed at a later date; and 3) finalizing a site master plan for these theaters so historic preservation issues will be addressed and future, complementary and appropriately-scaled commercial development also could be accommodated on the site to help support the non-profit theater operations.

In the earlier stages of this work, the Playhouse board pursued the option of complementary commercial development for the site and identified a development partner to help explore this option. However, the downturn in the economy intervened, making it difficult at the present time to undertake a viable commercial project. Given the potential of an appropriately-scaled development to have a synergistic relationship with the theater and the prospect of commercial activity generating funds to help support the non-profit theater activities, the option of commercial development is still considered to be a future phase under the Playhouse's master plan. The central component of the Playhouse recovery plan – securing a theater partner and returning great regional theater to Coconut Grove – remains as phase one of the work.

c: Members, Miami-Dade County Cultural Affairs Council

City of Miami, Florida

TOMAS P. REGALADO
MAYOR

3500 PAN AMERICAN DRIVE
MIAMI, FLORIDA 33133
(305) 250-5300
FAX (305) 854-4001

FOR IMMEDIATE REVIEW

COMES BEFORE YOU JUNE 3, 2010

May 25, 2010

Re: Coconut Grove Playhouse

Dear Honorable Mayor Alvarez and the Honorable County Commission:

On behalf of the Mayor and the Commission Chair for the City of Miami, we ask that you allow the State to exercise its reverter and reconvey the Playhouse to a trusted State of Florida of University/College partner.

On June 3, 2010, the Committee and/or the Miami-Dade Commission will consider a course of action for the reconstruction, management, and operation of the Coconut Grove Playhouse.

As you know, the City has resolved that the Playhouse be transferred to a State University, free of the influence of its present Board of Directors which failed in its fiduciary duties in overseeing the financial operation of the Playhouse. This Board lacks the credibility to fundraise or move this matter forward to a successful and sustainable conclusion. The past is the best predictor of the future.

I. The History of this Board

The past demonstrates this present Board oversaw the Playhouse debt grow from $860,000 in 2001 to $4.5 Million in 2006.[1] To compound their

[1] 2001 <$860,000>; 2002 <$1,710.24>; 2003 <$2,055,415>; 2004 <$2,507,069>; 2005 audited financials were not provided; 2006 <$4.5 Million>. See statement of Peg McCue, former Administrative Assistant for the Playhouse and its Administration.

failure, not all the accounts of the Playhouse were audited. In fact, the Playhouse National Tour, "Tuesday with Maurie," maintained a separate unaudited account, utilizing the funds from this account to pay expenses and staff, in cash. To compound matters even further, this present Board of Directors attempted to interfere with the auditors by rejecting warnings that the Playhouse was not being operated as a viable enterprise, demanding the auditor remove all warnings. In fact, in the closing days, just prior to the collapse of the Playhouse, the minutes reflect the Board stating in March 2006, "*When you look at the big picture, things are positive.*"

Post Collapse, this Board has used other People's Money to Act as a Band-aid for its Failures.

Even after the Playhouse collapse, this very Board allowed a Default Judgment to be taken against it (in New York City), resulting in the garnishment of its Coconut Grove Bank account in the amount of $52,000.

Once again, this Board – post closure and "flush" with Miami-Dade County funds, put on a charrette, conducted by the University of Miami for two days at Ransom Everglades School, which cost $80,000. The general public never learned of this expense.

Despite closing, but flush with the cash provided by the County, the Playhouse hired AMS Planning & Research {"AMS"} as consultants to determine the future viability of the Playhouse by determining the optimum size of the new facility {the total costs paid to AMS is $300,000}, AMS recommended a 600-seat theater tied to a University/College partner (the present theater seats 1,100).

Today the Board of Directors is recommending a 300 seat theater intended to be operated by a production company that has never generated a performance with 300 patrons, let alone consistently seated upwards of 100 patrons. AMS' recommendation that the Playhouse partner with a college or university is equally not a part of this Board's plans. However, in August 2007, and in accordance with AMS' conclusions, the Chair of the Board of Directors announced the Playhouse was seeking to partner with a university or college. Is this a recipe for success? The only consistency with this Board is its inconsistency and willingness to waste tax dollars.

Since the closure of the Playhouse, it has been the benefactor of $526,000[2] in governmental monies. Post closure, the Playhouse's Board has spent the money as follows:

The Board allowed 1.) a $350,000 Judgment for mortgage foreclosure on the "Bike Shop" parcel[3]; 2.) the $52,000 Judgment/Garnishment taken by Equity One; 3.) $125,000 reimbursement for the misappropriated State grant[4] to maintain the structure. This Board has received $526,000 in governmental transfer payments and paid out $527,000.

In August 2007, Aries Development loaned the Playhouse Board $470,000, subsequently adding another $180,000. Aries and its partners received in return for its bailout of the Playhouse, two valuable rights: 1.) the right to operate the parking lot; and 2.) the right to develop the theater and its intended retail component. Unfortunately, and not surprisingly, development agreements are simply not part of the public record.

To ensure this Board maintained control of the Playhouse, in May 23, 2008, it called for an emergency meeting to vote to amend its bylaws so that each current officer could remain 4 years from the time of appointment (until a new member is elected), as a result of the pending termination of each officer's term.

This Board Consistently Litigates Whoever it Contracts With.

For more than one year, Aries and the Board are both in default under their development agreement and parking agreement. Each has threatened the other with filing suit. State Representative and Board Member Carlos

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2.

	$	150,000 grant from Miami-Dade County;
	$	300,000 budgeted from Miami-Dade County;
	$	76,000 from the City of Miami's Offstreet Parking
	$	526,000

3 The only piece of property owned by the Coconut Grove Playhouse, Inc., a for profit Florida corporation that owns the 1,500 square feet building, not subject to the State's Reverter Clause. The $500,000 was money loaned from prior Board members to stave off collapse.

4 This grant was used as a pledge to secure a line of credit to pay salaries to Playhouse staff (including its Director, Arnold Mittelman). According to Mittelman's statement (found in Miami-Dade County's own files), he was instructed to pledge the $125,000 by the head of the Legal Committee and Board Member, Jorge Lopez. Mr. Lopez, in an interview with the Miami herald, did not deny the instruction, but believed Mittelman misinterpreted his words. The Miami Herald article is equally attached to the history.

Lopez Cantera has on numerous occasions, attempted to resolve these differences to no avail. Aries was funding the defense on behalf of the Board in a separate lawsuit in a matter known as *Strategic Properties Partners Group Inc.*[5] *v. Coconut Grove Playhouse, LLC*, filed in Miami-Dade County, 11th Judicial Circuit, Case No. 07-09611 CA 09, where its principal, Henry Pino, alleges he paid the Playhouse $350,000 in 2005, as a refundable deposit for the development rights to the Playhouse land (the very same rights it allegedly sold in 2008 to Aries). As you can see, the Playhouse did not grant Pino the rights to build, and more importantly, failed to return his refundable deposit, instead, facing a huge debt, the Board operated on the $350,000 deposit, not unlike this Board's use of the $125,000 State Grant.

On April 8, 2010, the former Chair, now Treasurer (2004-present), and the Chair were deposed by the law firm of Josephs Jack (Coconut Grove litigation firm). The testimony of the Treasurer and Chair will demonstrate the utter failure of the Board to know its finances or take actions to prevent its demise.

As a result of their pending litigation, the Aries Group and its partners, will no longer fund the Playhouse's defense.

This Board has persistently acted with secrecy, refusing to create an open and transparent process, so the public could learn how it is spending Miami-Dade tax dollars. Instead of openly providing its minutes and records, it chose to use its resources to litigate with the Miami Herald over whether it is even subject to a public records request, resulting only in the disclosure of select corporate minutes.

The City of Miami has equally requested the books and records of the Playhouse, however, this Board, operating on fumes, chose to use its resources to hire counsel to oppose this disclosure[6].

The Appearance of the Playhouse Today

Most exacerbating and frustrating to the City is the Playhouse's refusal to be a good citizen and maintain its property. A picture speaks a

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5 A Wholly owned corporation of Henry Pino.

6 On November 19th, 2009, the City made a Fla.Statute §199 et seq. request to the Playhouse, and, despite assuring the City that it would provide the books and records, responded by hiring counsel, who refused to honor the request. As a former Board member on behalf of the City of Miami, we were visually allowed to inspect the books, without the ability to make copies or retain notes, leaving the City's representative to rely solely upon memory.

thousand words, attached is a photograph taken by the City of Miami on May 24, 2010, demonstrating a vagrant living in the electrical room of the Playhouse. Fire Chief Meizoso (Fire Marshall) has attempted to make entry to determine the fire safety issues (thus far, to no avail), for months, despite the obvious corrosion on the power pack and wires, which supplies power to the Playhouse.

In fact, instead of compliance or the use of any of its County tax payer funds, the Playhouse has fought the City of Miami for the following citations:

1. Illegal dumping and littering. CE2010003891;

2. Failure to maintain quality of life. CE2009017813;

3. Failure to have a Certificate Use or an Occupational License. CE2008021653;

4. Failure to maintain the exterior of a commercial building. CE200801345;

5. Graffiti on property. CE200702813;

6. Failure to maintain the exterior of a commercial property. CE200893495; CE2007002278.

The Board chose to fight these actions by challenging the Code Enforcement's Board on March 2, 2009, Final Order of Enforcement for the failure to maintain the property. The Playhouse, once again, using County resources, hired the Coral Gables Law Firm of Rascoe, Klock, Reininger, Perez, Esquenazi, Vigil and Nieto, to appeal the Order.

Copies of the Playhouse's Initial Brief to the Circuit Court's Appellate Division, the Order of the Appellate Division, the City's Petition for Certiorari, filed in the Third District Court of Appeals, the Playhouse's Response, the City of Miami's Reply and the Order of the Third DCA are attached. This Board simply uses its resources to litigate versus being a good corporate, not-for-profit citizen in the most important land mass in the Grove, and simply maintain the esthetics.

The building is a wayside for vagrants, it is a stencil for graffiti artists and <u>it is a fire waiting to happen</u>.

There is no justification for this Board's involvement on more day.

The above history of the Playhouse is only the tip of the iceberg, this Board could not operate the Playhouse as far back as 2000. In fact, the best evidence of this Board's failure is the check written by the Playhouse, prior to closing its doors, for the Directors and Officers (D & O) insurance.

II. The Future of the Playhouse

In concert with our State Representative for the City, there has been meeting with the State's Department of Environmental and Protection [DEP] in Tallahassee, as well as in Miami; it is equally copied with this correspondence. DEP has been asked to revert the Playhouse back to the State and re-convey it to a reliable State University/College to work in concert with the new Board of Trustees that would include influential business and community leaders who are willing to fundraise to provide an endowment and ensure there is adequate capital to create a component of the Playhouse to throw off reliable recurring revenues to the theater. We all know this Playhouse cannot operate on ticket sales alone, resulting in the Playhouse's future to be a multi-use facility, creating a campus for other valuable and extremely viable Grove entities, such as the Coconut Grove Arts Festival. The concept of phasing the Playhouse by building the theater first, will ensure the $20 Million grant by the County will not be sufficient to create that self sustaining revenue stream, defraying the cost of its operation.

Portions of the Playhouse façade should be preserved where possible, but the entire footprint must be master planned and coordinated to ensure the rents or royalties from the built uses provide a sustainable Playhouse. The City has met with both FIU President Mark Rosenberg and Miami-Dade College President, Dr. Eduardo Padron, each have expressed an interest in a community partnership to establish a graduate program in theater with a multi-use facility. Neither has an interest in working with the present Board with its financial mess.

The private sector has expressed a profound interest in helping the Playhouse get back on its feet, however, they also have expressed that they will have nothing to do with the present Board of Directors.

If the plan includes this Board remaining in place, the private sector (and most of the public sector) will see this as maintaining the same Board of Directors that watched it collapse under its stewardship, determine its future.

The Cultural Director of Miami-Dade is a well intended individual. In this circumstance, he is wrong to prolong this Board's involvement, now standing at 4-years post closure.

Please realize, this once admired landmark in the Grove, one of its three economic engines, must be moved forward with a sustainable future, one not tied to government and the vagaries of its shrinking budgets.

Conclusion

We ask that the County support this City's resolution asking the Playhouse be reverted back to the State, which in turn will re-convey to a State or Private University/College to operate a multi-use facility.

Respectfully,

Tomas Regalado
Mayor
City of Miami

Marc David Sarnoff
Commissioner – District 2
City of Miami

Mds:tf

Enclosure(s): As stated.
cc:
Mr. Bob G. Ballard
Deputy Secretary of Land & Recreation
DEP
Bob.g.ballard@dep.state.fl.us
850-245-2043 (Barbara)

Mr. Scott Woolam
Division of State Lands
DEP
Scott.woolam@dep.state.fl.us
850-245-2555 Ext.4806

Carlos Lopez Cantera
State Representative

IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA

THE COCONUT GROVE PLAYHOUSE, LLC

Appellant/Defendant

vs.

THE CITY OF MIAMI, FLORIDA

Appellee/Plaintiff.

_____/

Case No.: 09-183
LT Case No.: CE2008013495

THE ORIGINAL FILED
IN THE OFFICE OF THE CLERK
LOC # 25
CIRCUIT & COUNTY COURTS
DADE COUNTY, FLORIDA
ON AUG 07 2009

MOTION FOR MEDIATION OR IN THE ALTERNATIVE MOTION FOR ENLARGMENT OF TIME TO FILE INITIAL BRIEF

Appellant, The Coconut Grove Playhouse, LLC, by and through undersigned counsel, and pursuant to the Florida Rules of Civil Procedure, moves for Mediation, or in the alternative, for an Enlargement of Time to file its Initial Brief, and as grounds, states:

1. The record below, which is being filed concurrently herewith, shows that the single code violation at issue is whether The Coconut Grove Playhouse is clean and evenly painted.

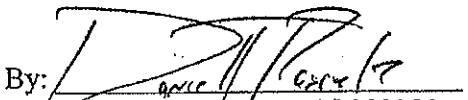
2. The Appellant believes that this matter can be resolved amicably and respectfully submits that Mediation would serve the judicial economy be in the best interest of the parties.

3. The undersigned attempted to contact the Appellee's counsel, Mr. John A. Greco, Esq., prior to the filing of this Motion, but was advised that he will be out of the office until August 10, 2009.

WHEREFORE, Appellant respectfully requests a fourteen (14) day extension of time, if necessary, to file its Initial Brief from the date of an entry of an Order on its Motion for Mediation.

Respectfully Submitted,

Daniel T. Pascale, FBN 809381
RASCO KLOCK REININGER PEREZ
ESQUENAZI VIGIL & NIETO
283 Catalonia Avenue, Second Floor
Coral Gables, Florida 33134
Telephone: (305) 476-7100
Facsimile: (305) 476-7102
Attorneys for Appellant/Defendant

By: 
Daniel T. Pascale, FBN 809381

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was delivered by U.S. mail this 7th day of August, 2009, to: John A. Greco, Esq. Asst. City Attorney, Attorney for City of Miami, 444 SW 2nd Avenue, Suite 945.

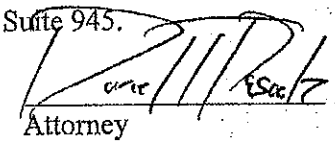

Attorney

EXHIBIT
ITEM 11A3
6/3/2010 BCC

AMENDED

MEMORANDUM Agenda Item No. 11(A)(5)

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

DATE: June 3, 2010

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

SUBJECT: Resolution amending Implementing Order 3-34 to provide direction to the County Mayor the Formation and Performance of Selection Committees

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Joe A. Martinez.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

MEMORANDUM

(Revised)

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

DATE: June 3, 2010

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

SUBJECT: Agenda Item No. 11(A)(5)

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

Veto _____

Override _____

Agenda Item No. 11(A)(5)
6-3-10

RESOLUTION NO. _____

RESOLUTION AMENDING IMPLEMENTING ORDER 3-34 TO PROVIDE DIRECTION TO THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE REGARDING THE FORMATION AND PERFORMANCE OF SELECTION COMMITTEES

WHEREAS, Miami-Dade County utilizes selection committees in its competitive procurement processes to evaluate and rank proposers and provide recommendations to the County Mayor or County Mayor's designee; and

WHEREAS, in the furtherance of that policy, this Board had previously approved Implementing Order 3-34 establishing directions to the County Mayor or County Mayor's designee for the formation and performance of selection committees; and

WHEREAS, this Board desires to provide additional guidance to selection committee members regarding proper scoring; and

WHEREAS, this Board desires to establish a requirement that all selection committees be provided with written guidelines for selection committee members to score, and that the selection committee members be directed to comply with the guidelines; and

WHEREAS, this Board desires to set policy establishing a process whereby, in solicitations where numerical points are used in scoring by the selection committee members, the County Mayor or County Mayor's designee shall request a written explanation from a selection committee member when that member's score would unduly affect the outcome,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby amends Implementing Order 3-34, Formation and Performance of Selection Committees, in substantially the form attached hereto and made a part hereof, and authorizes the County Mayor or County Mayor's designee to exercise any and all rights contained therein.

3

The Prime Sponsor of the foregoing resolution is Commissioner Joe A. Martinez. It 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	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of June, 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.

Oren Rosenthal

IMPLEMENTING ORDER[1]

Implementing Order No.: 3-34
Title: Formation and Performance of Selection Committees

Ordered: **Effective:**

AUTHORITY:

Section 1.01 of the Miami-Dade County Home Rule Amendment and Charter and Section 1.01 of the Code of Miami-Dade County.

SUPERSEDES:

This Implementing Order (I.O.) supersedes and replaces previous I.O. 3-34 ordered April 6, 2010 and effective April 16, 2010.

SCOPE:

Notwithstanding any contrary provision of any other Administrative Order or Implementing Order, this Implementing Order establishes procedures for the formation and performance of selection committees in the competitive procurement processes of Miami-Dade County, including competitive selection committees utilized in the acquisition of architectural and engineering (A&E) professional services under Section 287.055 of the Florida Statutes.

POLICY:

Miami-Dade County shall endeavor to utilize selection committees that are fair, impartial, objective and qualified in the subject matter area in competitive procurement processes for the evaluation of offers, proposals or quotes submitted by individuals and firms seeking contract award. The provisions of this Implementing Order address the County's internal administrative processes and are not intended to serve as a basis to challenge the ultimate selection or contract award recommendation in any particular procurement action. This Implementing Order covers all County procurement processes involving such committees.

All proceedings of a selection committee shall be audiotaped. The Department of Procurement Management (DPM) shall be responsible for audiotaping selection committee meetings when DPM is the issuing department for the solicitation. When DPM is not the issuing department, the department/agency issuing the solicitation shall be responsible for audiotaping the meetings of selection committees.

FORMATION OF SELECTION COMMITTEES:

Selection Committee Pool

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[1]Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

S

The pool of potential County selection committee members shall be established by the Department of Small Business Development (SBD). The pool shall consist of the County's executives, departmental subject matter experts, and representatives of the Department of Small Business Development.

Participants in the selection committee pool may be required to attend a workshop facilitated by DPM, which describes the role and responsibilities of a selection committee member, and reviews pertinent legislation affecting the selection process.

Selection Committee Establishment and Composition:

DBD shall forward the names of the recommended selection committee members to the County Manager for approval and appointment of the committee. Selection committees formed to evaluate firms under Section 2-10.4 of the Code of Miami-Dade County shall consist of no fewer than five voting members. The composition of the selection committees shall be as follows:

A. The County Mayor or his/her designee may determine the composition of selection committees based on the appropriate expertise required for each acquisition. In establishing a selection committee, the County Mayor or his/her designee will give consideration to appointing County professional and technical staff and qualified non-County voting members. One voting member shall be from the Department of Small Business Development.

   When possible, at least one and preferably two voting members will be subject matter experts from the private or non-profit sectors, another government organization or from the ranks of retired executives.

B. The chairperson of the selection committee shall be a non-voting member from the professional procurement staff of the Department of Procurement Management (DPM), and if DPM is not the issuing department, then the chairperson shall be a non-voting member from the professional procurement staff of the issuing department/agency. For A&E selections, the non-voting chairperson shall be from the office responsible for the administration of the architectural and engineering selection process.

C. The selection committee should have the technical background necessary for understanding the scope and requirements of the particular procurement. The Director of the user/managing department/agency, and/or the Directors of the Departments of Small Business Development and Procurement Management, may request the addition of non-voting technical advisors to supplement the technical expertise of selection committees.

D. An alternate voting member shall be included at the time the selection committee is appointed, and will become a voting member in the event that substitution of a voting member is required. For Architectural and Engineering selection committees, at least two alternative voting members shall be included at the time the selection committee is appointed.

In all cases of selection committee formation, the County Mayor or his/her designee shall appoint committees that are balanced in their representation of the Miami-Dade County community with regard to ethnicity and gender.

PERFORMANCE OF SELECTION COMMITTEES:

Each individual appointed to a selection committee shall sign an affidavit attesting to his/her neutrality and assuring that his/her service on such committee shall be in compliance with the Conflict of Interest and Code of Ethics Ordinance (Sec. 2-11.1). Any request by County staff, including Department/Agency Directors, to be excused from selection committee service must be in writing, delineating serious and legitimate reasons, and must be signed by the Department/Agency Director and sent to the County Mayor or his/her designee through the Director of the Department of Small Business Development.

The performance of selection committees is subject to the requirements and prohibitions of the County's Cone of Silence Ordinance and the State of Florida's Government in the Sunshine Law. Those provisions must be strictly adhered to by committee members.

Periodically, the County Mayor or his/her designee will report to the Board of County Commissioners on the performance of the Selection Committee process. In preparing such reports, the County Mayor or his/her designee shall solicit the input of private and nonprofit sector representatives, representatives of other governmental organizations, and/or retired executives.

>>**SCORING GUIDELINES:**

Except for selection committees procuring "Professional Services" as defined in Section 2-10.4 of the Code of Miami-Dade County, selection committee members shall be provided written guidelines and shall use the guidelines in preparing their scores for the technical evaluation for each criteria identified in the solicitation. The guidelines shall be in substantially the form provided below:

Rating	Score as a Percentage of Total Available Points for Criteria	Guidelines
Excellent	90-100%	The proposal's response to the criteria is complete and well defined, providing relevant supporting details and examples. The response to this criteria indicates a high prospect for outstanding performance on the resulting contract. The expectations for this criteria are clearly met or exceeded.
Good	70-89%	The proposal's response to the criteria is generally complete and well defined, providing reasonably well developed responses with a good amount of relevant supporting details and examples. The response to this criteria indicates a moderate to high prospect for good performance on the resulting contract. Most of the expectations are met for this criteria.

Fair	50-69%	The proposal's response to the criteria is fairly complete, but lacking some definition or clarity. The response is not well developed to address the criteria and provides limited supporting details and examples. The response to this criteria indicates a prospect of achieving satisfactory performance on the resulting contract, but there may also be some risk. Few of the expectations are demonstrated to be met for this criteria.
Poor	49% or below	The proposal's response to the criteria is not complete or provides minimal information, lacking sufficient details and examples. The response to this criteria indicates a moderate to high risk of not achieving satisfactory performance on the resulting contract. Does not demonstrate ability to meet expectations for this criteria.

In solicitations where numerical points are assigned, the County Mayor or County Mayor's designee shall review the selection committee scores to determine whether a selection committee member's score would unduly affect the outcome. If the County Mayor or County Mayor's designee makes such a determination, the County Mayor or County Mayor's designee shall request a written explanation from that selection committee member. The County Mayor or County Mayor's designee will determine whether to accept or reject that selection committee member's score, considering the written explanation. If the score is rejected, such information will be provided to the Board of County Commissioners.<<

SCORING OF SELECTION COMMITTEES FOR PURCHASE OF PROFESSIONAL ARCHECTURAL, ENGINEERING, LANDSCAPE ARCHETECTURAL, AND LAND SURVEYING AND MAPPING SERVICES:

For selection committees procuring "Professional Services" as defined in Section 2-10.4 of the Code of Miami-Dade County, the highest and lowest final score for each firm in the first evaluation tier shall be discarded and not used to compute the final total score of such firm.

EFFECTIVE DATE:

This Implementing Order shall become effective after approval by the Board of County Commissioners, and shall apply prospectively to selection committees appointed after the effective date.

MEMORANDUM

AMENDED

Agenda Item No. 11(A)(8)

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

DATE: June 3, 2010

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

SUBJECT: Resolution requesting that the Commission on Ethics and Public Trust conduct conflict of interest checks related to contract lobbyists and provide to the Board a report and recommendation on any County contract lobbyist conflict of interest

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Katy Sorenson, and Co-Sponsors Commissioner Sally A. Heyman and Commissioner Rebeca Sosa.

R. A. Cuevas, Jr.
County Attorney

RAC/up

MEMORANDUM
(Revised)

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

DATE: June 3, 2010

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

SUBJECT: Agenda Item No. 11(A)(8)

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
Veto _____
Override _____

Agenda Item No. 11(A)(8)
6-3-10

RESOLUTION NO. _____

RESOLUTION REQUESTING THAT THE COMMISSION ON ETHICS AND PUBLIC TRUST CONDUCT CONFLICT OF INTEREST CHECKS RELATED TO COUNTY CONTRACT LOBBYISTS AND PROVIDE TO THE BOARD A REPORT AND RECOMMENDATION ON ANY COUNTY CONTRACT LOBBYIST CONFLICT OF INTEREST

WHEREAS, on November 11, 1999, the Board approved Resolution No. 1236-99, which provided that no County contract lobbyist or subconsultant shall represent any client and/or issue that may be adverse to the County without first requesting and obtaining permission from the County; and

WHEREAS, on May 9, 2000, the Board passed Ordinance No. 00-64, which provided that no person or entity that 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 shall 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; and

WHEREAS, the failure of any county contract lobbyist to comply with the provisions of Ordinance No. 00-64 shall result in either or both of the following:

(1) That lobbyist's contract with the county being voidable by the county; and

(2) A prohibition, for a period of up to three years, as determined by the Board of County Commissioners, on the lobbyist's entering into a lobbying contract with the county; and

WHEREAS, on November 3, 2009, the Board approved Ordinance No. 09-98, which provided that all contract lobbyist conflict waiver requests are exempt from committee review and would be heard directly by the full board; and

WHEREAS, on January 21, 2010, the Board approved Resolution No. 56-10, which required all county contract lobbyists to obtain a conflict waiver from the Board of County Commissioners prior to representing any client in any forum that is adverse to county's interests, whether or not such county interest is expressly set forth in the county's legislative package; and

WHEREAS, Resolution No. 56-10 also requires all conflict of interest waiver requests to be submitted directly to the Chairman of the Board of County Commissioners, who shall place the conflict waiver request on the next available Board of County Commissioners agenda; and

WHEREAS, Resolution No. 56-10 further required all County contract lobbyists to obtain a waiver from the Board for any actual or perceived conflicts of interest or provide a statement that the contract lobbyist has no conflicts prior to award or renewal of a contract, subcontract or work order, and placed all County contract lobbyists under a continuing, affirmative duty during the term of the lobbying contract and any renewal terms to promptly seek in writing and obtain a waiver from the Board for any conflict of interest prior to representing any entity in any forum; and

WHEREAS, on January 24, 2006, the Board approved Resolution No. 133-06, which authorized the County Manager to execute one-year agreements that included three one-year renewal options in the County's sole discretion with Greenberg Traurig, P.A., Alcalde & Fay, and Tew Cardenas LLP for governmental representation before the U.S. Congress and the federal executive branch as prime consultants, along with various subconsultants; and

WHEREAS, on September 26, 2006, the Board approved Resolution No. 1070-06, which authorized the County Manager to execute one-year agreements that included three one-year renewal options in the County's sole discretion with Ronald L. Book, P.A. and Rutledge, Ecenia, Purnell, & Hoffman, P.A. for governmental representation before the Florida

Legislature and the State of Florida executive branch as prime consultants, along with various subconsultants; and

WHEREAS, the federal and state agreements require all County contract lobbyists including both the prime consultants and subconsultants to comply with the provisions of Resolution No. 1236-99 and Ordinance No. 00-64, as well as the County's general Conflict of Interest Ordinance, Ordinance No. 72-82, as amended; and

WHEREAS, the federal and state agreements also place all County contract lobbyists including both the prime consultants and subconsultants under an obligation to disclose all clients to the County and to advise the County immediately when any actual, possible or perceived conflict may arise; and

WHEREAS, the federal and state agreements impose these obligations on County contract lobbyists on a continuing basis throughout the term of the contract and any extensions or renewal terms; and

WHEREAS, the federal and state agreements provide that the Board may take, in its sole discretion, any action regarding a conflict waiver request, including but not limited to the following:

(1) Grant a waiver and allow the lobbying firm to continue to represent both the County and the other client on all issues, including the issue on which a conflict or potential conflict exists;

(2) Refuse to grant a waiver and require the lobbying firm to choose between representing either the County or the other party, requiring the lobbying firm to entirely give up its representation either of the County or the other party;

(3) Refuse to grant a waiver and void the County's contract with the lobbying firm;

(4) Grant a limited waiver and allow the lobbying firm to continue to represent both the County and the other party under whatever limitations or restrictions the County, in its sole discretion, determines to be appropriate; and

WHEREAS, the Commission on Ethics and Public Trust can play an important role in ensuring that County contract lobbyists do not work in conflict to the interests of the County by:

(1) Conducting a conflicts check of all clients that County contract lobbyists represent;

(2) Reviewing all conflict waiver requests submitted to the County by County contract lobbyists, and providing the Board a report and recommendation on such conflict waiver requests; and

(3) Providing the Board a report and recommendation on whether a conflict is presented in any situation in which it comes to the attention of the County that a conflict of interest may have arisen,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board requests that the Commission on Ethics and Public Trust:

Section 1. Conduct conflict checks related to County contract lobbyists within 45 days of the effective date of this resolution and annually thereafter, along with checks of any new clients or issues that may arise.

Section 2. Review all conflict waiver requests submitted to the County by County contract lobbyists, and provide the Board a report and recommendation on whether a conflict is presented related to such requests.

Section 3. Provide the Board a report and recommendation on whether a conflict is presented in any situation in which it comes to the attention of the County that a conflict of interest may have arisen.

Section 4. The Mayor or Designee is directed to include language reflecting the policies set forth in this resolution in all future federal and state lobbying requests for qualifications, other procurement documents as applicable, contracts and contract renewals.

The Prime Sponsor of the foregoing resolution is Commissioner Katy Sorenson and the Co-Sponsors are Commissioner Sally A. Heyman and Commissioner Rebeca Sosa. It 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	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of June, 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. JMM

Jess M. McCarty

7

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

Legislative Notes

Agenda Item: **11(A)8**

File Number: **100870**

Committee(s) of Reference: **Board of County Commissioners**

Date of Analysis: **May 10, 2010**

Type of Item: **Resolution**

Prime Sponsor: **Commissioner Katy Sorenson**

Co-Sponsors: **Commissioner Sally A. Heyman, and Commissioner Rebeca Sosa**

Summary

This item will require the Commission on Ethics and Public Trust to do the following:

- Conduct conflict of interest checks related to contract lobbyists within 45 days of the effective date of the proposed resolution, and annually thereafter;
- Review all conflict waiver requests submitted to the County by County contract lobbyists, and provide the BCC with a report and recommendation on whether a conflict is a present;
- Provide the BCC with a report and recommendation on whether a conflict of interest is presented in any situation which comes to the attention of the County;

Background and Relevant Legislation

Numerous resolutions have been passed by the BCC regarding the County's contract lobbyists and subconsultants and their representation of interests adverse to the County's:

Legislative History	
Resolution or Ordinance No.	Description
Ordinance No. 72-82	Establishes the County's general Conflict of Interest Ordinance
R-1236-99 Nov. 11, 1999	Provides that no County contract lobbyist or subconsultant shall represent any client and/or issue that may be adverse to the County without first requesting and obtaining permission from the County
Ordinance No. 00-64 May 9, 2000	No person or entity that received compensation from the County for lobbying on behalf of the county shall represent any entity in any forum to support a position in opposition to the that of the County unless the Board of County Commissioners grants specific waiver for the lobbying activity
Ordinance No. 09-98	All conflict waiver requests are exempt from committee review and will be heard directly by the full BCC.
Ordinance No. 56-10	Requires all County contract lobbyists to obtain a conflict waiver from

	the BCCC prior to representing any client in any forum that is adverse to the County's interests, whether or not such interest is expressly stated in the County's legislative package. Requires all County contract lobbyists to obtain a waiver from the BCC for any actual or perceived conflicts of interest or provide a statement that the lobbyist has no conflicts prior to award or renewal of a contract. Placed all County contract lobbyists under a continuing, affirmative duty during the term of the contract to seek in writing and obtain a waiver from the BCC for any conflict of interest prior to representing any entity in any forum.
Legislative History of Lobbyist Contracts	
R-133-06	Authorized the County Manager to execute 1-year agreements with 3 1-year renewal options with Greenberg Traurig, P.A., Alcade & Fay, and Tew Cardenas LLP for representation before the U.S. Congress and the federal executive branch.
R-1070-06	Authorized the County Manager to execute a 1-year agreement with 3 1-year options-to-renew with Ronald L. Book, P.A. and Rutledge, Ecenia, Purnell, & Hoffman, P.A. for representation before the Florida Legislature and the State of Florida executive branch

According to the federal and state contract lobbyist agreements, the BCC may take, in its sole discretion, any action regarding a conflict waiver request, including but limited to:

1) Grant waiver and allow the lobbying firm to continue to represent both the County and the other client on all issues;

2) Refuse to grant a waiver and require the lobbying firm to choose between representing the County or the other party

3) Refuse to grant a waiver and void the County's contract with the lobbying firm;

4) Grant a limited waiver and allow the lobbying firm to continue to represent both the County and the other party under whatever restrictions the County deems appropriate.

Previous Waivers of Conflict of Interest

- On April 21 ,2009, the BCC approved a conflict waiver request by Greenberg Traurig, P.A. in its role as bond counsel to the County related to DERM enforcement litigation actions in which Greenberg Traurig, P.A. represented a number of defendants.
- On June 2, 2009, the BCC approved a conflict waiver request by Greenberg Traurig, P.A. pursuant to its federal lobbying contract.

The Commission on Ethics and Public Trust

In 1996, the citizens of Miami-Dade County voted to amend the Home Rule Charter to create an Ethics Commission. Subsequently, the Board of County Commissioners, through Ordinance 97-105, established the Commission on Ethics and Public Trust, an independent agency with advice-giving and quasi-judicial powers. The Ethics Commission is composed of five volunteer members who serve staggered terms of four years each.

The Commission staff currently reviews complaints submitted to it and conducts a preliminary analysis to ensure the complaint is legally sufficient. If the complaint is deemed legally sufficient, the Ethics Commission will make a probable cause determination. At this stage, if the Commission finds no probable cause, the complaint will be dismissed. If the Commission finds there is probable cause, the matter can be set for a public hearing and such proceedings must comply with the Sunshine Law. Upon the conclusion of the hearing, the Commission shall make a finding and issue a report as to whether any provision within its jurisdiction has been violated. If the Commission declares a violation has been committed, they shall issue an order imposing the appropriate penalty, which may include fines, letters of instructions or other penalties which may be imposed by law.

Prepared by: Jason T. Smith

ITEM 11A22
6/3/10
BCC

US Foreign Assistance Legislation, Objectives and Organizations

Legislation, Presidential Initiatives and Strategy Papers | **Foreign Assistance Objectives** | **US Foreign Assistance Organizations**

Legislation

- Foreign Assistance Act of 1961
- Bush Administration's FY 2003 Budget Request
- 2002 National Security Strategy
- FREEDOM Support Act of 1992 (Former Soviet States)
- SEED Act of 1989 (East European Democracy)
- US Leadership Against HIV/AIDS, TB and Malaria Act of 2003
- Millennium Challenge Act of 2003
- FY 2004 Emergency Supplemental Appropriations Act
- Migration and Refugee Assistance Act of 1962
- Agricultural Trade Development and Assistance Act of 1954
- Arms Export Control Act of 1976
- Bretton Woods Agreement Act of 1945
- President Bush's HIV/AIDS Act of 2003
- HELP Commission Act
- Special Foreign Assistance Act of 1986
- International Security Assistance Act of 1979
- Microenterprise Results and Accountability Act of 2004
- Assistance for Orphans and Other Vulnerable Children in Developing Countries Act of 2005

Presidential Initiatives in USAID

- USAID White Paper on American Foreign Aid
- National Security Strategy of the USA (2006)

Presidential Initiatives Outside USAID

New Initiatives

Foreign Assistance Objectives

- Poverty Reduction
- Economic Growth
- Business Development
- Global Access
- Strategic Foreign Investment
- Funds for Technical Assistance
- International Trade
- Job Creation
- Democratization
- Governance / Rule of Law
- Anti-Corruption
- Transparency and Accountability
- Monitoring and Evaluation
- Child Survival
- Stable Democratic Society
- Education
- Human Rights
- Empowerment of Women
- Civil Social Freedom
- Labor Reform
- Affordable Nuclear Energy
- Nonproliferation
- Agricultural Development
- Global Health
- HIV/AIDS
- Tuberculosis and Malaria
- Humanitarian Assistance
- Disaster Relief
- Famine Relief
- Migration Assistance
- Refugee Assistance
- Prevention of Human Trafficking
- Anti-terrorism
- Counter-narcotics
- Biodiversity Preservation
- Natural Resource Management
- Secure Water Access
- Sustainable Forest Management
- Human Resource Development
- Conflict Prevention
- Conflict Resolution
- Peacekeeping Operations
- Stabilization
- Demining Operations
- Security
- Reconstruction
- Infrastructure Construction
- Foreign Military Assistance
- Scientific and Technological Innovation
- Information Technology

US Foreign Assistance Organizations

- USAID
  - Bureau of Democracy, Conflict and Humanitarian Assistance
  - Office of Democracy and Governance
  - Office of US Foreign Disaster Assistance and Famine Assistance
  - Food for Peace
  - Bureau of Economic Growth, Agriculture and Trade
  - Bureau of Global Health
  - Economic Support Fund
  - Nonproliferation, Antiterrorism, de-mining and related programs
  - International Military Education and Training Program
  - Office of Transition Initiatives
  - Famine Early Warning System Network
- The Millennium Challenge Corporation
- Department of State
  - Bureau of Democracy, Human Rights and Labor
  - Office of the Global AIDS Coordinator
  - Middle East Peace Initiative
  - Office to Monitor and Combat Trafficking in Persons
  - Bureau for Population, Refugees and Migration
  - Office of Politico-Military Affairs
  - Bureau of International Narcotics and Law Enforcement Affairs
  - Humanitarian Information Unit
  - Special Coordinator's Office
  - Bureau of Economic and Business Affairs, Trade Policy and Programs Division
  - Bureau of Oceans and International Environmental and Scientific Affairs
  - Office of International Health Affairs
- Department of Defense
- Department of Treasury
  - Office of Foreign Assistance
  - Office of Technical Assistance
  - Office of International Affairs
- Department of Health and Human Services
  - National Institutes of Health
  - Office of Global Health
  - Office of International Affairs
- Department of Agriculture
  - Foreign Agricultural Service (food for progress, McGovern-Dole Food for Education)
  - Forest Service
- Department of Energy
- Department of Commerce
- United States Trade Representative
- Environmental Protection Agency
- Overseas Private Investment Corporation (OPIC)
- Peace Corps
- US Trade and Development Agency
- Export-Import Bank of the United States
- FEMA (Office of International Affairs)
- US Small Business Administration
- African Development Foundation
- Inter-American Development Foundation
- Office of National Drug Control Policy

Source: Lael Brainard, *Security by Other Means* (Brookings, 2006)

1131

MEMORANDUM
BOARD OF COUNTY COMMISSIONERS
COMMISSIONER AUDREY M. EDMONSON
DISTRICT 3

Date: June 3, 2010

To: Ms. Diane Collins, Acting Division Chief
Clerk of the Board

From: Audrey M. Edmonson
Commissioner, District 3

Subject: Allocations

The following allocations are to be made from District 3's Office Operating Budget:

Friends Who Lunch Corporation
Re: Luncheon to benefit Susan G. Komen Foundation $2,500

Miami-Dade Gay & Lesbian Chamber of Commerce
Re: 2010 BLUE GALA Award Dinner $1,500

Date: **June 3, 2010**

To: Diane Collins, Acting Division Chief
Clerk of the Board

From: **Sally A. Heyman**
Commissioner, District 4

Subject: Community-based Organization allocations presented at the June 3, 2010 Board of County Commission Meeting

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I would like to make the following allocations to the organizations below from the **District 4 Office Account**.

Organization Name	Allocation Amount
Miami Dade Citizen's Crime Watch	$ 1,000.00

Date: **June 3, 2010**

11B3

To: Diane Collins, Acting Division Chief
Clerk of the Board

From: **Sally A. Heyman**
Commissioner, District 4

Subject: Community-based Organization allocations presented at the June 3, 2010 Board of County Commission Meeting

---

I would like to be **reimbursed** for the following allocations to the organizations below from the **District 4 Office Account**.

Organization Name	Allocation Amount
M & M Marroquin (transport N. Beach Elem) CHILDREN	$ 140.00
Fairchild Tropical Botanic Gardens	$ 575.00
Miami-Dade Parks & Recreation	$ 350.00
Nautilus Middle School (transport to Fairchild Gardens)	$ 140.00

Date: **June 3, 2010**

To: Diane Collins, Acting Division Chief
Clerk of the Board

From: **Sally A. Heyman**
Commissioner, District 4

Subject: Community-based Organization allocations presented at the June 3, 2010 Board of County Commission Meeting

---

I would like to be reimbursed $ 159.84 for expenses associated with District 4 Love In with the NMB Police Explorers from my **District 4 Office Account**.

Thank you for your attention in this matter.

11B5

MEMORANDUM

BRUNO A. BARREIRO

Miami-Dade County Commissioner
District 5

TO: Diane Collins, Acting Division Chief
Clerk of the Board

FROM: Bruno A. Barreiro Bruno Barreiro #5

SUBJECT: District 5 Allocations – Office Funds

DATE: June 3, 2010

I would like to allocate the following from District 5 Office Funds:

- $400 to Josefina P. Castaño Kidney Foundation, Inc
- $1000 to the Kiwanis of Little Havana for the 2010 Summer Camp

Date: **05/27/2010**

To: Kay Sullivan, Clerk of the Board

From: Rebeca Sosa
Commissioner, District 6

Subject: Community-based Organization allocations presented at the next Board of County Commission Meeting.

I would like to allocate funding to the following organizations:

Office Funds

Organization Name	Allocation Amount
Miami Springs Historical Society – donation to pay for the bus expenses Miami Springs Historical Society Historical Bus Tour 2010	$ $570.00

11B7

Memorandum

Office of Chairman Dennis C. Moss
District9
Stephen P. Clark Center · 111 NW 1st Street, Suite 320 · Miami, Florida · 33128
Telephone: 305.375.4832· Facsimile: 305.372.6011 · E-mail: District9@miamidade.gov

Date: June 3, 2010

To: Dianne Collins, Miami-Dade Clerk of the Board
Vivian Gonzalez-Cao, OSBM

From: Dennis C. Moss, Chairman
Miami-Dade County Board of County Commissioners, District 9

Re: District 9 Office Funds - Goulds Elementary School

I would like to make the following allocations from my district 9 office funds to Goulds Elementary School in the amount of $500 to support the 30-point leap in FCAT Scores Celebration.

11B8

Commissioner Javier Souto
Allocations for Meeting of June 3, 2010

I would like to make the following allocation from Office Funds:

$500 to **the "U-14 Real Madrid-Miami Team"**the Florida State Soccer Champions to attend the Regional Championships in Baton Rouge Louisiana June 17th through June 23. These are youngsters under 14 years of age that play out of Tamiami Park and they are representing our County and our entire State in the National Championship Soccer Tournament.

DISTRICT 10

11B9

Date: June 3, 2010

To: Clerk of the Board

From: Jose "Pepe" Diaz
Commissioner, District 12

Subject: June 3, 2010 Board of County Commissioners' Meeting

I would like to allocate the following from my:

DISTRICT 12 OFFICE BUDGET

Organization	Allocation Amount
Liga Contra El Cancer	$5,000.00
Miami Killian Army JROTC Program	$1,000.00
La Voz de La Calle	$300.00
Event Depot Corp.	$425.00
Special Olympics Florida	$2,500.00

Memorandum

MIAMI-DADE COUNTY

AMENDED
Agenda Item No. 12(A)(1)

Date: June 3, 2010

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

From: George M. Burgess
County Manager

Subject: City of Sweetwater Annexation Application

This substitute differs from the original item as it includes a resolution that will require action, and to provide information regarding a separate agreement between the municipality and Miami-Dade County.

Pursuant to Chapter 20-7 (B) of the Miami-Dade County Code (Code) and following the required public hearing, the Board of County Commissioners (BCC) shall adopt the accompanying resolution to take one (1) of the following actions:

- Deny the requested boundary change as presented by the City of Sweetwater
- Direct the County Attorney to prepare an appropriate ordinance accomplishing the proposed boundary change
- Defer such requested boundary change for further consideration at a subsequent meeting.

Recommendation

It is recommended that the BCC, pursuant to the Miami-Dade County Code Chapter 20, deny the boundary change as proposed by the City of Sweetwater. The City is requesting to annex an area that includes a portion of the Airport West Commercial Business Industrial Area (CBI). Annexation of this area will initially have a positive impact on the unincorporated municipal service area (UMSA). However, the CBI area in particular is not fully developed and is comprised of commercial/industrial parcels and already has a negative net impact to UMSA, which will only increase in the future, with the potential of exceeding the savings derived by the rest of the area to be annexed. At this point in time, because of the general fiscal environment, consideration of any municipal boundary change is not recommended.

Scope

The proposed annexation area is approximately 1,018.5 acres or 1.59 square miles of UMSA generally bounded on the south by Flagler Street, on the east by NW 107th Avenue, on the west by the Florida Turnpike, and on the north by NW 25th Street. The residential portion of the annexation area is developed and contiguous to the City's northernmost boundary within County Commission District 12. The City of Sweetwater boundaries encompass 506 acres. This annexation request is for all sub-areas detailed in the attached map (Sub-Area 1, 3 and 4).

Fiscal Impact/Funding Source

There is no fiscal impact to UMSA should this annexation be denied.

Attachment C is the updated "Impact to UMSA", including the newly adopted budget and 2009 tax roll figures as released by the Property Appraiser on July 1, 2009. The annexation area's taxable value is $1.022 billion, an increase of $56.6 million over the 2008 tax roll. At the FY 2009-10 City of Sweetwater millage rate of 3.9252 mills, the ad valorem revenues attributable to the annexation area would be

$3,812,790. At the current UMSA millage rate of 2.0083 mills, the ad valorem revenues attributable to the annexation area would be $1,950,786. The expected tax increase to the entire annexation area would be $1,862,004. It is important to note that the average homeowner would pay an additional $252 in taxes if this annexation is approved.

At noted in Attachment C, the proposed annexation area generates an estimated $2,923,256 in revenue. The County spends an estimated $3,490,547 per year providing services to that area. Therefore, the net revenue gain to the UMSA budget of the entire area is an estimated $567,292 at this time. It is important to note that while UMSA spends approximately $3.5 million in providing services to the area, if the annexation is approved there are expenses that may continue to occur.

A portion of the annexation area is part of the Airport West CBI. The Miami-Dade County Code Section 20-28 requires all municipalities annexing a CBI area to mitigate 100% of the net excess of revenues minus expenses for the CBI annexation area. There is an exception that any annexing municipality having a below average per capita taxable value and an above average tax effort as compared to all other cities in the County shall be exempt from this section. As of FY 2009-10 the City of Sweetwater has the lowest per capita taxable value in Miami-Dade County ($28,235). In terms of the tax effort for the City of Sweetwater, the City ranks the 11th lowest out of 36 municipalities (including UMSA). However, the portion of the Airport West Commercial CBI area included in the annexation application, as noted in Attachment C, would produce a net loss to UMSA of approximately $520,502. Additionally, the CBI portion of the annexation area consists of 935 real estate folios of which 693 are vacant parcels. The future taxable value of the vacant parcels, based on the average taxable value of the developed parcels, can possibly generate an additional $218 million in taxable value if developed in the same manner as the existing developed parcels. At today's UMSA millage rate of 2.0083, this would result in an additional $440,000 in ad valorem tax revenue. If the BCC does approve this annexation, the City should mitigate 100 percent of the CBI area based on a millage equivalent payment of .773 mills.

If the annexation is approved, pursuant to Section 20-8.1 and 20-8.2 of the County Code, the County would retain all franchise fees and utility tax revenues of the area. For the proposed annexation, an estimated $507,974 of franchise fees and $640,109 of utility taxes will be retained by the County.

Track Record/Monitor

There will be no need to monitor any agreements if this annexation is denied. If the annexation is approved, the Office of Strategic Business Management (OSBM) will monitor the interlocal agreement governing the annexation area.

Background

On February 5, 2009 the City of Sweetwater (City) submitted a boundary change application to the Miami-Dade County Clerk of the Board. The application was referred to and accepted by the Miami-Dade County Board of County Commissioners (BCC) at the March 3, 2009 BCC meeting and was forwarded to OSBM for review and further processing, as required by the Miami-Dade County Code (Code).

The Incorporation and Annexation Committee of the Planning Advisory Board (PAB) held a public hearing on September 21, 2009, and recommended the BCC deny the annexation until such time as the City of Doral's annexation application is brought before the PAB. The PAB held a public hearing on September 21, 2009 and recommended that the BCC approve the proposed annexation, while finding that the City of Doral has not been materially affected by the City of Sweetwater's proposed annexation application.

It is important to note that because the annexation area has over 250 resident electors, should the BCC approve the annexation, Section 20-9 of the Code requires a vote of the electors in the annexation area.

The staff report, as reviewed by the PAB, is attached for your convenience.

Currently Miami-Dade County provides the City of Sweetwater workers compensation services. The City is currently in arrears in the amount of $586,859. The County and the City negotiated an interlocal agreement which established a three year payment plan for the past due balance and requires the City pay future invoices on a timely basis. Additionally, the City has requested that the balance of their American Recovery and Reinvestment Act (ARRA) funding of $136,113, be returned to the County where it can be applied to their outstanding balance. The ARRA funding will be used by Transit for capital purposes and will ultimately free up general fund revenue currently used for SFRTA support. Sweetwater's outstanding balance will then be $450,746. The agreement was considered by the Governmental Operations Committee on April 13, 2010 and forwarded to the BCC with a favorable recommendation.

Attachments

Jennifer Glazer-Moon, Special Assistant
Director, Office of Strategic Business Management

cmo04410

MEMORANDUM

(Revised)

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

DATE: June 3, 2010

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

SUBJECT: Agenda Item No. 12(A)(1)

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**

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Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 12(A)(1)
6-3-10

RESOLUTION NO. _____

RESOLUTION RELATING TO ANNEXATION REQUEST OF THE CITY OF SWEETWATER; PROVIDING THAT ACTION BE TAKEN PURSUANT TO SECTION 20-7(B) OF THE CODE OF MIAMI-DADE COUNTY TO EITHER DIRECT THE COUNTY ATTORNEY TO PREPARE THE APPROPRIATE ORDINANCE TO EFFECTUATE THE ANNEXATION REQUEST, DENY THE ANNEXATION REQUEST OR TO DEFER THE ANNEXATION REQUEST

WHEREAS, on February 5, 2009, the City of Sweetwater submitted an annexation request to Miami-Dade County; and

WHEREAS, the Clerk of the Board placed the annexation request on the Board of County Commissioner's (Board's) agenda on March 3, 2009; and

WHEREAS, the Board referred the matter to the Planning Advisory Board (PAB) for its review and recommendation; and

WHEREAS, County staff has prepared a staff report attached hereto and incorporated herein by reference as Exhibit 1; and

WHEREAS, the PAB after reviewing the required staff report and after a public hearing adopted a resolution on September 21, 2009 providing a recommendation on the City of Sweetwater's annexation request attached hereto and incorporated herein by reference as Exhibit 2; and

WHEREAS, the County Manager has prepared his recommendation on the City of Sweetwater's annexation request which appears as part of this item; and

WHEREAS, pursuant to Section 20-7(B) the Board after public hearing either directs that the County Attorney prepare the appropriate annexation request or the Board may deny the request or defer the request,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The foregoing recitals are incorporated in this resolution.

Section 2. The Board of County Commissioners hereby takes the following action on the annexation request of the City of Sweetwater.

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	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of June, 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. CHC

Craig H. Coller

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EXHIBIT 1

Memorandum

MIAMI-DADE COUNTY

Date: September 21, 2009

To: Chairperson and Members
Planning Advisory Board

From: Jorge M. Fernandez, Jr.
Program Coordinator, Office of Strategic Business Management

Subject: Staff Report for Proposed Boundary Change to the City of Sweetwater

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Background

On February 5, 2009 the City of Sweetwater (City) submitted a boundary change application to the Miami-Dade County Clerk of the Board. The application was referred to and accepted by the Miami-Dade County Board of County Commissioners (BCC) at the March 3, 2009 BCC meeting and was forwarded to the Office of Strategic Business Management (OSBM) for review and further processing, as required by the Miami-Dade County Code (Code).

Analysis

The proposed annexation area is approximately 1,018.5 acres or 1.59 square miles of the Unincorporated Municipal Service Area (UMSA) generally bounded on the south by Flagler Street, on the east by NW 107th Avenue, on the west by the Florida Turnpike, and on the North by NW 25th Street. The annexation area is developed and is contiguous to the northernmost boundary of the City within County Commission District 12. The attached map as provided by the City is broken down into sub-areas, this annexation request is for all of the sub-areas detailed in the attached map (Sub-Area 1, 3 and 4).

Pursuant to Section 20-6 of the Code, the Office of Strategic Business Management submits this report for your review and recommendation.

Police

According to the application, Sweetwater will provide police services to the proposed annexation area at an improved level of service. The City will hire additional officers to handle the expanded area and provide a substation with 24 hour police staffing in the northern part of the proposed annexation area. Currently the City employs 24 full time officers and four communications officers. The City also has 20 sworn reserve officers and 15 certified officers waiting to be sworn. Additionally, the City claims response times of less than two minutes within City limits and occasionally within the annexation area (when providing backup for the Miami-Dade Police Department).

The following Miami-Dade Police Department (MDPD) tables represent all calls for uniform and non-uniform police calls within the proposed area for calendar year 2008.

Year	Criteria	All Calls	Emergency Calls (Code 3)	Priority Calls (Code 2)	Routine Calls
2008	Total Calls	6,915	279	230	6,406

Code 3: Emergency call with actual threat or actual danger, responding unit is authorized to drive 20 MPH over the posted speed limit.

Code 2: Priority call with potential threat or potential danger, responding unit is authorized to drive 10 MPH over the posted speed limit.

Year	Part I Crimes	Part II Crimes	Total
2008	1,380	201	1,581

Part I Crimes: Uniform Crime Report (UCR) Part I Offenses are those crimes reported to MDPD in the following classifications; murder and non-negligent manslaughter, robbery, aggravated assault, forcible rape, motor vehicle theft, larceny, burglary and arson. The UCR is a standard method of reporting crime, administered by the Federal Bureau of Investigations (FBI) through the UCR Program. The classification for the offense is based on a police investigation, as opposed to determinations made by a court, medical examiner, jury, or other judicial body.

Part II Crimes: All crimes not covered under Part I Crimes.

Fire and Rescue

Existing and Planned Fire Rescue Stations

The proposed Sweetwater annexation area is within the territory of Station 29, Sweetwater, located at 351 SW 107 Avenue. The station is equipped with a Rescue, an Advance Life Support (ALS) 75' Aerial, and a Venom Response Unit; totaling eight (8) firefighter/paramedics, 24 hours a day, seven days a week.

Fire Rescue stations within a three (3) mile radius include:

- Station 47, Westchester is located at 9361 SW 24 Street. The station is equipped with a Rescue and an Advance Life Support (ALS) Engine; totaling seven (7) firefighter/paramedics, 24 hours a day, seven days a week.
- Station 48, Fontainebleau is located at 8825 NW 18 Terrace. The station is equipped with a Rescue, an Advanced Life Support (ALS) Engine, and a Heavy Rescue; totaling nine (9) firefighter/paramedics, 24 hours a day, seven days a week.
- Station 58, Tamiami is located at 12700 SW 6 Street. The station is equipped with a Rescue and an Advance Life Support (ALS) Engine; totaling seven (7) firefighter/paramedics, 24 hours a day, seven days a week.

Planned Stations:

In an effort to reduce the travel time to incidents in the area, the Miami-Dade Fire Rescue Department (MDFR) plans to build the following stations:

- Station 68, Dolphin, lying in Sub-Area 4; NW 112 Avenue & NW 17 Street
- Station 75, Beacon Lakes; NW 129 Avenue & NW 17 Street
- Station 78, Bird Road Loop; SW 117 Avenue & SW 40 Street

Service Delivery

Sub-Area 1

In Calendar Year 2008, there were a total of 481 annual alarms within the proposed annexation Sub-Area, with an average travel time of 6:53 minutes. There were a total of 294 Life Threatening calls with an average travel time of 6:29 minutes.

Sub-Area 3

In Calendar Year 2008, there were a total of 229 annual alarms within the proposed annexation Sub-Area, with an average travel time of 8:49 minutes. There were a total of 107 Life Threatening calls with an average travel time of 7:52 minutes.

Sub-Area 4

In Calendar Year 2008, there were a total of 625 annual alarms within the proposed annexation Sub-Area, with an average travel time of 7:54 minutes. There were a total of 214 Life Threatening calls with an average travel time of 7:48 minutes.

The proposed annexation will not impact MDFR service delivery and/or response time. Currently, the area is served as part of the Unincorporated Municipal Service Area (UMSA). If the annexation is approved, this area will continue to be served by the same stations and resources within the Fire District.

As a condition of annexation, the City of Sweetwater through an Interlocal Agreement with the County, shall agree that the proposed annexation area remain within the Miami-Dade Fire Rescue District in perpetuity.

Water and Sewer

The proposed annexation area is within the Miami-Dade Water and Sewer Department's (WASD) water and sewer service area. Requests for future water and sewer service in the annexation area shall be determined at the time the proposed development occurs within the City based on the adequacy and capacity of the County's water and sewer systems. There are four General Obligation Bond (GOB) projects within the proposed annexation area under construction as follows:

- Improvements to Pump Station at SW 7th Terrace and SW 109th Avenue
- Gravity Sewer Main at SW 109th Avenue from SW 5th Street to SW 7th Terrace
- Sewer Force Main at SW 109th Avenue from SW 3rd Street to SW 7th Terrace
- Gravity Sewer Main and Sewer Force Main improvements at SW 7th Street from SW 109th Avenue to SW 100th Avenue

The proposed annexation will not have an impact on the Miami-Dade County Water and Sewer Department's (WASD) ability to provide services to the remaining unincorporated area. There are no WASD Facilities of Countywide Significance in the proposed annexation area.

Solid Waste

The City did not provide information regarding County waste service levels. The County does provide twice weekly garbage collection and recycling service, and unlimited access to Trash & Recycling Centers to its residential unit customers in the waste collection service area. The proposed annexation area is within the DSWM's waste collection service area and accordingly the Department does provide these services to 509 residential units located in the proposed annexation area. The waste collection services as briefly described in the application appear adequate. In accordance with Ordinance No. 96-30, since the City has entered into the standard interlocal agreement with the County for waste disposal, the County may consider delegation of this residential waste collection service as outlined below.

Collections

The proposed annexation area is within UMSA, and the County does provide waste collection service to residential units located there. While the subject area remains a part of the waste collection service area, under the provisions of Ordinance No. 96-30, since the City does currently have an interlocal agreement with the County for waste disposal, the City is eligible to assume residential waste collection responsibilities, provided it enters into the requisite waste collection interlocal and also that the cumulative impact of annexations that have taken place since February 16, 1996 do not significantly impact the DSWM's ability to meet debt coverage requirements or to hold down the cost of collection.

Disposal

The City's annexation request does not specifically state its intent to assume provision of residential waste collection service. Accordingly, there are two possible scenarios. The first is that the County continues to provide residential waste collection service and the second is that the City requests the delegation of the authority to provide residential waste collection service in the annexation area and enters into the requisite interlocal agreement. In either case, the City would be in compliance with the Ordinance and, as a result, there would be no impact on the County's disposal system.

Based on the nature of the annexation request, the annexation can be considered to be in compliance with the requirements contained in Ordinance No. 96-30. Accordingly, the annexation is not expected to have any impacts on the ability of DSWM to provide services to the remaining unincorporated area.

Department of Environmental Resources Management (DERM)

Potable Water

The proposed annexation area is within the service area of the Miami-Dade Water and Sewer Department (MDWASD,) and currently served by a water distribution network. The source for this water supply is the Hialeah/Preston Water Treatment Plant, which at this time has sufficient capacity for current water demand. Water produced by this plant meets all applicable standards.

Sanitary Sewer
The proposed annexation area is within the service area of the MDWASD, and currently served by a sewer collection system composed of gravity and force mains, and pump stations. The pumping stations within the area to be annexed are 30-1200, 30-1205, and 30-0174. Two other pumping stations, 30-0149 and 30-0142 already within the limits of the City of Sweetwater also serve the proposed annexation area.

All pump stations are operating within the mandated criteria set forth in the First Partial Federal Consent Decree except for pump station 30-0149 that is in Conditional Moratorium. MDWASD submitted a plan of corrective action to bring said pump station into compliance with the Consent Decree requirements. However, new sewer connections to this pump station will be granted with the condition that certificates of occupancy or use will not be issued until the station's corrective actions are completed.

The flows from all the pump stations are directed to the Central District Wastewater Treatment Plant. At this time the Central District Wastewater Treatment Plant has sufficient capacity to treat current discharge.

Stormwater Management
The Miami-Dade County Water Control Plan shows the Snapper Creek Extension Canal, located in Section 06-54-40, Government Lot 6-53-40 and 31-53-40 interests within the proposed annexation area. It is the responsibility of the City to prohibit any construction within any of the canal reservations, canal easement or canal right-of-ways without the necessary prior approval from DERM.

Furthermore, all secondary canals within the service area of the City will require a canal maintenance agreement between the City and the County. This allows the County's Public Works Department to continue its maintenance activities in those canals, and maintain a standard level of service for the City residents.

Stormwater Utility (SWU) Program and Fees

At the time of annexation, any improved properties in the proposed annexation area are paying a stormwater utility (SWU) fee to Miami-Dade County. This fee is used by the County to administer stormwater management programs throughout the County. County and state laws mandate that a new municipality either from its own SWU, join the County's SWU, or create a line item in its general budget for stormwater management programs.

City has previously exempted from the County's SWU by the BCC. Therefore, all stormwater utility fees collected in the proposed annexation areas after approval of the annexation will become City fees.

If the annexation is approved, the three following conditions will be required: 1) The City must execute/modify the billing agreement with the County's MDWASD to continue billing in the MDWASD service area; 2) The City must modify a cost-share Interlocal Agreement for Stormwater Management with the County for canal maintenance activities; and 3) The City must pay its pro-rata share of the debt service on the 1999 and 2004 Stormwater Utility Revenue Bonds (Bonds) for the proposed annexation areas. Items Number 2 and 3 are described in more detail below.

Additionally, payment to the County for the City's debt service on the Bonds, and secondary canal maintenance initiate immediately upon annexation. Actual costs for the above will be determined at the time of Annexation. Estimates of annual revenues from SWU fees in the proposed annexation area and debt service for the Bonds are listed below. Please note these are estimates only, and are not considered final costs.

Stormwater Utility Fees FY 2008-09
Total ERU = 4,090
At 1,548 sq. ft. /ERU
At $4.00/ERU/month, Annual SWU fees = $196,320

Stormwater Utility Bonds 1999 and 2004 (Totals for all Proposed Annexation Sub-areas)
City Debt Service Annual estimated payments = $14,900 (2009-2023) 1999 SWU Bond
City Debt Service Annual estimated payments = $24,300 (2009-2028) 2004 SWU Bond
Total City Debt Service Annual estimated payments = $39,200

Canal Maintenance Agreement and Water Control Structures
A review of the County's Water Control Plan reveals two secondary canals within the proposed annexation area. The Snapper Creek Extension Canal and the North Line Canal are at the border of the Proposed Sub-Area 4 and provide drainage services to this Sub-Area.

For the above-mentioned secondary canals and their water control structures, the existing Interlocal Agreement for Stormwater Management will require modification. This ensures that the level-of-service for the canals will continue to be maintained at County standards. A cost-share approach is used; with the costs determined by the relative areas these systems serve, both for the County and the City.

Drainage Permitting
All new development requires that drainage systems be provided as part of the project. The objectives of these systems are to reduce pollution in stormwater runoff, and reduce flooding impacts to residents.

DERM has received delegated authority to issue permits for the South Florida Water Management District, through issuance of the Environmental Resources Permit (ERP). Jurisdiction to require an ERP is countywide, and is dependent upon the size of the development. In addition, DERM has authority under Section 24-48.1 of the Code of Miami-Dade County, Florida (the Code), for the issuance of a number of drainage permits, which include: Class II (for drainage overflows), Class III (works within County canals), Class V (dewatering permits), and Class VI (drainage systems within industrial land use).

National Flood Insurance Program (NFIP)
The NFIP is a program where the Federal Emergency Management Agency (FEMA) agrees to subsidize flood insurance policies for residents of a community, if the community agrees to enforce minimum flood protection standards.

In 1993 FEMA mandated that all incorporated areas in Miami-Dade County regulate their own floodplain management ordinance and conduct separate programs. Therefore, when a city is incorporated, FEMA requires that city to apply to become an NFIP community within six months of incorporation.

A voluntary program associated with the NFIP is called the Community Rating System (CRS). This program rewards communities that improve their flood protection activities with flood insurance discounts for its residents. Residents of the unincorporated area of the County currently enjoy a 25% discount on their flood insurance policies if they live in a flood zone, and a 10% discount if they are outside the flood zone.

Once the city annexes the area in question, those residents would lose the current County CRS discount. If the city participates in the CRS, the residents will enjoy the city's current CRS rating and attendant discount.

Stormwater Management Master Plan
Miami-Dade County is undertaking a comprehensive effort to map the entire unincorporated area of the County to assess its drainage needs. The County is divided into drainage basins, which are then modeled to determine what drainage is needed for each area now and in the future. By planning for future drainage needs, the County can ensure that the level of flood protection service provided to residents is maintained, and the pollution inherent in stormwater runoff is treated before being discharged. Although the County cannot model incorporated areas, there are County roads which lie within incorporated boundaries. In these areas the County will model the basins using the best available data that can be found. Because of the lack of data in these areas, the modeling for these County roads will be limited. County engineers will ask City staff if they have any data that would help in modeling these areas. Cooperation between the City and the County to share this data is critical. The data and models created have other uses besides the County's master plan, such as new Flood Insurance Rate Maps (FIRM), that benefit the City as well as County residents.

National Pollutant Discharge Elimination System (NPDES)
NPDES is a nationwide permit program that has an objective of controlling pollution that is inherent in stormwater runoff. NPDES started as a federal program, and has now been delegated to the State of Florida. Cities must apply to and receive from the state a permit that outlines best management programs designed to reduce the pollution in stormwater runoff. These stormwater management programs can consist of sampling programs, educational programs, street sweeping and drainage maintenance, and various other best management programs.

In Miami-Dade County's NPDES permit, a joint permit was created with 28 municipalities and Miami-Dade as the lead agency. Because sampling of stormwater runoff is required, the County performs the sampling and all the parties to the permit cost-share the costs.

DERM recommends that the city join this joint permitting program. An Interlocal Agreement would be needed to cost-share the sampling activities with the County. The outfalls contained within the incorporated area would determine the city's cost-share percentage contribution. There is also a permit fee the city would be required to pay yearly to the state for the NPDES permit. The population of the city determines the amount of this permit fee.

Transfer of Roads
Certain County roads located within the proposed annexation area may need to be transferred to the city. This is accomplished through an Interlocal Agreement between the City and the County. This Agreement outlines the subject roads, various road-related services, and the costs and responsibilities of the City and County for these services. Because the City already has in place its own Stormwater Utility, maintenance of the drainage systems within residential local roadways will be the City's responsibility upon execution of such an agreement.

Hazardous Waste

A review of DERM files indicates that there are records of current contamination assessment/remediation issues within the area proposed for annexation as follows:

1. Folio # 30-3031-019-0010 (Southern Floral Diesel Spill, 2200 N.W. 110th Avenue, UT-6321/F-19664). This site has issues related to petroleum contamination under further investigation.

2. Folio # 30-3031-008-0010 (George's Crane Service, Inc., 2190 N.W. 110th Avenue, IW5-11622/F-11534). This site has contamination related to industrial operations, including inorganic contaminants (metals). This is an enforcement site under the site assessment phase.

3. Folio # 30-3031-030-0010 (Mall Station, 1890 N.W. 107th Avenue, UT-5976/F-17303) has issues related to petroleum contamination. This is an enforcement site currently under a monitoring only plan.

4. Folio # 30-4006-001-2491 (Flagler Square Amoco #2006, 11305 W. Flagler Street, UT-2131/F-8340). This site is in a state funded program regarding petroleum contamination and is awaiting allocation of funds for cleanup.

5. Marks Brothers, SW-1016/F-11592 relates to several areas of former solid waste lakefill operations underlying or potentially affecting the majority of properties along N.W. 110th Avenue from N.W. 25th Street to N.W. 14th Street as well as a partially filled lake (Folio # 30-3031-000-0021) east of N.W. 112th Avenue and south of N.W. 14th Street. Monitoring and mitigation requirements are currently in place with regards to methane gas and groundwater contamination associated with buried solid waste material.

Except as noted above, there are no records of current contamination assessment/remediation issues on any of the other properties. Additionally, there are no historical records of contamination assessment/remediation issues regarding non-permitted sites within the proposed annexation area.

The information included in this review is based on the available information at the time of the review.

Tree Preservation

The subject areas contain tree resources. Section 24-49 of the Code provides for the preservation and protection of tree resources. Please be advised that a Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. The permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

Natural Forest Community

The subject properties are not designated Natural Forest Communities by Miami-Dade County.

Wetland Resources

Sub area 1

The proposed annexation area between N.W. 7th Street and W. Flagler Street and N.W. 110th Avenue and SR 821 Highway does not contain wetlands as defined by Section 24-5 of the Code; therefore, a Class IV Wetland Permit will not be required.

Sub area 3
Although the proposed annexation area between N.W. 7th Street and N.W. 12th Street and N.W. 107th Avenue and SR 821 Highway is not located within a designated wetland basin, sites within this area may contain wetlands as defined by Section 24-5 of the Code. Therefore, a Class IV Wetland Permit may be required for properties within this area.

Sub area 4
The proposed annexation area between N.W. 12th Street and N.W. 25th Street and N.W. 107th Avenue and N.W. 117th Avenue lies within the East Turnpike Wetland Basin, properties within this area may contain wetlands as defined by Section 24-5 of the Code. Some properties within this area have a Class IV Wetland Permit however please be advised that a Class IV Wetland Permit will be required before any work can be done on properties that contain wetlands.

Permits for sites within the proposed annexation area may be required from the Army Corps of Engineers, the Florida Department of Environmental Protection and the South Florida Water Management District.

Review and approval or disapproval of development orders
This includes the following:

- Building Permits
- Zoning Actions
- Platting Actions (Land Subdivision)
- Building Occupancies (Residential and Nonresidential)
- Municipal Occupational Licenses

DERM reviews applications for consistency with the requirements of the Code. The review includes but is not limited to the following:

- Protection of public potable water supply wellfields
- Potable water supply
- Liquid waste disposal
- Stormwater management and disposal
- Tree resources preservation and protection
- Wetland preservation and protection
- Coastal resources preservation and protection
- Air quality requirements
- Flood protection

Operating Permits
Section 24-18 of the Code authorizes DERM to require permits for any facility that could be a source of pollution. This includes a wide variety of nonresidential activities or facilities and some ancillary operations to residential land uses.

Pollution Prevention and Educational Programs
The DERM Office of Environmental Education and Communication (EECO) is responsible for promoting and coordinating pollution prevention programs, waste minimization programs, urban CO2 reduction and environmental education in general. If you need additional information regarding these services the number is (305-372-6784).

Enforcement Activities

These include regular inspections of permitted facilities as well as of any potential source of pollution, responses to complaints and general enforcement operations.

Inasmuch as DERM's regulatory activities are enforceable under County Code in both incorporated and unincorporated areas, DERM currently provides the above services to the subject area. Accordingly, annexation of the parcels in question will not affect DERM's ability to provide adequate levels of service to the areas being annexed or to the areas adjacent to the parcels being annexed.

Public Works

The County has identified approximately 53.8 lane miles within the proposed Sweetwater annexation area. The County is proposing to keep approximately 24.6 lane miles consisting of the following roadways:

- NW 107th Avenue from CSX North R/W line to NW 25th Street
- NW 112th Avenue from CSX North R/W line to NW 25th Street
- West Flagler St. from NW 117th Ave to NW 113th Ave
- NW 25th Street from HEFT to NW 107th Avenue
- NW 12th Street from HEFT to NW 107th Avenue

The remaining 29.2 lane miles would be transferred to the City through an interlocal agreement.

Park and Recreation

There are no Miami-Dade County parks within the proposed Sweetwater annexation area. The annexation has no impact on the Park and Recreation Department.

Annexation Guidelines:

The following analysis addresses the factors required for consideration by the Planning Advisory Board pursuant to Chapter 20-6 of the County Code. Will the annexation:

1. Divide a historically recognized community:

   The proposed annexation area divides the Fountainbleau and Doral Census Designated Places (CDP).

2. Will if approved result in an annexation area that is compatible with existing planned land uses and zoning of the municipality to which the area is proposed to be annexed

   Approximately 64 percent of the lands within the City of Sweetwater are currently in residential use. The existing land uses in the proposed annexation area are residential, commercial, office, transient residential, industrial, institutional, parks and transportation/communication/utilities. The existing land uses within the City of Sweetwater are similar to those in the proposed annexation area except that there are no industrial uses within the City.

The existing underlying zoning in the proposed annexation area is: GU - Interim, RU-1 – Single Family Residential, RU-3M – Minimum Apartment House, RU-4L – Limited Apartment House, RU-5A – Semi-Professional Offices, OPD – Office Park District, BU-1A – Limited Business, BU-2 – Special Business, BU-3 – Liberal Business, IU-1 – Light Industrial, IU-2 Heavy Industrial and IU-C – Controlled Industrial. The City of Sweetwater's zoning code does not provide for industrial uses, therefore if the annexation is approved, amendments to its comprehensive plan and zoning code would be needed.

3. Preserve, if currently qualified, eligibility for any benefits derived from inclusion in federal or state enterprise zones, or targeted area assistance provided by federal, state, and local government agencies?

   The proposed Sweetwater annexation area would continue to be eligible for any benefits derived from inclusion and assistance from the federal government through the State's Small Cities Program.

4. Impact public safety response times?

   Fire and Rescue: The City of Sweetwater is within the Miami-Dade County Fire Rescue District. If the annexation is approved, it will not impact MDFR service delivery and/or response time. Currently, the area is served as part of UMSA. If the annexation is approved, this area would be served by the same stations and resources within the Fire District.

   Police: In the event the annexation application is successful, the total service area within UMSA will be reduced by only a small amount resulting in little difference in the services provided by MDPD. However, due to continual incorporation and annexation endeavors, the full impact upon the UMSA is yet to be determined.

5. Introduce barriers to municipal traffic circulation due to existing security taxing districts, walled communities, and/or private roads?

   The Miami-Dade County Public Works Department has determined that the proposed City of Sweetwater annexation does not introduce any barriers to municipal traffic circulation.

6. Result, to the degree possible, in an annexation area served by the same public service franchises, such as cable and communications services, as the existing municipality, or with full access to all available municipal programming through its franchise provider(s)?

   The proposed annexation will continue to be served by the same cable television and telecommunication operators as before. Pursuant to new State law effective July 1, 2007, Miami-Dade County's will no longer have the ability license new cable television companies and enforcement activities will be limited to Rights-of-Way issues only. Therefore the proposed annexation will not have an impact on our ability to enforce Rights-of-Way issues as per the Miami-Dade County Code should they arise. A list of new Cable Franchise Certificates that may affect Miami-Dade County's Rights-of-Way can be found at http://sunbiz.org/scripts/cable.exe.

Currently, the proposed annexation area is receiving cable services from Comcast Cable Communications, Inc. There will be no changes in cable services for the proposed annexed area.

Telecommunications Service Providers are required to register with the County only if they have facilities located within the unincorporated areas. The purpose of the registration process is to determine users of the County's Rights-of-Way. Therefore, companies that have facilities within the proposed annexation area will no longer be required to register with the County. Municipalities requesting annexations will be responsible for managing its public thoroughfares.

Municipal programming is accomplished through separate agreements between municipalities and the cable operators providing services within their respective municipality. The cable operator's obligation to broadcast municipal meetings is outlined in these agreements. Technically, cable operators have the ability to add municipal programming to the proposed annexed areas if required.

7. If the area has been identified by the Federal Government as a flood zone or by emergency planners as an evacuation zone, has the existing municipality indicated its preparedness to address any extraordinary needs that may arise?

   The entire proposed annexation area is located within the federally designated, 100-year floodplain. This area will flood under sustained rains and property owners within it are required to obtain flood insurance.

   The proposed annexation area is not located within any County designated hurricane evacuation zone and residents of the area are not obligated to evacuate when hurricane warnings are issued.

8. Result in an annexation area connected to municipal government offices and commercial centers by public transportation?

   The proposed annexation is serviced by Route 137, the West Dade Connection, which runs along W. Flagler Street and NW 112 Avenue, providing East West and North South Metrobus service for Sub-Area 1 of the proposed annexation. Route 137 provides service to the Dolphin Mall located in Sub-Area 4 and this route connects to the South Dade Government Center.

   Routes 7, 41, 71, and 238 run on NW 107 Avenue and they all terminate at the Dolphin Mall. Route 7 connects to the Stephen P. Clark Center and Route 238 to Miami International Airport. Route 212, Sweetwater Connection, operates partially in Sub-Area 1 and is the nearest MDT service to the Sweetwater City.

   Additionally, the City of Sweetwater operates a circulator route within city limits.

9. To the degree possible, would the proposed annexation area be contained in one or more school district boundaries governing admission to elementary, middle and high school as the adjoining municipality?

   The proposed annexation area is contained within the same school district boundaries as the adjoining unincorporated area and the City of Sweetwater. The

schools serving the proposed annexation area are Dr. Carlos J. Findlay Elementary, Sweetwater Elementary, Eugenia Thomas K-8 Center, Ruben Dario Middle, Paul W. Bell Middle, Doral Middle, and Miami Coral Park High.

The following analysis addresses the factors required for consideration by the Board of County Commissioners and the Planning Advisory Board pursuant to Chapter 20-7 of the County Code.

1. The suitability of the proposed annexation boundaries, in conjunction with the existing municipality, to provide for a municipal community that is both cohesive and inclusive.

   a) The area does not divide a Census Designated Place, (an officially or historically recognized traditional community).

      The proposed annexation area divides the Fountainbleau and Doral Census Designated Places (CDP).

   b) In no adjacent unincorporated area have a majority of ethnic minority or lower income residents petitioned to be in the annexation area.

      No adjacent unincorporated areas have a majority of ethnic minority or lower income residents that have petitioned to be in the annexation area.

   c) The area is not, nor does not create, an unincorporated enclave area (surrounded on 80 percent or more of its boundary by municipalities) that cannot be efficiently or effectively served by the County.

      The proposed annexation area is not an enclave nor does it create an unincorporated enclave.

   d) The boundaries are logical, consisting of natural, built, or existing features or city limits.

      The boundaries are logical and follow major roadways. The proposed annexation area is bounded on the north by NW 25 Street, on the east by NW 107 Avenue, on the south by the municipal boundary of the City of Sweetwater and on the west by SR 821/Homestead Extension of the Florida Turnpike.

2. The existing and projected property tax cost for the municipal-level service to the average homeowners in the area currently as unincorporated and as included as part of the annexing municipality.

   The taxable value within the annexation area is $968,906,074. At the current City of Sweetwater millage rate (3.4037 mills), the ad valorem revenues attributable to the annexation area would be $3,132,972. At the current UMSA millage rate (2.0083 mills), the ad valorem revenues attributable to the annexation area would be $1,848,561 as noted in the table below. The expected tax increase to the entire annexation area would be $1,284,411. It is important to note that the average homeowner would pay an additional $228 if this annexation is approved.

Existing and Projected Property Tax Cost City of Sweetwater FY 2008-09		
	Millage Rate	Millage x Taxable Value
Sweetwater		
Municipal Millage	3.4037	$3,132,972
Unincorporated Area		
UMSA Millage	2.0083	$1,848,561
Increase	**1.3954**	**$1,284,411**

3. Relationship of the proposed annexation area to the Urban Development Boundary (UDB) of the County's Comprehensive Development Master Plan.

   The entire annexation area is located inside the 2015 Urban Development Boundary (UDB) of the County's Comprehensive Development Master Plan (CDMP).

4. The impact of the proposal on the revenue base of the unincorporated area and on the ability of the County to efficiently and effectively provide services to the adjacent remaining unincorporated areas?

   The total taxable value of the annexation area is $968,906,074. The area generates an estimated $2,773,951 in revenue. The County spends an estimated $3,897,737 per year providing services to the area. Therefore, the net revenue gain to the UMSA budget is an estimated $1,123,786 (Attachment B).

   Pursuant to Section 20-8.1 and 20-8.2 of the County Code, the County retains all franchise fees and utility tax revenues of the area upon annexation. For the proposed annexation, franchise fees of an estimated $489,649 and utility taxes of an estimated $617,017 will be retained by the County.

   A portion of the annexation area is part of the Airport West Commercial, Business Industrial Area (CBI). The Miami-Dade County Code Section 20-28 requires all municipalities annexing a CBI area to mitigate 100% of the net excess of revenues minus expenses for the CBI annexation area. However, there is an exception, that any annexing municipality having a below average per capita taxable value and an above average tax effort as compared to all other cities in the County shall be exempt from this section. The City of Sweetwater as of FY 2008-09 has the lowest per capita taxable value in Miami-Dade County ($32,941). In terms of the tax effort for the City of Sweetwater, the City ranks the 11 lowest out of 36 municipalities (including UMSA). The portion of the Airport West Commercial CBI area included in the annexation application, as noted in Exhibit B, would produce a net loss to UMSA of approximately $330,000.

5. The fiscal impact of the proposed annexation on the remaining unincorporated areas of Miami-Dade County? Specifically, does the per capita taxable value of the area fall within the range of $20,000 to $48,000?

   There are 6,546 residents in the annexation area. The per capita taxable value is $148, 014. This high taxable value is due to the large CBI area on the northern portion of the annexation area.

6. Be consistent with the land Use Plan of the County's Comprehensive Development Master Plan (CDMP)?

   According to the Adopted 2015-2025 Land Use Plan (LUP) map of the County's Comprehensive Development Master Plan (CDMP), the planned land use designations within the proposed annexation area are "Industrial and Office", "Business and Office", "Transportation", "Medium Density Residential Communities" (13 to 25 dwelling units per gross acre) and "Office/Residential". A brief description of these CDMP land uses follows:

   The "Industrial and Office" land use designation allows manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers and similar uses. Also included are construction and utility-equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings. The full range of telecommunication facilities, including switching and transmission facilities, satellite telecommunications facilities, microwave towers, radar stations and cell towers are also allowed. Very limited commercial uses to serve the firms and workers in the industrial and office area are allowed dispersed as small business districts and centers throughout the industrial areas. Hotels and motels are also authorized.

   The "Business and Office" land use designation accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes, entertainment and cultural facilities, amusement and commercial recreation establishments. Residential uses, and mixing of residential use with commercial, office and hotels are also permitted in Business and Office areas provided that the scale and the intensity including height and floor area ratio of residential or mixed use development is not out of character with that of adjacent or adjoining development and zoning.

   The "Transportation" land use designation includes all major components of the Miami-Dade County's existing and future transportation network including roadways and transit corridors.

   "Medium Density Residential" communities are characterized by townhouses, low-rise apartments and medium-rise apartments and allow 13 to 25 dwelling units per gross acre.

   Uses allowed in the "Office and Residential" category include both professional and clerical offices, hotels, motels and residential uses. Office developments may range from small-scale professional to large-scale office parks. Satellite telecommunication facilities that are ancillary uses to the businesses in a development area also allowed.

Development Profile of the Area

Shown in the table below is the 2009 land use profile for the proposed annexation area.

Sweetwater Annexation Area
2009 Existing Land Use

Land Use	Annexation Area (Acres)	Annexation Area (Percent Of Total)	Sweetwater City (Area Acres)	Sweetwater City (Percent of Total)	Miami-Dade County (Acres)	Miami-Dade County (Percent of Total)
Residential	107.4	10.5	321.5	63.5	109,432.4	7.1
Commercial & Office & Transient Residential	162.9	16.0	32.9	6.5	14,753.6	1.0
Industrial	166.8	16.4	0.0	0.0	17,374.5	1.1
Institutional	40.2	3.9	16.7	3.3	13,952.4	0.9
Parks/Recreation	11.3	1.1	7.8	1.5	786,694.6	50.8
Transportation, Communication, Utilities	309.2	30.4	122.5	24.2	87,243.3	5.6
Agriculture	0.0	0.0	0.0	0.0	62,187.4	4.0
Undeveloped	106.7	10.5	3.0	0.6	138,160.7	8.9
Inland Waters & Coastal Water Bays and Oceans	114.0	11.2	1.8	0.4	318,913.7	20.6
Total:	**1,018.5**	**100.0**	**506.3**	**100.0**	**1,548,712.6**	**100.0**

Source: Miami-Dade County Department of Planning and Zoning, Research Section April, 2009

Approximately 30 percent of the 1,018.5 acres in the proposed annexation area is in transportation, communication and utilities use while industrial and transient residential use each account for 16 percent.

SUMMARY OF ISSUES FOR CONSIDERATION

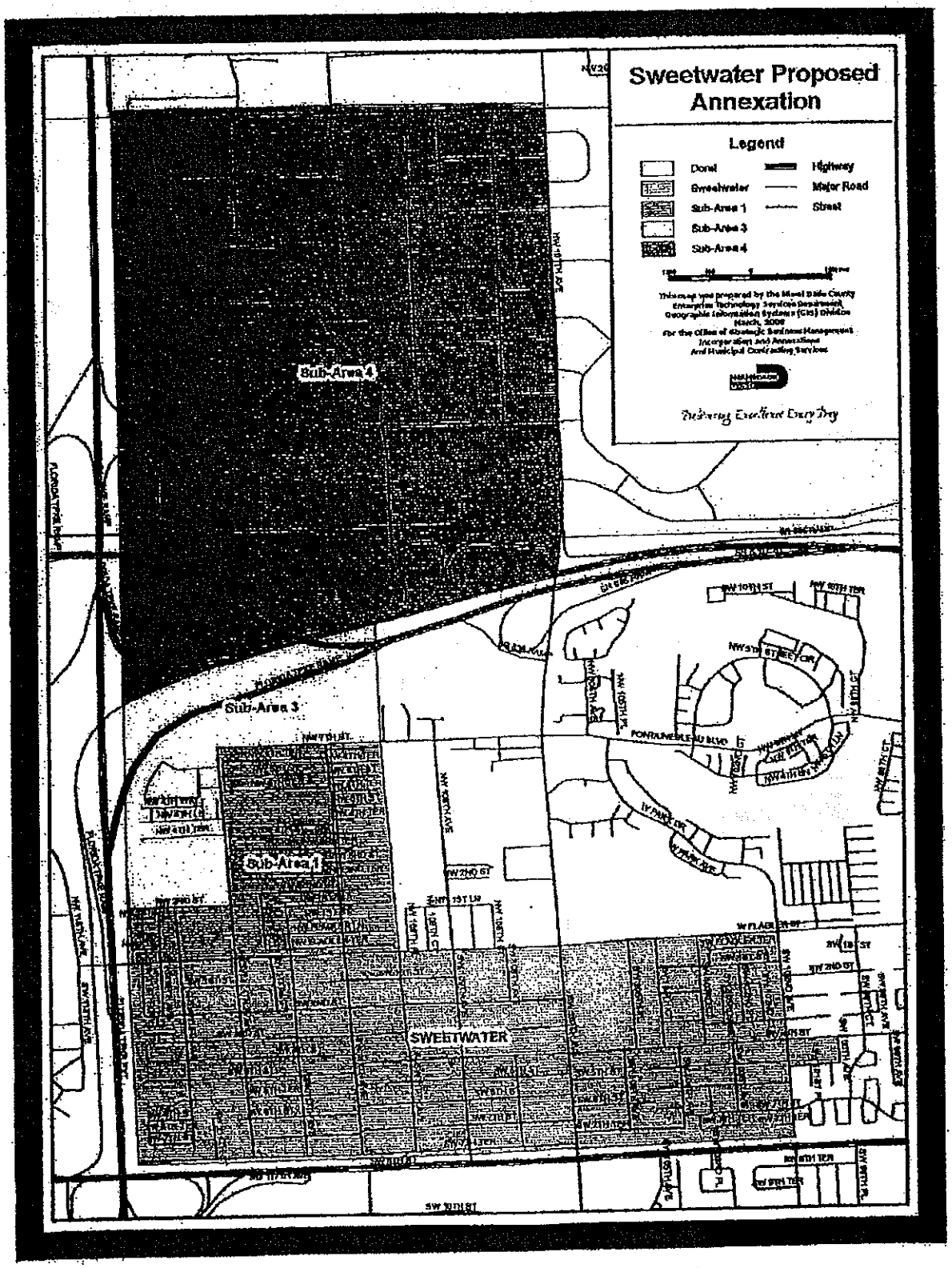
- If the annexation is approved, the City of Sweetwater will need to amend its comprehensive plan to allow industrial uses currently permitted within the annexation area. Amendments to the City's zoning code will also be needed.
- The City of Sweetwater should enter into an interlocal agreement with DERM and WASD for the billing of Stormwater accounts and the maintenance of the canals in the annexation area.

Attachments:

A. Map of proposed annexation
B. Estimated Impact on UMSA Budget Statement

c: Jennifer Glazer-Moon, Director, Office of Strategic Business Management

ATTACHMENT A



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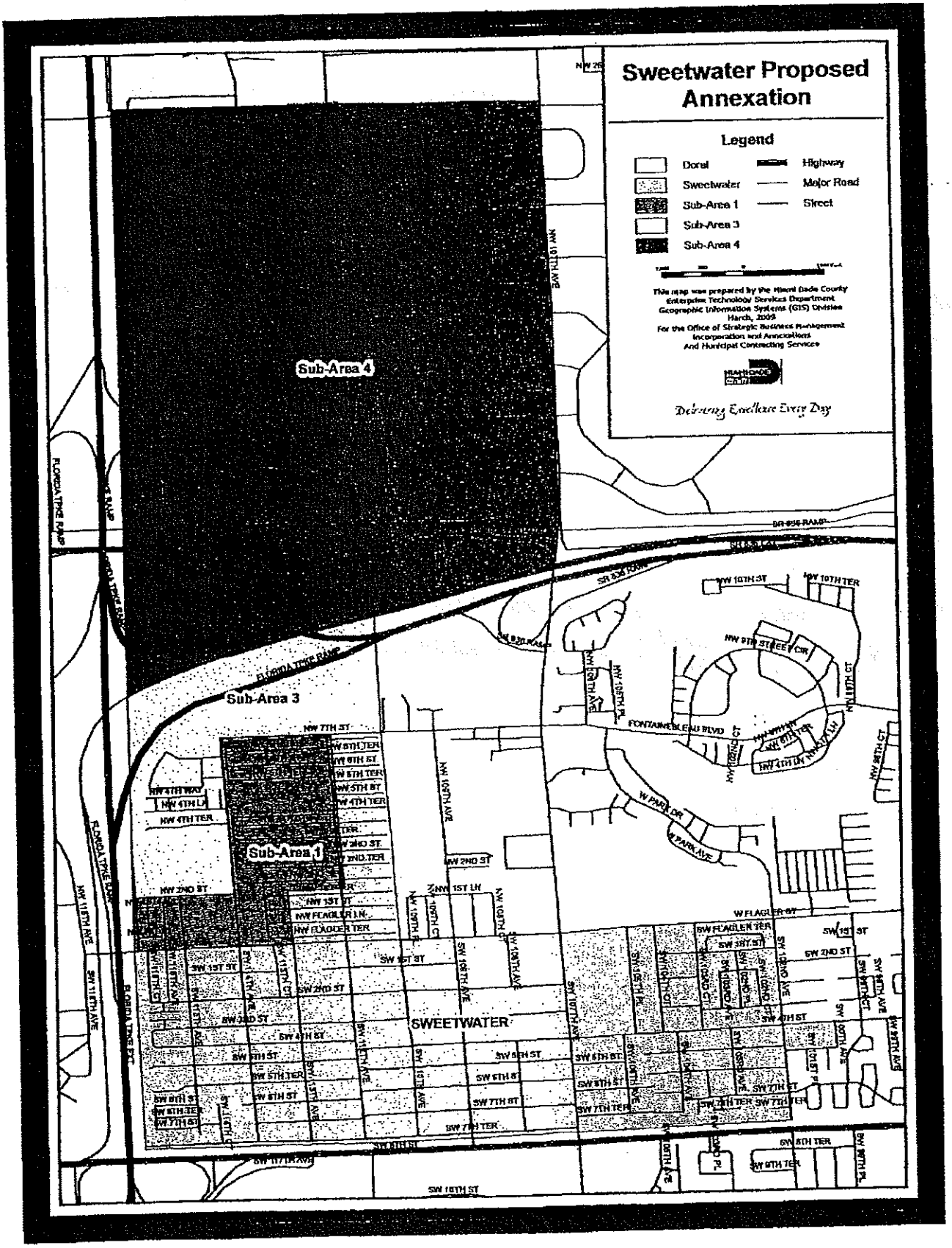
ATTACHMENT B

Based on FY 08-09 Budget	Annexation Assumptions	All Areas	CBI Area Only
Property Tax Revenue	Allocation based on tax roll & millage	$1,870,000	$1,523,000
Franchise Fees	County Retains Revenues		
Sales Tax	Allocation based on $61.79 per person	$404,480	$1,174
Utility Taxes	County Retains Revenues		
Communications Tax	Allocated based on tax roll/population	$457,094	$252,280
Alcoholic Beverage License	Allocation based on $0.24 per person	$1,813	$5
Occupational License	Allocation based on $1.72 per person	$11,917	$36
Interest	Allocation based on 1.31% of total revenue	$25,914	$25,914
Miscellaneous Revenues	Allocation based on $0.46 per person	$2,933	$9
Revenue to UMSA		$2,773,951	$1,802,422
Cost of Providing UMSA Services			
Police Department		$3,146,714	$1,184,213
UMSA Police Budget (without specialized)	$298,967,563		
Park and Recreation Dept	Based on cost of parks	$0	$0
Public Works			
Centerline Miles	Centerline miles times cost per lane mile	$37,712	$18,339
Planning, Code Enforcement and others	Direct cost times 11.7%	$372,578	$140,699
QNIP (pay-as you-go)	Utility Taxes as a % of debt service 15.5%	$0	$0
Policy Formulation/Internal Support	Direct cost times 10.7%	$340,734	$128,673
Cost of Providing UMSA Services		$3,897,737	$1,471,924
Net to UMSA		($1,123,786)	$330,498

1. Does not include gas tax funded projects
2. Does not include canal maintenance revenues or expenses
3. Does not include proprietary activities: Building, Zoning, Solid Waste
4. Does not include Fire and Library Districts
5. Revenues are based on allocations not actual

2008Taxable Property Rolls		$968,906,074	$788,853,546
2000 Area Census Population		6,546	19
2008 UMSA Population		1,087,481	1,087,481
2008-09 UMSA Millage		2.0083	2.0083
Patrollable Sq. Miles - UMSA (post Cutler Bay)		443.53	443.53
Total Calls For Service - UMSA 2008		654,181	654,181
Part 1 Crimes - UMSA 2008		58,638	58,638
Part 2 Crimes - UMSA 2008		22,546	22,546
Patrollable Sq. Miles - Study Area		1,591	1,250
Total Calls for Service - Study Area		6,915	5,889
Part 1 Crimes - Study Area		1,380	147
Part 2 Crimes - Study Area		201	130
Cost per Centerline Mile		$2,583	$2,583
Number of Centerline Miles		14.6	7.1
Per Capita Taxable Value		$148,014.98	$41,518,607.68

ATTACHMENT B



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ATTACHMENT C

Estimated Impact on UMSA Budget

Based on FY 09-10 Budget	Annexation Assumptions	All Areas	CBI Area (4)	Other Areas (1,3)
Property Tax Revenue	Allocation based on tax roll & millage	$1,974,000	$1,685,000	$289,000
Franchise Fees	County Retains Revenues			
Sales Tax	Allocation based on $61.79 per person	$404,480	$1,174	$403,306
Utility Taxes	County Retains Revenues			
Communications Tax	Allocated based on tax roll/population	$474,200	$279,155	$195,045
Alcoholic Beverage License	Allocation based on $0.24 per person	$1,613	$5	$1,609
Occupational License	Allocation based on $1.72 per person	$11,917	$35	$11,882
Interest	Allocation based on 1.31% of total revenue	$54,112	$27,056	$27,056
Miscellaneous Revenues	Allocation based on $0.45 per person	$2,933	$9	$2,925
Revenue to UMSA		$2,923,256	$1,992,433	$930,823
Cost of Providing UMSA Services				
Police Department		$2,814,042	$1,058,299	$1,755,744
UMSA Police Budget (without specialized)				
Park and Recreation Dept	Based on cost of parks	$0	$0	$0
Public Works				
Centerline Miles	Centerline miles times cost per lane mile	$37,712	$18,339	$19,373
Planning, and others	Direct cost times 11.7%	$333,655	$125,967	$207,689
CNIP (pay-as you-go)	Utility Taxes as a % of debt service 15.5%	$0	$0	$0
Policy Formulation/Internal Support	Direct cost times 10.7%	$305,138	$115,200	$189,937
Cost of Providing UMSA Services		$3,490,547	$1,317,805	$2,172,742
[illegible] to UMSA		($567,292)	$674,628	($1,241,919)

1. Does not include gas tax funded projects
2. Does not include canal maintenance revenues or expenses
3. Does not include proprietary activities: Building, Zoning, Solid Waste
4. Does not include Fire and Library Districts
5. Revenues are based on allocations not actuals

Disclaimer: These calculations do not represent a projected or suggested municipal budget. They indicate only the fiscal impact of this area's incorporation on the remaining UMSA.

2009 Taxable Property Rolls		$1,022,486,183	$873,010,018	$149,476,165
2000 Area Census Population		6,546	19	6,527
2009 UMSA Population		1,081,014	1,081,014	1,081,014
2009-10 UMSA Millage		2.0083	2.0083	2.0083
Patrollable Sq. Miles - UMSA (post Cutler Bay)		443.53	443.53	443.53
Total Calls For Service - UMSA 2008		654,181	654,181	654,181
Part 1 Crimes - UMSA 2008		58,638	58,638	58,638
Part 2 Crimes - UMSA 2008		22,546	22,546	22,546
Patrollable Sq. Miles - Study Area		1.59	1.25	0.34
Total Calls for Service - Study Area		6,915	5,689	1,226
Part 1 Crimes - Study Area		1,380	147	1,233
Part 2 Crimes - Study Area		201	130	71
Cost per Centerline Mile		$2,583	$2,583	$2,583
Number of Centerline Miles		14.6	7.1	7.5
Per Capita Taxable Value		$156,200.15	$45,947,895.68	$22,901.20

RESOLUTION OF THE MIAMI-DADE COUNTY PLANNING ADVISORY BOARD RECOMMENDING THAT THE BOARD OF COUNTY COMMISSIONERS APPROVE THE PROPOSED ANNEXATION TO THE CITY OF SWEETWATER

WHEREAS, the City of Sweetwater has petitioned for the annexation of the area generally described below:

Area:	On the North:	NW 25 Street;
	On the South:	City of Sweetwater;
	On the East:	NW 107 Avenue;
	On the West:	SR 821/Homestead Extension of the Florida Turnpike; and

WHEREAS, the Board of County Commissioners referred the application to the Planning Advisory Board; and

WHEREAS, the Planning Advisory Board's Incorporation and Annexation Committee reviewed staff's report dated September 21, 2009; and

WHEREAS, on September 21, 2009, the Planning Advisory Board's Incorporation and Annexation Committee held an advertised public meeting, concerning this application for annexation by the City of Sweetwater; and

WHEREAS, the Planning Advisory Board's Incorporation and Annexation Committee recommended deferral of the proposed annexation; and

WHEREAS, on September 21, 2009, the Planning Advisory Board held an advertised public hearing, concerning this application by the City of Sweetwater;

NOW THEREFORE BE IT RESOLVED BY THE MIAMI-DADE COUNTY PLANNING ADVISORY BOARD, that it recommends the Board of County Commissioners approve the proposed annexation while finding that the City of Doral has not been materially affected by the City of Sweetwater proposed annexation application.

The forgoing resolution was offered by Board Member Huembes, who moved its adoption and was seconded by Board Member Leal, and upon being put to a vote the vote was as follows:

Reginald J. Clyne	Yes	Ralph Ramirez	Absent
Antonio Fraga	No	William Riley	Yes
Horacio Carlos Huembes	Yes	Wayne Rinehart	Absent
Rolando Iglesias	Absent	Georgina Santiago	Yes
Eddy Joachin	Absent	Christi Sherouse	Absent
Daniel Kaplan	Yes	Jay Sosna	No
Serafin Leal	Yes		

Pamela Gray, Chair Yes

The Chair thereupon declared the resolution duly passed and adopted this 21st day of September 2009.

I hereby certify that the above information reflects the action of the Board.

Marc C. LaFerrier, AICP
Executive Secretary

RESOLUTION OF THE MIAMI-DADE COUNTY PLANNING ADVISORY BOARD RECOMMENDING THAT THE BOARD OF COUNTY COMMISSIONERS DEFER THE PROPOSED ANNEXATION TO THE CITY OF SWEETWATER

WHEREAS, the City of Sweetwater has petitioned for the annexation of the area generally described below:

Area:	On the North:	NW 25 Street;
	On the South:	City of Sweetwater;
	On the East:	NW 107 Avenue;
	On the West:	SR 821/Homestead Extension of the Florida Turnpike; and

WHEREAS, the Board of County Commissioners referred the application to the Planning Advisory Board (PAB); and

WHEREAS, the PAB referred the application to the Incorporation and Annexation Committee which reviewed staff's report dated September 21, 2009; and

WHEREAS, on September 21, 2009, the Incorporation and Annexation Committee held an advertised public meeting, concerning this application for annexation by the City of Sweetwater,

NOW THEREFORE BE IT RESOLVED BY THE MIAMI-DADE COUNTY PLANNING ADVISORY BOARD INCORPORATION AND ANNEXATION COMMITTEE, that it recommends the Planning Advisory Board defer the City of Sweetwater proposed annexation application until such time as the City of Doral's proposed annexation application is brought before the PAB.

The forgoing resolution was offered by Board Member Santiago, who moved its adoption and was seconded by Board Member Clyne, and upon being put to a vote the vote was as follows:

Reginald Clyne	Yes	Georgina Santiago	Yes
William Riley	Yes	Jay Sosna	Yes

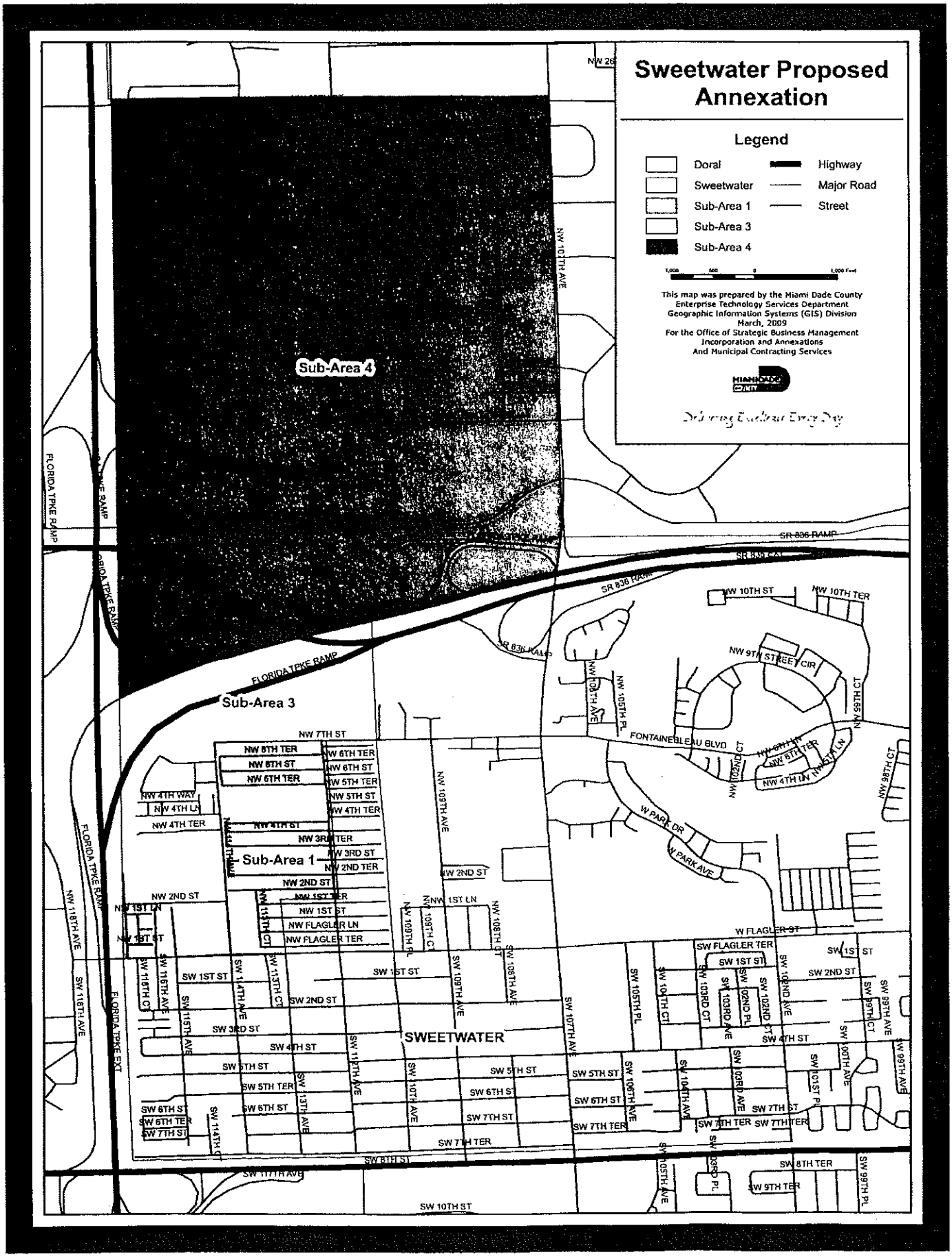
Christi Sherouse, Chair Absent

The Chair thereupon declared the resolution duly passed and adopted this 21st day of September 2009.

I hereby certify that the above information reflects the action of the Board.

Marc C. LaFerrier, AICP
Executive Secretary

EXHIBIT 3


Sweetwater Proposed Annexation
Legend
Doral
Sweetwater
Sub-Area 1
Sub-Area 3
Sub-Area 4
Highway
Major Road
Street
This map was prepared by the Miami Dade County Enterprise Technology Services Department Geographic Information Systems (GIS) Division March, 2009 For the Office of Strategic Business Management Incorporation and Annexations And Municipal Contracting Services
Sub-Area 4
Sub-Area 3
Sub-Area 1
SWEETWATER
FLORIDA TPKE RAMP
FLORIDA TPKE EXT
SR 836 RAMP
NW 107TH AVE
NW 10TH ST
NW 10TH TER
NW 9TH STREET CIR
FONTAINEBLEAU BLVD
W PARK DR
W PARK AVE
W FLAGLER ST
NW 7TH ST
NW 2ND ST
NW 1ST LN
NW 1ST ST
NW FLAGLER LN
NW FLAGLER TER
SW 1ST ST
SW 2ND ST
SW 3RD ST
SW 4TH ST
SW 5TH ST
SW 6TH ST
SW 7TH ST
SW 7TH TER
SW 8TH ST
SW 10TH ST
SW 117TH AVE
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NW 109TH AVE
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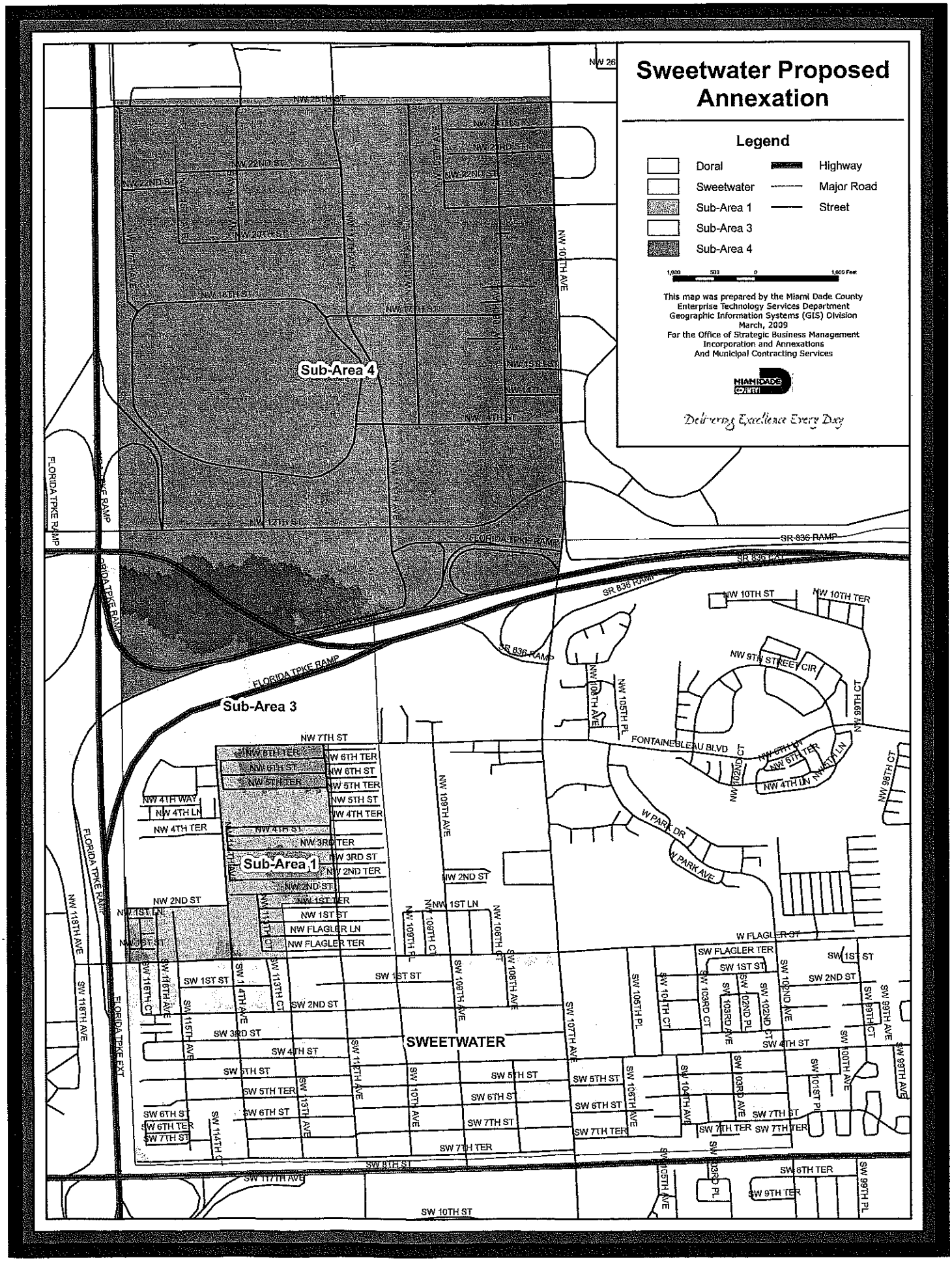
SW 101ST PL
SW 8TH TER
SW 9TH TER
SW 99TH PL

EXHIBIT 3



Sweetwater Proposed Annexation
Legend
Doral
Sweetwater
Sub-Area 1
Sub-Area 3
Sub-Area 4
Highway
Major Road
Street
1,000 500 0 1,000 Feet
This map was prepared by the Miami Dade County Enterprise Technology Services Department Geographic Information Systems (GIS) Division March, 2009 For the Office of Strategic Business Management Incorporation and Annexations And Municipal Contracting Services
MIAMI DADE COUNTY
Delivering Excellence Every Day
Sub-Area 4
Sub-Area 3
Sub-Area 1
SWEETWATER
FLORIDA TPKE RAMP
FLORIDA TPKE EXT
SR 836 RAMP
NW 25TH ST
NW 22ND ST
NW 20TH ST
NW 18TH ST
NW 17TH ST
NW 14TH ST
NW 12TH ST
NW 107TH AVE
NW 10TH ST
NW 10TH TER
NW 9TH STREET CIR
NW 99TH CT
FONTAINEBLEAU BLVD
NW 7TH ST
NW 6TH TER
NW 6TH ST
NW 5TH TER
NW 5TH ST
NW 4TH TER
NW 4TH LN
NW 4TH WAY
NW 3RD TER
NW 3RD ST
NW 2ND TER
NW 2ND ST
NW 1ST TER
NW 1ST ST
NW 1ST LN
NW FLAGLER LN
NW FLAGLER TER
NW 109TH AVE
NW 98TH CT
W PARK DR
W PARK AVE
W FLAGLER ST
SW FLAGLER TER
SW 1ST ST
SW 2ND ST
SW 3RD ST
SW 4TH ST
SW 5TH ST
SW 5TH TER
SW 6TH ST
SW 6TH TER
SW 7TH ST
SW 7TH TER
SW 8TH ST
SW 8TH TER
SW 9TH TER
SW 10TH ST
SW 117TH AVE
SW 118TH AVE
NW 118TH AVE
SW 107TH AVE
SW 105TH PL
SW 105TH AVE
SW 99TH AVE
SW 99TH PL

Supp Amended Item 12A1

Supplement
Agenda Item No. 12(A)(1)

MEMORANDUM

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

DATE: June 3, 2010

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

SUBJECT: Supplemental information to Sweetwater Annexation

The Home Rule Charter provides that the County Commission may approve a change to a municipality's boundaries only with "the approval of the municipal governing bodies concerned… ." Sec. 6.04B.

The City of Sweetwater petitioned the County Commission to annex certain unincorporated areas, including Dolphin Mall. The petition was referred to the Planning Advisory Board ("PAB"). During the hearing on the City of Sweetwater's petition, Doral appeared before the PAB and indicated that it had filed a competing petition with the County to annex Dolphin Mall. The PAB issued a recommendation supporting Sweetwater's request.

The Board of County Commissioner at its October 8, 2009 meeting, deferred referring Doral's annexation request to the PAB.

Sweetwater's petition is before this Committee for public hearing. At the conclusion of the hearing, this Committee may recommend that the Board of County Commissioners take any one of three options with regard to Sweetwater's annexation request: 1) the County Attorney be directed to prepare an ordinance approving the annexation; 2) the Commission deny the annexation request; or 3) the Commission defer the annexation request.

Since Sweetwater and Doral have petitioned to annex Dolphin Mall from the unincorporated area into the boundaries of their city, they are therefore both "concerned" with the annexation of Dolphin Mall, as that term is used in Sec. 6.04B of the Charter. Thus, their governing bodies must both consent to annexation of Dolphin Mall in order to effectuate an annexation to either city. Accordingly, this is to advise that if the Board of County Commissioners directs preparation of an ordinance approving Sweetwater's annexation of Dolphin Mall, the effectiveness of such ordinance must, under the Charter, be conditioned upon Doral's consent to such annexation.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum

MIAMI-DADE COUNTY

Date: June 3, 2010

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

Agenda Item No. 12(A)(5)

From: George M. Burgess
County Manager

Subject: Recommended Policy for the use of Economic Development Funds under the Building Better Communities General Obligation Bond Program Project No. 124 – "Economic Development Fund" and Project No. 320 – "Economic Development in Targeted Urban Areas" and Amending the Administrative Rules

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This item was amended by the Housing and Community Development Committee at its May 10, 2010 meeting to do the following: 1) adjust the cap on the reimbursement amount allocated within any one strategic area under BBC GOB Program Project No. 124 from $30 million to $15 million; 2) adjust the cap for each project specific grant under BBC GOB Program Project No. 124 from $25 million to $15 million; 3) include language under BBC GOB Program Project No. 124 that the County Mayor or the County Mayor's designee shall consult with specific entities in the review of projects; and 4) specify that County Mayor or the County Mayor's designee shall convene a committee of members of the Task Force on Urban Economic Revitalization, community leaders and/or economic development experts to assist in the review of BBC GOB Project No. 320 grant applications.

Recommendation

It is recommended that the Board of County Commissioners (Board) adopt the attached resolution which: 1) establishes policy on the criteria for projects to be funded by the Building Better Communities General Obligation Bond Program's (BBC GOB Program) Project No. 124 – "Economic Development Fund" (Project No. 124) and Project No. 320 – "Economic Development in the Targeted Urban Areas" (Project No. 320); and 2) amends the GOB Administrative Rules accordingly. Pursuant to the BBC GOB Program's Administrative Rules, the funds allocated to Project No. 124 and Project No. 320 are collectively referred to as the Economic Development Fund. In addition, this item also corrects minor scrivener's errors, and amends the Administrative Rules with respect to soft costs eligible under the Sustainable Buildings Ordinance and expands the ownership of properties funded under the BBC GOB Program to include active and duly registered Florida for-profit corporations or other recognized business entities.

Scope

The Economic Development Fund must be used to spur economic development and attract new businesses to the community in order to create jobs. Of the $90 million allocated, $75 million is available countywide and the remaining $15 million is set aside to target economic development activities within the County's Targeted Urban Areas. Targeted Urban Areas are identified under the County Code of Ordinances Article VI Section 30A-129(2) as those geographical areas commonly known as: Liberty City/Model City, Carol City, Goulds, Overtown, Little Haiti, Brownsville, Opa-Locka, Richmond Heights, Homestead/Florida City, Coconut Grove, Northwest 27th Avenue Corridor, Northwest 183rd Street Corridor, West Little River, Princeton/Naranja, Leisure City, South Miami, Perrine, and the City of North Miami's 7th Avenue District, Downtown District, West Dixie Highway District and Biscayne Boulevard District.

Fiscal Impact

There will be no fiscal impact to the County with the approval of this item which simply sets policy on the use of $90 million in GOB funds set for economic development.

Background

In November 2004, Miami-Dade County voters approved the issuance of $352.182 million in general obligation bonds to, among other things, construct and improve bridges, public infrastructure, and

neighborhood improvements as part of the BBC GOB Program. Within that amount, a total of $90 million was allocated towards the Economic Development Fund for which the eligible uses are, but are not limited to:

- infrastructure funding for road construction, water and sewer lines, fencing, sidewalks, entryways, lighting, and handicap accessibility;
- acquisition of land or buildings, subject to certain limitations and to be evaluated on a case by case basis;
- new construction or renovation of buildings, subject to certain limitations and to be evaluated on a case by case basis; and
- construction or acquisition of parking lots and structures, subject to certain limitations and to be evaluated on a case by case basis.

Ineligible uses of the funds on deposit in the Economic Development Fund include, but are not limited to, working capital, furniture and fixtures, office equipment, and other non-capital related expenses.

Staff has developed criteria for two separate programs under the Economic Development Fund (as detailed further below) to: a) spur economic development and attract new businesses to the community in order to create jobs; b) stimulate private sector investment in key strategic locations that strengthen the local economic base for long-term growth; and c) provide a significant economic return on the investment of BBC GOB Program dollars.

Economic Development Grant Fund – Project No. 124

Staff proposes that $75 million from the Economic Development Fund be used to not only accomplish the goals of private sector development, accelerate job creation, and provide a significant return on investment, but more importantly to develop projects with the potential to transform the regional economy and produce a significant number of jobs. More specifically, the County wishes to use these funds in ways that strengthen the economy's capacity for innovation and commercialization of scientific advancements, and expand leadership in local industry clusters such as Aviation and Aerospace, Financial and Professional Services, Homeland Security and Defense, Information Technology, Life Sciences, and International Trade and Global Commerce.

The recommended use of these funds is a shift from the County's current economic development incentive programs as it focuses on the building of institutions that serve as catalysts for such new investments, productivity growth, and the foundation for long-term regional competitive advantage. Using BBC GOB Program Project No. 124 funds, the County can move quickly to take advantage of **"game-changing"** economic development opportunities likely to have very significant impacts on the entire County and/or South Florida region, rather than specific neighborhoods or sections of the County.

This portion of the Economic Development Fund will fund new public infrastructure projects that incentivize real property investments by innovative businesses willing to relocate to Miami-Dade County that are unlikely to occur without such incentive. The innovative businesses sought are businesses likely to be catalysts for the growth of an existing or emerging high technology cluster or likely to have a significant impact on long term regional growth. Eligible projects should be located within important strategic locations that are consistent with established land use planning and transportation goals. Five *strategic areas* have been identified as (see Exhibit L to the Administrative Rules):

- Opa-locka Executive Airport area defined on the north by the airport property line from NW 37 Avenue on the east to NW 57 Avenue on the west, south along NW 57 Avenue to NW 135 Street, then east along NW 135 Street to NW 42 Avenue and south along NW 42 Avenue to East 56 Street, east along East 56 Street to NW 37 Avenue, and then north along NW 37 Avenue to the northeast corner of the airport property;

- Civic Center/Medical District defined by the area bounded on the north by NW 28th Street, on the east by Interstate 95, on the south by the Miami River, and on the west by NW 17th Avenue;
- Port of Miami defined as the combination of Dodge Island and Lummus Island;
- Kendall-Tamiami Executive Airport area defined by SW 120th Street on the north, SW137 Avenue on the east, the CSX railroad line on the south, and SW 157 Avenue on the west; and
- Homestead Air Reserve Base area defined by the irregular boundaries shown on Exhibit L of the Administrative Rules.

This program would provide $75 million in grant funds to reimburse projects for the cost of public infrastructure investments associated with private development. These private capital investments must support long term economic development and create a significant number of jobs. Reimbursement for infrastructure investment will be contingent upon the private entity having secured total project capital investment from non-County government sources as required under a Grant Agreement.

The Economic Development Grant Fund requirements listed below establish guidelines to identify qualified projects. This list of general qualifications and requirements reflects the County's intent to move forward with projects that will have a significant, and lasting, impact on future economic development and job creation.

Project No. 124 requirements include:

- The funds must be used to provide infrastructure improvements to spur economic development and attract new businesses to the community in order to create jobs.
- The funds must be used for public infrastructure, including parking structures and public facilities, along with other infrastructure improvements, subject to certain limitations and to be evaluated on a case by case basis.
- These infrastructure improvements must support economic development activities that have the potential to create a significant number of permanent new jobs in Miami-Dade County that benefit the community at-large.
- The project must leverage public bond monies with other funding sources to yield a significant economic impact and return on public incentive investments, and demonstrate the financial capacity and financial commitment to complete the economic development project.
- The project must demonstrate long-term benefits to the County in spurring future economic growth through an analysis of local economic and County fiscal impacts over a 20-year time period using a Miami-Dade County REMI model or an equivalent model that is widely available and professionally accepted among economists.
- No more than $15 million of reimbursements can be allocated within any one strategic area.
- A project-specific grant would reimburse up to 100 percent of public infrastructure costs per project, but subject to the cap of the lesser of $15 million or the amount of grant funding available within such strategic area.
- Actual grant funds would be disbursed on a reimbursement basis only after verified completion of the public infrastructure project upon receipt of an audited financial accounting of infrastructure development costs and subject to funding and compliance with federal tax laws.
- Grants in excess of $5 million would be disbursed over no more than a 5 year period from the date the public infrastructure improvements are completed when taxable bonds are issued to fund such public infrastructure improvements. If tax-exempt bonds are issued for the public infrastructure improvements reimbursements for such public infrastructure improvements will be disbursed over no more than a three year period from the date of the expenditure but in no case later than 18 months from the date the public infrastructure project is placed in service.

- Annual benchmarks for required private sector capital investments in a project would be established and disbursement of grant funds would be subject to attainment of said benchmarks. A prorated grant disbursement may be allowed when actual project investment falls short of benchmarks.

Development projects that are LEED certified will receive additional consideration in the evaluation process commensurate with the level of LEED certification in order to provide an incentive to build energy efficient facilities and reduce CO_2 emissions.

Economic Development in Targeted Urban Areas Fund – Project No. 320
Staff proposes policies that will facilitate utilization of the $15 million allocated to Project No. 320 to support projects that provide a significant return on the investment of BBC GOB Program dollars in Targeted Urban Areas. The County needs to be able to move quickly when economic development opportunities, with significant private sector participation, present themselves in the Targeted Urban Areas. Project No. 320, like Project No. 124, is intended to support private sector development and job creation through public infrastructure improvements. This may be achieved by encouraging new businesses to relocate specifically to Miami-Dade County's Targeted Urban Areas.

Project No. 320 requirements:

- The funds must be used for public infrastructure, including parking structures and public facilities, along with other infrastructure improvements located within the boundaries of the County's 19 Targeted Urban Areas, subject to certain limitations and to be evaluated on a case by case basis.
- The infrastructure improvements must spur economic development and attract new businesses to the community in order to create jobs.
- The project must benefit the residents and businesses within the individual Target Urban Areas.
- The project must include private sector investment and leverage public bond monies with other funding sources, and demonstrate the financial capacity and financial commitment to complete the economic development project.
- The project must create a significant number of jobs that are available to residents of a Targeted Urban Area.
- No more than $3 million of reimbursements can be allocated within any one Targeted Urban Area. The grant would reimburse up to 100 percent of public infrastructure costs per project, but subject to a cap of the lesser of $3 million or the total amount of grant funding available.
- Actual grant funds would be disbursed on a reimbursement basis only after verified completion of the public infrastructure project upon receipt of an audited financial accounting of infrastructure development costs and subject to funding and compliance with federal tax laws.
- Grants would be disbursed over no more than a 5 year period from the date the public infrastructure improvements are completed when taxable bonds are issued to fund such public infrastructure improvements. If tax-exempt bonds are issued for the public infrastructure improvements reimbursements for such public infrastructure improvements will be disbursed over no more than a three year period from the date of the expenditure but in no case later than 18 months from the date the public infrastructure project is placed in service.
- Benchmarks for required private sector capital investments in a project would be established and disbursement of grant funds would be subject to attainment of said benchmarks. A prorated grant disbursement may be allowed when actual project investment falls short of benchmarks.

While the construction of infrastructure will have an immediate impact on employment levels within the County, the intent of Project Nos. 124 and 320 is to create sustainable long term economic development and job growth. Each proposed project must be evaluated primarily according to the

"permanent" new jobs directly and indirectly created, but consideration will also be given to the directly and indirectly created jobs during the project's development phase. Once a proposed project is approved by the Board, actual funding is dependent upon the availability of BCC GOB Program bond proceeds.

The proposed resolution authorizes the County Mayor or the County Mayor's designee to consider economic development projects in accordance with the policy set forth herein and submit them to the Board for approval at any time with the understanding that the amount of the grant and schedule of disbursements will depend upon the availability of funds in the BCC GOB Program and subject to compliance with federal tax laws.

While the marketplace and economic conditions will determine the specific projects presented to the Board for consideration, the criteria above provide the mechanism for the County Mayor or the County Mayor's designee, to negotiate with private sector partners on potential projects that meet Miami-Dade's long-term goals for economic growth and job creation. The need to move quickly to take advantage of economic development opportunities likely to have very significant impacts in terms of jobs and investments in Miami-Dade County or in our Targeted Urban Areas, requires that the County streamline the process of analyzing and evaluating economic development proposals and have the authority to negotiate the terms of public incentives on a case by case basis. Community involvement, through the Task Force on Urban Economic Revitalization, in evaluation of projects applying for funding under Project 320 is preserved in the amended Administrative Rules. The actual grant award and approval of the terms of each grant agreement under BBC GOB Program Project No. 124 and Project No. 320 shall be subject to approval by the Board.

Additional changes recommended for Board approval are described below.

Increase on Soft Costs to Address the County's Sustainable Buildings Ordinance
For BBC GOB projects to effectively comply with the Sustainable Buildings Ordinance, the amount eligible for reimbursement for project soft costs will be increased from 17 percent to 20 percent to accommodate both the costs of green building design, commissioning and pre-certification services in accordance with the Sustainable Buildings Ordinance No. 07-65 and Implementing Order 8-8. For those projects where it is not practical to attain certification, design services can be employed to implement design interventions that on the average will result in an estimated payback of up to 10 years. Typical categories of payback include but are not limited to energy efficiency, water efficiency, productivity and operations and maintenance.

Ownership of Property
Currently, title to land acquired with BBC GOB Program funds or facilities constructed/developed with BBC GOB funds shall vest with a Public Agency, or a legally incorporated 501(c)(3) not-for-profit Community-Based Organization. The recommended change will allow for an active and duly registered Florida for-profit corporation or other recognized business entity to own property for which BBC GOB funds will be used to construct or develop facilities.

Attachment

Assistant County Manager

MEMORANDUM
(Revised)

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

DATE: June 3, 2010

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

SUBJECT: Agenda Item No. 12(A)(5)

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**

Deferred to 6/15/2010

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 12(A)(5)
6-3-10

RESOLUTION NO. _____

RESOLUTION APPROVING AMENDMENTS TO ADMINISTRATIVE RULES GOVERNING THE BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM AND AUTHORIZING CORRESPONDING MODIFICATIONS TO STANDARD GRANT AND INTERLOCAL AGREEMENTS AFTER CONSULTATION WITH COUNTY ATTORNEY'S OFFICE

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 amendments to the Building Better Communities General Obligation Bond Program's Administrative Rules in substantially the form attached to this resolution and authorizes the corresponding modifications to the standard grant and interlocal agreements after consultation with County Attorney's Office.

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	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of June, 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. MR

Monica Rizo

EXHIBIT

BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM ADMINISTRATIVE RULES

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ARTICLE I - GENERAL CONDITIONS

SECTION 1. BACKGROUND

These administrative rules govern the implementation by Miami-Dade County (the "County") of its Building Better Communities General Obligation Bond Program as established by Ordinance No. 05-47 (the "Ordinance").

SECTION 2. SCOPE

These administrative rules have been prepared to address the administration and allocation of funds for the projects and programs identified in the Building Better Communities General Obligation Bond Program ("BBC GOB Program"). In addition to the funding of Projects specifically listed in the BBC GOB Program, eligible projects may be funded through the ~~application~~ process described in these administrative rules with monies from four (4) funds. The funds are the Historical Preservation Fund, the Economic Development Fund, the Not-for-Profit Community Organization Capital Fund and the Primary Health Care Facilities Fund (collectively, the "Funds").

SECTION 3. GENERAL

All recipients of funding for specific projects identified in the BBC GOB Program and for projects approved for funding from one of the Funds are required to follow these administrative rules. Failure to do so may lead to disqualification.

Additional copies of the administrative rules and/or application materials may be obtained by contacting the County Executive ~~Manager's~~ Office. All inquiries, correspondence and applications for the BBC GOB Program should be addressed to:

Miami-Dade County
County Executive Office
111 NW 1 Street
Suite 2910
Miami, Florida 33128
Attention: Director, Office of Capital Improvements

or to a Department or agency of Miami-Dade County, serving as the County Mayor's ~~Manager's~~ Designated Representative.

SECTION 4. DEFINITIONS

The following is a list of terms and definitions that are used in these administrative rules:

"Acquisition" means the act of obtaining real property and/or capital assets or interests and rights in real property and/or capital assets by various legal means to serve public purposes.

"Applicant" means a Public Agency, not-for-profit organization, Municipality or other entity eligible to participate in the BBC GOB Program, which submits a Funding Application Package to the County ~~during an announced Application Submission Period~~.

"Application" means the process described in these rules to make a formal request for Funding Allocation which remains open until the execution of a Grant Agreement or Interlocal Agreement, as the case may be, or a decision by the County not to provide a ~~Total~~ Funding Allocation.

"Application Submission Period" means a ~~the~~ formally announced period of time for the submission of a Funding Application Package in a given Funding Cycle.

"Authorizing Resolutions" mean Resolution Nos. R - 912-09, R - 913-09, R - 914-09, R - 915-09, R - 916-09, R - 917-09, R - 918-09 and R - 919-09, as each may be amended from time to time.

"Board of County Commissioners" or **"Board"** means the legislative and the governing body of the County.

"Community-Based Organization" or ~~("CBO")~~ shall refer to any not-for-profit 501(c)(3) agency, group, organization, society, association, partnership or individual whose primary purpose is to provide a community service designed to improve or enhance the well-being of the community of Miami-Dade County at large or to improve or enhance the well-being of certain individuals within this community who have special needs.

"County" means Miami-Dade County, Florida.

"County Mayor ~~Manager~~" or **"Mayor ~~Manager~~"** means the head of the administrative branch of the County government or his/her designated representative.

"Development" means the act of physically improving an area, facility, resource or site to increase its ability or capacity to serve the public.

"Designated Projects" means the specific Projects ~~approved by the Board in the Ordinance and the electors on November 2, 2004~~ listed in Appendix A to each of the Authorizing Resolutions for inclusion in the BBC GOB Program.

"Fixtures, Furniture and Equipment" or "~~(~~FF&E~~)~~" means 1) Fixtures - items that are permanently affixed to the building or property, i.e., doors, bathroom stalls, A/C units, etc.; 2) Furniture - indoor furnishings needed to allow proper use of a building, i.e., desks, chairs, tables, workstations, etc.; and 3) Equipment - non-consumable tangible property with a life of at least one year that is directly related to the funded project, such as bleachers for courts, audio/visual equipment for community rooms, computers for computer labs, portable basketball goals for gymnasiums, etc.

"Fund Projects" means the specific Projects approved by the Board pursuant to these administrative rules for a Funding Allocation from one of the Funds.

"Funding Allocation" means (i) the total amount of Building Better Communities General Obligation Bond funds approved by the Board ~~on July 20, 2004~~ for use by a Recipient for a specific Project as set forth in the Authorizing Resolutions; or (ii) the total amount approved by the ~~County~~ Board from a Fund for use by a Recipient for a specific Project.

"Funding Application Form" means the base application form provided by the County Mayor or

County Mayor's designee ~~Manager~~ to be completed by the Applicant and submitted as part of a ~~the~~ Funding Application Package.

"Funding Application Package" means the complete submittal package required by these administrative rules and submitted by an Applicant for a Project. (See Article II, Section 2).

"Funding Cycle" means the time between the opening of an Application Submission Period and the approval by the Board of the Projects to receive a Funding Cycle Allocation ~~from the next series of general obligation bonds~~.

"Funding Cycle Allocation" means the amount of the Building Better Communities General Obligation Bond funds approved by the Board in a given year for use by a Recipient for implementation of a Project pursuant to these administrative rules.

"Funds" means any and/or all of the following four funds included in the BBC GOB Program to address grant requests for Fund Projects: the Economic Development Fund, the Historical Preservation Fund, the Not-for-Profit Community Organization Capital Fund and the Primary Healthcare Facilities Fund.

"Grant Agreement" means an executed grant agreement between the County and a Recipient (other than a grant to a Municipality or Public Agency, which grant will be evidenced by an executed Interlocal Agreement) setting forth mutual obligations regarding a Funding Cycle Allocation and/or Funding Allocation for a Project.

"Interlocal Agreement" means an executed grant agreement between the County and a Recipient that is a Municipality or Public Agency setting forth mutual obligations regarding a Funding Cycle Allocation and/or Funding Allocation for a Project.

"LEED" refers to *Leadership in Energy and Environmental Design* and means an ecology oriented building certification under a program sponsored by the U.S. Green Building Council.

"Match" means cash committed by the Recipient, as stipulated in the approved Grant Agreement or the Interlocal Agreement, as the case may be, to complement funding awarded from the BBC GOB Program.

"Municipality" means a political unit, such as a city, town, or village, incorporated for local self-government within the confines of Miami-Dade County.

"Ordinance" means the Building Better Communities General Obligation Bond Ordinance No. 05-47.

"Pre-Agreement Expenses" means eligible expenses identified in Article III, Section 1(B) of these rules incurred by a Recipient for accomplishment of a Project prior to full execution of a Grant Agreement or an Interlocal Agreement, as the case may be.

"Project" means each Designated Project or Fund Project, as the case may be, ~~identified in a Funding Application Package and~~ approved by the County for a Funding Allocation.

"Public Agency" or **"Public Agencies"** means an agency or agencies or administrative division or divisions of the United States government, the State of Florida, the County, or any ~~municipality~~ Municipality within the County.

"Recipient" means an entity receiving a Funding Allocation.

"REMI Model" means a simultaneous equations econometric model developed by REMI Inc. and suitable for estimating the dynamic economic impacts of real property and other capital investments in Miami-Dade County.

"Soft Costs" means real and verifiable expenditures for administration, project management (not related to construction supervision), indirect costs (accounting/purchasing/personnel, etc.), imposed fees (e.g., permit processing fees) and those costs NOT related to construction material, labor, equipment or construction sub-contractors. Soft Costs for the purpose of this Program are classified by the following three areas:

- Project Administration - administration, project management (not related to construction supervision), indirect costs (accounting/purchasing/personnel, etc.) and imposed fees (e.g., Professional Services Agreement selection/permit processing fees). Project management related to construction supervision is not considered a soft cost; and
- Planning Services - Master Plan development and approval and feasibility studies; and
- Design Services - schematic design, design development, construction documents, bidding or negotiation and as built drawings.

Construction supervision and/or inspection are not considered ~~s~~Soft ~~c~~Costs. All costs associated with land acquisition such as: appraisals, due diligence, cost of land, project administration related to land purchase, legal fees, etc. are not part of the ~~s~~Soft ~~c~~Costs.

"Strategic Area" means geographic areas eligible for Economic Development Fund grants from Project No. 124 identified as the Opa-locka Executive Airport property and designated adjacent areas, the Civic Center/Medical District area, the Port of Miami, the Kendall-Tamiami Executive Airport and designated adjacent areas, and the Homestead Air Force Reserve Base and designated adjacent areas. The boundaries of these areas are identified in Exhibit L to these Administrative Rules.

"Targeted Urban Areas" or **"TUA"** means the geographical communities which have been designated by the Board ~~of County Commissioners~~ and defined in the County Code of Ordinances Article VI Sec.30A-129(2).

"UMSA" means Unincorporated Municipal Service Area of the County, for which the County provides municipal services. Projects occurring within areas defined as UMSA are subject to the same administrative rules as any other project seeking Building Better Communities General Obligation Bond funding, regardless of the entity involved in the ~~p~~Project.

ARTICLE II – FUNDING PROCEDURES

SECTION 1. FUNDING CYCLES; APPLICATION SUBMISSION PERIODS

~~A Funding Cycle shall~~ An Application Submission Period may be established ~~by the Board~~ on a periodic basis ~~related to the sale of bonds, provided there are Building Better Communities General Obligation Bonds remaining to be sold~~ or a Funding Allocation may be awarded to a Recipient by the Board on a case by case basis. Each Project may be ~~funded~~ awarded a Funding Cycle Allocation during one or more Funding Cycles ~~through a Funding Allocation~~.

Eligible entities must apply for these Funding Cycle Allocations. ~~Eligible entities existing on/or before July 20, 2004, the date the General Obligation Bond Resolutions were approved by the Board, will receive priority consideration for Project approval and Funding Allocation(s).~~ A Grant Agreement or Interlocal Agreement between the County and the Recipient, as the case may be, implements the Funding Cycle Allocations.

If an Application Submission Period is opened, the ~~The~~ Funding Application Package shall be delivered on or before the last day of the announced Application Submission Period. The County may announce an additional Application Submission Period if funds remain or become available after the preceding Application Submission Period is complete. Each Application Submission Period and other pertinent application information shall be publicly announced in newspapers of general circulation in the County at least one (1) month prior to the deadline for submission of the Funding Application Package, unless otherwise waived by the Board.

Funding Application Packages for Projects under the Economic Development Fund program will be evaluated on a case by case basis, and may be submitted for review by the County Mayor or the County Mayor's designee at any time as long as funding under this Fund is available.

Final grant award of Funding Allocations pursuant to an Application Submission Period are subject to approval by the Board.

SECTION 2. FUNDING APPLICATION

An Applicant must submit a complete Funding Application Form in order to be eligible to receive a Funding Allocation award. A complete Funding Application Package means one that meets all the requirements of the Ordinance and these administrative rules and is supported by proper documentation required by these administrative rules. The Funding Application Package shall consist of:

1) Completed Funding Application Form.

2) Completed line item budget. The line item budget must be submitted with budget justifications for the Construction and Fixtures, Furniture and Equipment line items. The justification should provide detailed descriptions of the project elements. Reimbursement for Fixtures, Furniture & Equipment is contingent upon prior inclusion and approval of these expenses in the Grant Agreement or Interlocal Agreement, as the case may be. (See Article III, Section 1(C)~~)~~, and for Projects under the Economic Development Fund Program, Article II, Section 3(B)1).

3) Letter(s) of commitment for matching funds that complement the Funding Allocation request as may be required by the Application.

4) Projected completion date for the Project and if the Project will be constructed in phases, the completion date of each phase.

5) Project location map.

6) For Development Projects, certification of ownership of a site by the Applicant or evidence of land tenure sufficient to satisfy the County that the Project may be developed on the designated site.

7) Written evidence (resolution or other legally required documentation), which at a minimum: (i) authorizes the execution of the Grant Agreement or the Interlocal Agreement, as the case may be; (ii) commits the Applicant to complete the Project; (iii) as applicable, commits the Applicant to provide operating, maintenance and programming funds upon completion of the Project, to the extent allowed by law; and (iv) provides that the Funding Allocation shall not be used in substitution of other capital project funding available to the Applicant.

8) Any other documentation that the Board may require from time to time.

An Applicant may request funding for a major Project in phases. Each phase shall constitute a distinct portion of the proposed Project. Each Applicant requesting funding for a Project in phases shall commit to completing the Project as defined in the Grant Agreement or the Interlocal Agreement, as the case may be, unless otherwise modified by approval of the Board in accordance with these rules and the Ordinance.

In the event an applicant intends to submit a request for pre-agreement reimbursement, the applicant shall comply with Article III, Section 1(B)~~)~~.

SECTION 3. ELIGIBILITY REQUIREMENTS

A) Designated Projects

Eligibility requirements for Applicants:

- Active and duly registered Florida not-for-profit 501(c)(3) corporation. Comply with the County's Administrative Order 3-15.
- Active and duly registered Florida for-profit corporation or recognized business entity.
- Municipal<u>ity</u> ~~entity~~ or <u>Public Agency</u> ~~agency~~ based in Miami-Dade County.
- Owner or lessee of residential or commercial property located within Miami-Dade County on which the Designated Project shall be situated.
- Financially stable including financial commitments to complete the Designated Project.

B) Fund Projects

1. Funds Objectives

The Economic Development Fund (the "EDF") is a component of the Building Better Communities Bond Program and is available for the purpose of providing infrastructure improvements to spur economic development and attract new businesses to the community in order to create jobs. The EDF includes $75 million that is available countywide and $15 million that is specifically focused on the County's designated Targeted Urban Areas. Eligible uses of the EDF include but are not limited to: infrastructure funding for road construction, water and sewer lines, fencing, sidewalks, entryways, lighting, and handicap accessibility; acquisition of land or buildings subject to certain limitations and to be evaluated on a case-by-case basis; ~~and~~ new construction or renovation of buildings subject to certain limitations and to be evaluated on a case-by-case basis; ~~renovation of buildings;~~ and construction or acquisition of parking lots and structures subject to certain limitations and to be evaluated on a case-by-case basis. Ineligible uses of the EDF include but are not limited to: working capital; furniture and fixtures; office equipment; and other non-capital related expenses.

The Historical Preservation Fund, the Primary Healthcare Facilities Fund and the Not-for-Profit Community Organization Capital Fund are a component of the Building Better Communities General Obligation Bond initiative for the purpose of funding projects that support the County's historic preservation, primary healthcare, and community agency infrastructure needs. These are capital projects that improve the quality of life for the County's citizens, enhance medical facilities, rehabilitate historic properties, save irreplaceable historic venues, and serve as a catalyst for preserving and protecting Miami-Dade County's future. Medical institutions, historically and culturally significant properties, and Community-Based Organizations needing capital funds for construction, renovation, and expansion of facilities within the community that meet the criteria for the following programs may be eligible for assistance from these funds.

2) Program Descriptions and Criteria

a) Economic Development Fund.

~~This program includes $75 million that is available for countywide and $15 million that is specifically focused on the County's designated Target Areas to spur economic development and attract new businesses in order to create jobs.~~

The Economic Development Fund includes $75 million that is available for projects in areas designated by the Board of County Commissioners pursuant to Resolution R- -10 as strategic areas. The primary objectives of this program are to provide infrastructure improvements to spur economic development and attract new businesses to the community in order to create jobs by providing incentives that catalyze private sector investments, accelerate job creation, and attract capital investments with a strong potential to transform the local economy in ways that strengthen the economy's capacity for innovation and commercialization of scientific advancements, expand leadership in local industry clusters such as Aviation and Aerospace, Financial and Professional Services, Homeland Security and Defense, Information Technology, Life Sciences, and International Trade and Global

Commerce, and/or produce job opportunities. This component of the Economic Development Fund is referred to as Project No. 124. No more than $15 million from Project 124 may be allocated to any one strategic area, and no more than $15 million within each strategic area may be allocated to any single entity or project.

The Economic Development Fund also includes $15 million that is specifically available for projects in the County's designated Targeted Urban Areas to spur economic development and attract new businesses in order to create jobs. This component of the Economic Development Fund is referred to as Project No. 320. No more than $3 million from Project 320 may be allocated to any single Targeted Urban Area.

Eligibility Requirements for Applicants:

Notwithstanding eligibility requirements for applicants set forth in any other section of these administrative rules, the eligible applicants for the Economic Development Fund are:

- Active and duly registered Florida not-for-profit 501(c)(3) corporation.
- Active and duly registered Florida for-profit corporation or recognized business entity.
- ~~Municipal entity or agency based on Miami-Dade County.~~
- Owner or lessee of residential or commercial property located within Miami-Dade County on which the Economic Development Fund Project will be situated.
- Demonstrated financial capacity and ~~Financially stable including~~ financial commitments using other non-County sources to complete the Economic Development Fund Project ~~Designated Project~~.
- ~~Those listed in any Request for Proposal's related to this Fund.~~

b) Historic Preservation Fund

This program includes $10 million and is intended to provide matching funds to private property owners, private nonprofit organizations, and municipal government agencies for the acquisition, relocation and rehabilitation of designated historic properties, or properties eligible for designation as a historic property or as a contributing historic district property, which has applied for such a designation within Miami-Dade County..

Eligibility Requirements for Applicants:

Notwithstanding eligibility requirements for applicants set forth in any other section of these administrative rules, the eligible applicants for the Historic Preservation Fund are:

- Active and duly registered Florida not-for-profit 501(c)(3) corporation.
- Active and duly registered Florida for-profit corporation or recognized business entity.
- Municipality entity or Public Agency ~~agency~~ based in Miami-Dade County.
- Owner of residential or commercial property located within Miami-Dade County.
- Individually listed as municipal, County, State or National Register of historic property located in Miami-Dade County.

- Contributing Property within a designated municipal, County, State or national historic district located in Miami-Dade County.
- Property determined eligible for listing as an individual historic site or as a contributing historic district property, and which has applied for such designation, in a Municipality, County, State or National Register, and located within Miami-Dade County.
- Those listed in any Request For Proposal's related to this Fund.

c) Not-for-Profit Community Organization Capital Fund

The objective of this fund is to build and sustain the capability and capacity of the not-for-profit sector and support entities that enhance the quality of life of Miami-Dade County by delivering needed services. The $30 million allocated to this fund recognizes the importance and continuing contributions that these organizations make to the future of Miami-Dade County.

Eligibility Requirements for Applicants:

Notwithstanding eligibility requirements for applicants set forth in any other section of these administrative rules, the eligible applicants for the Not-for-Profit Community Organization Capital Fund are:

- Legally incorporated 501(c)(3) not-for-profit organization lacking access to government sources of capital funding.
- Demonstrable financial stability.
- Organization's mission is consistent with goals identified in the Miami-Dade County Strategic Plan.
- Demonstrate ownership of or intent to purchase a facility.
- Letter of Commitment confirming the resources necessary to accomplish the project.
- Architectural/engineering study and/or equipment specifications and professional cost estimate.
- Two (2) year management and budget plan for the facility.
- Those listed in any Request For Proposal's related to this Fund.

d) Primary Healthcare Facilities Fund

The objective of this fund is to build and sustain the capability and capacity of the not-for-profit sector and support entities that enhance the quality of primary healthcare within Miami-Dade County by delivering needed services. The $25 million allocated to this fund recognizes the importance and continuing contributions that these organizations, and the care that they provide, make to the future of Miami-Dade County.

Eligibility Requirements for Applicants:

Notwithstanding eligibility requirements for applicants set forth in any other section of these administrative rules, the eligible applicants for the Primary Healthcare Facilities Fund are:

- Legally incorporated 501(c)(3) not-for-profit organization lacking access to government sources of capital funding.
- Demonstrable financial stability.
- Organization's mission is consistent with goals identified in the Miami-Dade County Strategic Plan.
- Demonstrate ownership of or intent to purchase a facility.
- Letter of Commitment confirming the resources necessary to accomplish the project.
- Architectural/engineering study and/or equipment specifications and professional cost estimate.
- Two (2) year management and budget plan for the facility.
- Those listed in any Request For Proposal's related to this Fund.

SECTION 4. ELIGIBILITY DETERMINATION AND EVALUATION

~~Following closure of an Application Submission Period, the County Manager will review and evaluate each Funding Application Package for funding eligibility or ineligibility. The County Manager may use these entities such as the following to assist him in the review of and to create Project Review Committees.~~

~~**Economic Development Fund**~~

- ~~Empowerment Zone Trust Board~~
- ~~Miami-Dade Empowerment Trust~~
- ~~Office of Community and Economic Development~~
- ~~Coalition of Chambers of Commerce~~
- ~~Task Force on Urban Revitalization~~
- ~~Metro Miami Action Plan Trust~~
- ~~Beacon Council~~
- ~~Greater Miami Chamber of Commerce~~
- ~~Dade League of Cities~~

A) Economic Development Fund – Project 124

The County Mayor or the County Mayor's designee will review and evaluate each Funding Application Package for funding eligibility or ineligibility. The County Mayor or the County Mayor's designee shall consult with the following entities to assist in the review of the Funding Application Package:

- Department of Housing and Community Development
- Coalition of Chambers of Commerce
- Task Force on Urban Revitalization
- Miami-Dade Economic Advocacy Trust
- Beacon Council
- Greater Miami Chamber of Commerce
- Dade League of Cities

1. Eligibility Requirements for Projects

- Grant awards under Project 124 must be used for public infrastructure, including parking structures, public facilities and other improvements subject to certain limitations and evaluated on a case by case basis, and support economic development activities and attract new businesses having the potential to create a significant number of permanent jobs in Miami-Dade County; and
- Economic development projects supported with Project 124 funds must demonstrate long-term economic benefits to Miami-Dade County in spurring future economic growth through an analysis of local economic and County fiscal impacts over a 20-year time period using a Miami-Dade County REMI model or an equivalent economic impact model widely available and professionally accepted among economists for economic and fiscal impact analysis.

Development projects that are LEED certified will receive additional consideration in the evaluation process commensurate with the level of LEED certification in order to provide an incentive to build energy efficient facilities and reduce CO_2 emissions.

2. Special Conditions Regarding Reimbursements

- No more than $15 million of reimbursements can be allocated under Project 124 within any one strategic area.
- The grant may reimburse up to 100 percent of public infrastructure costs per project, but subject to a cap of the lesser of $15 million or the total amount of grant funding available within such strategic area.
- Actual grant funds would be disbursed on a reimbursement basis only after verified completion of the public infrastructure project upon receipt of an audited financial accounting of infrastructure development costs and subject to funding availability and compliance with federal tax laws.
- Grants in excess of $5 million would be disbursed over no more than a 5 year period from the date the public infrastructure improvements are completed when taxable bonds are issued to fund such public infrastructure improvements. If tax-exempt bonds are issued for the public infrastructure improvements reimbursements for such public infrastructure improvements will be disbursed over no more than a three year period from the date of the expenditure but in no case later than 18 months from the date the public infrastructure project is placed in service.
- Annual benchmarks for required non-infrastructure capital investments in a Project will be established and specified in the Grant Agreement, and disbursement of grant funds would be subject to attainment of said benchmarks in accordance with IRS rules and regulations governing the issuance of tax exempt bonds. A clawback provision in the event that established benchmarks are not met subsequent to disbursement of grant funds may be included in the Grant Agreement. A prorated grant disbursement may be allowed when actual project investment falls short of benchmarks.

3. Determination and Evaluation

The County Mayor or the County Mayor's designee will review and evaluate each Funding Application Package and may recommend to the Board an award of a Funding Allocation, by submitting a resolution seeking award of grant funds, and approval of the terms of a Grant Agreement or Interlocal Agreement, as the case may be.

B) Economic Development in Targeted Urban Areas Fund – Project 320

1. Eligibility Requirements for Projects

- Grant awards under Project 320 must be used for public infrastructure, including parking structures, public facilities and other improvements subject to certain limitations and evaluated on a case by case basis, within the boundaries of the County's Targeted Urban Areas.
- The infrastructure improvements must support economic development and attract new businesses in order to create jobs in the Targeted Urban Areas.
- The project must include private sector investment and leverage public bond monies with other funding sources.
- The project must create a significant number of jobs that are available to residents of a Targeted Urban Area.

2. Special Conditions Regarding Reimbursements

- No more than $3 million of reimbursements can be allocated within any one Targeted Urban Area.
- The grant may reimburse up to 100 percent of public infrastructure costs per project, but subject to a cap of the lesser of $3 million or the total amount of grant funding available within such Targeted Urban Area.
- Actual grant funds would be disbursed on a reimbursement basis only after verified completion of the public infrastructure project upon receipt of an audited financial accounting of infrastructure development costs and subject to funding availability and compliance with federal tax laws.
- Grants would be disbursed over no more than a 5 year period from the date the public infrastructure improvements are completed when taxable bonds are issued to fund such public infrastructure improvements. If tax-exempt bonds are issued for the public infrastructure improvements reimbursements for such public infrastructure improvements will be disbursed over no more than a three year period from the date of the expenditure but in no case later than 18 months from the date the public infrastructure project is placed in service.
- Benchmarks for required non-infrastructure capital investments in a Project will be established and specified in the Grant Agreement, and disbursement of grant funds would be subject to attainment of said benchmarks. A prorated grant disbursement may be allowed when actual project investment falls short of benchmarks.

3. Determination and Evaluation

The County Mayor or the County Mayor's designee will review and evaluate each Funding Application Package and may recommend to the Board an award of a Funding Allocation by

submitting a resolution seeking award of grant funds and approval of the terms of a Grant Agreement or Interlocal Agreement, as the case may be. The County Mayor or the County Mayor's designee shall convene a committee of members of the Task Force on Urban Economic Revitalization, community leaders and/or economic development experts to assist in the review of Project 320 grant applications. Any such entity shall adhere to protocols specified under Administrative Order No. 3-31 and Florida law.

C) Determination and Evaluation of Applications for Other Funds

If an Application Submission Period is established, then f~~F~~ollowing closure of the ~~an~~ Application Submission Period, the County Mayor or the County Mayor's designee ~~Manager~~ will review and evaluate each Funding Application Package for funding eligibility or ineligibility. The County Mayor or the County Mayor's designee ~~Manager~~ may use entities such as the following to assist him in the review and may ~~to~~ create Project Review Committees.

Historic Preservation Fund

- Dade Heritage Trust
- Historic Preservation Board

Not-for-Profit Community Organization Capital Fund

- Alliance for Human Services
- Dade Community Foundation

Primary Healthcare Facilities Fund

- Office of Countywide Health Care Planning

Any such entity shall adhere to ~~public record~~ protocols specified under Administrative Order No. 3-31 and Florida law. Funding Allocations for eligible projects may be recommended to the County Mayor or the County Mayor's designee ~~Manager~~ by the Project Review Committee. The County Mayor or the County Mayor's designee ~~Manager~~ and the Project Review Committee may determine that a Funding Application Package be classified as:

a) **Ineligible.** Declaration that the Project identified in a Funding Application Package is ineligible.

b) **Conditionally Eligible.** Declaration that a Project is eligible for funding upon satisfaction of specified conditions. ~~In the event that conditional approval is given, Board staff shall verify that the conditions have been satisfied prior to executing a Grant Agreement or an Interlocal Agreement, as the case may be.~~

c) **Eligible.** Declaration that a Project identified in a Funding Application Package is fully eligible.

Funding Application Packages determined to be Eligible or Conditionally Eligible shall be reviewed and competitively evaluated to recommend ~~bond~~ ~~f~~Funding ~~a~~Allocations. A listing of all Funding Application Packages shall be presented to the Board by the County Mayor or the County Mayor's designee ~~Manager~~ in the form of a Resolution stating the eligibility determination, presenting the ~~County Manager's~~ funding recommendations of the County Mayor or the County Mayor's designee based on the competitive evaluation and seeking approval for the award of a Funding Allocation

and the disbursement of funds. In the event that an award of a Funding Allocation to a Conditionally Eligible Recipient is approved by the Board, staff shall verify that all conditions precedent have been satisfied prior to executing a Grant Agreement or an Interlocal Agreement, as the case may be.

ARTICLE III – GRANT ADMINISTRATION

SECTION 1. FUNDING ALLOCATION ADMINISTRATION & REIMBURSEMENT POLICY

A) Grant Agreement or Interlocal Agreement

1) As a condition of award of a Funding Cycle Allocation, the ~~BBC GOB Program~~ County and the Recipient shall enter into a Grant Agreement or an Interlocal Agreement, as the case may be, which sets forth the responsibilities and duties of each regarding administration of the approved Project and approved Funding Cycle Allocation.

2) The Grant Agreement or the Interlocal Agreement, as the case may be, shall specify the following and shall incorporate such other terms and conditions as may be required by particular circumstances:

a) A Project Narrative/Description of Project, including location of Project, and beginning and end dates;

b) An overall budget for the final Project, identifying additional sources of revenue;

c) A Funding Cycle Allocation and Funding Allocation line item budget (proposed use of BBC GOB funds);

d) If the Recipient is a Community-Based Organization or other entity (not a Municipality or Public Agency), a letter of commitment of matching funds validly executed committing the organization to raise any additional capital funds necessary to complete the Project, and committing to provide operating, maintenance and programming funds upon completion of the Project, all as authorized and approved by the Recipient's Board of Directors or governing entity;

e) If the Recipient is a Municipality or Public Agency, a letter of commitment of matching funds validly executed committing the organization to appropriate capital funds necessary to complete the Project and to provide operating, maintenance and programming funds upon completion of the Project, all as authorized and approved by the governing board of such Municipality or Public Agency;

f) Certification of ownership, or evidence of lease or other use agreement for a minimum un-expired term of 25 years;

g) Business plan and/or operating pro-forma, defining and identifying strategies to address the impact the Project will have on the organization's operational structure; and

h) A list of consultants that will be involved in the development of the Project (e.g., Owner's project manager(s), Architecture and Engineering team, Specialty Consultants, Developers, General Contractor or Construction Manager, etc.) as they become available.

B) **Pre-Agreement Expenses.** The incurring of Pre-Agreement Expenses by a Recipient creates no obligation on the County to execute a Grant Agreement or Interlocal Agreement, as the case may be, or otherwise satisfy those expenses. However, prior to the effective date of the Grant Agreement or Interlocal Agreement, as the case may be,~~,~~ a Recipient may incur eligible Pre-Agreement Expenses ~~as defined in Article I – Section 4,~~ and then after the effective date of the

Grant Agreement or Interlocal Agreement, as the case may be, be reimbursed for those costs, provided that:

1) The costs and activities are funded as part of the Funding Allocation award and are in compliance with the requirements of the Ordinance and these rules.

2) For those Projects funded by bond proceeds from bond sales subsequent to the sale of the Series 2005 Bonds, reimbursement of Pre-Agreement Expenses is limited to those Pre-Agreement Expenses incurred one (1) year prior to the first day of the Application Submission Period, unless previously approved by the Board. Pre-Agreement Expenses in the case of Economic Development Fund projects are limited to those Pre-Agreement Expenses incurred one (1) year prior to the application for an Economic Development Fund award.

3) The Recipient has notified the County Mayor or the County Mayor's designee ~~Manager~~ in writing of the intent to submit eligible Pre-Agreement expenses for reimbursement within 30-days of a Grant Agreement or Interlocal Agreement being executed. Recipients shall send a letter addressed to the County Mayor or the County Mayor's designee ~~Manager~~ for ~~his~~ review and approval of eligible expenses.

C) **Payment.** Recipients are paid allocated funds subject to the following conditions:

1 **BBC GOB Program Administration** ~~**Cost of Issuance of Bonds**~~**.** Not more than one percent (1%) of the value of each Funding Allocation award may be earmarked for all costs incidental to the ~~preparation, issuance and~~ administration of the BBC GOB Program.

2 **Timing.** With the exception of eligible Pre-Agreement Expenses, Project costs eligible for reimbursement shall be incurred between the effective date of, and the Project completion date identified in, the Grant Agreement or the Interlocal Agreement, as the case may be~~,~~ ~~with the exception of Pre-Agreement Expenses~~.

3) **Soft Cost Limits.** Project Soft Costs for Planning Services, Design Services and Project Administration, as defined in Article 1 Section 4, "Soft Costs", are eligible for funding provided that bond proceeds utilized to pay for such costs do not exceed seventeen percent (17%) of the total bond proceeds allocated to a given Project. This limitation may be waived by the Board. Where a major Project is funded in phases, this cost limit may not necessarily apply to each individual Project phase, but must apply to the Funding Allocation for the Project.

In order for GOB project to effectively comply with the Sustainable Building Ordinance (Ordinance 07-65), the amount eligible for reimbursement for project soft costs will be increased from 17% to 20% to accommodate both the costs of green building design, commissioning and pre-certification services in accordance with the Sustainable Buildings Ordinance and Implementing Order 8-8. For those projects where it is not practical to attain certification, design services can be employed to implement design interventions that on the average will result in an estimated payback of up to 10 years. Typical categories of payback include, but are not limited to, energy efficiency, water efficiency, productivity and operations, and maintenance.

4) Recipients will implement their own procurement process; however, they shall comply with all applicable Federal, State and local laws and regulations, including the County ordinances and regulations.

5) Recipients are responsible for managing the day-to-day operations of Funding Cycle Allocation supported activities, and maintaining communications with the County Mayor or the County Mayor's designee ~~Manager~~ regarding the Project. Recipients must monitor Funding Cycle Allocation supported activities to assure compliance with the Ordinance, these rules, the Grant Agreement or Interlocal Agreement, as the case may be, and all applicable Federal, State and local requirements.

6) Payments to the Recipient may be withheld at any time that the Recipient fails to comply with the terms of the Grant Agreement or the Interlocal Agreement, as the case may be. Funds withheld for failure to comply with the terms of the Grant Agreement or the Interlocal Agreement, as the case may be, but without suspension of the Funding Cycle Allocation shall be released to the Recipient upon subsequent compliance. Recipients will not be required to reimburse the County for payments already received by the County ~~from the Recipient~~ unless the Recipient fails to acquire, purchase, construct, develop and/or operate the Project for the purpose described in the Funding Application Package or is otherwise in default under the Grant Agreement or Interlocal Agreement.

7) Recipient's must complete the authorized signature form (Exhibit A).

8) a. In general, payment shall be made on a reimbursement basis. A Funding Cycle Allocation Recipient may submit a Request for Advance Payment form (Exhibit B) for review and approval by the County Mayor or the County Mayor's designee ~~Manager~~. Approved Recipients ~~recipients~~ may receive an advance payment no more that 180 days in advance of the allocation schedule approved by the Board, for up to 25% of the value of the Funding Allocation for the subject Project.

   b. However, in accordance with the guidelines reflected below, the County Mayor or the County Mayor's designee ~~Manager~~ may, on a case-by-case basis and at his sole discretion, consider advance payment of up to 90% of a Municipality's Funding Allocation ~~municipality's funding allocation~~ for a specific project. Upon the ~~County Manager's~~ decision by the County Mayor or the County Mayor's designee that a request for advance payment of up to 90% of a Municipality's Funding Allocation ~~municipality's funding allocation~~ for a specific Project ~~project~~ will be considered, the guidelines below will be applied consistently and in their entirety.

   Conditions under which a Municipality ~~municipality~~ may receive up to 90% of ~~their BBC allocation~~ its Funding Allocation for a subject Project ~~project~~:

   - A Municipality ~~municipality~~ must not owe money to the County and the County must not have any outstanding claims against the Municipality ~~municipality~~;
   - Project activity to date is proceeding on-schedule;
   - Construction schedules are being updated on a monthly basis and all required documentation has been submitted to Miami-Dade's Office of Capital Improvements (OCI);

- The Municipality ~~municipality~~ must have contract(s) in place to complete the Project ~~project~~ and no outstanding claims or disputes can exist between the Municipality ~~municipality~~ and their contractors on the Project ~~project~~; and
- Municipality payments to contractors, subcontractors and suppliers are being made timely~~:~~.

Field Evaluations will be conducted on a case-by-case basis by Miami-Dade's Office of Capital Improvements (OCI) and will include items such as:

- Field audit determination that the Project ~~project~~ is on-schedule including physical construction~~:~~; and
- Follow-up field audit inspections will be performed by OCI to ensure Project ~~project~~ completion:

OCI will submit a written recommendation to the County Mayor or County Mayor's designee ~~Manager~~ to approve any disbursement under these provisions. The Municipalities ~~municipalities~~ will be required to execute a supplemental agreement acknowledging these terms.

Safeguards/Corrective Actions to be implemented by the County in case of non-compliance by a Municipality ~~municipality~~ with the BBC-GOB Program Administrative Rules or if satisfactory progress is not being maintained will include:

- Funding for municipal or other GOB-funded Project ~~projects~~ to be performed by the subject Municipality ~~municipality~~ will be withheld~~:~~;
- The County will ask to be reimbursed the amount given to the Municipality ~~municipality~~ as part of the Grant Agreement ~~grant agreement~~ and/or withheld funds due to the Municipality ~~municipality~~ from other County funding sources such as PTP~~:~~; and
- If the Municipality ~~municipality~~ refuses to reimburse the County the amount ~~of~~ due under the Grant Agreement ~~grant agreement~~, the County may employ all available means to recover the subject funds up to and including litigation.

The aforementioned safeguards will be implemented by the County in Cases of non-compliance. All conditions shall be a part of all Interlocal Agreements ~~grant agreements~~ with a Municipality ~~municipality~~. All existing Interlocal Agreements ~~grant agreements~~ will be amended to include the provisions referenced above and all new Interlocal Agreements ~~grant agreements~~ will likewise include these provisions.

Any disbursement of funds under these provisions will be reported to the Board.

c. All advance payments received by a Recipient shall be maintained in a separate interest bearing account and may not be commingled with other funds. All advances and interest earned must be fully accounted for. The Recipient shall submit evidence of interest earned to the County with any subsequent reimbursement request. The amount of interest earned shall be deducted from such subsequent payment to the Recipient. If at any time the amount of interest earned is greater than the reimbursement request the Recipient shall submit payment to the county an amount equal to the interest earned less the reimbursement

request. Upon the County's receipt of the payment and any required supporting documentation from the Recipient, the reimbursement request may be paid. Checks must be made payable to Miami-Dade County Board of County Commissioners and forwarded to the County Executive Office.

9) Recipients must submit reimbursement/payment requests no later than quarterly. If a Recipient is unable to submit a reimbursement/payment request by the quarterly deadline, a written justification indicating the reason for the delay and expected submission date is required to be submitted by the deadline. Failure to comply with this requirement shall render the Recipient in non-compliance with the Administrative Rules and may result in reduction or forfeiture of payment, at the discretion of the County Mayor or the County Mayor's designee ~~Manager~~. Failure to submit two consecutive requests shall be deemed a forfeiture of all rights unless specifically waived by the County Mayor or the County Mayor's designee ~~Manager~~. The Recipient must submit a written explanation for such delays in order to be considered for a waiver of this requirement and all such waivers shall be made at the sole discretion of the County Mayor or the County Mayor's designee ~~Manager~~.

10) Recipients shall complete, sign, and submit to the County the appropriate Reimbursement Request forms as necessary (Exhibits D through H) accompanied by supporting documentation (i.e., copies of invoices, receipts and check payments).

11) Reimbursement requests for Fixtures, Furniture & Equipment items must be included and approved in the Grant Agreement or the Interlocal Agreement, as the case may be, prior to acquisition. Written requests for Fixtures, Furniture & Equipment approval must be accompanied by Exhibit H.

12) In accordance with State law, five percent (5%) of the value of the BBC GOB Program ~~Building Better Communities General Obligation Bond~~ funding for a given Project shall be retained by the County for all projects in excess of $100,000, unless otherwise recommended in writing by staff and approved by the Board. Upon completion of a Project, a signed project completion certificate (Exhibit I) must be submitted with the final reimbursement request forms in order for the remaining retainage to be released.

13) The County Mayor or the County Mayor's designee ~~Manager~~ may require that reimbursement requests for any Funding Allocations requiring a cash match must be accompanied by documentation of the expenditure of committed match funds (i.e., copies of invoices, canceled checks, etc.).

14) Each Recipient will ensure that all contractors and consultants perform in accordance with the terms, conditions, drawings and specifications of their contracts or purchase orders and that all Federal, State and local contracting rules apply.

15) Each Recipient shall maintain an accounting system, which meets generally accepted accounting principles, and shall maintain all required financial records to properly account for all Building Better Communities General Obligation Bond funds and any supplemental funds used for the Project. The Recipient shall at all times maintain a separate accounting of all Building Better Communities General Obligation Bond funds.

16) Each Recipient shall be responsible for reporting, on a continuous, on-going basis, any contractual relationship established to perform work on the project, start dates, progress payments, completion dates, etc. in the system provided by the County.

17) The Recipient shall be responsible for completing the Project. If the total cost of the Project exceeds the value of the Funding Allocation, then the Recipient must provide any supplemental funds required. In the event that supplemental funds are necessary for completion of a Project, as of the point in time that it is known that supplemental funds are needed, the Recipient must demonstrate that such supplemental funds have been committed to the Project prior to and as a condition of disbursement or further disbursement of Funding Cycle Allocations. The requirement for a Recipient to provide supplemental funds may be modified, in part or whole, by the Board, to the extent that it approves in writing any reduction or change to the Project scope of work in accordance with the Ordinance. Approval of any reduction or change in scope of work is at the sole discretion of the Board.

D) **Acquisition Projects.** Guidelines and requirements for administering Acquisition Project Funding Allocations are as follows:

1 Appraisal Required. Prior to acquisition of a Project site, a Recipient must obtain an appraisal or appraisals supporting the fair market value of the land to be acquired. Pursuant to State law, if the property is $500,000 or less in appraised value, one appraisal is required. If the property exceeds $500,000 in appraised value, two appraisals are required.

2 Amount Authorized for Payment. The amount of Funding Cycle Allocation authorized for payment for land acquisition shall in no case exceed the Funding Allocation available for the Project. In the event that the negotiated acquisition price exceeds by ten percent or greater the appraised value of the land, the disbursement of Funding Allocation shall be conditioned upon a written justification for the purchase price and other conditions attendant to the proposed purchase, which justification is declared satisfactory by the Board in writing. Appraisal costs are eligible Funding Allocation costs as long as the appraised property is being realistically and seriously considered for Acquisition, regardless of the outcome.

3 Environmental Survey. The Recipient may not acquire land for a BBC GOB Program funded Project until a Phase I environmental survey is completed, which demonstrates that the property is suitable for its intended general use and for the specific Project. GOB funds may be used for the necessary clean-up a Phase II environmental survey may require provided the scope of the Project ~~project~~ is not impacted. Changes to the scope of the Project ~~project~~ require BCC approval.

4 Signage. For six months following an Acquisition, the County shall post a sign, in the general design provided by the County, containing the Building Better Communities General Obligation Bond logo, identifying the source of Project funding. The cost of such a sign is eligible for payment from the Funding Allocation.

5) Ownership. Title to land acquired with BBC GOB Program funds or facilities constructed/developed with Building Better Communities General Obligation Bond funds shall vest with a Public Agency, ~~or~~ a legally incorporated 501(c)(3) not-for-profit Community-Based Organization, or an active and duly registered Florida for-profit corporation or other recognized business entity.

E) **Development Projects.** Guidelines and requirements for administering Development Project Funding Allocations are as follows:

1) Licensed Contractors; Contractor Bonds. Duly licensed contractors shall perform all construction. Construction contracts for work in excess of the threshold amounts established in Section 255.20 of the Florida Statutes shall require payment and performance bonds, which comply with the requirements of Section 255.05, Florida Statutes, to the extent applicable.

2) Cost Elements.

   a) Construction Equipment. Recipients are required to use their own equipment, if available. If a Recipient's equipment is used, the maximum Funding Allocation payment shall cover operating and routine maintenance costs of such equipment; the Funding Allocation excludes any depreciation or replacement cost from payment. If a Recipient's equipment is used, a report or source document must describe the work performed, indicate the hours used and be related to the Project. If a Recipient does not have needed construction equipment available, then the Recipient may rent such equipment.

   b) Construction Supplies and Materials. Supplies and materials may be purchased for a specific Project or may be drawn from a central stock, providing they are claimed at a cost no higher than that which the Recipient paid. When supplies and/or materials are purchased with the intention of constructing a piece of equipment, structure or part of a structure, the costs that are charged as supplies and materials may be capitalized according to the Recipient's normal practice or policy. If capitalized, only the cost reasonably attributable to the Project may be claimed under the Project.

   c) Personnel or Employee Services. Services of the Recipient's employees who perform work directly related to the accomplishment of the Project are eligible costs payable from the Funding Allocation. These costs must be computed according to the Recipient's prevailing wage or salary scales and may include fringe benefit costs, such as vacations, sick leave, FICA, MICA, health and life insurance, and workers compensation at the Recipient's established fringe benefit rate. Costs charged to the Project must be computed on the basis of actual time spent on the Project, and supported by time and attendance records describing the work performed on the Project. Overtime costs may be allowed under the Recipient's established policy, provided that the regular work time was devoted to the same Project. Salaries and wages claimed for employees working on allocation-funded Projects must not exceed the Recipient's established rates for similar positions or rates per industry standards. Alternative methodologies for established wage rates must be pre-approved by the Board.

   d) Consultant Services. The costs of consultant services necessary for the Project are eligible for payment from the Funding Allocation. The Recipient must pay consultants according to the Recipient's customary or established method and rate. No consultant fee may be paid to the Recipient's own employees.

3) Cost Activities.

a) Construction activities. The cost of all necessary construction activities, from site preparation (including demolition, survey, excavation and other site work) to the completion of a structure is eligible for payment from the Funding Allocation.

b) Fixtures, Furniture and Equipment. Except for Projects funded by the Economic Development Fund, ~~T~~the cost of Fixtures, Furniture and Equipment necessary to operate the facility are eligible for payment from the Funding Allocation if approved in the Grant Agreement or the Interlocal Agreement, as the case may be, and a detailed list of eligible items is submitted in writing and approved by the County Mayor or the County Mayor's designee ~~Manager~~ prior to its purchase (See Article III, Section 1 (c)). Costs for consumable goods shall not be considered eligible for payment from the Funding Allocation. Also, refer to Article I, Section 4 for a detailed definition of Fixtures, Furniture and Equipment.

c) Interpretive Signs and Aids. The cost of signs, display boards or other interpretive aids relating to the Project are eligible for payment from the Funding Allocation.

d) Signage. During the time period of Development, the County shall post a sign in a prominent location at the Project site in the general design provided by the County depicting the Building Better Communities General Obligation Bond logo and identifying the source of funding for the Project. The cost of such a sign is eligible for payment from the Funding Allocation.

Recipients are encouraged to use value-engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions.

4) The following is a nonexclusive list of costs ineligible for payment from the Funding Allocation:

a) Funding Application costs.

b) Ceremonial expenses.

c) Expenses for publicity.

d) Bonus payments unless specifically authorized by the Board.

e) Charges in excess of the lowest responsive and responsible bid or proposal in accordance with the governing rules and procedures of the Recipient, when the law requires the Recipient to utilize competitive selection. In the event a selection process is used, other than a low bid process any cost in excess of the cost of the highest ranked firm shall be considered ineligible.

f) Charges for deficits or overdrafts.

g) Charges incurred contrary to the policies and practices of the Recipient.

h) Interest expense (May be reimbursed at the discretion of the Board if incurred during the construction period and is attributable only to the construction period).

i) Litigation expenses or judgments.

j) The cost of services, material or equipment obtained under any other program.

k) Costs of discounts not taken.

l) The cost of purchasing a non-refundable option when acquiring land.

F) **Budget Changes.**

1) Recipients shall adjust their Project budgets to reflect actual costs and updated cost estimates and shall submit adjusted Project budgets to the County Mayor or the County Mayor's designee ~~Manager~~ as soon as the recipient is aware of a material budget change.

2) Budget adjustments may not exceed the 17% Soft Cost limitation for design, planning, and program administration, with the exception of those projects meeting the Sustainable Building Ordinance, nor exceed the Project Funding Allocation without approval of the Board.

3) Recipients shall obtain the prior written approval of the Board whenever budget adjustments are anticipated as outlined in a, b, and c below. The request must be in the same budget format the Recipient used in the Grant Agreement or Interlocal Agreement, as the case may be, and shall be accompanied by a narrative justification for the proposed revision. Such request for adjustment shall, if approved, amend the Grant Agreement or Interlocal Agreement, as the case may be. Requests for budget changes shall be considered whenever any of the following adjustments are required:

a) For any Project involving both Acquisition and Development activities, any proposed budget transfers from Development to Acquisition.

b) Any proposed reduction or revision of the scope or objectives of the Project (regardless of whether there is an associated budget adjustment) that substantially changes the original intent of a project.

c) Any change that would increase Soft Costs for planning, design, and project administration which exceeds the limit specified in Article III, Section 3 (c)(1).

In the event that a Recipient has completed the approved scope of work for a Project and has unexpended funds, the Recipient may submit a request to the County Executive Office to expend these funds in an existing or new budget line item for the Project. The County Mayor or the County Mayor's designee ~~Manager~~ is authorized to approve such budget changes and expenses not to exceed 15% of the total budget.

G) **Cost Overruns.** The Recipient shall fund all cost overruns. During the execution of work on a Project, the Recipient may find that actual Project costs exceed the approved budget. For cost overruns that will require additional funding for the Project, or otherwise require a budget

adjustment for which prior Board approval is required pursuant to paragraph E above, the Recipient shall:

1) Provide a justification for the additional costs;

2) Identify available funds for the completion of the Project; and, if necessary

3) Request from the Board a change or revision in the Project scope consistent with the terms of the Ordinance and the Authorizing Resolutions.

The Board, at its discretion, may authorize in writing a change or revision in the scope of the Project: (i) where change or revision of the scope is consistent with the Ordinance; and (ii) where the change or revision is justified by the Recipient; and (iii) where the Recipient does not have sufficient funds to complete the Project with the available funds. Under those circumstances, the Board, in its sole discretion, may identify other funds available under the Ordinance for the Project.

SECTION 2. COMPLIANCE RESPONSIBILITIES

The following constitute general requirements for program compliance:

A) An annual independent audit of the Building Better Communities General Obligation Bond funds must be submitted by all Recipients to the County Executive Office no later than six months after the close of the Recipient's fiscal year for which a Funding Allocation was received and each year thereafter until Project completion. The audit report must include the Fund Summary Status Report, Exhibit J. The audit must be performed by certified independent auditors and include the following:

1) Test for compliance with the Grant Agreement or Interlocal Agreement, as the case may be, Miami-Dade County Ordinance No. 05-47, applicable resolutions and the Building Better Communities General Obligation Bond Administrative Rules.

2) Test to verify compliance with advance requirements.

3) Sufficient tests, as determined by the independent auditor to verify true and accurate reflection of Project expenditures.

4) Tests to verify expenditure of required match dollars.

5) Verification of the Fund Summary Status Report.

B) Land and facilities acquired, developed, improved or rehabilitated by Funding Allocation shall be dedicated and maintained in perpetuity for the use and benefit of the general public except where leases are in effect. Any land, facilities, or equipment acquired with Building Better Communities General Obligation Bond funds may not be sold or transferred without the written consent of the County and may require an equitable reimbursement of bond funding based on residual value. All projects shall be open to the public at reasonable times and shall be managed in a safe and attractive manner appropriate for public use.

C) Funding Allocation for the purposes of development, improvement, rehabilitation or restoration

shall be expended for these purposes only on lands owned by a Recipient or on lands for which the Recipient holds a lease or other use agreement. Such lease or other use agreement must be for an unexpired minimum term of 25 years. The Funding Allocation Recipient may demonstrate the eligibility of the Project to the reasonable satisfaction of the Board, through a joint ownership, use, franchise or other agreement, evidencing that the lands and/or the Project will be utilized for the public benefit, consistent with the terms of ~~this~~ the Ordinance, for a term of at least 25 years in duration. The lease must not be revocable at will.

D) Recipient shall maintain all financial and programmatic records, supporting documents and other records pertinent to the Funding Allocation for a period of three years from the starting date defined below. If any litigation, claim, negotiation, audit or other action involving the records has been started before the expiration of the three year period, the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular three year period, whichever is later. When Funding Allocation support is continued or renewed at annual or other intervals, the retention period for the records of each funding period starts on the day the Recipient submits to the County its single or last expenditure report for that period. In all other cases, the retention period starts on the day the Recipient submits its final expenditure report.

E) The Board and the County, or any of their authorized representatives, shall have the right of access to any pertinent books, documents, papers or other records of the Recipient in order to make audits, examinations, excerpts and transcripts.

Office of the Miami-Dade County Inspector General (IG) (MDC Code Section 2-1076) shall have the authority and power to review past, present and proposed County programs, accounts, records, contracts and transactions. The IG shall have the power to subpoena witnesses, administer oaths and require the production of records. Upon ten (10) days written notice to the Recipient from IG, the Recipient shall make all requested records and documents available to the IG for inspection and copying. The IG shall have the power to report and/or recommend to the Board whether a particular project, program, contract or transaction is or was necessary and, if deemed necessary, whether the method used for implementing the project or program is or was efficient both financially and operationally. Monitoring of an existing project or program may include reporting whether the project is on time, within budget and in conformity with plans, specifications, and applicable law. The IG shall have the power to analyze the need for, and reasonableness of, proposed change orders.

The IG may, on a random basis, perform audits on all County contracts throughout the duration of said contract (hereinafter "random audits"). This random audit is separate and distinct from any other audit by the County. To pay for the functions of the Office of the Inspector General, any and all payments to be made to the Recipient under the Grant Agreement will be assessed one quarter of one percent of the total amount of the payment, to be deducted from each progress payment as the same becomes due unless, as stated in the Code or the Grant Agreement, the Project is federally or state funded and federal or state law or regulations preclude such a charge. The Recipient shall in stating its agreed prices be mindful of this assessment.

The IG shall have the power to retain and coordinate the services of an independent private sector inspector general (IPSIG) who may be engaged to perform said random audits, as well as audit, investigate, monitor, oversee, inspect, and review the operations, activities and

performance and procurement process including, but not limited to, project design, establishment of bid specifications, bid submittals, activities of the contractor, its officers, agents and employees, lobbyists, County staff and elected officials in order to ensure compliance with contract specifications and detect corruption and fraud.

F) If a Recipient materially fails to comply with any term of an award, the Board or the County Mayor or the County Mayor's designee ~~Manager~~ may take one or more of the following actions, as appropriate in the circumstances:

1) Temporarily withhold cash payments pending correction of the deficiency by the Recipient;

2) Disallow all or part of the cost of the activity or action not in compliance;

3) Wholly or partly suspend or terminate the current award for the Recipient's Project;

4) Withhold further Funding Allocation awards from the Recipient; or

5) Take other remedies that may be legally available.

G) Any of the enforcement actions listed in paragraph F above, taken by the County Mayor or the County Mayor's designee ~~Manager~~, which are contested and unresolved between the Recipient and the County within thirty days of such action, will result in the Board providing the Recipient with an opportunity to be heard on the issue. Said hearing will occur within sixty days of the Board receiving the Recipient's written request. Staff will recommend appropriate action to the Board.

H) Costs to Recipient resulting from obligations incurred by the Recipient during a suspension or after termination of an award are not eligible for reimbursement unless the County Manager expressly authorizes them in the notice of suspension or termination or subsequently authorizes reimbursement in writing. Other costs incurred by the Recipient during suspension or after termination which are necessary and not reasonably avoidable are eligible for reimbursement if:

1) The costs result from obligations which were properly incurred by the Recipient before the effective date of suspension or termination, were not in anticipation of it, and in the case of a termination, are non-cancelable; and

2) The costs would be eligible for reimbursement if the award was not suspended or if the award expired normally at the end of the funding period in which the termination takes effect.

I) Inspections. Staff of the Board or the County, or both, shall periodically inspect each Project to ensure compliance with these rules, the Ordinance, and the Grant Agreement or Interlocal Agreement, as the case may be. Staff shall perform an inspection of the Project site to ensure compliance prior to release of the final Funding Allocation payment.

SECTION 3. REPORTS

Recipients are required to submit the Project Status Report no later than monthly (Exhibit E), in the format stipulated by the County Mayor or the County Mayor's designee ~~Manager~~. Additional

reports that shall be due upon request of the County Mayor or the County Mayor's designee ~~Manager~~ may include, but are not limited to:

A) Actual accomplishments of each Funding Cycle Allocation;

B) Problems encountered in implementation of each Funding Cycle Allocation; and

C) Anticipated start and/or completion dates of each Funding Cycle Allocation.

Recipient may be required to meet with the Board to discuss the Project.

SECTION 4. PROJECT CLOSE-OUT

A) A Recipient has up to forty-five (45) days after the expiration or termination of the Funding Allocation to submit all final documentation including final reimbursement requests and Project ~~project~~ completion certificates.

B) The close-out of a Funding Allocation does not affect:

1) The County's right to disallow costs and recover funds on the basis of a later audit or review;
2) The Recipient's obligation to return any funds due as a result of later refunds, corrections or other transactions;
3) Records retention responsibilities set forth above;
4) Continuing responsibilities set forth in the Ordinance, the Grant Agreement or Interlocal Agreement, as the case may be, and these rules; and
5) Audit rights set forth in these rules.

C) Any amounts paid to Recipient in excess of the amount to which the Recipient is finally determined to be entitled under the terms of the Grant Agreement or Interlocal Agreement, as the case may be, constitute a debt to the County. If not paid within a reasonable period after demand, the County may reduce the debt by:

1) Making an administrative offset against other requests for reimbursement;
2) Withholding payments otherwise due to the Recipient; or
3) Taking other action provided by law.

Any overdue debt of the Recipient shall accrue interest at the maximum rate allowed by law.

SECTION 5. INTERPRETATION; ADMINISTRATION

These administrative rules have been promulgated under the Ordinance. In the event of a conflict between these rules and the provisions of the Ordinance, the Ordinance shall prevail.

The County Mayor or the County Mayor's designee ~~Manager~~ shall be authorized to interpret the provisions of these administrative rules and their interpretation of any matters governed hereby shall be final and may only be overturned by a majority vote of the Board. The County Mayor or the County Mayor's designee ~~Manager~~ shall submit recommendations amending these administrative rules to the Board, which may approve or reject such recommendations by majority vote.

The County Mayor or the County Mayor's designee ~~Manager~~ shall be authorized and required to administer the Building Better Communities General Obligation Bond Program consistent with the Ordinance and these administrative rules.

Exhibit A

OFFICE OF CAPITAL IMPROVEMENTS
AUTHORIZED SIGNATURE FORM

Date:	
Grantee:	
Contact Name:	
Contact Phone & E-mail:	

This form certifies the names, titles and signatures of individuals authorized by the Grantee to sign contracts, and requests for; scope changes, budget revisions, advances, reimbursements, and any other requests that may be required by the Board of County Commissioners for the disbursement of funds. These signature authorizations are retained by the Office of Capital Improvements for auditing purposes. Entities are required to submit updates to this list as they become necessary.

*** I authorize the individuals named below to represent the organization to complete the respective tasks listed herein.**

Name (please type or print)	*Title (please type or print)*	*Signature*

Name (please type or print)	*Title (please type or print)*	*Signature*
Contracts & Subcontracts		
Requests for Scope Changes		
Requests for Budget Revisions		
Requests for Advances & Reimbursements		

Please submit this form with or before your first request for an advance or reimbursement.

EXHIBIT B

Office of Capital Improvements
Request for Advance Payment

Date

Grantee

Grantee Vendor Number
(Federal ID Number)

Bond Series / Other

GOB Project Name & GOB Project Number

GOB Project Amount

Amount of Advance Requested

Reason For Requested Amount

Certification

I hereby certify that this request is in compliance with the Office of Capital Improvements Building Better Communities Bond Program Administrative Rules, Article III Section 1C(8) governing the request for advance payments. I also certify that this advance shall be maintained in a separtae interest bearing account, that these funds will not be co-mingled with other funds and that all interest earned will be repaid to the County. I further agree to account for this advance within one (1) year of the approval date, indicated below, and before any subsequent reimbursement requests are submitted.

AUTHORIZED SIGNATURE **DATE**

Administrative Use Only

Amount Approved Authorized Signature Date

EXHIBIT C

Office of Capital Improvements

Report of Interest Earned on Advance

*This form **must** be submitted with copies of bank statements or certified financial reports from the Grantee that verify the account number, date and amount of deposit, interest rates and total interest earned as of the date of this report.*

Grantee	
Bond Series & Other	
GOB Project Name & GOB Project Number	
Date of Deposit	
Amount of Deposit	
Expenditure to Date	
Interest Rate	
Interest Earned as of (Date)	
Current Balance	

AUTHORIZED SIGNATURE & TITLE

DATE

Exhibit D

PLEASE SUBMIT THIS FORM ON MUNICIPALITIES LETTERHEAD

GOB Reimbursement Request

Date:

Office of Capital Improvements
Attn: Jose Galan, Chief Program Legislation
111 NW 1st Street, Suite 2130
Miami, Florida 33128

Attached please find the required reimbursement forms requesting payment in the amount of _____ minus retainage for the following:

GOB Project Name & GOB Project Number	Amount

I certify that all the attached documents have not been previously reimbursed or submitted for payment and that all of the expenditures comply with the terms and conditions of the contractual agreement, Miami-Dade County Ordinance 05-47 and the Building Better Communities Bond Program Administrative Rules and have attached our monthly report (Exhibit E) providing the latest project update.

Sincerely,

_____ _____

Authorized Signature/Title **Date**

EXHIBIT E

Office of Capital Improvements

Reimbursement Request - GOB Funding

Grantee:	
GOB Project Name & GOB Project Number:	
Bond Series / Other:	
Request Number:	
Date:	

		REIMBURSEMENT INFORMATION (000's)				
	(A)	(B)	(C)	((B+C) = D)	(A-D)	(D/A)
Series XXXX GOB Milestones	*Series XXXX Allocation*	*Total Prior Requests*	*Current Request*	*Total Requests*	*Series XXXX Allocation Balance*	*% of Series XXXX Allocation Spent*
				0	0	
RETAINAGE						
GRAND TOTAL						

SIGNATURE & TITLE **DATE**

Note: A more detailed version of this form may be used.

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EXHIBIT E

Office of Capital Improvements

Reimbursement Request - Total Project

Grantee:	
GOB Project Name & GOB Project Number:	
Bond Series / Other:	
Request Number:	
Date:	

SCHEDULE					Cost (000's)		Percentage of Work, Funds, and Time Completed		
	(A)	(B)	(C)	(D)	(E)	(F)	* (G)	((F/E) =H)	((D/C)=G)
Milestones	*Start Date*	*Finish Date*	*Duration In Days*	*Time Lapsed*	*Total Project Budget*	*Actual Spent*	*% of Work Completed Based on Actual Progress*	*% of Total Project Budget Spent*	*% of Time Lapsed*
GRAND TOTAL									

Project Status Description

SIGNATURE & TITLE

DATE

** Column G is an estimate of the work completed and is subjective.*

Note: A more detailed version of this form may be used.

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EXHIBIT F

Office of Capital Improvements

Grantee Direct Labor Costs Report

Grantee:	
GOB Project Name & GOB Project Number:	
Bond Series / Other:	
Request Number:	
Billing Period:	

Budget Line Item	Employee Name	Job Classification	# of Hours	Hourly Rate	Total Labor Cost
Planning					
Total Planning Request					
Design					
Total Design Request					
Administration					
Total Administration Request					
Construction/Other					
Total Construction / Other Request					
Grand Totals					

AUTHORIZED SIGNATURE

DATE

EXHIBIT G

Office of Capital Improvements

Fixtures, Furniture and Equipment

(See Article III, Section 1 (C)10 of the Administrative Rules)

Grantee:
GOB Project Name & GOB Project Number:
Bond Series / Other:
Request Number:
Billing Period:

Vendor	FF&E Item	QTY	Amount

AUTHORIZED SIGNATURE & TITLE **DATE**

EXHIBIT J

Office of Capital Improvements

Fund Summary Status Report

Grantee:	
GOB Project Name & GOB Project Number:	
Bond Series / Other:	
Fiscal Year Ending:	
Date:	

Milestones	Land/Bldg Acquisition Year End Fund Status			Planning, Design & AdminYear End Fund Status			Construction Phase Year End Fund Status		
	Total Actual Expenditures as of:	Total Reimbursements Received as of:	Total Pending Reimbursements as of:	Total Actual Expenditures as of:	Total Reimbursements Received as of:	Total Pending Reimbursements as of:	Total Actual Expenditures as of:	Total Reimbursements Received as of:	Total Pending Reimbursements as of:

GRANTEE AUTHORIZED SIGNATURE

Date

Auditor's Certification

I have obtained the Rules and related policies and procedures (Administrative Rules, Ordinances, Resolutions) and have performed the substantive tests deemed necessary to determine compliance with established policies and procedures. I have also verified that the above is an accurate reflection of expenditures and reimbursements for this audit period.

AUDITOR'S SIGNATURE

COMPANY NAME

DATE

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EXHIBIT K

Office of Capital Improvements

Bank Account Disclosure Form

Bond Series A

Grantee: _____

GOB Project Name: _____

GOB Project Number: _____

Name Of Bank In Which Grant Funds Will Be Deposited: _____

Account Number: _____

Person(s) Authorized To Withdraw Funds Or To Write Checks:

Name: _____ Title: _____

Name: _____ Title: _____

Name: _____ Title: _____

_____

AUTHORIZED SIGNATURE & TITLE

_____

Print Name

_____

DATE

ECONOMIC DEVELOPMENT FUND:
OPA-LOCKA AIRPORT STRATEGIC AREA

MIAMI-DADE COUNTY, FLORIDA

PROPOSED BOUNDARY OPA-LOCKA AIRPORT STRATEGIC AREA

PROPERTY LAYER

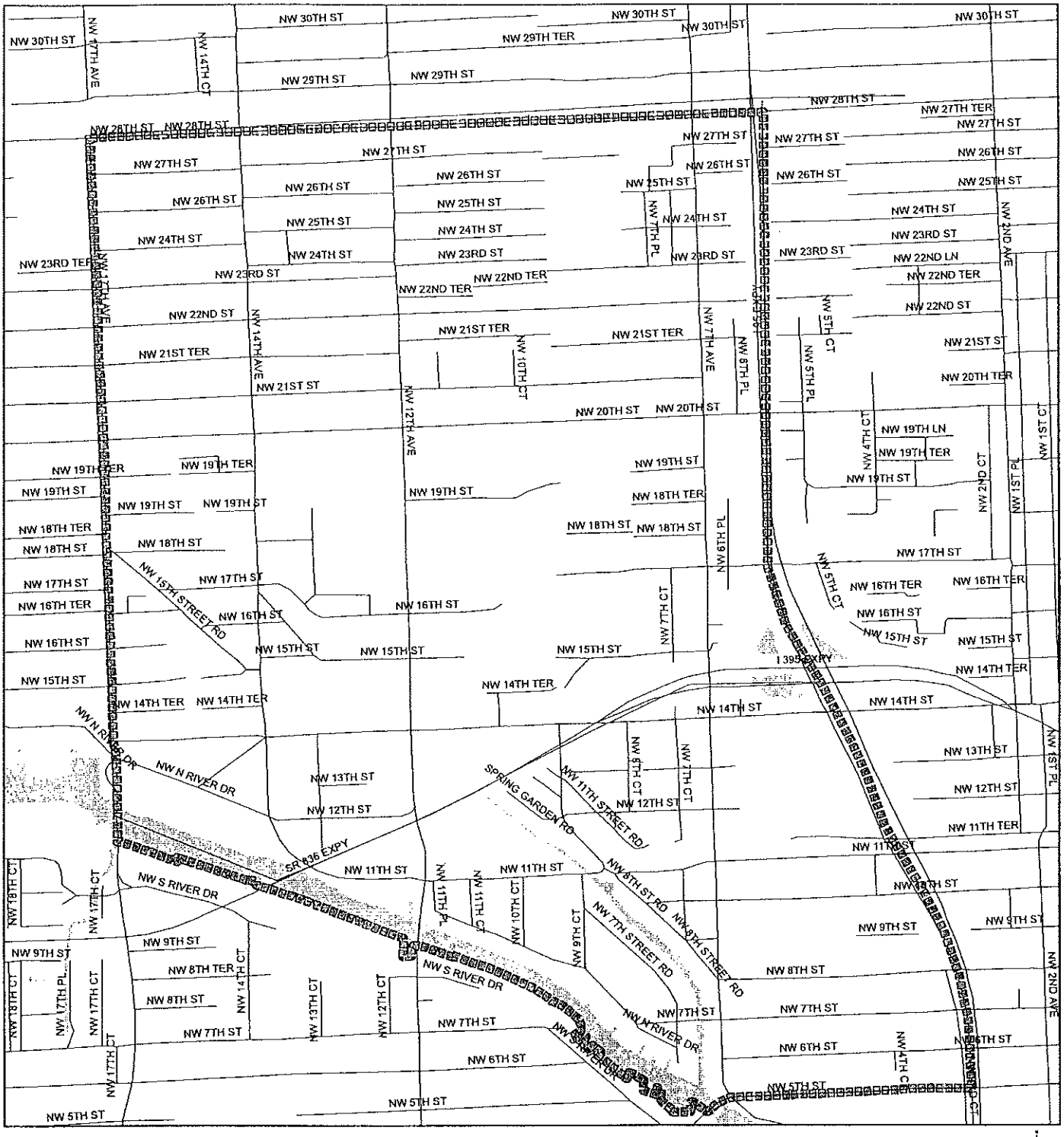
Delivering Excellence Every Day

DEPARTMENT OF PLANNING & ZONING
PLANNING RESEARCH SECTION

FEBRUARY 2010

Economic Development Fund:
Civic Center/Medical District Strategic Area

MIAMI-DADE COUNTY, FLORIDA

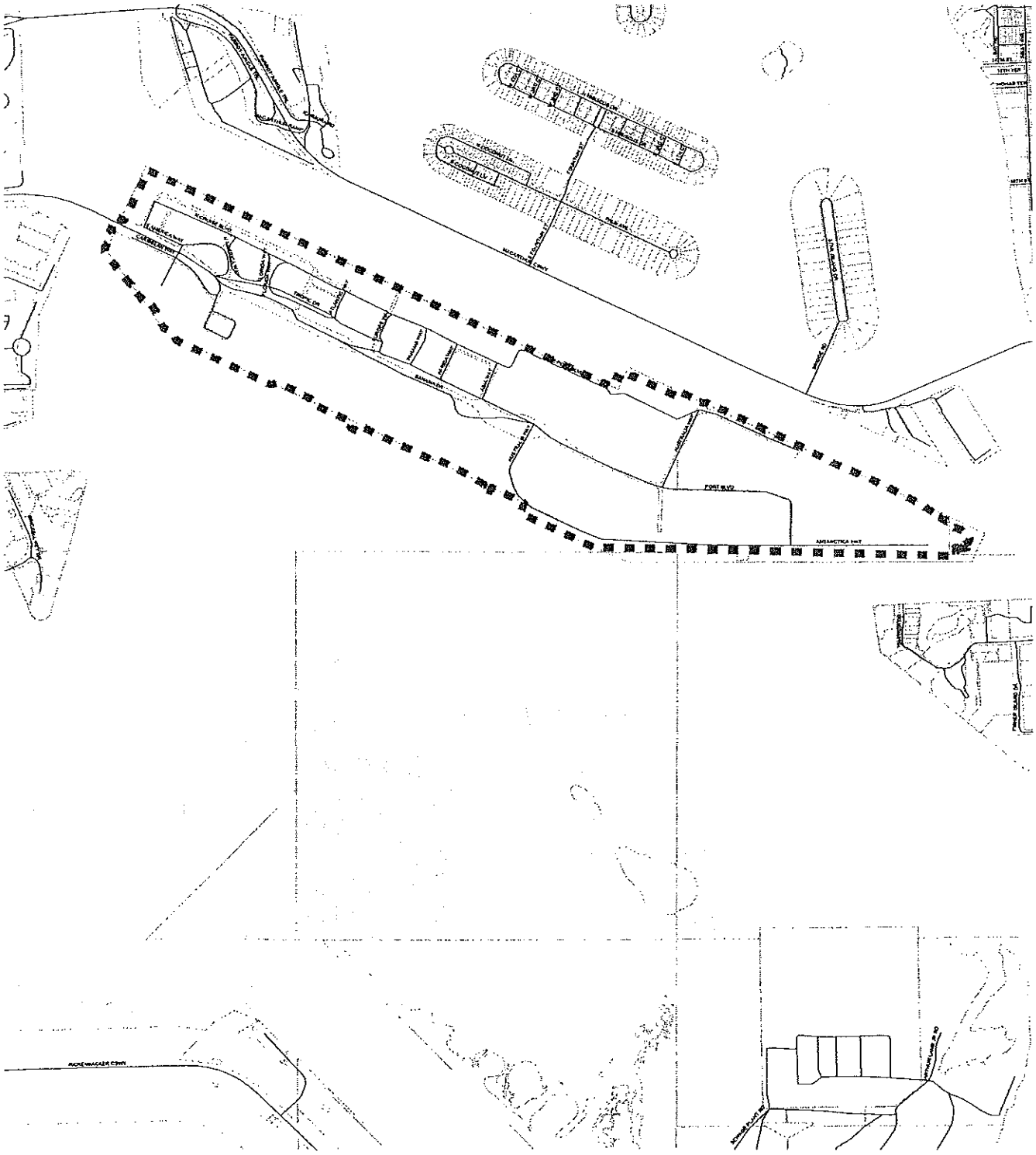


November 17, 2009

DEPARTMENT OF PLANNING & ZONING
PLANNING RESEARCH SECTION

ECONOMIC DEVELOPMENT FUND:
PORT OF MIAMI STRATEGIC AREA

MIAMI-DADE COUNTY, FLORIDA



PORT OF MIAMI BOUNDARY
PROPERTY LAYER

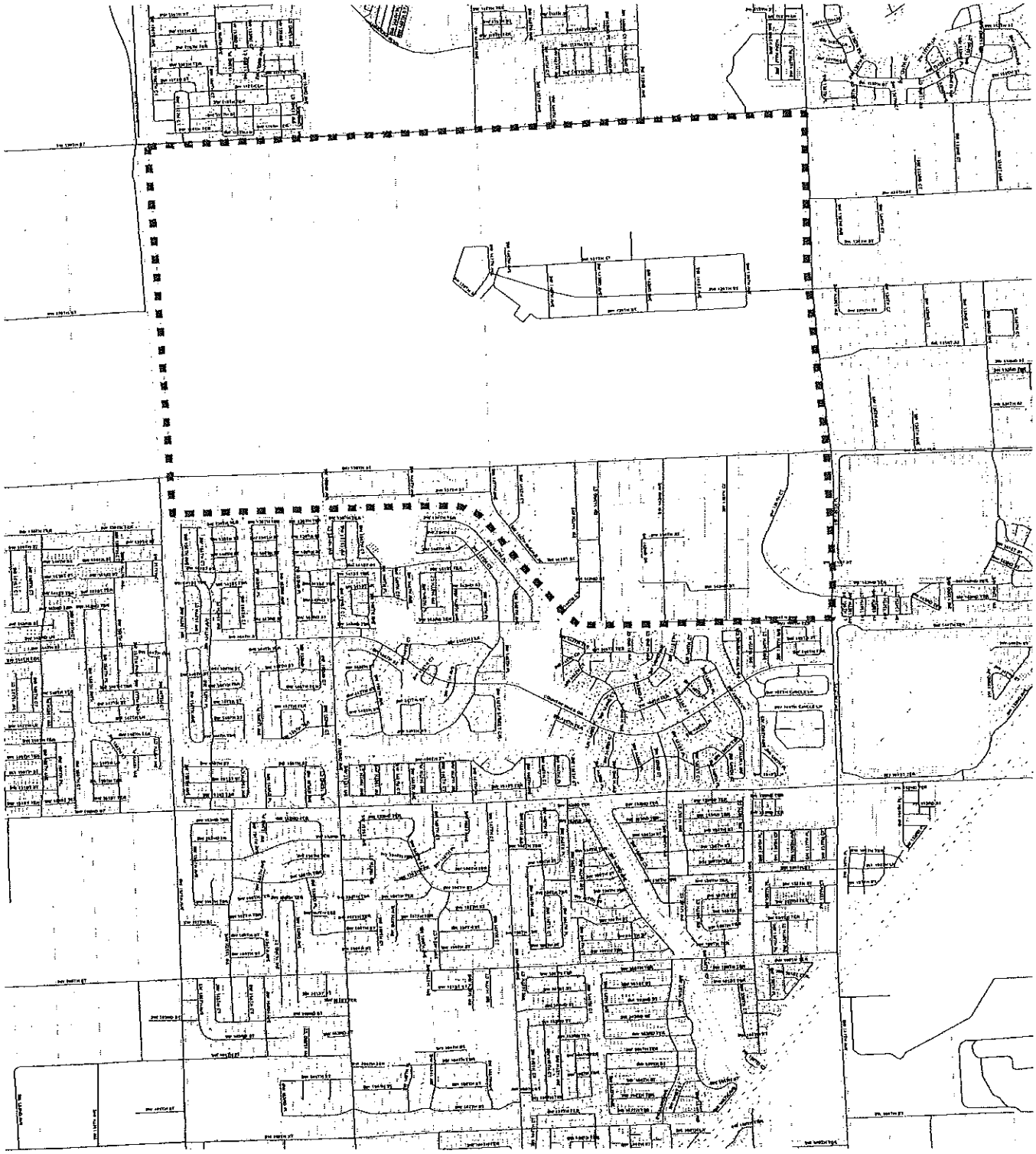
Planning Excellence Every Day

DEPARTMENT OF PLANNING & ZONING
PLANNING RESEARCH SECTION

APRIL 2016

ECONOMIC DEVELOPMENT FUND:
TAMIAMI AIRPORT STRATEGIC AREA

MIAMI-DADE COUNTY, FLORIDA



PROPOSED BOUNDARY TAMIAMI AIRPORT STRATEGIC AREA

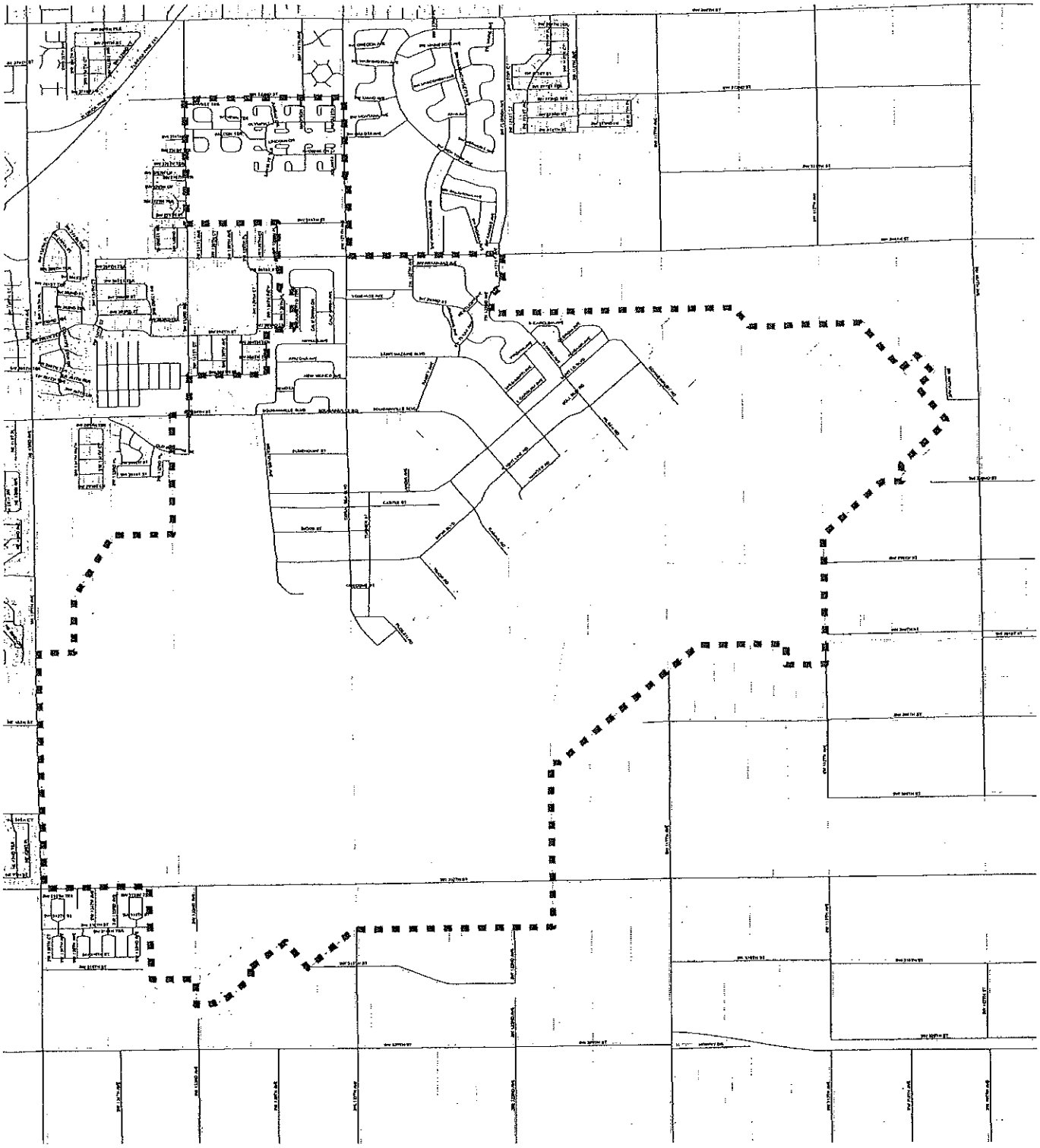
PROPERTY LAYER

DEPARTMENT OF PLANNING & ZONING
PLANNING RESEARCH SECTION

FEBRUARY 2018

ECONOMIC DEVELOPMENT FUND:
HOMESTEAD AIR RESERVE BASE STRATEGIC AREA

MIAMI-DADE COUNTY, FLORIDA



PROPOSED HOMESTEAD AIR RESERVE BASE STRATEGIC AREA

PORPERTY LAYER

FEBRUARY 2010

DEPARTMENT OF PLANNING & ZONING
PLANNING RESEARCH SECTION

Memorandum

MIAMI-DADE COUNTY

DEFERRED TO 6/15/2010

Supplement to
Agenda Item No. 12(A)5

Date: June 3, 2010

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

From: George M. Burgess
County Manager

Subject: Supplemental Information on the Administrative Rules update for Building Better Communities General Obligation Bond Project – 124

The proposed revisions to the Administrative Rules that govern the Building Better Communities General Obligation Bond (GOB) designate five geographic areas within the County that would be eligible to receive GOB funds for infrastructure investments under Project 124 - Economic Development Fund (EDF). The designated areas are referred to as: Opa-locka Executive Airport Area; Civic Center/Medical District; Port of Miami; Kendall-Tamiami Executive Airport Area; and Homestead Air Reserve Base Area. These five strategic areas do not apply to GOB Project 320, which limits the use of GOB funds to the County's Targeted Urban Areas as set by County Ordinance.

The selection of these strategic areas was based on an analyses centered on three key objectives described below.

1. **Support the expansion or facilitate the emergence of important industry clusters that provide opportunities for innovation, entrepreneurship, and high wage jobs.**

Industry clusters are widely recognized as critical elements of regional long-term economic growth as they form the basis for regional competitive advantage. Aviation, global logistics (includes international trade) and life sciences are important engines of future local economic growth. Clean energy, and homeland security and defense are emerging industry clusters that may also provide significant economic development opportunities for the County in the future. These clusters mentioned are the ones that the County will seek to attract or expand with GOB Project 124 funds.

2. **Better utilize existing transportation assets by focusing on areas with existing regional transportation links necessary for attracting businesses by offering easy access to regional, national and international markets.**

The County's economy is highly integrated with larger regional, national and global economies, and efficient and effective transportation links to those economies are, therefore, key elements in the future economic development of the County. Incentives alone are not enough to generate economic development, and strong connectivity to customers, suppliers and workers is an important criterion for business site location. The locations selected as proposed strategic areas for EDF incentives or investments were those with relatively easy access to important components of the County's transportation network.

3. **Encourage economic development located within or in close proximity to existing County designated economic priority areas and thereby provide new job opportunities for underserved communities.**

Creating job opportunities for economically underserved communities is a high priority within the County's economic development goals. This priority is reflected in the County's designation of special economic development areas characterized largely by disproportionately high rates of

poverty and high concentrations of low- and moderate-income households. Expanding or new businesses located within these special areas are eligible for economic development incentives from the State and the County. The likelihood of successfully generating cluster development or expansion is increased when EDF strategic areas lay within or in close proximity to a County designated economic development area, which therefore allows economic development incentives to be stacked and make the area a more attractive business location.

In addition, but no less important than the three key objectives, an EDF strategic area must also have adequate capacity to accommodate new development through utilization of vacant land or land suitable for redevelopment.

The attached table, Economic Development Fund Strategic Area Evaluation Matrix, summarizes the analysis supporting the designation of the five strategic areas to be included as part of Project 124 in the revised GOB Administrative Rules.

Attachment

Irene Taylor-Wooten
Special Assistant to the County Manager

Economic Development Fund Strategic Area Evaluation Matrix

STRATEGIC AREA	INDUSTRY CLUSTERS/OPPORTUNITIES	TRANSPORTATION ASSETS	ECONOMIC PRIORITY AREAS	AVAILABILITY
Opa-Locka Airport Area	Existing aviation and global logistics clusters (including international trade and high value shipments) with potential for expansion. High growth potential. Higher than average wages (Aviation, 123% of county average; Global Logistics, 120% of average).	Interstate 95 (north/south); Palmetto Expressway, SR-826 (east/west/south); Gratigny Expressway, SR-924); with direct links to Interstate 75 and links Florida Turnpike and its Homestead Extension.	Enterprise Zone, Empowerment Zone, Economic Recovery Zone. Within close proximity to Opa-locka Targeted Urban Area	Vacant land regardless of ownership within the strategic area: 28 acres.
Civic/Medical Center Area	Existing life sciences industry cluster (including healthcare, pharmaceuticals, therapeutics, medical devices, diagnostics and research and development in the medical field) with potential for expansion. High growth potential. Higher than average wages (120% above average).	Metrorail and Metrobus system; Interstate 95 (north/south); Dolphin Expressway, SR-836 (east/west); links to Florida Turnpike and its Homestead Extension.	Enterprise Zone, Empowerment Zone, Economic Recovery Zone. Within close proximity to Overtown Targeted Urban Area.	Vacant land regardless of ownership within the strategic area: 77 acres.
Port of Miami	Potential to anchor a global logistics cluster or attract firms in an emerging *Maritime Security* cluster. High growth potential. Higher than average wages in global logistics (120% of average)	Interstate 195 to connect with Interstate 95 (north/south); Dolphin Expressway, SR-836 (east/west); links to SR-826, Florida Turnpike and its Homestead Extension.	Enterprise Zone, Empowerment Zone, Economic Recovery Zone. Within close proximity to Overtown Targeted Urban Area.	Vacant land regardless of ownership within the strategic area: 0 acres.
Kendall–Tamiami Airport Area	Potential to anchor an aviation industry cluster including expanded service from smaller commercial aircraft, and repair/maintenance. High growth potential. Higher than average wages (123% of average).	Connectivity to Florida Turnpike through SW 104th Street or SW 152nd Street.	Within close proximity to Enterprise Zone and Richmond Heights Targeted Urban Area.	Vacant land regardless of ownership within the strategic area: 61 acres.
Homestead Air Reserve Base Area	Potential to anchor an aviation industry cluster and/or potential to accommodate emerging clusters such *Homeland Security and Defense* or *Clean Energy* . High growth potential. Higher than average wages in aviation cluster (123% of average) and in clean energy cluster (118% of average).	Florida Turnpike and links to Interstates 95, 75 and 595, and SR-836.	Economic Recovery Zone. Within close proximity to Enterprise Zone.	Vacant land regardless of ownership within the strategic area: 424 acres.

Definitions:

Industry cluster: A geographic concentration of interconnected companies, specialized suppliers, service providers, and associated institutions in a particular business field. Businesses within a cluster may be officially classified within separate industries. The clusters mentioned here are those identified as Florida's existing or emerging industry clusters in *Roadmap to Florida's Future,2010-2015 Strategic Plan for Economic Development* (Enterprise Florida, 2010).

Strategic Area: One of five geographic areas within the County where Economic Development Fund approved projects can be funded and as designated in the maps shown in Exhibit X.

Vacant land: Includes currently vacant land where development projects have been approved, and do not include areas that are good candidates to redevelop into higher/better land uses.

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Memorandum

MIAMI-DADE COUNTY

Date:	June 3, 2010
To:	Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners
From:	George M. Burgess County Manager
Subject:	Neighborhood Stabilization Program (NSP1) – May 2010 Report

Agenda Item No. 12(B)1

Pursuant to Implementing Order (IO) 2-11, regarding the Miami Dade County's Neighborhood Stabilization Program (NSP), monthly progress reports to the Board of County Commissioners (BCC) are required. The attached report is the May 2010 report reflecting data current through the end of April 2010. NSP activities encompass six strategies: (1) second mortgages, (2) acquisition of single-family homes and rehabilitation, (3) acquisition of multi-family properties and rehabilitation, (4) demolition, (5) redevelopment activity on the HOPE VI project, and (6) redevelopment in the expanded HOPE VI area. The funds associated with these activities must be under contract in 18 months and funds must be spent in four years from March 10, 2009.

The attached table shows that of the $62.207 million awarded, the County has obligated and expended $41.977 million or 67.5 percent of the total grant.

Staff has seen very little activity under the NSP second mortgage strategy, and as a result is recommending, under another item on this same agenda, to reallocate $9 million from this activity by way of a substantial amendment. Upon approval of the recommended amendment to the NSP, a total of $790,000 will remain allocated to this activity, of which $389,693 remains unexpended. The $790,000 includes $40,000 in homeownership counseling services, a requirement of our second mortgage program. The homes that the County has purchased for re-sale will be eligible for these remaining funds in the second mortgage category. The amounts in the attached table do not reflect the recommended reduction in funding for this category.

The County will continue with the strategy to acquire, rehabilitate, and sell homes. Currently, the number of single-family homes contemplated in the NSP for acquisition and rehabilitation is at 50; however, staff recommends reducing the goal to 43 and reallocating $1.915 million from this activity. The amount in the attached table does not reflect the recommended reduction in funding for this category. At this moment, there are a total of 43 homes that are either purchased or in the pipeline for acquisition. In an effort to indentify future homebuyers, General Services Administration (GSA) has completed two Homeownership Fairs with the Department of Housing and Community Development (DHCD) and other homeownership professionals.

All funds have been obligated under the category of acquiring and rehabilitating multi-family units. In order to obligate the balance of the NSP funds, staff recommends the reallocation of $11.315 million into to this category through the item on this same agenda. Other multi-family projects exist and will be considered for future participation. The amount in the attached table does not reflect the recommended increase in funding for this category.

Staff continues to work on demolition activities with the following municipalities: City of Opa-locka, City of South Miami and City of Florida City. The cities continue to gather the required documentation so that they can move these projects forward; however, $400,000 is recommended to be reallocated from this activity. The amount in the attached table does not reflect the recommended reduction in funding for this category.

The HOPE VI project has seen its first draw approved. DHCD and Miami-Dade Public Housing Agency will continue to meet with the project developer to discuss the expenditures. With respect to the project in the HOPE VI expanded area, the process continues under the cone of silence. Final approval of the agreement is pending.

The Board will continue to be updated on a monthly basis on the NSP's progress.

Attachment

Irene Taylor-Wooten
Special Assistant to the County Manager

Neighborhood Stabilization Program Round 1 Funds By Activity

APPLICATION GOALS							STATUS OF GOALS (ACTUALS)						
	UNITS						UNITS				FUNDS		
Task	50% or less AMI	51% - 80% AMI	80% or higher AMI	TOTAL	Amount (Prior to Recommended Amendment)	Due Date	50% or less AMI	51% - 80% AMI	80% or higher AMI	TOTAL UNITS	Amount Obligated	Amount Expended	Comments/Update
Soft-second mortgage assistance and closings costs ($80,000) maximum to purchasers of foreclosed-upon homes in areas of greatest need(s). **Responsible Department: DHCD**	0	16	64	80	$6,000,000	11/30/2012	0	2	1	3	$0	$395,161	Applicants for homebuyer assistance have opportunities to purchase the available units with a spot loan, selecting a home of their choice, until the May 2010.
Soft-second mortgage assistance and closings costs. $80,000 maximum to purchasers of foreclosed-upon homes purchased through NSP Acquisition/Rehabilitation Program. **Responsible Department: DHCD**	0	10	40	50	$3,750,000	11/30/2012	0	0	0	0	$0	$5,146	This line item is the funding for the second mortgages that are available for the homes that were purchased by the County. GSA continues to market the homes to eligible buyers with the assistance of DHCD.
Acquisition and Rehabilitation of foreclosed-upon single family homes (up to $200,000 per unit). **Responsible Department: GSA**	0	10	40	50	$10,000,000	11/30/2011	TBD	TBD	TBD	32	$1,126,875	$3,833,233	GSA has closed on 32 homes, an increase from 29 last month. As many as 10 units are in the pipeline and have been fully approved by the seller and buyer. GSA will continue to work towards closing on these homes and will continue to purchase with program income derived from the sale of the homes.
Acquisition and rehabilitation of foreclosed-upon multi-family residential properties to provide affordable rental housing ($125,000 per unit). **Responsible Department: GSA**	122	25	25	172	$21,571,480	09/30/2012	0	0	0	0	$21,542,199	$29,281	The County has committed $21.571 million in NSP funds to this activity. Other projects will be considered when funds become available.
Minimum 8 hour homebuyer counseling for income-qualified persons provided soft-second mortgage assistance to purchase foreclosed-upon homes ($500 per participant). **Responsible Department: DHCD**	0	26	104	130	$65,000	see above	0	0	0	0	$65,000	$0	This line item is the funding for the homebuyer education that is required for all homebuyers. Not-for-profit agencies are expected to submit requests for reimbursement soon.
Demolition of blighted structures to address public health and safety problems in negatively impacted neighborhoods. **Responsible Department: DHCD**	n/a	n/a	n/a	80	$1,000,000	03/31/2013	n/a	n/a	n/a	n/a	$153,945	$13	Florida City, Opa-locka and the City of South Miami have submitted the interlocal agreement for demolition and are putting together the documentation for the specific units. The County is moving forward to demolish the 47 units at Lincoln Gardens (public housing). The environmental review is being finalized. The County will also be undertaking some demolition of the Brownsville tornado affected homes.
Neighborhood redevelopment of affordable multi-family rental housing on vacant property ($36,411 per unit). *This activity will be directed toward the Scott Carver HOPE VI affordable housing project for public infrastructure cost.* **Responsible Department: MDPHA**	59	177	0	236	$8,600,000	09/30/2011	0	0	0	0	$8,600,000	$0	The Miami-Dade Public Housing Agency (MDPHA) has submitted the first draw from the Master Developer for the HOPE VI. This draw has been approved and DHCD and MDPHA are working on subsequent draws.
Neighborhood redevelopment through multi-family rental housing development in the Expanded HOPE VI Area ($125,000 per unit). **Responsible Department: DHCD**	20	10	10	40	$5,000,000	03/31/2013	0	0	0	0	$0	$6,198	The expenditures in this activity reflect the environmental work that has been completed. Negotiations are required based on the solicitation issued and once the process is complete, these funds will be obligated. The funding agreement is awaiting final approval. The cone of silence is still in effect.
Administration and Planning **Responsible Department: DHCD**	n/a	n/a	n/a	n/a	$6,220,720	03/31/2013	n/a	n/a	n/a		$5,608,365	$612,355	This is the entire amount of $6.22 million approved for administration. All funds would be expended by the end of the grant life; therefore, funds not expended to date are reflected as obligated. These expenditures include staff, consultants, and training for working on the NSP program.
TOTAL NSP ROUND 1					**$62,207,200**		**0**	**2**	**1**	**35**	**$37,096,384**	**$4,881,387**	

Memorandum

MIAMI-DADE COUNTY

Date: June 3, 2010

Agenda Item No. 12(B)2

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

From: George M. Burgess
County Manager

Subject: Report - Item 2 on the May 12, 2010 Transit, Infrastructure and Roads Committee

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The subject item allocates an additional $300,000 of BBC-GOB interest earnings to the Arcola Lakes Senior Center (Project No. 92) and requests that this project be added to the list of projects to be funded from the next bond sale. As a component of the BBC-GOB Program, the Arcola Lakes Senior Center included an original allocation of $6 million. The $300,000 in interest earnings are being requested to fund a budget shortfall to cover the cost of pool enhancements and amenities in the senior center. Although this project is ready to move forward, with the design and dry run permitting completed, it is not contemplated in the preliminary list of projects to be funded from the next bond sale because of a projected significant unfunded operational impact of approximately $900,000 annually. However, we will continue to work with the interested parties to analyze any scope reduction that would lead to corresponding reduction of operating expenses.

Assistant County Manager

MEMORANDUM

REVISED Agenda Item 15(B)1

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

DATE: June 3, 2010

FROM: Diane Collins, Acting Division Chief Clerk of the Board Division

SUBJECT: Proposed Public Hearing Dates for Meeting of June 3, 2010

Diane Collins

It is proposed that public hearings for Ordinances submitted for first reading be set as follows:

Board of County Commissioners (BCC) meeting of Thursday, July 8, 2010 at 9:30 AM

4A SUBSTITUTE

ORDINANCE CREATING AND ESTABLISHING A SPECIAL TAXING DISTRICT IN MIAMI-DADE COUNTY, FLORIDA, KNOWN AND DESCRIBED AS JACKSON SOUTH COMMUNITY HOSPITAL STREET LIGHTING SPECIAL TAXING DISTRICT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 101061]

Housing and Community Development Committee (HCDC) meeting of Wednesday, July 14, 2010 at 9:30 AM

4H ORDINANCE RELATING TO SEXUAL OFFENDERS AND PREDATORS; RENAMING THE MIAMI-DADE COUNTY SEXUAL OFFENDER AND SEXUAL PREDATOR ORDINANCE IN HONOR OF LAUREN BOOK-LIM AND HER WORK IN PROTECTING CHILDREN FROM SEXUAL ABUSE; MAKING CERTAIN SCRIVENER'S CHANGES AND PROVIDING FOR PENALTIES, SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Transit, Infrastructure & Roads Committee (TIRC) meeting of Wednesday, July 14, 2010 at 2:00 PM

4G ORDINANCE AMENDING CODE OF MIAMI-DADE COUNTY, FLORIDA, BY TWO-THIRDS VOTE (2/3) OF THE BOARD OF COUNTY COMMISSION MEMBERSHIP RELATING TO THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (TRUST) AND THE PEOPLE'S TRANSPORTATION PLAN; REQUIRING THE ESTABLISHMENT OF A FIVE YEAR IMPLEMENTATION PLAN; ESTABLISHING PROCEDURES FOR MODIFICATIONS TO THE FIVE YEAR IMPLEMENTATION PLAN; PROVIDING THAT THE TRUST SUBMIT A RECOMMENDATION TO THE COUNTY COMMISSION PRIOR TO COUNTY COMMISSION AWARDING OF CERTAIN CONTRACTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Health, Public Safety and Intergovernmental Committee (HPSIC) meeting of Thursday, July 15, 2010 at 2:00 PM

4B ORDINANCE RELATING TO CONFLICT OF INTEREST AND CODE OF ETHICS ORDINANCE; AMENDING SECTION 2-11.1(S) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO PROVIDE THAT TWENTY PERCENT OF FUNDS GENERATED BY LOBBYIST REGISTRATION FEES SHALL BE DEPOSITED INTO A SEPARATE ACCOUNT TO BE USED BY MIAMI-DADE COUNTY COMMISSION ON ETHICS AND PUBLIC TRUST TO FUND EDUCATIONAL OUTREACH, THE RENDERING OF ADVISORY OPINIONS AND ENFORCEMENT OF PROVISIONS REGARDING LOBBYISTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

4C ORDINANCE AMENDING SECTIONS 7-3, 8A-172, 8A-276(B), 8CC(10), 21-28, 21-31.2(B)(1) AND (2), 21-31.4(B), 26-1, 30-468, 30-469 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; INCLUDING ADDITIONAL PENALTIES; CREATING SECTION 8CC-5.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

4C SUBSTITUTE
ORDINANCE AMENDING SECTIONS 7-3, 8A-172, 8A-276(B), 8CC(10), 21-28, 21-31.2(B)(1) AND (2), 21-31.4(B), 26-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; INCLUDING ADDITIONAL PENALTIES; CREATING SECTION 8CC-5.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE (SEE ORIGINAL ITEM UNDER FILE NO. 101007)

4E ORDINANCE AMENDING CHAPTER 25A OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REMOVING CERTAIN NON-VOTING EX OFFICIO MEMBERS OF THE PUBLIC HEALTH TRUST BOARD OF TRUSTEES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

4F ORDINANCE AMENDING SECTION 2-11.1(T) OF THE CONFLICT OF INTEREST AND CODE OF ETHICS ORDINANCE REPEALING CONE OF SILENCE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

4I ORDINANCE AMENDING CHAPTER 25A OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REDUCING VOTING MEMBERSHIP OF THE BOARD OF TRUSTEES OF THE PUBLIC HEALTH TRUST; PROVIDING IMPLEMENTING PROCEDURE; REMOVING PROVISIONS REGARDING PUBLIC HEALTH TRUST NOMINATING COUNCIL; AND REQUIRING THE PUBLIC HEALTH TRUST TO COMPLY WITH DIRECTIVES TO THE TRUST SET FORTH FROM TIME TO TIME IN RESOLUTIONS OF THE COUNTY COMMISSION; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Recreation, Culture and Tourism Committee (RCTC) meeting of Monday, September 13, 2010, at 2:00 PM

4D ORDINANCE CREATING THE MIAMI-DADE COUNTY OLYMPIC EXPLORATORY COMMITTEE; SETTING FORTH DUTIES AND RESPONSIBILITIES AND MEMBERSHIP REQUIREMENTS OF SUCH COMMITTEE; PROVIDING FOR APPOINTMENT OF MEMBERS; REQUIRING ANNUAL REPORTS AND PROVIDING FOR STAFF SUPPORT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

DC/fcd

* or such other time and place as may be set in accordance with the Rules and Procedures of the Board of County Commissioners

ITEM 16

BCC SERVICE AWARD PLAQUE PRESENTATION – June 3, 2010

	NAME	DEPARTMENT	DEPARTMENTAL REPRESENTATIVE	YRS OF SVC
1.	Paulette Wiggan Social Services Admin.	Miami-Dade Juvenile Services Department	Wansley Walters Director	30
2.	Penny J. Conrad-Robinson Park Service Officer 2	Park & Recreation Department	Jack Kardys Director	30
3.	Charles E. Hall Landscape Supervisor 2	Park & Recreation Department	Jack Kardys Director	30
4.	Aurelio C. Leon Landscape Supervisor 1	Park & Recreation Department	Jack Kardys Director	30
5.	Delmar L. Frost Treatment Plant Operator 1	Water and Sewer Department	Ronald Urban Treatment Plant Supervisor	30
6.	Clifford Phillips Public Works Supervisor 3	Water and Sewer Department	Franklyn Jarman Division Chief	30
7.	Fredrick Pickett Pipefitter Supervisor	Water and Sewer Department	Ralph Terrero Assistant Director Armando Fernandez Water Distribution Sup. Alfonso de la Torre Asst. Water Dist. Supt.	30
8.	Billy G. Rogers Water Distribution Supervisor	Water and Sewer Department	John Renfrow Director	30
9.	Jeffrey R. Woodfield Treatment Plant Operator 2	Water and Sewer Department	John Renfrow Director	30

NAMES THAT ARE HIGHLIGHTED – RECEIVE A WATERMAN PEN FOR 35 YEARS OF SERVICE