Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Board of County Commissioners Meeting

November 08, 2012
9:30 A.M.
Commission Chamber

Research Division

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Commission Auditor
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Miami-Dade County Board of County Commissioners
Meeting Agenda

November 08, 2012

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Acknowledgements:
Bia Marsellos, Senior Legislative Analyst
Michael Amador-Gil, Senior Legislative Analyst
Elizabeth Owens, Legislative Analyst

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

Research Notes

Agenda Item: **5A**

File Number: **121524**

Date of Analysis: **October 17, 2012**

Summary

This ordinance: (1) repeals section 30-422 of the code of Miami-Dade County, Florida; (2) repeals the authority to use traffic infraction detectors/red light cameras in the *Unincorporated Area of Miami-Dade County*, Florida; (3) repeals Resolution 759-10, removing direction and authority to the mayor or designee to implement a red light camera program in Miami-Dade County; and (4) sets policy that no red light camera program will be implemented or maintained by Miami-Dade County in the Unincorporated Area or on County roads.

The Mark Wandall Act authorizes the use of cameras for traffic enforcement in Florida and requires cameras to be tested regularly and to comply with specifications established by the Florida Department of Transportation. *The Act was named after Mark Wandall, a man who was killed by a red-light runner in 2003.*

Florida Statute 316.0083 provides for a $158 fine, which is distributed as follows:

- $75 – Retained by the City or County where the violation took place
- $70 – Remitted to the Department of Revenue (DOR)
- $10 – Remitted to DOR for deposit into the Department of Health Administrative Trust Fund
- $ 3 – Remitted to DOR for deposit into the Brain and Spinal Cord Injury Trust Fund

Recent Red Light Camera Legislation

On February 7, 2012, the Board of County Commissioners (BCC), through R-151-12, directed the County Mayor or his designee to prepare a report within 60 days detailing the best methodology and implementation schedule to synchronize traffic signals at high crash, high volume intersections within Miami-Dade County to provide a four-second all-red clearance interval between signal phases. *The purpose for this legislation is to curb the use of red light cameras at busy intersections and implement a four-second all red clearance interval.*

Around the same time, the Florida House of Representatives temporarily postponed consideration of HB 343 re: red light cameras. HB 343 would have imposed additional requirements on red light cameras, such as accuracy testing of red light cameras every six months. A new version of HB 343 filed for consideration would have eliminated the $75 that the local government receives from a red light camera ticket.

Additional BCC Legislative Action

BCC Date	Legislative Action
8/23/05 *R-937-05*	Directed the County Manager to explore the feasibility, cost and benefit of installing cameras at certain dangerous intersections with traffic signals to curb red-light running.
11/6/07 *R-1248-07*	Urged the Florida Legislature to allow the use of unmanned cameras at intersections with traffic signals in an effort to reduce red-light running.

7/8/10 *R-759-10*	Established policy for Miami-Dade County authorizing the installation of red light cameras at high crash, high volume intersections; and directed the Mayor or his designee to implement a red light camera program in Miami-Dade County.
9/16/10 *See File No. 102086*	The Health, Public Safety and Intergovernmental Committee deferred a resolution directing the Mayor or designee to study the feasibility of negotiation with municipalities in Miami-Dade County to create a single, uniform countywide program for red light cameras with revenues generated in municipalities to be provided to such municipalities.

Nationwide Fatality Statistics and 2012 Florida Municipalities Operating Red Light Cameras
A 2011 study, titled, *Effects of red light camera enforcement on fatal crashes in large U.S. cities*, conducted by the Insurance Institute for Highway Safety (IIHS) identified that From the 99 large U.S. cities with more than 200,000 residents in 2008, 14 cities had red light camera enforcement programs for all of 2004-2008 but not at any time during 1992-1996, and 48 cities were identified without camera programs during either period. Analyses compared the citywide per capita rate of fatal red light running crashes and the citywide per capita rate of all fatal crashes at signalized intersections during the two study periods, and rate changes then were compared for cities with and without cameras programs.

- The study states that the average annual rate of fatal red light running crashes declined for both study groups, but the decline was larger for cities with red light camera enforcement programs than for cities without camera programs (35% vs. 14%). The average annual rate of all fatal crashes at signalized intersections decreased by 14% for cities with camera programs and increased slightly (2%) for cities without cameras.
- After controlling for population density and land area, the rate of fatal red light running crashes during 2004-2008 for cities with camera programs was an estimated 24% lower than what would have been expected without cameras. The rate of all fatal crashes at signalized intersections during 2004-2008 for cities with camera programs was an estimated 17% lower than what would have been expected without cameras.
- *The study concluded that Red light camera enforcement programs were associated with a statistically significant reduction in the citywide rate of fatal red light running crashes and a smaller but still significant reduction in the rate of all fatal crashes at signalized intersections.*

In a January 2012 study, University of South Florida (USF) researchers argued that the February 2011 IIHS analysis (mentioned above) was *logically flawed* and violated *basic scientific methods*.

Specifically, the USF study argued that the IIHS analysis actually found that Red Light Cameras (RLCs) had a 25 percent higher red light running fatality rate during the "after" period than non-RLCs. In addition, USF researchers pointed out, but did not limit their concerns to, the following regarding the IIHS analysis:

- It analyzed city-wide data, not specific to camera sites.
- It excluded variables known to be associated with traffic fatalities, such as changes in public policy or engineering improvements made during or between the periods.
- It expressed its findings as a percentage change in the rate of red light running fatalities,‟ instead of a change in the number of fatalities. In other words, USF researchers agued the results of the IIHS analysis are misleading because certain variables – namely those relating to population – are reported multiple times. For example, population is a denominator, "fatalities per 100,000," as well as a numerator, "population per square mile."
- It was biased in its selection of both RLCs and non-RLCs. Specifically, USF researchers argued "the authors of the IIHS study ignored the fact that the non-RLCs had substantially fewer red light running related fatalities in the "before‟ period . . . [o]f even greater impact, 23 percent of the non-RLCs had two or fewer (including zero) red light running related accidents." Essentially, USF researchers argued that the non-RLCs

had very little room to reduce the total number – or percentage rate – of accidents during the after period.

Municipalities in Florida that currently operate red light programs:
Apopka; Aventura; Bal Harbour; Boca Raton; Boynton Beach; Bradenton; Brooksville; Casselberry; Clearwater; Cocoa Beach; Collier County; Coral Gables; Coral Springs; Cutler Bay; Daytona; DeLand; Doral; Dunnellon; Eatonville; El Portal; Florida City; Fort Lauderdale; Fort Meyers; Green Cove Springs; Gulf Breeze; Gulfport; Haines City; Hallandale Beach; Hialeah; Hillsborough County; Holly Hill; Hollywood; Homestead; Juno Beach; Jupiter; Kenneth City; Key Biscayne; Kissimmee; Lake Worth; Lakeland; Maitland; Margate; Medley; Miami; Miami Gardens; Miami Springs; Milton; New Port Richey; North Miami; North Miami Beach; Oakville; Ocoee; Oldsmar; Orange County; Orlando; Palm Beach County; Palm Coast; Pembroke Pines; Port Richey; Sarasota; South Pasadena; St. Petersburg; Sunny Isles Beach; Sunrise; Sweetwater; Tallahassee; Tampa; Temple Terrace; West Boca; West Park; Winter Park; and Winter Springs.

Source: National Highway Traffic Safety Administration and Insurance Institute for Highway Safety, August 2012

Prepared by: Michael Amador-Gil

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

Research Notes

Agenda Item: **7A - Regulations on Boat Storage**

File Number: **121520**

Date of Analysis: **August 24, 2012**

Summary
The proposed ordinance pertaining to zoning modifies regulations on boat storage in certain zoning districts, requiring additional buffering; limiting number of boats; prohibiting commercial boat parking; and amending section 33-20 of the Code of Miami-Dade County (Code).

The proposed ordinance will only impact the Unincorporated Municipal Services Area (UMSA).

Comparison of Miami-Dade County Current Zoning Code and Proposed Amendments *Regulations on Boat Storage*			
Section of Code	**Current**	**Proposed Amendments**	**Comments on Proposed Amendments**
33-20(e) ***Accessory buildings; Utility Sheds, Swimming Pools; Fallout Shelters; Boat Storages***	*Boat storage.* Boats of less than thirty (30) feet in length, not more than one hundred and two (102) inches in width and thirteen (13) feet six (6) inches in height, may be stored or temporarily parked in the RU, EU, AU and GU Zoning Districts subject to the following conditions:	*Boat storage.* Boats of less than thirty (30) feet in length, not more than one hundred and two (102) inches in width and thirteen (13) feet six (6) inches in height **above grade**, may be stored or temporarily parked in the RU, EU, AU and GU Zoning Districts on lots developed with **a residential structure** subject to the following conditions:	*Adds above grade to height requirement and specifies lots developed with a residential structure.* *The proposed amendments are in bold.*
33-20(e)(1) ***Accessory buildings; Utility Sheds, Swimming Pools; Fallout Shelters; Boat Storages***	The place of storage shall be to the rear of the front building line. Where the boat storage area is located between the residence and a side street property line, the boat shall be visually buffered by a six-foot wood privacy fence, masonry wall, trees or shrubs maintained to a height of six feet. The front building line referred to shall be that portion furthest from the street.	**Sites with less than one-half (0.5) acre of lot area shall be permitted to store up to one (1) boat.** The place of storage shall be to the rear of the front building line **of the residential structure.** Where the boat storage area is located between the residence and a side street property line, the boat shall be visually buffered by a **minimum** six-foot **high** privacy fence, masonry wall, or trees or shrubs maintained to a **minimum** height of six feet. The front building line referred to shall be that portion furthest from the street.	*Adds the specification that this requirement is for sites with less than one-half (0.5) acre of lot area allowing for one (1) boat to be stored.* *Takes out the description of the privacy fence to be wood and provide further clarification in regards to the minimum height*

			requirement. *The proposed amendments are in bold.*
33-20(e)(2) ***Accessory buildings; Utility Sheds, Swimming Pools; Fallout Shelters; Boat Storages***	No more than one (1) boat may be stored or parked on any one (1) premise.	**Sites containing a minimum of one-half (0.5) acre of lot area shall be permitted to store up to two (2) boats. Sites containing a minimum of five (5) acres of lot area shall be permitted to store up to three (3) boats. The place of storage shall be to the rear of the front building line of the residential structure, and such front building line shall be that portion furthest from the street. Where two or more boats are located on a site, the boat storage area shall meet the rear and side setback requirements for the principal structure and be visually buffered from the adjacent property and right-of-way by a minimum six-foot high privacy fence, masonry wall or trees or shrubs maintained to a minimum height of six feet, provided however, if a permit was approved for a five-foot high privacy fence or masonry wall prior to the effective date of this ordinance and thereafter constructed, such a fence or wall shall be acceptable in lieu of one that is six-feet high.**	*Provides detailed regulations for this subsection of the Code.* *Increases the amount of boats that can be stored.*
33-20(e)(3) ***Accessory buildings; Utility Sheds, Swimming Pools; Fallout Shelters; Boat Storages***	N/A	**Up to two (2) personal watercrafts not exceeding five (5) feet in width by twelve (12) feet in length may be stored or parked in lieu of a boat authorized by this section. Such watercraft shall be visually buffered in accordance with Section 33-20(e)(2) or (3), as applicable.**	*Adds new section.* *Adds regulations for personal watercrafts which are currently not part of the Code.*
33-20(e)(8) ***Accessory buildings; Utility Sheds, Swimming Pools; Fallout Shelters; Boat Storages***	N/A	**Commercial boat parking shall be prohibited. All boats stored on the property must be registered to the property owner or authorized residential tenant.**	*Creates section of the Code prohibiting Commercial Boats.*
Misc.	*In addition, the proposed ordinance provides for housekeeping amendments renumbering the Code to correspond to the amended subsections.*		

Prepared by: Elizabeth N. Owens

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

Research Notes

Agenda Item: **7D - Zoning Utility Sheds and Pergolas**

File Number: **121734**

Date of Analysis: **August 24, 2012**

Summary
The proposed ordinance related to Zoning, amends sections of the Miami-Dade County Code (Code), modifying the requirements for utility sheds and pergolas.

The following sections of the Code are amended under the proposed ordinance:
- Section 33-1, Zoning Definitions;
- Section 33-20, Accessory buildings; Utility Sheds, Swimming Pools; Fallout Shelters; Boat Storages;
- Section 33-199, Uses Permitted in the RU-1, Single-Family Residential District;
- Section 33-201, Uses Permitted in the RU-2, Two-Family Residential District;
- Section 33-224, Uses Permitted in the EU-M, Estate Modified District; and
- Section 33-225.1, Uses, Lot Area, Frontage and Depth in the EU-S, Estate Use Suburban District.

The proposed ordinance will only impact the Unincorporated Municipal Services Area (UMSA).

Comparison of Miami-Dade County Current Zoning Code and Proposed Amendments *Utility Sheds , Pergolas, and Private Garages*			
Section of Code	**Current**	**Proposed Amendments**	**Comments on Proposed Amendments**
33-1(78.3) ***Definitions***	N/A	**Pergola. A freestanding structure usually consisting of parallel colonnades supporting an open roof of girders and cross rafters. A pergola is built as an outdoor sitting area with lattice or open slat roof for partial shade.**	*Adds the definition for Pergola to the Code.*
33-20(b)(1) ***Accessory buildings; Utility Sheds, Swimming Pools; Fallout Shelters; Boat Storages***	Utility sheds, not larger than one hundred (100) square feet and incidental to an existing single-family or townhouse residential use will comply with the setback requirements contained in this subsection. Utility sheds larger than one hundred (100) square feet will comply with the accessory building setbacks contained in Section 33-50. Sheds not exceeding eight (8) feet in height will be setback as follows:	**Utility sheds and pergolas larger than one hundred (100) square feet will comply with the accessory building setbacks contained in Section 33-50. Utility sheds and pergolas, not larger than one hundred (100) square feet, not exceeding ten (10) feet in height and incidental to an existing single-family or townhouse residential use shall be setback as follows:**	*Adds requirements for pergolas.* *Allows for up to 10ft. height from 8ft. for sheds and pergolas larger than 100 sq. ft. and allows for the rear and interior side setback requirements to be reduced provided an affidavit is submitted indicating consent from the owner of the property that directly*

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<tr><td>Front</td><td>55</td></tr>
<tr><td>Rear</td><td>5</td></tr>
<tr><td>Interior side</td><td>5</td></tr>
<tr><td>Spacing from house</td><td>10</td></tr>
<tr><td>Side street</td><td>10</td></tr>
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Sheds in townhouse developments are further restricted by Section 33-202.3(2)(q).
All utility sheds will be in compliance with the South Florida Building Code or be approved by the State of Florida and will be subject to easement restrictions pursuant to Sections 33-24 and 33-284.43(k).
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<tr><td>Spacing from house</td><td>10</td></tr>
<tr><td>Side street</td><td>10</td></tr>
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(1) Utility sheds and pergolas in townhouse developments are further restricted by Section 33- 202.3(2)(q).
(2) Rear and interior side setbacks may be reduced to two (2) feet provided an affidavit is submitted indicating consent from the owner of the property that directly abuts the property boundary where the reduction is requested.
(3) Where applicable, all utility sheds will be in compliance with the Florida Building Code or be approved by the State of Florida and will be subject to easement restrictions pursuant to Sections 33-24 and 33- 284.43(k).
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<td>abuts the property boundary where the reduction is requested.

Provides housekeeping amendments, i.e. removes South from the Florida Building Code and adding the language where applicable.

The proposed amendments are in bold.</td>
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<td colspan="4">Applies the modifications for the requirements for utility sheds, pergolas and private garages to the following residential districts: Section 33-199, Uses Permitted in the RU-1, Single-Family Residential District; Section 33-201, Uses Permitted in the RU-2, Two-Family Residential District; Section 33-224, Uses Permitted in the EU-M, Estate Modified District; and Section 33-225.1, Uses, Lot Area, Frontage and Depth in the EU-S, Estate Use Suburban District.</td>
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Prepared by: Elizabeth N. Owens

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

Research Notes

Agenda Item: 8A2

File Number: 122012

Date of Analysis: October 30, 2012

Summary

This resolution grants the Mayor or his designee a limited ability to execute change orders using *existing contract funds* to expedite close-out of the Miami International Airport (MIA) North Terminal Development (NTD) Program.

Existing contract funds will be solely for those MIA-NTD contracts that were assigned to Miami-Dade County pursuant to R-735-05; contracts previously procured by American Airlines (AA) and previously assumed by Miami-Dade County via action of the Board of County Commissioners (*BCC); contracts to finish work begun but left incomplete as of August 1, 2005; contracts related to the construction, design, or construction management of the NTD which were awarded by the BCC prior to May 1, 2008; and where necessary to provide funding for work needed for the completion of the North Terminal.*

Pursuant to the proposed resolution, the requested authority utilizes remaining NTD contract funds allocated as dedicated allowances from adjusted contract scope, and balances remaining from close-outs. As construction progressed, Miami-Dade Aviation Department (MDAD) was forced to use the contracts' general allowance accounts to resolve issues related to unforeseen or unexpected work, changing regulatory requirements, and delays arising out of the Baggage Handling System (BHS).

Many of these contracts have remaining funding locked in dedicated allowance accounts and contract line items that were deemed unnecessary. These contracts must be modified to allocate these funds into the general allowance accounts.

A quarterly report with justification for all change orders will be provided to the BCC for ratification. The proposed resolution states that the County Mayor will report, via memorandum to the Clerk, on a quarterly basis, all change orders issued pursuant to this resolution.

According to MDAD:

- The estimated amount to close-out the MIA-NTD Program is approximately $9.4 Million.
- Approximately $4.2 Million remains in the dedicated allowance account.
- The estimated completion date for all NT work is March 2013 for all Building/Civil Contracts, and March 2014 for Baggage Handling Systems.
- Siemens is excluded from the Resolution.

Legislative History

Date	Legislation	Comments
June 21, 2005 R-735-05 Fourth Amendment to Lease Construction and Financing	RESOLUTION RELATING TO MIAMI INTERNATIONAL AIRPORT; APPROVING FOURTH AMENDMENT TO LEASE CONSTRUCTION AND FINANCING AGREEMENT BETWEEN MIAMI-DADE COUNTY ("COUNTY") AND AMERICAN AIRLINES, INC. ("AMERICAN"); APPROVING CLAIMS ADMINISTRATION AGREEMENT BETWEEN COUNTY AND AMERICAN; APPROVING THE FIRST AMENDMENT TO AMERICAN'S AIRLINE USE	This resolution authorized the County to assume responsibility for the completion of the NTD in order to control costs and complete the NTD as expeditiously as possible.

Date	Legislation	Comments
Agreement between the County and AA	AGREEMENT; APPROVING FIRST AMENDMENT TO THE TERMINAL RENTS AND USER FEES RATE-SETTING METHODOLOGIES; AUTHORIZING COUNTY MANAGER TO EXECUTE SUCH AGREEMENTS AND EXERCISE THE TERMINATION AND OTHER PROVISIONS CONTAINED THEREIN; AUTHORIZING COUNTY MANAGER TO UTILIZE CERTAIN EXISTING DESIGN PROFESSIONAL AGREEMENTS FOR SERVICES THAT MAY BE NEEDED TO COMPLETE THE NTD PROGRAM; AND WAIVING THE REQUIREMENTS OF RESOLUTION NO. R-377-04	
M.C. Harry & Associates Amednments Federal Inspection Services Station Project & BHS	• First Amendment for $1,970,000 (R-244-06) to increase the construction duration from 90 to 112 weeks, update contract documents, and fund additional services; • Second Amendment for $1,084,824 to address requests from Customs & Border Protection (CBP) and Transportation Security Administration (TSA) and to increase the construction duration from 112 to 168 weeks; • Third Amendment for $750,000 to address additional requests from CBP and TSA, impacts of BHS delays, and extended Construction Administration (CA) from 168 to 194 weeks; • Fourth Amendment for $374,000 for additional scope related to BHS Mitigation Plan, Physical Security System required by CBP, mechanical, electrical, and plumbing "work arounds," and additional CA and Work-Site (WS) services due to delays in the BHS (2nd, 3rd and 4th amendments were approved via the provisions of Ordinance No. 08-87 and Implementing Order No. 3-48)and; and • Fifth Amendment authorized the County Mayor or Mayor's designee to execute a Fifth Amendment between M.C. Harry and Associates, Inc., and Miami-Dade County, providing for an increase in an amount of $400,000.00. *This amendment provides funding to extend construction administration, oversight and worksite services for the C-D Federal Inspection Services (FIS) Station project which is adversely impacted by the delay of the turnover of the Baggage Handling System (BHS).*	
June 6, 2006 R-637-06 Siemens Change Order No. MDAD-1	RESOLUTION RELATING TO NORTH TERMINAL DEVELOPMENT PROJECT AT MIAMI INTERNATIONAL AIRPORT; AUTHORIZING EXECUTION OF CHANGE ORDERS TO ADD ALLOWANCE ACCOUNTS AND/OR RELATED CONTRACT LANGUAGE TO NORTH TERMINAL DEVELOPMENT CONTRACTS WITH SIEMENS LOGISTICS & ASSEMBLY SYSTEMS, INC. (CHANGE ORDER NO. MDAD-1, MIA NTD BAGGAGE HANDLING SYSTEM INSTALLATION, PROJECT NO. B703A1); MARKS BROTHERS, INC. (CHANGE ORDER NO. MDAD-1, MIA CC B-C APRON, PROJECT NO. B732D); CROMPTON CONSTRUCTION (CHANGE ORDER NO. MDAD-2, MIA CC C-D INFILL RAMP INTERIOR FINISH, PROJECT NO. B739G); CROMPTON CONSTRUCTION CO. (CHANGE ORDER NO. MDAD-2, MIA TERMINAL A-B PRE-DEMOLITION, PROJECT NO. B747D); DYNALECTRIC CORPORATION, (CHANGE ORDER NO. MDAD-2, MIA TERMINAL C-D PDS CABLING, PROJECT NO. B775B), AUTHORIZING AVIATION DIRECTOR OR DESIGNEE TO EXECUTE WORK ORDERS UNDER EACH ALLOWANCE ACCOUNT, AND AUTHORIZING COUNTY MANAGER OR DESIGNEE TO EXERCISE CANCELLATION OR TERMINATION PROVISIONS THEREOF; AND WAIVING REQUIREMENTS OF RESOLUTION NO. R-377-04	Created a General Allowance Account, and added Miami-Dade Aviation standard contract language.
July 6, 2006 R-807-06	RESOLUTION WAIVING FORMAL BID PROCEDURES AND PROVISIONS OF SECTION 2-8.1(B) OF THE CODE OF MIAMI-DADE COUNTY AND APPROVING CONSULTING AGREEMENT WITH SEQUEIRA & GAVARRETE, P.A. FOR PROJECT SUPPORT SERVICES TO INCLUDE MANAGEMENT, COST, AND SCHEDULE CONTROL SERVICES FOR MIAMI-DADE AVIATION DEPARTMENT;	This agreement provided a Waiver of Formal Bid so Sequeira & Gavarrete, PA (S&G) can take over the role as the Prime Consultant for managing and coordinating various design professionals during the design and construction phase of the project. Since the BCC approved this Agreement, much progress

Date	Legislation	Comments
	AUTHORIZING COUNTY MANAGER TO EXECUTE SAME AND EXERCISE CANCELLATION, RENEWALS, AND OTHER PROVISIONS CONTAINED THEREIN; AND WAIVING THE REQUIREMENTS OF RESOLUTION NO.R-377-04	was made on the NTD Program, progress which required more S&G staff and the performance of a greater number of studies and analyses than originally anticipated. These demands have nearly exhausted the Dedicated Allowance Account service category due to the difficulty of budgeting funds in 2006 anticipating circumstances in 2011, as exemplified by the extra studies and analyses that were not anticipated at that time. For those reasons, MDAD needs to move funds originally allocated to the Basic Services account to the Dedicated Allowance account.
November 6, 2007 R-1209-07 Siemens Change Order No. MDAD-2	RESOLUTION RELATING TO NORTH TERMINAL DEVELOPMENT PROJECTS AT MIAMI INTERNATIONAL AIRPORT; RATIFYING THE COUNTY MANAGER'S ACTIONS IN SETTLING CLAIMS UNDER ONE MILLION DOLLARS PURSUANT TO RESOLUTION R-224-06 DURING THE PERIOD JANUARY 1, 2007 THROUGH AUGUST 31, 2007	Ratified County Manager's Actions in settling claims under $1 million to Siemens for $999,999.
May 6, 2008 R-458-08	RESOLUTION AUTHORIZING THE COUNTY MANAGER TO EXECUTE A CONTRACT, PROJECT NO. B703A5 WITH URS SOUTHERN CORPORATION IN THE AMOUNT OF $4,731,800 FOR SERVICES RELATED TO THE BAGGAGE HANDLING SYSTEM AT NORTH TERMINAL; AND AUTHORIZING THE COUNTY MANAGER TO EXECUTE THE TERMINATION AND CANCELLATION PROVISIONS THEREOF	The BCC adopted R-458-08 on May 6th, 2008, authorizing the County Mayor, or designee, to execute a Professional Services Agreement between the County and URS in the amount of $4,731,800 for services related to the Automated Baggage Handling System (BHS) at the NTD Project for a term of five (5) years or until all services were completed, whichever may be later. The Agreement approved by the BCC through R-458-08, was a lump sum Agreement for $4,320,000, inclusive of $400,000 for possible future changes mandated by TSA, for the remaining construction administration services for the BHS through final completion of the system. Lump sum agreements are usually negotiated in an effort to control costs and avoid change order requests. Under the lump sum Agreement with URS, URS was required to manage the resources and personnel to meet and comply with the requirements of the BHS schedule through the final completion date of March 31, 2011. Also, URS was at risk for slippages in the schedule.
May 6, 2008 Memo	Pursuant to the County Manager's Memorandum dated May 6, 2008: • *Siemens was designing and installing the BHS and in order to ensure the proper installation, AA retained URS through a competitive process to act as the owner's representative. The AA Agreement with URS was assigned to the County through R-735-05, the Fourth Amendment to the Lease, Construction and Financing Agreement between AA and the County.* • *The Agreement that was assigned to the County, provided for living accommodations and vehicle leases for full-time URS personnel who did not have a local address. This is not typical in MDAD agreements. MDAD was unable to negotiate an amendment pertaining to the County's operating requirements and limitations on reimbursable travel expenses. The Agreement expired on June 30, 2006. Approximately $2.3 million remained in the URS Contract at the time it expired.* • *The County Attorney determined that MDAD may re-engage URS, as long as, the scope of the work remained substantially identical to the prior agreement.*	
June 3, 2008 R-613-08	RESOLUTION APPROVING CHANGE ORDER MDAD-3 WITH SIEMENS LOGISTICS & ASSEMBLY SYSTEMS, INC. FOR NORTH TERMINAL DEVELOPMENT BAGGAGE	This resolution approved Change Order MDAD-3 with Siemens Logistics & Assembly Systems, Inc. (Siemens) for the North Terminal Development Baggage Handling

Date	Legislation	Comments
Siemens Change Order No. MDAD-3	HANDLING SYSTEM INSTALLATION, PROJECT NO. B703A, IN THE MAXIMUM AMOUNT OF $43,465,296, AND AUTHORIZING COUNTY MAYOR OR HIS DESIGNEE TO EXECUTE SAME	System Installation Project No. B703A increasing the General Allowance Account by $43,465,296 for a total adjusted contract amount of $155,660,000 and changes the name of the contractor to Siemens Energy & Automation, Inc. This Agreement was assigned to Miami-Dade County pursuant to the Fourth Amendment to the Lease, Construction and Financing Agreement between American Airlines and Miami-Dade County adopted by the BCC on June 21, 2005, by R-735-05.
June 3, 2008 Siemens Change Order No. MDAD-4	Siemens Change Order No. MDAD-4: The BCC authorized Change Order MDAD-4 during the June 3, 2008 BCC meeting for no additional dollars, which included contract language mandated by federal law, regulation or contract, including but not limited to DBE participation and Davis-Bacon wage requirements, to enable the County to obtain federal reimbursement for the unperformed portion of the contract.	
July 2, 2009 R-906-09	RESOLUTION APPROVING THE CONSENT TO ASSIGNMENT AGREEMENT FROM FMC TECHNOLOGIES, INC. TO JOHN BEAN TECHNOLOGIES CORPORATION FOR MDAD PROJECT NO. ITN-MDAD-01-06 ''BAGGAGE HANDLING SYSTEM OPERATION AND MAINTENANCE (BHS O&M)''; AND AUTHORIZING COUNTY MAYOR TO EXECUTE SAME	This resolution authorized the assignment of the Baggage Handling System Operation and Maintenance (BHS O&M) Contract from the current firm, FMC Technologies, Inc. to John Bean Technologies Corporation. JBT is a corporation created by FMC.
November 17, 2009 Ord. 08-07 Sequeira & Gavarrete, P.A. First Amendment	First Amendment for $2,500,000 for Cost Estimating, code research for Life Safety Master Plan, and additional support staff for baggage system; Exercised two one-year renewal options for $30,100,000 to extend the Term of Agreement by two years to September 30, 2012.	
December 15, 2009 R-1419-09 Siemens Change Order No. MDAD-5	RESOLUTION APPROVING CHANGE ORDER MDAD-5 WITH SIEMENS ENERGY & AUTOMATION, INC. FOR NORTH TERMINAL DEVELOPMENT BAGGAGE HANDLING SYSTEM INSTALLATION, PROJECT NO. B703A1, IN THE MAXIMUM AMOUNT OF $46,000,000, APPROVING A CHANGE IN CORPORATE NAME, AND AUTHORIZING COUNTY MAYOR OR HIS DESIGNEE TO EXECUTE SAME	This change order increased the general allowance account by $46,000,000.This agreement was assigned to Miami-Dade County pursuant to the Fourth Amendment to the Lease, Construction, and Financing Agreement between AA and Miami-Dade County approved by the BCC on June 21, 2005 by R-735-05.
May 4, 2010 R-469-10 URS First Amendment	RESOLUTION RELATED TO NORTH TERMINAL DEVELOPMENT CONTRACTS AT MIAMI INTERNATIONAL AIRPORT; RATIFYING ACTIONS TAKEN PURSUANT TO ORDINANCE NO. 08-87 DURING THE PERIOD OF JULY 1, 2009 THROUGH FEBRUARY 28, 2010	The BCC adopted R-469-10 on May 4, 2010, ratifying the actions of the County Mayor and Aviation Director modifying the URS contract increasing the amount by $7,000,000 for an adjusted amount of $11,731,800. The description and justification of the modification stated in R-469-10 is as follows: • *Siemens Energy and Automation, properly delivered a fully functional system. As has been reported to the BCC, numerous program changes and delays have impacted this extremely complex BHS project since the County and URS entered into this agreement including programming issues, AA requested enhancements, additional TSA requirements and owner requested changes. This amendment provides the necessary funding for URS to continue in its role as the owner's representative.*
November 10, 2010	RESOLUTION APPROVING CHANGE ORDER MDAD-5 WITH SIEMENS ENERGY & AUTOMATION, INC. FOR	This Change Order increased the Owner's General Allowance Account to the contract and was intended by

Date	Legislation	Comments
Siemens Change Order No. MDAD-6	NORTH TERMINAL DEVELOPMENT BAGGAGE HANDLING SYSTEM INSTALLATION, PROJECT NO. B703A1, IN THE MAXIMUM AMOUNT OF $10,000,000	MDAD to fully fund an extension of Contract Time to complete all work including associated testing of the system to be fully functional and in compliance with necessary authorities.
January 20, 2011 R-11-11 URS Second Amendment	RESOLUTION RELATED TO NORTH TERMINAL DEVELOPMENT CONTRACTS AT MIAMI INTERNATIONAL AIRPORT; RATIFYING ACTIONS TAKEN PURSUANT TO ORDINANCE NO. 08-87 DURING THE PERIOD OF SEPTEMBER 30, 2010 UP THROUGH DECEMBER 16, 2010	The BCC adopted R-11-11 on January 20, 2011, ratifying the actions of the County Mayor and Aviation Director modifying the URS contract increasing the amount by $1,000,000 for an adjusted amount of $12,731,800. The description and justification of the modification stated in R-11-11 is as follows: • *Due to the delays with the BHS, this amendment provides the funding for URS to continue its services of providing required construction administration services for the installation, coordination and oversight, check-out, testing, commissioning and final acceptance of the BHS. These services include the completion of Phase 1 and 2 installation/testing and TSA re-commissioning procedures and continuing installation of Phase 3 portion of the NTD Baggage/Screening project anticipated to be completed late 2011.* Both prior amendments were approved by the Miami-Dade Aviation Department (MDAD) pursuant to the delegated authority provided by the BCC in Ordinance No. 08-87. Ordinance No. 08-87 authorized the County Mayor and the Aviation Director to execute change orders, extend contract time, waive liquidated damages and modify contract terms for contracts relating to the NTD Program at Miami International Airport without the need for prior BCC approval, but subject to established safeguards and BCC oversight through ratification.
July 7, 2011 R-511-11 URS Third Amendment	RESOLUTION APPROVING AMENDMENT THREE TO THE PROJECT SPECIFIC SERVICES AGREEMENT BETWEEN URS CORPORATION SOUTHERN AND MIAMI-DADE COUNTY, INCREASING THE CONTRACT AMOUNT BY $2,275,500.00, FOR WORK RELATED TO THE NORTH TERMINAL BAGGAGE HANDLING SYSTEM	The adopted resolution approved the Third Amendment to the Consultant Agreement for the North Terminal Development Automated Baggage Handling System between URS Corporation Southern and Miami-Dade County, increasing the contract amount by $2,275,000 for an adjusted amount of $15,006,800. The Third Amendment, to be funded from the NTD Contingency Account, is to pay for the remaining contract work including completion of testing and TSA re-commissioning procedures for Phase 3 and additional work related to the existing baggage sorting device, the scope of which will be performed from April 1, 2011 to the completion of the BHS system.
September 1, 2011 R-649-11 Sequeira & Gavarrete, P.A. Second Amendment	RESOLUTION APPROVING SECOND AMENDMENT TO THE AGREEMENT PROJECT SUPPORT SERVICES FOR THE SEQUEIRA & GAVARRETE, P.A., AND MIAMI-DADE COUNTY	This resolution authorized the County Mayor or Mayor's designee to execute the Second Amendment to the Agreement with Sequeira & Gavarrete, P.A. (S&G), for Project Support Services for the North Terminal Development Program, Contract No. B701D. This Amendment modified the Contract to allow Miami-Dade Aviation Department (MDAD) to transfer allocated funds among three accounts: MDAD needs to transfer money from the Basic Services category to fund work

Date	Legislation	Comments
		authorized as Dedicated Services or Reimbursable Expenses.
January 24, 2012 R-25-12	RESOLUTION APPROVING CHANGE ORDER NO. 1 TO SOUTH TERMINAL BAGGAGE HANDLING SYSTEM OPERATION AND MAINTENANCE CONTRACT BETWEEN MIAMI-DADE COUNTY AND JOHN BEAN TECHNOLOGIES CORPORATION, PROJECT NO. ITN-MDAD-01-06, INCREASING THE CONTRACT BY AN AMOUNT NOT TO EXCEED $13,258,531, AND AUTHORIZING COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXECUTE THE CHANGE ORDER AND TO PERFORM ALL NECESSARY ACTIONS TO ENFORCE ITS TERMS	Change Order No. 1 to the contract for BHS O&M at MIA, Project No: ITN-MDAD-01-06, between the County and John Bean Technologies Corporation, increasing the contract by an amount not to exceed $13,258,531; extends the contract on a month-to-month basis not to exceed 12 months; and *includes contract language mandated by federal law, regulation, or contract, including but not limited to DBE participation and Davis-Bacon wage requirements to enable the County to obtain federal reimbursement.* The term of the contract is for one thousand ninety-five (1,095) calendar days (three years) from effective date established in the Notice to Proceed, with two one-year renewal options.
May 15, 2012 R-434-12 Siemens Change Order No. MDAD-7	RESOLUTION AUTHORIZING SETTLEMENT OF CLAIMS WITH SIEMENS ENERGY & AUTOMATION, INC.; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO EXECUTE CHANGE ORDER NUMBER MDAD-7 TO MIAMI-DADE COUNTY CONTRACT WITH SIEMENS ENERGY & AUTOMATION, INC. FOR NORTH TERMINAL DEVELOPMENT BAGGAGE HANDLING SYSTEM INSTALLATION, PROJECT NO. B703A1, IN THE MAXIMUM AMOUNT OF $7,866,520, WHICH AMOUNT IS INCLUSIVE OF $5,866,520 TO SETTLE OUTSTANDING CLAIMS	Change Order Number MDAD-7 with Siemens Energy & Automation, Inc., relating to North Terminal Development Baggage Handling System Installation, Project No. B703A1 at Miami International Airport settles various contractor claims via payment of $5,866,520.00 and adds $2,000,000.00 into the contract allowance account.

Prepared by: Michael Amador-Gil

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

Research Notes

Agenda Item: 8A8

File Number: 121908

Date of Analysis: October 17, 2012

Summary

This resolution approves the Operator Agreement at Miami International Airport between Miami-Dade County (the County) and **Goodwill Industries of South Florida, Inc**. providing for payment to the County in the form of a monthly transaction fee of ten thousand one hundred one dollars ($10,101.00), and for a term of two (2) years, with five (5) separate one (1) year options to renew.

*This contract will generate revenue for the Miami-Dade Aviation Department (MDAD). Payment provisions to MDAD include a monthly transaction fee (MTF) of $10,101.00. Annually that figure exceeds the amount that MDAD receives through the **lost and found auctions.***

- *The current process is not cost effective to MDAD due to the administrative costs (e.g. reassigning staff, overtime, security, auctioneer, equipment, storage) associated with the lost and found auctions.*

Revenues in the past five years under the current auction process provided by MDAD:

Date	Gross	Net	Admission Fees	Total Profit (Net + Fees)
Feb-2007	$ 54,848.70	$ 49,579.00	$ 2,406.00	$ 51,985.00
Jul-2007	$ 62,636.00	$ 55,736.00	$ 2,688.00	$ 58,424.00
Nov-2007	$ 55,865.00	$ 49,515.00	$ 2,856.00	$ 52,371.00
Apr-2008	$ 51,494.00	$ 45,244.00	$ 2,208.00	$ 47,452.00
Jul-2008	$ 51,365.00	$ 45,215.00	$ 2,208.00	$ 47,423.00
Dec-2008	$ 52,922.00	$ 46,172.00	$ 2,337.00	$ 48,509.00
May-2009	$ 53,860.00	$ 47,910.00	$ 2,501.00	$ 50,411.00
Sep-2009	$ 52,452.00	$ 46,952.00	$ 2,595.00	$ 49,547.00
Mar-2010	$ 61,024.00	$ 55,224.00	$ 1,786.00	$ 57,010.00
Aug-2010	$ 44,698.00	$ 39,298.00	$ 1,803.00	$ 41,101.00

Date	Gross	Net	Admission Fees	Total Profit (Net + Fees)
Mar-2011	$ 66,167.15	$ 60,892.15	$ 2,341.00	$ 63,233.15
Sep-2011	$ 94,578.00	$ 89,098.00	$ 2,103.00	$ 91,201.00
Apr-2012	$76,393.00	$ 71,273.00	$ 1,770.00	$ 73,043.00
Sep-12	$ 59,425.00	$ 54,515.00	$ 1,669.00	$ 56,184.00

According to MDAD staff, the proposed resolution has three benefits:

- Good cause – this is a good-will to the County provided by a non-profit organization.
- Storage of items will no longer be necessary, thus being able to use the space for other revenue producing cause (ie., rent).
- No more overhead – no auctioneer cost, no man power cost, no advertising cost, etc.

MDAD staff also state that the current holding period for unclaimed items *is for 60 days before it is legally called "unclaimed." There will be no change to this holding period. Auctions however, were held at an average of every 5 months within the last five years. So, technically items were being held in storage for approximately five months before being released.*

Additional Information

History of Goodwill Industries, Inc. – Miami: Roy Perry, Vice President of City National Bank, and James Ryder, founder of Ryder Corporation, together with other citizens founded the Miami Goodwill in 1959. *At the time there were 117 Goodwill stores in existence.*

In twenty years, Goodwill's size has increased 18 times, resulting in a social business enterprise consisting of four entrepreneurial divisions as a support to our Rehabilitation Services by helping people with disabilities and special needs to achieve, in record numbers each year, their goals of independence, freedom and dignity. Goodwill is now able to provide structured, supportive rehabilitation-driven work programs in these four areas: Donated Goods, Apparel Manufacturing, Pre-print inserting, Service Contracts.

Apparel Manufacturing for United States Armed Forces**:** According to Goodwill's website, each day, over 500 people with disabilities employed by Goodwill produce: 1,250 pairs of camouflage trousers, 450 slacks, 1,070 garrison caps, 400 fleece jackets and 200 overalls for the Armed Forces of the United States. Goodwill is proud to make 270 interment flags on a daily basis for the Veterans Administration and is the sole supplier of United States and Florida flags for all the counties and cities in Florida.

Prepared by: Michael Amador-Gil

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

Research Notes

Agenda Item: **8G1 – City of OpaLocka Community Redevelopment Agency**

File Number: **121691**

Date of Analysis: **November 6, 2012**

Summary

The proposed resolution declares a certain geographic area of the City of Opa-locka (City), to be a slum or blighted area pursuant to Chapter 163, Part III, of the Florida Statutes; accepts the Finding of Necessity (FON) Report; and delegates certain community redevelopment powers to the City for the creation of a Community Redevelopment Agency (CRA).

<u>Supplemental Information on the Opa-Locka FON Report</u>

At the October 16, 2012 Internal Management and Fiscal Responsibility Committee (IMFRC) meeting, a Supplement to this item was provided that updated the taxable value within the proposed Opa-Locka community redevelopment area and the City of Opa-Locka taxable values.

The City's 2012 preliminary taxable value is $697,830,150; therefore, approximately 20 percent of the City's value is within the proposed redevelopment area (as opposed to the 50 percent that is stated in the proposed resolution).

New estimates by the County that do not include any new large projects in the area, and a growth rate consistent with the five year plan are as follows:

Estimated CRA Tax Increment Revenues –REVISED ($ in Millions)						
Time	**County Increment**	**Net Present Value**	**City Increment**	**Net Present Value**	**Combined Increment**	**Net Present Value**
15 Years	$0.516	$0.330	$1.048	$0.607	$1.564	$0.937
30 Years	$1.675	$0.700	$3.428	$1.263	$5.103	$1.963

The City's FON Report, dated April 2010, found that pursuant to Florida Statutes, the area met all of the measures for slum and blight. The City's FON Report includes recommendations outlining the next steps within the process:

- City Commission approves the FON by resolution (City Resolution 10-8043).
- Miami-Dade County Commission approves the FON (the proposed resolution).
- The City begins developing their Community Redevelopment Plan.
    - The process will include extensive public input, through neighborhood meetings and charrettes.
- Approval of the Community Redevelopment Plan.
- Development of a Redevelopment Trust Fund for purposes of funding projects within the CRA.

In addition, the FON Report indicates that within the Area there exists slum and blight in the form of the following factors:

- Predominance of inadequate street layout, parking facilities, roadways, bridges or public transportation facilities;
- Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- Unsanitary and unsafe conditions; and
- Deterioration of site or other improvements.

The adoption of this item will not create the CRA nor will it establish the Trust Fund to fund the CRA. Those items will be presented to the Board of County Commissioners (BCC) at a later date. Furthermore, redevelopment of the area cannot proceed until the BCC adopts the Community Redevelopment Plan and establishes the Trust Fund.

The geographic area of the City declared to be slum or blighted is described generally as bounded on the North by NW 151 Street, on the West by the Opa-locka Executive Airport, on the South by the Tri-rail corridor, and on the East by a constructed storm-water lake managed by the South Florida Water Management District.

<u>Tax Increment Financing</u>
A CRA's revenue source is 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 Statutes. As provided in the FON, should this area become a CRA, the Countywide and municipal revenues will be deposited into the CRA's Trust Fund and be used within to fund projects that will eradicate the slum and blight in the community.

The Tax Increment Financing and Coordinating Committee first reviewed the City's FON Report on April 20, 2012, at which time the Committee recommended that the FON Report be updated to reflect current U.S. Census data. On May 30, 2012, the FON Report including new data was presented to the Tax Increment and Financing Committee, which reviewed the FON Report and recommended approval by the BCC.

Background and Relevant Legislation
In 1969, the Florida Legislature enacted the Community Redevelopment Act of 1969, as it is presently contained in Part III of Chapter 163, Florida Statutes, as amended (the Act). The Act authorizes counties and municipalities in the State of Florida to create community redevelopment agencies and to prepare redevelopment plans for certain defined areas within their boundaries designated as community development areas, within which community redevelopment projects may be undertaken to eliminate and prevent the development and spread of slum and blight. After a finding has been made, determining that slum and/or blight exist within a defined area, the Act authorizes the County to use and to delegate redevelopment powers at its discretion.[1]

On April 14, 2010, the City approved Resolution No. 10-8043, accepting the FON Report from Carras Community Investment Inc.[2] for the Community Redevelopment Area in the City, declaring certain areas of the City as slum or blighted areas as defined in Sec. 163.340, Florida Statutes; and declaring the rehabilitation and redevelopment of these areas as necessary for the public health, safety and welfare of the residents of the City.

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[1] *Section 163.335 Florida Statutes*
[2] *The City hired Carras Community Investment, Inc. (CCI) to examine the slum and blight conditions within the city boundaries, assess the need for a Community Redevelopment Area, and complete a FON Report.*

Florida Statutes state that for CRAs, a community redevelopment area may not consist of more than 80 percent of the City[3]. Therefore, the City focused the FON Report on the Ali Baba Corridor, where much of the City's deterioration has occurred.

On April 28, 2010, the City approved Resolution No. 10-8054, finding the need for an CRA, directing the initiation and preparation of a Redevelopment Plan; further authorizing the City Manager to negotiate a contract with Carras Community Investment, Inc. for consulting services to develop a Master Plan for the geographic location within the City boundaries where community development will take place subject to City Commission approval.

On June 8, 2011, the City approved Resolution No. 11-8238, to create a CRA naming the City Commission as the Board of the CRA.

On February 20, 2012, the City submitted a FON Report to Miami-Dade County, requesting that the BCC consider approving the FON Report.

Additional Information

CRA Budgets

Pursuant to the provisions of each CRA's Interlocal Agreement, the CRA may or may not be required to submit an annual budget to the BCC for approval. The following provides the most recent budgets approved by the BCC:

Miami-Dade County CRAs *Most Recent BCC Approved Budget*				
CRA	**Budget Approval Date**	**Resolution Number**	**Fiscal Year**	**Budget Amount**
Homestead	5/3/2011	Motion to adopt resulted in tie vote - File No. 110951	2010-11	$6,146,744
Southeast Overtown/Park West	7/7/2011	R-535-11	2009-10 2010-11	$27,321,927 (FY 2009-10) $29,577,142 (FY 2010-11)
Omni	7/7/2011	R-533-11	2009-10 2010-11	$44,015,971 (FY 2009-10) $38,958,422 (FY 2010-11)
Midtown Miami	7/7/2011	R-534-11	2009-10 2010-11	$3,901,446 (FY 2009-10) $1,595,022 (FY 2010-11)
North Miami	4/3/2012	R-286-12	2010-11 2011-12	$6,988,425 (FY 2010-11) $2,437,506 (FY 2011-12)
North Miami Beach	4/3/2012	R-285-12	2010-11 2011-12	$7,268,387 (FY 2010-11) $6,148,435 (FY 2011-12)
NW 79th Street	4/17/2012	R-336-12	2011-12	$20,000[4]
South Miami	4/3/2012	R-284-12	2011-12	$2,791,942

[3] *Section 163.340(10) Florida Statutes*

[4] *At the September 20, 2011, BCC meeting, District 2 allocated $20,000 from District office funds to the NW 79th Street CRA's FY 2011-12 Budget. Subsequently on April 17, 2012, under Resolution No. 336-12, the BCC approved the NW 79th Street CRA's FY 2011-12 Budget for the $20,000 allocation.*

Miami-Dade County CRAs *Most Recent BCC Approved Budget*				
CRA	**Budget Approval Date**	**Resolution Number**	**Fiscal Year**	**Budget Amount**
Florida City	1/24/2012	R-30-12	2011-12	$5,728,011
Naranja Lakes	1/24/2012	R-29-12	2010-11 2011-12	$4,328,535[5] (FY 2010-11) $3,628,160 (FY 2011-12)
West Perrine	4/3/2012	R-287-12	2011-12	$1,150,887
N.W. 7th Avenue Corridor	9/4/2012	R-661-12	2011-12	$2,694,064

Currently, there are thirteen (13) approved CRAs in Miami-Dade County: 7th Avenue Corridor, Homestead, City Center, Southeast Overtown/Park West, Omni, Midtown Miami, North Miami, North Miami Beach, NW 79th Street, South Miami, Florida City, Naranja Lakes, and West Perrine. The only CRA pending BCC approval is Goulds/Cutler Ridge. Below is a list of the thirteen approved CRAs and their TIF contribution rate:

CRA	TIF Contribution Rate
7th Avenue Corridor	95%
Homestead	95%
City Center	95%
Southeast Overtown/Park West	95%
Omni	95% - County gets refund of 35% of the total TIF collected
Midtown Miami	95%
North Miami	95% - County gets a refund of all County TIF collected west of Biscayne Blvd.
North Miami Beach	95%
NW 79th Street	95%
South Miami	50%
Florida City	95%
Naranja Lakes	95%
West Perrine	95%

Prepared By: Elizabeth N. Owens

[5] *Resolution No. 145-11, authorized the Naranja Lakes CRA to obtain a $7.5 million loan to reimburse the County for the outstanding balance on two State Sunshine Loans. The CRA issued a Request for Proposals (RFP), which only produced inquiries from prospective lenders. As a result, the CRA intends to issue a second RFP during the current fiscal year.*

Agenda Item: **8J1**

File Number: **121928**

Date of Analysis: **October 12, 2012**

Summary
This resolution approves and authorizes the execution of the Memorandum of Agreement between Miami-Dade County (County) and the United States Department of the Army (Army) for the dredging of certain PortMiami berthing areas to minus 50 feet below mean lower low water as part of the Miami Harbor Federal Navigation Project Phase III (Project).The cost to deepen the berthing areas at PortMiami is estimated to be approximately **$7,000,000.**

On July 17, 2012, the Board of County Commissioners (BCC), through R-650-12, authorized the execution of the *Project Partnership Agreement* between Miami-Dade County and the United States Department of the Army for the construction of the minus 50 feet below mean lower low water Miami Harbor Federal Navigation Project Phase III (Dredging Project) at PortMiami.

The total cost of the Project, including the cost of construction, Army procurement and administration, environmental mitigation and monitoring, and an Army required contingency, is estimated to be $180,000,000.This dredging project is a budgeted capital project to be paid from future anticipated Port revenue bond proceeds and State grants. According to PortMiami staff, the State of Florida has offered to fund approximately $111.5M, through reimbursement grants, towards this project:

- Approximately $85.7M in existing Joint Participation Agreement (JPA)
- Approximately $26M in FDOT budget from 2013-2015
- The Port is working on the revenue bond proceeds as a separate item to present to the BCC soon.

While the recommended Memorandum of Agreement will formally memorialize the Army's prior agreement to perform the needed berthing area work, at the County's cost, such work is not anticipated to increase the previously reported $180,000,000 Project cost estimate, which already included the berthing area dredging costs.

Question: *Why did the Dredging Project increase from $150,000,000 to $180,000,000?*[1]

Recently Adopted Legislation for the Surrounding Area of PortMiami
On July 17, 2012, the BCC, through R-641-12, approved *Amendment Number Two* to Miami-Dade Water & Sewer Department (WASD) Contract No. E07-WASD-09, a non-exclusive Professional Services Agreement with **AECOM Technical Services, Inc**., formerly known as Earth Tech Consulting, Inc. The amendment increased total compensation by $1,100,000 from $7,150,000 to $8,250,000 for additional engineering services to replace defective segments of the 54-inch sewer pipe installed from Virginia Key to Fisher Island.

On July 17, 2012, the BCC, through R-642-12**,** approved *Amendment Number One* to Contract DB10-WASD-01ESP with **Ric-Man Construction, Inc.** increasing total compensation by $22,543,550.26, from $54,892,728.57 to

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[1] See PortMiami press release titled, Congressional Action on PortMiami Deep Dredge Constrction Agreement, dated October 7, 2011, which states that the State of Florida in contributing $112.5 million towards the $150 million project that will deepen the port's channel to minus 50-feet.

$77,436,278.83; granted a time extension of 210 days to August 15, 2013; approved a Temporary Easement from the City of Miami Beach for construction, staging and ingress and egress; provided conditions to effective date of documents; and authorized the County Mayor or Mayor's Designee to revise Amendment Number One and the Temporary Easement as necessary. *This contract did not include any incentives to complete the project before the dredging begins, it expires on August 15, 2013. The Dredging Project is anticipated to begin in 2014.*

Background and Relevant Information on the Dredging Project
On March 3, 2009, the BCC, through R-203-09, authorized a Design Agreement between the County and the Department of the Army. The project to deepen the PortMiami harbor to minus 50 feet was approved by the United States Congress as part of the Water Resource Development Act of 2007. However, Congress did not set aside the funding to fully complete the project at that time.

On March 4, 2011, Governor Rick Scott directed the Florida Department of Transportation to amend their work plan to include $77 million for the dredging project.

On April 4, 2011, County staff circulated Dredge Project information during the BCC meeting stating that PortMiami had substantially invested in its infrastructure, much of it timed with and in anticipation of the 2014 expansion of the Panama Canal. The most time-critical component of these investments, which include the Port of Miami Tunnel and on-dock rail, was the Port's Deep Dredge program.

The information included the following: (1) that the Deep Dredge program is a top priority of the Board of County Commissioners, Miami-Dade Legislative Delegation, the Greater Miami Chamber of Commerce, and the Florida Chamber of Commerce; (2) the project has a very challenging schedule, with the WASD utility relocation in the critical path. *Both its water and sewer mains are at too willow a depth to allow for the dredging of Government Cut to commence under federal standards; and (3) t*he Army Corps of Engineers is allowing an exemption from these standards to accommodate the County's aggressive schedule.

Importance of Project Schedule
According to the information circulated by staff at the April 4, 2011 BCC meeting, to maintain schedule, not only does the WASD relocation need to be completed on-time, but the PortMiami must work with the Army Corps to complete environmental permitting, develop a Project Participation Agreement (PPA), and conduct a dredging contractor selection.

Subsequent to this, dredging must be accomplished without major delay for the PortMiami to be ready for the opening of the Panama Canal's new lock system in 2014.

- *According to County staff, the utility relocation project and the dredging schedule are interwoven, and work on both aspects of this project will proceed concurrently such that dredging may begin even before the utility work is totally completed.*

Information on Environmental Impact and Mitigation Process
In response to questions from the Office of the Commission Auditor pertaining to the pipeline project and potential impact to the surrounding marine environment; anticipated commencement date of the dredge project; and maritime impact, staff from the Port of Miami provided the information below:

The Deep Dredge is a 2.5 mile long project that goes from the outer entrance to the port (seabuoy) to the Lummus Turning Basin. In the course of preparing a Federal Environmental Impact Statement (EIS) the following two potential environmental impacts have been identified with the removal of sand/limestone (dredge materials):

Impacts
- Seagrass: 7.9 acres (0.2 direct impact/7.7 secondary impact)
- Coral relief (hardbottom): 4.5 acres

Mitigation

- Seagrass: 16.6 acres
- Artificial Reef Creation: 9.28 acres Coral Relocation - all hard coral colonies greater than 25 cm and up to 1300 hard coral colonies between 10 and 25 cm will be relocated outside of the project impact area, to the natural reef system and to the newly created artificial reef.

With a dredge project, typically the US Army Corps of Engineers will not issue a Notice to Proceed (NTP) until all utility relocations are completed; substantial completion, however, will suffice.

- Based on progress made by the MDWASD contractor, the US Army Corps of Engineers will allow construction for the Deep Dredge to commence prior to substantial completion of the WASD relocation project. The area of the WASD relocation project has been placed in its own phase to allow coordination.
- Keeping the utility relocation on schedule is directly linked to keeping the Deep Dredge on schedule. Major global shipping lines are investing in new Post-Panamax mega ships and the State of Florida has invested $112.5 million in the deep dredge, agreeing to advance the $75 million federal share for this project.
- (Dredge Project Timeline) The RFQ is anticipated to be advertised in August 2012, and the contract to be awarded in December 2012; Notice to Proceed January 2013; and construction (dredge in the water) to begin in spring 2013.
- (Maritime Impact) The dredge contractor will be required to work around traffic at the Port of Miami and shall not interfere with maritime traffic. This is a standard requirement of the US Army Corps of Engineers. The US Coast Guard and US Army Corps of Engineers will monitor daily and enforce.

Legislative History Regarding Dredging Project

BCC Date	Legislation	Item Highlights
3/3/09 Final Action: R-203-09	RESOLUTION AUTHORIZING *EXECUTION OF DESIGN AGREEMENT* BETWEEN MIAMI-DADE COUNTY AND THE U.S. DEPARTMENT OF THE ARMY FOR THE DESIGN OF MIAMI HARBOR FEDERAL NAVIGATION PROJECT PHASE III; AND AUTHORIZING THE MAYOR OR DESIGNEE TO EXECUTE THE AGREEMENT FOR AND ON BEHALF OF MIAMI-DADE COUNTY, TO SPEND UP TO $1,220,000 PURSUANT TO THE DESIGN AGREEMENT AND TO EXERCISE ANY CANCELLATION AND RENEWAL PROVISIONS	On April 25, 2005, the U.S. Department of Army completed its General Reevaluation Report for this project. The GRR's findings recommended a 49-foot deepening of the channel as well as the option to deepen the channel by an additional foot as the Locally Preferred Plan.
2/15/11 Final Action: R-121-11	RESOLUTION *URGING THE PRESIDENT* AND THE U.S. CONGRESS TO BUDGET AND APPROPRIATE $75 MILLION IN FEDERAL CONSTRUCTION FUNDING FOR THE DEEP DREDGE PROJECT AT THE PORT OF MIAMI; URGING THE GOVERNOR AND FLORIDA LEGISLATURE TO IDENTIFY STATE FUNDING SOURCES TO ASSIST IN THE TIMELY COMPLETION OF THE DEEP DREDGE PROJECT	Several issues were raised during the discussions at the BCC meeting *relating to the* projections for additional activity generated by the 50 foot Deep Dredge Project (Dredge Project) including the number of jobs and the amount of revenue to be realized by the Port. Staff explained that the *County was not* pursuing the $75 million being requested for the Dredge Project from the federal government. Staff wanted to have a dollar amount included in the budget in order to be creative in securing State or other funding to begin the project and to obtain reimbursement later.

BCC Date	Legislation	Item Highlights
		PortMiami staff noted a preliminary analysis to fund and obtain subsequent reimbursement had already been compiled and this report data would be provided to the BCC. Pursuant to the request made at the February 15, 2011, BCC meeting, information regarding the PortMiami Deep Dredge was provided to the BCC on March 22, 2011 regarding jobs, additional revenue and activity.
4/4/11 Final Action: R-268-11	RESOLUTION *URGING THE FLORIDA LEGISLATUR*E TO APPROVE ADDITIONAL FUNDING FOR THE PORT OF MIAMI DEEP DREDGE PROJECT; IDENTIFYING THE DEEP DREDGE PROJECT AS A CRITICAL PRIORITY FOR THE 2011 STATE LEGISLATIVE SESSION	When President Barack Obama released his federal proposed budget in February 2011, it did not include funding for PortMiami Deep Dredge despite the fact that the Deep Dredge Project had received Congressional authorization. On March 4, 2011, the State of Florida Governor announced that he would pledge $77 million in FDOT Strategic Intermodal System funds for the Deep Dredge Project.
Final Action: R-684-11	RESOLUTION AWARDING, APPROVING AND AUTHORIZING THE EXECUTION BY THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE OF A CONTRACT IN THE AMOUNT OF $57,120,637.81 BETWEEN MIAMI-DADE COUNTY AND *ODEBRECHT CONSTRUCTION, INC. FOR THE WHARVES STRENGTHENING PROGRAM*, CONTRACT NO. 2007-022; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ANY TERMINATION AND RENEWAL PROVISIONS CONTAINED THEREIN	On September 21, 2011, the BCC, through R-684-11, approved a contract between the County and Odebrecht Construction, Inc. in the amount of $57,120,500 to strengthen cargo wharves ("Wharves Strengthening Project") at PortMiami to accommodate berths to be dredged to a depth of minus 50 feet below mean lower low water.
2011 September Monthly Report Memo	A memo, titled, *September Monthly Report*, from Alcalde & Fay to the Chairman of the BCC, states that while the Office of Management and Budget (OMB) and the Senate Appropriations Committee have each approved the Department of the Army's plans to move forward with the Miami Harbor deep dredge project, approval is still pending before the House Appropriations Committee. The House committee is the very last federal approval needed to enable the Army Corps to move forward into the next stage which is the Project Partnership Agreement (PPA). At the request of Alcalde and Fay, on September 22, 2011, Congressman Bill Young (R-FL), also spoke personally with Chairman Frelinghuysen. At that time, the Chairman advised Congressman Young that the committee could not approve the project because, despite the assumption of the entire construction cost by the non-federal sponsor, it was his understanding that a deeper draft would result in additional federal maintenance costs. According to the memo, Alcalde and Fay immediately moved to correct this misunderstanding. They worked with the Seaport Department and the Army Corps Jacksonville District Office staff to prepare a letter. The final letter signed by the Army Corps Jacksonville District, dated September 23, 2011 stated: "*Maintenance dredging is typically performed on a ten year cycle at the Port of Miami, which has one of the lowest average annual maintenance costs along the east coast, and is on average $350,000 per year. Any*	

BCC Date	Legislation	Item Highlights
	increase in shoaling of the newly authorized channel, once constructed, is expected to be negligible." The letter went on to state that future federal maintenance costs could actually decrease over time, as cost sharing "kicks in" after 48 feet. **Additional Information** According to Alcalde and Fay's memo, in May 2011, the House and Senate Appropriations Committees approved the Army Corps' Accelerated Funds Agreement for the Preconstruction, Engineering and Design (PED) stage of the project. Also during the month of May, the Army Corps' FY 2011 work plan was released. For the Port of Miami, the Corps included $1 million for completion of the PED and $200,000 for regular Operation and Maintenance needs in the Miami federal channel. These allocations by the Army Corps were significant, as neither had been included within the original FY 2011 Corps budget introduced in February of 2010. These initiatives on the part of the Corps are indicative of the agency's growing support for the deep dredge project.	
1/5/12 Final Action: R-06-12	RESOLUTION *URGING THE ARMY CORP. OF ENGINEERS AND THE STATE OF FLORIDA* TO EXPEDITIOUSLY RESOLVE PENDING OBJECTIONS TO PERMITS PROPOSED TO BE ISSUED TO THE CORP. IN CONNECTION WITH THE PROJECT TO DREDGE CHANNELS USED BY THE PORT OF MIAMI TO A CONTROLLING DEPTH OF MINUS 50 FEET BELOW MEAN LOWER LOW WATER AND AUTHORIZING THE COUNTY MAYOR TO APPLY FOR ANY PERMITS NEEDED FOR THE DREDGING PROJECT	
5/1/12 Final Action: R-422-12	RESOLUTION AUTHORIZING EXECUTION OF *SETTLEMENT AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE PETITIONERS DAN KIPNIS, TROPICAL AUDUBON SOCIETY, INC. (''TAS''), AND BISCAYNE BAY WATERKEEPER, INC. (''BBW'') (COLLECTIVELY, ''PETITIONERS)* IN CONNECTION WITH THE US ARMY CORPS OF ENGINEERS' FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION PERMIT TO DREDGE CHANNELS USED BY THE PORT OF MIAMI TO A CONTROLLING DEPTH OF MINUS 50 FEET BELOW MEAN LOWER LOW WATER; AUTHORIZING PLACEMENT OF $1,310,000 INTO THE MIAMI-DADE COUNTY BISCAYNE BAY ENVIRONMENTAL ENHANCEMENT TRUST FUND TO BE UTILIZED FOR THE TASKS AND PROJECTS IDENTIFIED IN SCHEDULE A OF THE SETTLEMENT AGREEMENT AND AUTHORIZING THE DISBURSEMENT OF THOSE FUNDS FOR THE IDENTIFIED PROJECTS; AUTHORIZING $50,000 DONATION TO TROPICAL AUDUBON SOCIETY, INC. ACCORDING TO TERMS OF THE SETTLEMENT AGREEMENT; AUTHORIZING $50,000 DONATION TO BISCAYNE BAY WATERKEEPER, INC. ACCORDING TO TERMS OF THE SETTLEMENT AGREEMENT; AND AUTHORIZING EXECUTION OF THE LOCAL SPONSOR AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION IN CONNECTION WITH THE US ARMY CORPS OF ENGINEERS FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION PERMIT TO DREDGE CHANNELS; AND AUTHORIZING THE MAYOR OR DESIGNEE TO EXECUTE THE AGREEMENTS FOR AND ON BEHALF OF MIAMI-DADE COUNTY	This resolution authorized the execution of the Settlement Agreement between Miami-Dade County and the Petitioners Dan Kipnis, Tropical Audubon Society, Inc., and Biscayne Bay Waterkeeper, Inc. (collectively, "Petitioners") and authorizing execution of the Local Sponsor Agreement between Miami-Dade County and the Florida Department of Environmental Protection to settle all outstanding items related to the petition and all post-construction monitoring required for the Florida DEP environmental permit for construction of the minus 50 feet Miami Harbor Federal Navigation Project Phase III.

Additional Information

An article by USA Today, dated, June 18, 2012, *East Coast Ports Scramble to Dig Deep, for Supersize Ships*, states that a growing number of supersize freighters, which up to now have relied mostly on West Coast ports to deliver goods from Asia to the USA because they couldn't fit through the Panama Canal, will be able to make the trip to the East Coast economically when an expansion of the canal is completed in 2014.

Ports on the Atlantic and the Gulf of Mexico, whose harbors have been too shallow to accommodate these behemoths, are gearing up to spend more than $40 billion over the next five years to deepen their shipping channels and make other upgrades, to the Director of Communications for the American Association of Port Authorities.

According to the Director of Communications for the American Association of Port Authorities, the ports of Norfolk, Va., and Baltimore have completed projects that put them in position to be the first to receive the big ships, some of them 1,110 feet long with the capacity to haul up to 13,000 boxcar-size freight containers.

Elsewhere, the work is in varying stages:

- The Army Corps of Engineers is expected to finish dredging a 50-foot deep channel to three terminals in New York Harbor by the end of the year and to the main New York terminal by 2014. The authority has committed $1 billion to raise the Bayonne Bridge by 64 feet to allow the bigger ships to pass under.
- The Corps of Engineers completed a study in April finding that Savannah, GA's proposed $652-million channel deepening project is viable.
- The Corps is in the midst of a study of Charleston Harbor, said the President and CEO of the South Carolina Ports Authority.
- Philadelphia and Corpus Christi are currently involved in dredging projects. Boston, Jacksonville, Canaveral and Freeport, Texas, are among other ports pursuing deeper channels.
- South Carolina's Legislature this month designated $300 million to the Charleston project — enough to do the job even if the federal government doesn't come up with its 40% match.

Meanwhile, West Coast ports that have had the big-ship business to themselves for the most part are pointing out their advantages in a fight to keep from losing their largest customers.

According to the Director of Business and Trade Development for the Port of Los Angeles, it takes 17 days to ship goods from Shanghai to New York by transferring to rail in Los Angeles. On the other hand, using the all-water route takes 26 days. Ships also must pay a toll of about $375,000 to pass through the Panama Canal.

Prepared by: Michael Amador-Gil

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

Research Notes

Agenda Item: **8M3 – Certificate of Public Convenience and Necessity**

File Number: **121642**

Date of Analysis: **September 25, 2012**

Summary

The proposed resolution denies an application by Advanced Ambulance Services, LLC for a Certificate of Public Convenience and Necessity to provide ground ambulance service.

Mayor's Recommendation for Denial

A notice of the application filing was transmitted to all County municipalities and certificate holders. Objections were received from four (4) of the six (6) existing private ambulance providers. American Medical Response, Medics Ambulance Service, Miami-Dade Ambulance Service and American Ambulance Service indicated in their objection letters that the current ambulance companies were capable of providing the specialized service that Larkin Community Hospital's patients require. They also stated that because of changes in the Medicare program less work was expected for the existing providers and that the applicant did not meet all of the requirements of the Code.

According to the Department of Regulatory and Economic Resources (RER), the applicant failed to prove the community's need for the proposed service. Section 4-4 (d)(5) of the Code provides that the applicant bears the burden of proving there is such a need by providing verifiable documents and evidence.

In addition, RER states that the denial recommendation took into consideration the other provider's objections but it was not based solely on this. The Department's recommendation is based mainly on the results of the 2010 Triennial Private Ambulance Service Market Survey Report (2010 Triennial Report) which indicated that a high quality of ambulance service is being provided throughout the County and that there was no need for additional providers. The recommendation also states that existing ambulance providers offer the same type specialty service proposed by Advanced Ambulance Services, LLC.

Currently, Larkin Community Hospital uses the services of several ambulance providers when transporting its patients to and from its facilities and RER has not received consumer complaints regarding the lack of available ambulance service.

Pursuant to Section 4-4(d) of the Miami-Dade County Code (Code), the Board of County Commissioners (BCC) may consider and act upon private applications for Certificates of Public Convenience and Necessity where the BCC by a two-thirds vote of the entire membership finds that the public convenience and necessity require the issuance of additional certificates. After public hearing, the BCC may issue or refuse to issue the certificate as applied for, or may issue a certificate with such modifications or upon such terms and conditions as the public convenience and necessity may require.

The Code does not provide any appeal process for denials by the BCC.

In reaching its determination, the BCC may consider the application, the County Mayor's report and recommendation, all matters presented at the public hearing and the following criteria:

- The financial ability of the private applicant to provide the proposed services;
- The adequacy of the management plan of the applicant;
- Any recommendations received from municipalities;
- The benefits that will accrue to the public interest from the proposed service;
- The community's need for the proposed private service. The applicant shall bear the burden of proving there is such a need by providing verifiable documents and evidence. In addition, the county shall conduct the following analysis:
    - Response time analysis of existing private providers for the previous three (3) years as compared with the benchmark response times as stated in each provider's most recent certificate application.
    - Quality of existing service as determined by the results of the comprehensive market survey conducted during the year preceding the term for certificate renewal and acceptance of new applications.

Background and Relevant Legislation[1]

Florida's Access to Health Care Act (Florida Statutes, Chapter 395) requires access to emergency services regardless of a patient's ability to pay. Emergency services are designed to provide immediate medical attention, and are intended to prevent loss of life or limb, or treat an illness or injury that may result in disability without medical care.

In 1990, the BCC established a committee to review the ambulance regulators and criteria for determining when there is a need for additional services. The Private Ambulance Services Study (PASS) Committee met frequently for more than three years reviewing regulations of other communities both nationwide and throughout Florida. The committee's deliberations resulted in elements of application review which the BCC established by ordinance (Ordinance No. 94-93) effective July 1994.

Between 1998 and 2001, the BCC conducted several activities to consider amendments to the market entry criteria of private ambulance service described in Chapter 4, Article I of the Code. Subsequently, on March 8, 2001, under Ordinance No. 01-38, the BCC amended Chapter 4 of the Code, relating to the criteria for issuance of certificates of public convenience and necessity. As amended by Ordinance No. 01-38, Section 4-4(d)(5b) of the Code requires a comprehensive market survey to be conducted during the year preceding the term of the triennial renewal of ambulance certificates to review the quality of existing service. Pursuant to this requirement, the 2010 Triennial Report was prepared by the Consumer Services Department (CSD).

Triennial Private Ambulance Service Market Survey Report

The purpose of this market analysis was to assess customer satisfaction with private ambulance transport industry and, ultimately, determine if additional companies would better serve the needs of the community. The methodology included the development of a web-based survey and its distribution to main health care providers in Miami-Dade County. In August 2010, CSD mailed 146 letters to targeted recipients requesting them to participate in the online survey. The survey report was prepared in December 2010, and made a part of the County Manager's memo to the BCC dated May 27, entitled, *Triennial Private Ambulance Service Market Survey Report.*

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[1] *Triennial Private Ambulance Service Market Survey Report, February 2007, pp.4.*

Sample Distribution

Of the 146 surveys, 33 were distributed to hospitals, 53 to nursing homes, 31 to primary health care facilities, and 29 to assisted living facilities with 50 beds and over. Seventy-two (72) of the distributed surveys representing 49.3% were returned by participants, all of which were usable. Twenty (20) of the 72 surveys were completed by facilities that provided no identifying information regarding their name or facility type. The data provided by the twenty (20) unidentified completed surveys are included in the findings.

The table below provides a comparison of the response rates and distribution of the last three (3) Triennial surveys conducted:

Survey Distribution and Receipt[2] Ambulance Transport						
Respondent Type	**Survey Distribution**			**Completed Distribution**		
	2010	**2007**	**2004**	**2010**	**2007**	**2004**
Hospitals	33[3]	30	30	14 (14.4%)	13 (43.3%)	18 (60%)
Nursing Homes	53	53	53	17 (32%)	23 (43.4%)	23 (43.4%)
Assisted Living Facilities	29	37	34	11 (38%)	15 (40.5%)	12 (35.3%)
Primary Healthcare Centers	31	43	62	10 (32%)	12 (27.9)	13 (21%)
Unidentified	N/A	N/A	N/A	20	0	3
Totals[4]	146	163	179	72 (49.3%)	63 (38.6%)	69 (38.5%)

Survey Data Limitations

There is a risk of non-response bias associated with results obtained from small samples and low percentages of returned surveys. The possibility exists that the facilities who chose to respond to this survey may have responded very differently than those who chose not to respond.

Response Time

The 1998 survey identified response time as one of the most important factors contributing to the overall satisfaction with ambulance transport. Improvements of ambulance transport response time for health care providers were considered necessary to make service more responsive to the public. The results of the 2010 survey suggest that, in general, perception of ambulance response time have not significantly changed from 2003 and 2007.

- Fifty-nine percent (59%) of participating facilities rated the overall timeliness of Basic Life Support (BLS) ambulance arrivals at their facility within the projected time as good or exception.
  - Only 3.6% rated the overall timeliness of BLS ambulance arrival times as poor.

[2] *Table 2, Triennial Private Ambulance Service Market Survey Report, December 2010.*
[3] *This number represents 55.37% of the County's 9,323 available hospital beds.*
[4] *Although the 146 surveys mailed out in 2010 represent the lowest distribution when compared to 2007 and 2004; at 49.3%, 2010 did have the highest rate of surveys completed compared to 2007 and 2004. The 2010 percentage rate of completed surveys includes the 20 unidentified completed surveys.*

- Seventy-seven percent (77.3%) of participating facilities rated the overall timeliness of Advanced Life Support (ALS) ambulance arrivals at their facility within the projected time as good or exceptional.
    - While only 11.4% rated it as poor.

Overall Timeliness of Ambulance Arrival[5]				
	Type of Transport			
	ALS Vehicles[6]		BLS Vehicles[7]	
Exceptional (4)	7	15.9%	3	5.3%
Good (3)	27	61.4%	30	53.6%
Average (2)	5	11.4%	21	37.5%
Poor (1)	5	11.4%	2	3.6%
Mean	2.81		2.60	
Unable to Rate / No Answer	28	N/A	16	N/A

The 2010 Triennial Report provides results for other key indicators such as overall courtesy and professional treatment of patients by ambulance attendants, overall appearance of ambulance attendants, overall cleanliness of ambulance vehicles, overall condition and/or availability of equipment and supplies, and overall ambulance service.

Overall Satisfaction

Consistent with the results of the 2003 and 2007 surveys, the majority of responding health care facilities offered little criticism about any aspect of ambulance transport covered in the survey. Overall, satisfaction among all facility types averaged good with no user facility rating the overall ambulance service provided to their facility as poor (see table below).

Overall Ambulance Service[8]				
	Type of Transport			
	ALS Vehicles[9]		BLS Vehicles[10]	
Exceptional (4)	6	14%	7	12.5%
Good (3)	29	67.4%	38	67.9%
Average (2)	8	18.6%	11	19.6%
Poor (1)	0	0%	0	0%
Mean	2.95		2.93	
Unable to Rate / No Answer	29	N/A	16	N/A

Supplemental Question – The Need for Additional Ambulance Service Providers

When asked whether there is a need for additional ambulance service providers in Miami-Dade County, the majority of respondents expressed no need for expansion of providers. The few respondents that expressed a

[5] *Table 5, Triennial Private Ambulance Service Market Survey Report, December 2010.*
[6] *Only 44 of the 72 facilities that completed the survey answered this question.*
[7] *Only 56 of the 72 facilities that completed the survey answered this question.*
[8] *Table 10, Triennial Private Ambulance Service Market Survey Report, December 2010.*
[9] *Only 43 of the 72 facilities that completed the survey answered this question.*
[10] *Only 56 of the 72 facilities that completed the survey answered this question.*

need for expansion responded that having more providers would lead to an improvement in wait time. See table below for breakdown of responses:

Need for Additional Ambulance Service Providers[11]							
Answer Options	*Type of Facility*						
	Hospital	Nursing Home	Health Center	Assisted Living Facility	Undisclosed	Response Percentage	Response Count
Yes	1	2	1	1	2	12.5%	7
No	12	14	8	10	5	87.5%	49
Total Responses[12]	13	16	9	11	7	N/A	56
Unable to Rate / No Answer	1	1	1	0	13	N/A	16

Findings and Conclusions

The findings indicate a positive perception towards overall ambulance service from all participating facilities and customers, including 92.3% of hospitals and 87.5% of nursing homes perceived no need for additional service providers, and few facilities report having received complaints about ambulance service from patients.

The most important criteria within the ambulance transportation system in Miami-Dade County continues to be response time, which was identified by facility users as the most significant factor contributing to their facility's decision to utilize a vendor. The Miami-Dade County Code provides a mechanism for existing providers to add ambulance vehicles based on existing vehicle utilization.

While survey results overall indicate a good level of service provided by private ambulance providers, improvements can still be achieved in the transport response times and the provision of enhanced services. The data, however, suggests these improvements can be accomplished with the existing providers.

Questions:

(Response to the following questions provided by RER).

The 2010 Triennial Report states that CSD mailed 146 letters to targeted recipients in August 2010 and the report is dated December; therefore, the collection of data for the 2010 Triennial Report was conducted between August and December 2010, making the data used in this survey approximately 2 years old. How do we know that conditions have not changed since this survey was conducted?

> *The next Code mandated Survey is not due until December 2013. Until then, we will not know if they conditions have changed; however, it should be noted that the results of the 2010 survey were consistent with the prior surveys of 2004 and 2007 which also showed that a high quality service was being provided in Miami-Dade County and that there was no need for additional providers. In addition, no consumer complaints have been received on the lack of ambulance service.*

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[11] *Attachment 9, Triennial Private Ambulance Service Market Survey Report, December 2010.*

[12] *Only 56 of the 72 facilities that completed the survey answered this question.*

Have other proposed resolutions come before the BCC recommending denial?

No other resolutions relating to ambulance or other for-hire issues have been submitted to the Board recommending denial.

The County Manager's memo dated May 27, 2011, entitled, Triennial Private Ambulance Service Market Survey Report, provided the report to the BCC. At the time the 2010 Triennial Report was presented to the BCC, there were seven (7) certificates held by six (6) companies operating 186 active units. Do these numbers remain the same today?

There are five companies operating 7 certificates and 207 active units. There is one less company than in 2010 because AMR bought Medics.

Additional Information

Process for Certificate of Public Convenience and Necessity for Ground Ambulance Services[13]

- Once an application is received, it is reviewed for compliance by staff from RER. The application requirements are outlined in Section 4-4 (a) of the Code. If items are missing, applicant is notified and given an opportunity to submit the missing information.
- Upon the proper filing of an application a notice is transmitted to each municipality and certificate holder informing them about the application filing and inviting them to provide comments or concerns. Generally they are given two weeks to provide comments.
- Once the review is completed, a Board package is prepared for the BCC's consideration.
- The Code requires that a notice of public hearing should be sent via certified mail to all applicants, certificate holders and municipalities at least ten (10) days in advance.
- Application is scheduled for public hearing at the Regional Transportation Committee meeting.
- Final approval or denial is considered by the full Board.
- The BCC may consider and act upon private applications for certificates of public convenience and necessity where the Commission by a two-thirds vote of the entire membership finds that the public convenience and necessity require the issuance of additional certificates.
- After public hearing, the commission may issue or refuse to issue a certificate with such modifications or upon such terms and conditions as the public convenience and necessity may require.
- If the application is approved, a certificate is issued provided that the applicant has complied with the requirements of the Code and presents proof of approval by the appropriate state agency (State License), including a list of all drivers, emergency medical technicians, and paramedics and a list of all permitted vehicles.

Prepared By: Elizabeth N. Owens

[13] *Provided by RER.*

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

Research Notes

Agenda Item:	8N1 and 8N3
File Number:	121816 and 121823
Date of Analysis:	October 12, 2012

Summary
8N1: This resolution awards a contract in the aggregate amount of **$313,832,000** with AnsaldoBreda S.p.A (AnsaldoBreda) for the purchase of 136 new heavy rail replacement vehicles and the decommissioning of the existing Metrorail fleet. *The vehicles will be designed and built by AnsaldoBreda to provide 30 years of useful life to the County.*

8N3: This resolution approves Supplemental Agreement No. 2 to Contract No. TA02-MR26 between Miami-Dade County and Washington Infrastructure Services to increase the contract value by **$4,405,737** and extend the contract duration by six years; and approves the assignment of said contract from Washington Infrastructure Services, Inc. to URS Energy & Construction, Inc.

- *On September 9, 2003, the Board of County Commissioners (BCC), through R-931-03, awarded Contract TA02-MR26 to Washington Infrastructure Services, Inc. for a three-year term of $2,116,772 to provide engineering services and assist Miami Dade Transit (MDT) with assessing the condition of the existing Metrorail and Metromover Phase 1 fleets. On May 17, 2005, the BCC, through R-579-05, approved Supplemental Agreement No. 1 with Washington Group International, F/K/A Washington Infrastructure Services, Inc., and exercised the contract option, which extended the Contract term by five years, from September 2006 to September 2011. Supplemental No.1 increased the contract by $14,961,313, resulting in a cumulative contract amount of $17,078,085. The proposed Supplemental will bring the overall contract amount to $21,483,822.*

Companion Projects and 2012 Funding Authorization:
- The *Metrorail Central Control Upgrades* will update the existing Metrorail portion of the Miami-Dade Transit Control Center replacing the existing 26 year old system. (See R-955-11)

- The *Palmetto Station Traction Power Sub-Station* project will install a new Traction Power Substation at the existing Palmetto Station. The project will provide higher 600 Volts Direct Current for the 136 new Metrorail vehicles scheduled to be delivered to Miami-Dade County. (See R-436-12)

- The *2012 Ordinance and Series 2012 Resolution* allows for the issuance of up to $600 million of additional Miami-Dade County, Florida Transit System Surtax Revenue Bonds. The 2012 Ordinance approves a portion of the projects listed in the 2012 Ordinance for funding from the proceeds of future Transit Surtax Bonds. These authorized projects are the remaining projects approved by the Citizens' Independent Transportation Trust (CITT) and the BCC in the Capital Improvement Program (CIP). (See Ord. 12-39 and R-453-12)

The capital projects above are funded by Miami-Dade County's approved half penny sales Surtax, which funds are overseen by the CITT.

To determine the current and future financial status of Miami-Dade Transit, the Office of the Commission Auditor provides the following notes from the Citizens' Independent Transportation Trust Five-Year Implementation Plan (Plan); recent findings by CITT's financial consultant, dated September 6, 2012, which was tasked to review and analyze Miami-Dade Transit's Pro-Forma; the Miami-Dade Transit's *Transit Development Plan FY 2013-2022 (Draft)* future revenue growth projections and major policy actions; and Miami-Dade Transit Historical Budget Shortfall Review.

According to CITT staff, the FY 2012-13 Five-Year Implementation Plan is currently under development, which includes future annual updates by continuing to monitor the actual implementation of the projects, budgets and schedules, and any additions, deletions and deferrals.

We thank the staff with the Office of the Citizens' Independent Transportation Trust for their cooperation and input throughout this informational process.

Origins of the Miami-Dade County Transit System Surtax and Oversight

On July 9, 2002, the BCC, through Ordinance 02-116, established a one half of one percent (.5) Charter County Transit System Surtax (Surtax). This Surtax is charged on all transactions occurring in Miami-Dade in accordance with the limitations and exemptions outlines in Chapter 212 of the Florida Statutes. The Funds generated by this Surtax are utilized specifically for the expansion, improvement, and operation of Miami-Dade County's transportation infrastructure.

Also, on July 9, 2002, the BCC, through Ordinance 02-117, created the CITT. The BCC felt the creation of a Citizens' panel to *oversee* the Implementation of the Peoples' Transportation Plan (PTP) and expenditure of proceeds derived from the proposed .5 cent Surtax for transportation, was important in order to gain the public's confidence that the citizens of Miami-Dade County would receive what was proposed in the PTP. This support was seen as paramount in order to pass the Surtax and PTP in November 2002.

At that time, Miami-Dade County faced a variety of challenges in dealing with increased transportation needs and traffic congestion. National reports ranked Miami-Dade County as one of the most congested areas in the United States. Some factors that contributed to the County's traffic problems were urban sprawl, increasing growth population, and an inadequate mass transit system linking populated residential areas of the County to businesses and/or cultural and entertainment centers in the community.

Following voter approval of the Surtax in November 2002, Miami-Dade Transit presented a list of capital improvement projects authorizing PTP investment in existing facilities.

Since 2003, the CITT and the BCC have approved a number of program changes to add, delete or materially change several projects contained in the PTP. As of March 2007, 15 amendments that allowed the use of the Surtax funds for additional capital and operational expenditures had been approved. This included an amendment in 2003 that approved the use of Surtax funds to support 24 additional miscellaneous capital projects estimated at $397 million.

For example, the Lehmann Center Test Track Project was added to the PTP through an amendment recommended by the CITT, and was subsequently approved by the BCC on October 9, 2003, through R-1154-03.

A major problem facing Miami-Dade County during that time was the lack of a dedicated funding source for transportation needs; and remaining competitive to obtain funding from many federal and state programs.

CITT's Five-Year Implementation Plan

On July 9, 2002, the BCC, also through Ordinance 02-116, established a *review process* for the CITT. Ordinance 02-116 provides that any proposed deletion, material change or addition of a County project will be initially reviewed by the CITT, which will forward a recommendation to the BCC.

On September 21, 2010, the BCC, through Ordinance 10-53, required the CITT to recommend a Five-Year Implementation Plan for the BCC detailing the scope of work, schedule and budget for each project included in Exhibit 1 of the People's Transportation Plan, anticipated to be implemented in whole or in part during the five-year period.

On May 1, 2012, the BCC, through R-388-12, accepted the Five-Year Implementation Plan, which included updates and recommendations for Fiscal Year 2011-12 through 2016-17 from the CITT.

According to the Five-Year Implementation Plan, the County's 2011-12 Adopted Capital Plan shows the following total revenue summary for PTP-related sources (combination of bond proceeds and direct receipts) for the $1.5 billion program. It reflects a reduction of $0.3 billion versus last year, primarily in outer years beginning FY2013-14. (See table below)

Revenue (000s)	Prior Years	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	Future	Total
Total	$729,611	$214,630	$135,911	$140,273	$134,542	$98,129	$19,152	$11,924	$1,484,172

Pro-Forma (On-Going Review FY 2012-13)
According to CITT staff, CITT's financial consultant, Infrastructure Management Group, Inc. (IMG), is annually tasked to review and analyze the Pro-Forma focusing on a detailed review of the draft FY 2012-13 MDT Pro-Forma (as of July 2012), which includes numerous changes in key assumptions and input date.

On September 6, 2012, the CITT's Strategic and Financial Planning Committee held a workshop that included the following findings from IMG:

IMG Key Findings
1. MDT still faces significant operating challenges
   - Tight budgets that rely on new revenue to fill gaps
   - Annual cash flow negative in seven years–FY 2017 through FY 2023
   - Minimum debt service coverage ratio of 1.39X for PTP bonds violates bond covenant thresholds of 1.50X (sr. debt) and 1.25X (sub debt) – FY 2017 through FY 2023
   - Debt coverage based only on Surtax revenue and does not account for MDT operating costs

2. Collective bargaining agreements negotiated last year continue to be in effect.
3. Long term capital program is a placeholder based on available funds
4. Beginning in 2016, some capital expenditures (or bus leases) must be deferred (cumulative deferrals exceed $216 million in 2017)

MDT Pro-Forma Key Assumptions
- Surtax revenue long-term growth rate of 4.5% (3.00% from 2014-2017)
- Assumes "proposed" revenue sources such as:

Revenue Source	FY 2014 Impact	FY 2015 Impact	30-Year Impact
Fare Increase	$11.8 million	$11.9 million	$1.6 billion
LOGT 2 Cents	$10.1 million	$13.5 million	$400 million
Additional Mil (or other General Fund)	$33.7 million	$33.9 million	$1.5 billion

- Constant levels of employment and bus service over 30-year forecast period (3,235 MDT employees).
- Average annual growth rate for MDT operating expenses of 3.5%
- Bus leasing removes cost from debt service

Variable	MDT Pro-Forma Key Assumptions and Changes 2011-13		
	FY 2011	FY 2012	FY 2013
Fare Increases	Fare increases in 2013 and 2017 and every 3 years thereafter; each fare increase is $0.25 (*See Transit Development Plan FY 2013-22 below*)	Fare increases in 2014 and 2018 and every 3 years thereafter; each fare increase is $0.25	Unchanged from FY 2012.
Surtax Revenue Growth	Surtax revenue growth rate of 1.00 percent in FY 2011, 3.00 percent in FY 2012, and 5.00 percent per year thereafter	Surtax revenue growth rate of 4.50 percent in 2012, 3.00 percent for 2013-2016, and 4.50 percent thereafter	Surtax revenue growth rate of 2.13 percent in 2013, 3.00 percent for 2014-2017, and 4.50 percent thereafter.
Proposed Revenue Source	Includes "proposed" revenue sources such as 2 cents of Local Option Gas Tax and additional mil revenue	Unchanged from FY 2011	Unchanged from FY 2012.
OPEX Growth	Average annual growth rate for MDT operating expenses of 3.6 percent	Unchanged from FY 2011	Fuel and Energy increase at 1.5% in FY 2013, 1.8% in FY 2014, 2.0% in FY 2015, 2.2% in FY 2016 and 2.5% for the study period of 30 years.
Rail and Public Works Department Finance	Financed with 30-year debt at 6% interest rate	Unchanged from FY 2011	Unchanged from FY 2012.

Source: IMG

Miami-Dade Transit Development Plan FY 2013-to 2022 *Draft* (Annual Administrative Update)
The Office of the Commission Auditor also reviewed the Miami-Dade Transit Development Plan FY 2013-2022 (Draft) to determine the status of future revenue growth for Miami-Dade Transit. According to the Plan, future revenue growth is projected to fluctuate with a low level of tax revenue growth resulting from the existing state of the economy.

However, in years without any major policy changes, total available funding for MDT is expected to grow at slightly over three percent (3%) annually.

In addition, MDT does foresee two separate major policy actions related to funding during FY 2013 – FY 2022 to include:

- *Regular programmed fare increases:* The Pro-Forma projects a 25-cent increase in the base fare (from its current level of $2.00 to $2.25) in 2014, with another 25 cent increase levied in 2018 and in 2021. These increases have the effect of increasing the overall revenue growth rate in those years. These programmed fare increases which occur every four years is determined by policies approved by the Miami-Dade County Board of County Commissioners that authorize MDT to implement regular fare increases to keep pace with inflation.

- *Additional local funding*: In 2014, MDT anticipates receipt of two additional local funding sources to support operations -- the local option gas tax (LOGT) and County General Funds. Miami-Dade County currently imposes three of the five cents allowed under the fuel tax, and Pro Forma assumes that the other two cents will be approved, levied, and collected for MDT's use in 2014. The value of those additional two cents from the LOGT is approximately $13 million annually. The second source is additional County General Funds, which is estimated at approximately $19.3 million in the first year.

MDT's Historical Budget Shortfall Review

Allocation of Transportation Surtax Funds – 2004 White Paper: On August 16, 2004, the County Manager circulated a White Paper prepared by Miami-Dade Transit stating a number of issues surrounding the PTP and the funding of the County's transit system, and highlighted that successful implementation of the PTP depended on the maintenance of an efficient and effective unified public transit system.

The series of one-time fixes applied to the Miami-Dade Transit budget to remedy historic shortfalls is also explained in this White Paper, and the conclusion is that there can be no more borrowing from future years for the present expenses of a unified transit system.

The proposed remedy to Transit's debts at that time was that general funds support be increased by 3.5 percent; and that capital improvements be funded by the Surtax since these improvements were taking place after the Surtax was approved.

Support for the existing services was envisioned in the 21-year Pro-Forma dated July 2002. Furthermore, the 30-year Pro-Forma presented in December 2003, incorporated support for existing services as part of a sound financial plan along with a 3.5 percent increase in General Fund support.

The December, 2003, balanced Pro-Forma also included an annual 1.5 percent increase in Local Option Gas Tax Revenue for the next 30 years. The additional funding from those two sources was considered and approved by the BCC as part of the Fiscal Year 2004-2005 Countywide Budget, and the County Manager's Memorandum of August 16, 2004, accompanying the White Paper endorsed the inclusion of that funding in subsequent countywide budgets.

According to the White Paper, as a result of severe cutbacks nationwide in federal assistance for transit operational expenses as well as significant competing priorities for scarce general fund at the local level, Miami-Dade Transit had historically resorted to one-time revenues to balance its annual budget.

In fact, an examination of Miami-Dade's Transit's budget for the last ten (10) years revealed that U.S. Leverage Lease and other one-time revenues were used by Miami-Dade Transit in 1997, 1998, 1999 and 2201. Miami-Dade Transit had been in a catch-22 situation for years due to the need to improve an inadequate transportation system while at the same time lacking the resources to do so.

As a result, prior to the successful November 5, 2002 referendum, Miami-Dade Transit had tried unsuccessfully to obtain approval from the electorate for a dedicated source of funding for transit, not only to expand and enhance existing service but also to bring such existing service and transit facilities to acceptable standards after years of inadequate funding levels.

Additional Information

In response to questions posed by the Office of the Commission Auditor, MDAD staff provided the following notes:

- How will the test track and rehab yard impact existing Lehman Center employee work schedules and overtime costs? *Response: There will be no overtime cost impact. The test track operation will be assigned to the same number of technicians that are now executing vehicle repairs and existing testing schedules on the mainline and around the Lehman Center yard. There will be no need to assign a picked assignment to mainline testing only and all vehicles that need to be tested can be done immediately on all 3 shifts. Therefore, the cost of third shift technicians and operators labor to support vehicle testing will be reduced.*

- How will the test track help improve rail operations and decrease MDT's operating expenses compared to previous years? *Response: Vehicles that need testing can be done on all 3 shifts 7 days per week. The existing logistics for testing trains on the mainline within the available 4 hours each day will be eliminated by the availability of the test track 24 hours each day. This will allow vehicles that need testing to be returned to service on each shift. Improved access for testing will be more efficient and require less labor hours. Upon completion of the test track project, MDT operating costs will be reduced and the time to repair and test vehicles will be greatly improved since we do not have to wait for track time after revenue service.*

- The 2009 Report on Violations of Environmental Regulations at Government Facilities and Properties in Miami-Dade County states that the Lehman Center's ground and groundwater is contaminated. What actions have been taken since 2009 to address these issues and may this impact the project site*? Response: The proposed test track site is not affected per the 2009 Report on Violations of Environmental Regulations at Government Facilities. According to DRER (formerly DERM), the area at the NE section of the Lehman Center property and adjacent to Hialeah Expressway, was found to be contaminated during a DOT roadway project. The contamination which spreads to the other side of the expressway was caused by refineries which operated in those areas back in the 50s and 60s. MDT has completed most of the environmental assessment for the portion that is in our property and is in the final phase of delineating the contamination plume in one direction. DRER has been involved from the beginning in reviewing the assessment documents and making recommendations for further action***.**

- What is the projected increase in ridership once all the new trains are placed into service? Will there be a gap in service during the transition? *Response: The new aesthetically pleasing vehicles and improved reliability can result in a ridership increase for MDT. There will be no service gaps during the transition.*

- Has MDT considered offering the Test Track to other entities that have similar trains as a method to generate additional revenues? *Response: Yes. The test track, when completed, will be compatible with the testing of only MDT's heavy rail vehicles. Our train control and communications systems are unique to Miami-Dade vehicles. However, the possibility exists for other similar trains to be tested on our test track if all required logistics such as a parallel train control, vehicle dimension and size, and other interfaces can be worked out with other entities.*

- How will the consultant comply with the County's Sustainable Buildings Program? *Response: The contractor will comply with the County's Sustainable Buildings Program as part of the consultants overall duties which include ensuring compliance with all applicable County Codes and Contract codes.*

Prepared by: Michael Amador-Gil

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

Research Notes

Agenda Item: **8N2 – Bus Passenger Shelter Program**

File Number: **121848**

Date of Analysis: **November 6, 2012**

Summary
The proposed resolution approves the execution of an agreement with Urban Advertising of America, Inc. (Urban) to provide a Bus Passenger Shelter Program (Program) for Miami-Dade Transit (MDT), under Contract No. RFP 784.

This contract is estimated to generate revenue for the County in the amount of $8,400,000 over the five-year contract term or $16,800,000 in the aggregate if the one five-year renewal is exercised. Urban is a registered Florida company with a local office located at 1221 Brickell Avenue – Ste. 900, Miami, Florida, 33131, and facilities in Miami-Dade County where the work will be performed.

As a result of the negotiated agreement, the County will receive no less than $140,000 per month in Minimum Monthly Guarantee (MMG) payments for the term of the contract or 42 percent per month of monthly gross advertising revenues from the vendor, whichever is greater. Over the initial five-year term of the agreement, the minimum guaranteed revenue to the County will be $8,400,000. Additionally, the contractor is required to perform work with monetary benefits to the County estimated at $3,500,000, which includes the installation of new LED lighting systems in the existing bus shelters (approximately $2,000,000) and repainting 1,031 existing bus shelters (approximately $1,500,000). Therefore, the County's benefit from the initial five-year term of the contract is an approximate $11,900,000 based on $8,400,000 in revenue and the $3,500,000 described above.

<u>Performance Issues, Vendor Experience and Issues Raised by the Evaluation / Selection Committee</u>
There are no performance issues with Urban; however, this company does not have bus passenger shelter experience in the United States. The principal owner of Urban, Fernando Fraiz, has managed contracts in Venezuela, Mexico, Colombia, Chile, El Salvador, Dominican Republic, Panama, and Costa Rica. These contracts were secured and managed by Urban's owner, and a network of Latin American partners, who are experienced in advertising, manufacturing sheet furniture, marketing, and project implementation. Urban brings together VEPACO (Publicidad VEPACO a leading adverting business in Latin America), and EUVEN (Equipamientos Urbanos de Venezuela, a design, manufacturing, maintenance, and marketing company through Latin America) to establish Urban in Miami as a strategic initiative for expansion in the United States. Urban will rely on the relationship with its Latin American partners, as well as local subcontractors to provide a Bus Passenger Shelters Program.

- ***Question: Who are the local subcontractors?***

According to the Report of the Evaluation/Selection Committee for RFP No. 784 dated October 25, 2011, Urban received the highest scores from the Evaluation/Selection Committee (Committee) for both its technical proposal, and its revenue offer, and was the highest ranked of the two (2) proposers. However, the Committee did considered that the experience of Urban was not comparable to Fuel Miami, LLC (Fuel), the vendor <u>not</u> recommended for award, which caused concerns regarding Urban's capability to perform work required by the

RFP. The proposed contract will be Urban's first U.S. venture for such services. Fuel has U.S. experience in operating bus shelter programs, and currently operates the bus shelter program for the City of Miami.

In addition, the Committee expressed concerns that the two proposals are not in the best interest of the County. According to the pro-formas, and other information submitted, in the latter stages of the Program, the County may have to subsidize the bus shelter program. Urban's extensive build-out of the bus shelter program which is required to meet its revenue projections, is not anticipated by the County during the life of the contract.

The approach for providing and meeting the operational and service requirements, and the costs associated with the manufacture of bus shelters and ancillary services were deemed excessive by the Committee.

- ***Question: Have these issues been resolved?***

Penalties and Violation

According to the Agreement, if the contractor defaults under any of the covenants or terms and conditions of the contract, MDT may elect to impose financial penalties, as a result of the violation(s), on a daily basis, in addition to any other penalties permissible by law and/or pursuant to the provisions of this Agreement, until said violations are remedied:

- Violation of Permitted Use of a Location: $100 Fee per day/per Location
- Failure to Submit Required Documents and Reports: $100 Fee per day

The foregoing is due and payable from the Contractor until said violations are remedied.

The Bus Passenger Shelter Program

The Program allows advertisement on bus shelters, and requires the contractor to provide maintenance at all bus passenger shelter locations, repair bus shelters, install energy efficient light-emitting diode (LED) lighting in the shelters, and install real-time electronic signage. Revenues received by the County during the term of this contract will be generated from contractor's sale of advertising on bus shelters.

According to the Scope of Services for Contract No. 784, there are approximately 4,000 bus stops in the unincorporated area of Miami-Dade County, with approximately 1, 030 bus stops having a bus passenger shelter. Approximately 860 of these bus shelters have an advertising box. The program excludes Metromover stations, bus shelters at the South Miami-Dade Busway stations, and bus shelters at the Omni Bus Terminal.

Additional Information

According to Addendum No. 7, of RFP No. 784, dated July 14, 2011, MDT was asked to provide a response as to how many of the 1,030 bus shelters were in operating condition since some of the bus shelters were missing the advertising panel and a few were missing glass in the panel. MDT provided the response that they were in the process of hiring a contractor to replace the missing (vandalized) glass panels at the County-owned bus passenger shelters. Ongoing glass replacement will follow this effort, as needed, following any vandalism. Additionally, it is estimated that roughly 5% of all bus shelters with back-lighted advertising boxes may not be properly functioning at any given time, due to the need for ongoing battery replacements once the batteries have reached their lifespan. These replacements are completed following monthly nighttime inspections by County staff.

LED Lighting

According to Addendum No. 3, of RFP 784, dated June 17, 2011, the previous contractor, Cemusa, had retrofitted three (3) bus shelters with LED lighting systems in late 2009 as part of the firm's pilot test to determine cost savings and quality of the illumination for the advertising panels. The shelters involved in the pilot test were

Shelter Numbers 1156 and 1157, both located at S.W. 87th Avenue/Snapper Creek Expressway, and one shelter in the City of Doral. Cemusa determined that the retrofit to an LED lighting system allows for two solar panels and two batteries to be removed, yet retain ample illumination and results in fewer preventative maintenance visits. There is no failure rate report for the entire fluorescent lighting systems system. Cemusa implemented a preventative maintenance program that replaced fluorescent components as needed, and tested the lighting components and solar system once a month to keep them operational.

The advertising box/lighting system operates by electrical output from the bus shelter's solar panel system. The selected Proposer is responsible from maintaining the lighting system for safe illumination at bus shelters.

Previous Contract

On July 23, 2002, the Board of County Commissioners (BCC) approved Resolution No. 836-02, executing a contract with Cemusa Miami, LTD. (Cemusa) for the provision of a Bus Passenger Shelter Program with Miami-Dade County, RFP No. 277, Contract No. TA01-BS3. Under Contract No. TA01-BS3, MDT was to receive $34.286 million, minimum guaranteed revenue for the ten (10) year contract term, or 30 percent of all earned monthly gross revenues arising from bus passenger shelter advertising sales, whichever is greater.

On December 2, 2009, officials from Cemusa, met with County officials to request a voluntary termination of the contract, due to economic hardship, which severely affected their advertising sales revenues. On April 8, 2010, Cemusa and the County executed a Termination Agreement, effectively ending Cemusa's bus shelter contract on September 30, 2010. Total revenues received from time of the original Cemusa contract award in 2002, to the time of contract termination in September 2010 were $6,944,478.

Since October 1, 2010, an in-house bus shelter cleaning and maintenance program has been in effect through an Interdepartmental Agreement between Miami-Dade Public Works and Waste Management Department (PWWM) and MDT. PWWM maintenance staff is responsible for cleaning and maintaining the County's bus shelters, with administrative oversight by MDT.

Brief History of Monthly Gross Advertising Sales from Previous Bus Shelter Contractor[1]	
Month / Year	**Gross Advertising Revenues**
Mar-11	$7,718.75
Feb-11	$56,368.00
Jan-11	$59,703.50
Dec-10	$54,686.00
Nov-10	$94,468.50
Oct-10	$61,180.81
Sep-10	$90,010.30
Aug-10	$229,809.10
Jul-10	$280,017.25
Jun-10	$332,261.00
May-10	$209,419.22
Apr-10	$160,441.30
Mar-10	$146,539.50
Feb-10	$189,115.33
Jan-10	$146,539.50
Dec-09	$200,025.80
Nov-09	$193,090.66

[1] Information taken from Addendum No. 1 of RFP No. 784 dated May 12, 2011, page 6.

Other Bus Advertisement Contracts

Other Miami-Dade Transit Advertising Programs[2]		
Title and Contract No.:	**Bus Passenger Bench Program - RFP540**	**Transit Vehicles, Metrorail Stations, and South Miami-Dade Busway Advertising Kiosks - TR03-ADV**
Contractor	Signal Outdoor Advertising, LLC	CBS Outdoor, Inc.
Contract Terms and Expiration Date	Signal Outdoor Advertising Contract: • Term: 5 Years • Start Date: Sept. 24, 2008 • Expiration Date: Aug. 31, 2013 • OTR Terms: There are no OTRs for this contract.	CBS Outdoor Contract: • Term: 5 Years • Start Date: Sept. 9, 2004 • Expiration Date: Sept. 8, 2009 • OTR Terms: 5 additional years o 1st OTR: 3 years (Sept. 9, 2009 – Sept. 8, 2012). o 2nd OTR: 2 years (Sept. 9, 2012 – Sept. 8, 2014). The 1st OTR was approved by the Board Dec. 16, 2008 (R-1424-08). In addition, the 1st OTR included the following amendments: • The Annual Minimum Guarantee (AMG) increased from $1M to $2M and the letter of credit was increased to $8,000,000 effective Sept. 9, 2008; and • CBS Outdoor agreed to provide $450,000 towards the Metrorail Station advertising clocks/digital information displays on June 15, 2009. The 2nd Amendment to the Contract, allowing alcohol advertising and removing non-commercial advertising, was approved by the Board on Oct. 5, 2010 (R-976-10). The addition of 25 Metromover vehicles to the agreed-upon Inventory will become effective Feb. 1, 2012.
Number of Advertising Contracts	Currently, there are a total of 378 active advertising contracts.	Currently, there are a total of 69 active advertising contracts.
Past Revenue	Amount of revenue generated by bus bench advertising during FY10/11: approximately $94,517 (net). Estimated year to date for 11/12: $23,629.	Revenue for Contract Year FY 10/11 (Sept. 2010 – Aug. 2011): Approximately $2,803,579.76 (net). Revenue for current Contract Year FY 11/12 (Sept. 2011 – to date): Approximately $1,527,605.95 (net).
Contractor Performance Issues	None.	None.

Prepared By: Elizabeth N. Owens

[2] *Information provided by Miami-Dade County Transit, Department of Procurement Management, and compiled using Legistar and Procurement's Bid Tracking System, January 2012.*

MIAMI-DADE COUNTY
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Research Notes

Agenda Item:	**11A3 – Addition of Drexel Hamilton to the Underwriter's Pool**
File Number:	**121683**
Date of Analysis:	**October 16, 2012**

Summary

The proposed resolution waives the competitive process regarding the Municipal Bond Underwriting Pool, and adds Drexel Hamilton to Division 1 of Miami-Dade County Underwriters' Pool.

Division 1 includes underwriting firms with capital before haircut[1] between $250,000 and $5,000,000 with the option to remain in Division 1 if such capital increases up to a cap of $10,000,000.

Pursuant to Section 2-10.6(5)(a) of the Miami-Dade County Code (Code), the County Mayor issues a Request for Qualifications (RFQ) for the selection of underwriting firms to serve as members of the County's underwriting pool on all negotiated transactions, prior to each pool term. The proposed resolution waives the RFQ process.

- ***Has the County waived the RFQ process for other underwriting firms?***

Background and Relevant Legislation

The County has established an underwriter's pool pursuant to a Request for Proposals issued under Section 2-10.6 of the Code; and the underwriters' pool consists of two divisions of firms based on the capital of each firm.

<u>Division 1 - Transactions Equal to Seventy-Five Million Dollars ($75,000,000) or Less</u>

Division 1 consists of underwriting firms which demonstrate the ability to senior manage transactions with an aggregate principal amount between three million seven hundred fifty thousand dollars ($3,750,000) and seventy-five million dollars ($75,000,000) based on a minimum capital before haircut equal to two hundred fifty thousand dollars ($250,000) and a maximum capital before haircut equal to five million dollars ($5,000,000).

However, underwriting firms with an average capital before haircut greater than five million dollars ($5,000,000) but less than ten million dollars ($10,000,000):

- May also elect to be included in Division 1 when such underwriting firm responds to the RFQ, or
- May elect to remain in Division 1 pursuant to the terms of Section 8(e) of the Code.

With the exception of unsolicited proposals which is governed by Section 13 of the Code, in no event will an underwriting firm in Division 1 senior manager a transaction with an aggregate principal amount greater than seventy-five million dollars ($75,000,000).

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[1] According to Miami-Dade County Code, Capital before Haircut means "Net Capital before haircuts on securities positions" as shown in item 3640 of each underwriting firm's focus report filed with the Securities and Exchange Commission (SEC) periodically or any equivalent measure of capital established by the SEC from time to time.

Division 2 - Transactions Equal to Seventy-Five Million One Dollars ($75,000,001) and Above

Division 2 consists of underwriting firms which demonstrate the ability to senior manage a transaction of at least seventy-five million one dollars ($75,000,001) based on a minimum capital before haircut equal to five million dollars ($5,000,000).

Additional Information

Report in Response to Resolution No. 62-12

On August 21, 2012, the County Mayor issued a report entitled, *Report Regarding Policy of Utilizing Size and Capital When Allocating Bonds to Underwriting Firms* (the County Mayor's Report), in response to Resolution No. 62-12. Pursuant to Resolution No. 62-12, the Board of County Commissioners (BCC) directed staff to study other municipal and government issuers to determine whether:

- Any, and if so, how many, issuers separated underwriting firms into divisions based on the amount of the underwriting firm's capital or other formulation;
- Any issuers limit the amount of bonds that may be allocated to an underwriting firm based on capital, and in particular, fifteen (15) times in capital, or based on another formulation; and
- Any policies utilized by other issuers in the selection of underwriting firms on negotiated transactions that may be more effective than the County Policies in promoting the development of small underwriting firms.

Miami-Dade County surveyed through its current financial advisors fourteen (14) government issuers of municipal bonds. The government municipal bond issuers surveyed were comparable or larger in size to Miami-Dade County and included:

New York City (General Obligation Bonds, Transitional Finance Authority bonds, Water Authority bonds), New York; New York State Authorities; Mecklenburg, North Carolina; State of Georgia; Washington, District of Columbia; City of Dallas, Texas; Dallas-Fort Worth International Airport; City of Houston, Texas; Port of Houston, Texas; State of Illinois; City of Los Angeles, California; Clark County, Nevada; Clark County Airport; and Las Vegas Convention and Visitors Authority.

The County Mayor's report concluded stating that the County's Finance staff and Financial Advisors believe the County's Underwriter Ordinance (Ordinances 99-73 and 04-202) strikes the right balance between financial prudence and the encouragement of small business participation. The table below provides a brief summary of the findings under County Mayor's report:

County Mayor's Report Regarding Policy of Utilizing Size & Capital When Allocating Bonds to Underwriting Firms *Resolution No. 62-12*	
Findings	**Summary of Findings**
Use of Pools and Separation of the Pools into Divisions	*The survey shows that there is a wide range of practices in the use of a pool for underwriters and how the pools are divided into Divisions. All entities select underwriters, regardless of the use and structure of pools, through a solicitation process.* • *Three (3) entities do not use a pool of underwriters.* • *Eleven (11) entities do use pools - six (6) of which use pools and divide the pool into some sort of division, and five (5) use pools of underwriters that are not divided into divisions.*
Capital Thresholds	• *Four (4) entities have minimum capital requirements to participate in a pool or on a bond transaction.* • *Five (5) entities have no minimum capital requirement to be part of a bond transaction or selected to a pool, but capital is requested and considered in participation in a pool or bond transaction.*

	• *Five (5) entities have no capital requirement in the selection of the underwriters to their bond transactions, nor is capital a consideration in the role an underwriter plays in the transaction.*
Selection of the WBE/MBE/SBE Firms	• *Six (6) entities have set asides policies for WBE/MBE/SBE underwriting firms. The amount of the set aside ranges from 19.6 percent down to 5 percent. The firm's participation in the sale in not limited to the set aside amount. In other words, the firm can sell more, if the firm can place more orders, than the amount set aside.* • *Five (5) have no formal policy, but they provide for WBE/MBE/SBE firms participation through an imposed goal of participation, inclusive in the pool, or assigning WBE/MBE/SBE firms as Co-Managers.* • *Two (2) entities require WBE/MBE/SBE firms to competitively compete with all respondents to requests for participation in a bond transaction. Competition is with all underwriting firms.* • *One (1) entity bids all their transaction competitively.*
Allocation of Bonds	*All the surveyed entities indicated that the Senior allocates the bonds. In order to ensure the Senior does not fill their orders prior to filling the other members of the team's orders, Miami-Dade County allows County staff and the County's Financial Advisor to allocate the bonds for full participation.*

Drexel Hamilton

According to the company's website[2], Drexel Hamilton, LLC is a certified Service Disabled Veteran Owned and Managed Enterprise operating a full-service institutional broker-dealer. Founded on the principle of offering meaningful employment opportunities to disabled veterans Drexel Hamilton, LLC, partners finance industry veterans with service-disabled veterans to provide public and private institutions with industry leading Fixed Income Execution and Strategy, Equity Research and Execution, and Investment Banking Services.

Aware of the need to equip veterans with a marketable skill set, the founder of Drexel Hamilton, Lawrence Doll collaborated with retired Marine General Peter Pace, 16th Chairman of the Joint Chiefs of Staff and co-founded the Wall Street Warfighters Foundation, a non-profit organization which identifies, trains, and helps placed disabled veterans in careers in the financial services industry. The training program covers all expenses including room and board, travel, licensing exams, and a monthly stipend.

Drexel Hamilton serves as the regulatory sponsor to the Wall Street Warfighters Foundation, providing office space and onsite training. The Foundation recognizes the challenges of transitioning veterans who return home and face difficulty starting new careers. With above average wages and minimal physical requirements, the financial services community is well suited to provide jobs to many returning veterans with both an interest and aptitude for the industry. The Wall Street Warfighters Foundation facilitates the requisite training, certification, familiarity and access to initiate a career in the financial services industry. Drexel is also the single largest source of hiring for its graduates.

Goldman Sachs Gives (GSG), Goldman Sachs donor-advised fund, has committed $20 million over a five-year period to fund a network of nonprofits helping returning, wounded veterans reintegrate into the workforce and civilian life. This initiative is focusing on job placement and readiness, and family support and counseling.

[2] www.drexelhamilton.com

Goldman Sachs has partnered with the Philadelphia-based Wall Street Warfighters Foundation since its inception to help ensure that service disabled veterans have the opportunities necessary to re-enter the workforce and pursue careers in the financial sector. Its mission is to identify, develop, and place disabled veterans in long-term professions in the financial services industry following their military service. Goldman Sachs is also sponsoring service-disabled veteran owned brokerage/asset manager Drexel Hamilton, LLC (with which the Wall Street Warfighters Foundation shares offices) for the US Treasury's Mentor-Protégé program, which aims to help minority and service-disabled firms expand their business relationships with the US Treasury and learn from a larger "mentor" firm. The Goldman Sachs Veterans Internship Program (GS VIP) is an eight week internship providing professional skills training and education for transitioning military men and women. This program offers a guided period of exploration and skills cultivation in a new and dynamic work environment. Program participants will explore career paths while acquainting themselves with financial markets and products, gain applied work experience and expand their professional networks through programming and events.

Drexel Hamilton is recognized by the State of Florida's Office of Supplier Diversity as a minority-owned service disabled veteran underwriting firm/broker dealer and is also recognized by the Small Business Administration of the United States as a service disabled veteran owned small business.

Twenty percent (20%) of Drexel Hamilton profits supports disabled veteran programs in the financial industry.

According to the Florida Department of State Division of Corporation, Drexel Hamilton is active with State registration of Pennsylvania, with the following principals listed:

- Cahill, James W, Manager
14 Wall Street suite 2069
New York, NY 10005
- Gobora, Harry J III, Manager
2000 Market Street
Philadelphia, PA 19103

Questions / Comments

The Finance Department provided the following response to questions regarding whether Drexel Hamilton qualifies for the Division 1 Underwriters' Pool, and what is the qualification requirements?

> *Drexel Hamilton does qualify for the Division 1 Underwriter's Pool. They have a Broker Dealer License and have Net Capital before Haircuts greater than $250,000 and less than $5,000,000. These are the only requirements to participate in Division 1.*
>
> *Drexel Hamilton is an underwriting firm put together by the Veterans Administration and funded by Goldman Sachs. The employees are long time finance employees and Iraq and Afghanistan US Military "disable" veterans. The long time finance employees are training the US Military veterans in the ways of Wall Street. Drexel Hamilton does not want to Senior Underwrite for the County but would like to be a Co-Manager on County deals enabling them sell the County bonds. They have a track record of selling bonds and no record of being a Senior Manager as of yet.*

Prepared by: Elizabeth N. Owens

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

Research Notes

Agenda Item: 11A5

File Number: 121874

Date of Analysis: October 25, 2012

Summary

This resolution directs the County Mayor or Mayor's designee to prepare a plan for the use of those eligible inmates in the custody of the Miami-Dade Department of Corrections and Rehabilitation who pose only a minimum security risk for work on roads, bridges, public works, and other projects.

Sections 951.01 and 951.05 of the Florida Statutes authorize each county to "employ all persons in the jail of their respective counties under sentence upon conviction for a crime at labor upon … projects for which the governing body of the county could otherwise lawfully expend public funds and which it determines to be necessary for the health, safety, and welfare of the county."

Section 925.08 of the Florida Statutes authorizes county commissioners to so employ pretrial detainees who are "charged with misdemeanor and confined in the county jail for failure to give bail" subject to certain requirements regarding hours (not more than 10 hours a day), compensation ($5 per day if acquitted), record keeping, etc. Miami-Dade County has previously expended public funds or utilized County employees to accomplish tasks such as working on roads, bridges, public works and other projects.

Background and Relevant Information

On June 15, 2010, the Board of County Commissioners (BCC), through R-689-10, directed the County Mayor or Mayor's designee to prepare a plan for the use of those eligible inmates in the custody of the Miami-Dade Department of Corrections and Rehabilitation who pose only a minimum security risk for *shoreline cleanup in the event oil from the spill in the Gulf of Mexico reaches the shores of Miami-Dade County*.

A report, dated, June 15, 2012, by the County Manager to the BCC, stated that the oil spill had not been a specific issue for Miami-Dade County. However, by Executive Order 10-106, Governor Crist included Miami-Dade County in the State of Emergency declared for certain Florida counties because of the threat. As a declared State of Emergency, this matter would have fallen within the jurisdiction of the Department of Emergency Management (DEM) and would have been coordinated by DEM. (See Legislative File No. 101549)

If inmates would have been considered to assist in the cleanup efforts along the Miami-Dade County shores, then the following was necessary:

- The appropriate classification of the inmate population must have been identified, and obviously, would not include any inmate who would place the community at risk.
- At that time, the Miami-Dade Corrections and Rehabilitation Department (MDCR) was using the maximum number of these inmates to provide services to the jails for sanitation/cleaning, food service, laundry, etc. This left the only inmates available as un-sentenced (pre-trial) and they have the highest risk factors.
- Correctional Officers staffing posts in facilities would have been freed to attend to the teams of inmates selected. This would have been, at least, two officers either be on overtime or back filled by overtime.
- There would have been a requirement to provide transportation (i.e., vans, etc.) plus items in which to put the debris.

- Inmates would have required to have the inmates receive hazmat training of, at least, four hours.
- It may have been anticipated that the inmates (and possibly staff) were required to wear hazmat equipment (i.e., special suits, etc.).

A memo, dated, September 17, 2012, from the Mayor to the BCC, titled *Responses to Requests for Information for the FF 2012-13 Budget,* states that Miami-Dade Corrections and Rehabilitation Department currently has all 422 eligible inmates working in some capacity to provide essential services both inside and outside their facilities. Inmate workers mostly provide food, sanitation, and laundry services throughout the County jail system. In addition, inmates who are deemed to be a minimum security risk perform a variety of lawn maintenances and trash removal services to other County Departments, including Public Works and Waste Management, Medical Examiner, Animal Services and Transit. Due to conviction histories of the majority of the local and state inmates and the Shannon Melendi Act, many of the inmates are prohibited from performing work on park premises.

According to the memo, the Florida Department of Corrections contracts with various government entities to provide inmate laborers or Community Work Squads. The cost varies based on the scope of services, which typically includes transportation of the inmates to the worksite and equipment provisions. Potential opportunities for use of State Inmate Labor to provide additional services throughout the County are currently being explored.

Furthermore, the Miami-Dade Police Department Diversion Program operates a community service program for individuals who are levied civil penalties for littering, loitering, illegal dumping, and other Chapter 26 violations and want to avoid jail. Participants make restitution by volunteering through community service work. The Parks, Recreation and Open Spaces Department partners with MDPD and utilizes participants of the program to perform park litter clean-up and other custodial functions.

Additional Information

In 2009, the Office of the Commission Auditor (OCA) surveyed several of the most populous counties in the nation to determine how **Inmate Work (Trustee) Programs** function. This includes information as to what type of offenders are allowed to participate in Inmate Work Programs, their work locations, the services provided by these inmates, and whether or not the inmates receive any type of compensation for the work provided. (See attached Nationwide Survey)

The twelve counties surveyed yielded the following information about the Inmate Work (Trustee) Programs nationwide:

Types of Offenders	Overwhelmingly, the Programs allow inmates with low level classifications (minimum to medium custody level and nonviolent offenders). This is evident in ten counties. In addition, some counties, Harris County in Texas, Maricopa County in Arizona and five of the Florida counties, allow maximum custody level inmates. Often this is provided under strict supervision for limited and/or restricted work assignments.
Work Locations	All of the counties surveyed allow inmates to work inside the correctional facility. Additionally, the majority of inmates are allowed to work around the perimeter of the correctional facility. Furthermore, the majority of counties (eight) allow inmates to work outside of the correctional facility; however, this is limited to community roadways, parks, and other government owned properties
Work Assignments	All of the counties surveyed have work assignments that include cleanup duties and some form of kitchen detail. Harris County in Texas under the Inmate Education Program appears to have a fairly comprehensive program that provides the inmate applicable workforce skills.

Compensation	Currently, half of the programs (seven) provide either compensation or reduction of prison terms to inmates. Harris County in Texas and Maricopa County in Arizona did not provide a response regarding the compensation of inmates for services provided.
Florida Counties	According to §946.002(2)(a) of the Florida Statutes, the inmate may receive compensation for work performed; however, the Department of Corrections determines the compensation received. In five of the six Florida counties, no cash payment is made to the inmate. Inmates receive benefits that may include monetary work credit that is applied toward the inmate’s outstanding court costs, exemption form paying the daily subsistence fee, and/or a reduction in their sentence time. Overwhelmingly, the Florida counties had programs that were similar in scope and requirements.

Attachment: 2009 Nationwide Inmate Work (Trustee) Program Survey

Prepared by: Michael Amador-Gil

Inmate Work (Trustee) Programs
2009 Nationwide Survey

Jurisdiction	Types of Offenders in this Program	Work Locations	Services Provided by the Inmate Workers	Compensation
		Six of the Most Populous Counties in the Nation		
Cook County, Illinois	Inmates with drunk driver offenses and low-level offenses are accepted in the Sheriff's Work Alternative Program, and the Boot Camp Program.[1]	Work locations include: • Expressways, • Vacant lots, • Major events, • Chicago Transit Authority (CTA) bus terminals, • Forest Preserve District, and • Public sidewalks.	Services include: • Expressway cleanup; • Vacant lot cleanup; • Official vehicle car wash; • Graffiti removal; • Cleanup after parades; • Clean buses at the CTA's five busiest terminals; and • Tree removal and trimming.	Inmates are <u>not</u> offered compensation or reduction of prison term.
Harris County, Texas	All inmates are given an opportunity to participate in the Inmate Education Program which includes work details.	The work locations are limited to the correctional facility (i.e. Food Service Division and Jail house Printing Program).	Inmates prepare nutritional meals for senior citizens, as well as delivering and serving the meals. Inmates build shelves, stands and wood products for the department. Students in the Sewing Class regularly repair uniforms and jump suits while those in the Leather Class repair deputy equipment. Graphic Art inmates work with the Printing	Harris County did not respond by August 20, 2009 as to whether inmates receive compensation or reduction in their prison term for enrolling in the Inmate Education Program.

[1] On June 25, 2008 work began on a forest restoration project in conjunction with the Forest Preserve District. This was the first time in the history of the program that participants were transported off the compound. Currently, the project consists of removing garlic mustard and other invasive plant species which are threatening plants native to Illinois. There are currently nine participants who work at this site one day a week for four hours.
Source: FY 2009 Adopted budget

Inmate Work (Trustee) Programs
2009 Nationwide Survey

Jurisdiction	Types of Offenders in this Program	Work Locations	Services Provided by the Inmate Workers	Compensation
			Class to design custom brochures and pamphlets for the Sheriff's Office and various agencies in Harris County. The Welding Class, Auto Body Class, Floor Covering Class and Electronics Class also provide services for the Harris County Sheriff's Department.	
Maricopa County[2], Arizona	Regular status inmates are allowed to enter S.T.R.I.P.E.S. (Sheriff Turning Regular Prisoners into Election Savings).	The work locations are limited to areas within the correctional facility.	Inmates prepare blank ballots and instructional voting sheets for voters requesting mail-in ballots.	Maricopa County did not respond by August 20, 2009, as to whether inmates receive compensation.
Orange County, California	Low classification inmates.	The work locations include: • The correctional facility, and • Community roadways and parks.	The following programs are offered to low classification inmates: (1) The Work Release Program which allows inmates to serve the community by cleaning roadways and parks while serving their prison term; and (2) The Good Time / Work Time Program which offers inmates the opportunity to reduce their prison term by working in the jail kitchen facilities.	Under the Good Time / Work Time Program, inmates are offered the opportunity to reduce their prison term by working in the jail kitchen facilities.
San Diego County, California	Non-violent, low classification offenders.	The work locations are limited to the correctional facility grounds - either inside or	Inmates provide the following services: • Landscaping, • Painting facility walls,	Inmates are paid $0.50 per day which is placed in their

[2] Maricopa County has the Chain Gang Duty for men and women. The Chain gang cleans roadways and parks in the community. Also, inmates are allowed to work in the laundry room. Working inmates receive a clean uniform daily.

Jurisdiction	Types of Offenders in this Program	Work Locations	Services Provided by the Inmate Workers	Compensation
		outside of the facility.	• General maintenance, and • Kitchen duties.	commissary or used towards phone time.
Wayne County, Michigan	Convicted non-violent inmates.	Work detail is limited to the inside of the correctional facility. In the winter, inmates are assigned to removing snow from around the periphery of facility.	Inmate duties include: • Assisting the food service staff with cleaning and serving the meals; • Sanitation work; • Uploading the docks; • Garbage detail; • Laundry room, and • Various other cleaning duties.	The inmates work eight hours a day, seven days a week. Every month they can accumulate two days off their sentence as time served.
The Six Most Populous Counties in Florida				
Miami-Dade County, Florida	Inmates are screened for each inmate worker assignment. Offenders classified as eligible can be pre-trial or sentenced. No high risk or high security inmates are assigned as inmate workers. In addition, inmates assigned to the kitchen are medically cleared.	Work locations include the correctional facility and other government owned property.	Inmate work assignments include: • General sanitation throughout facilities; • Inmate uniform and linen distribution; • Laundry facility at training and treatment center; • Lawn maintenance and debris removal; • Kitchen duties; • Unloading delivered supplies; • Maintenance duties; • Washing vehicles, and • Assisting with commissary distribution.	Effective July 27, 2009, all inmates workers, except inmate kitchen workers no longer received pay. Effective August 17, 2009, inmate kitchen workers no longer receive pay. Inmates who qualify to be inmate workers will continue to receive several benefits, including: • Exemption from paying the daily

Inmate Work (Trustee) Programs
2009 Nationwide Survey

Jurisdiction	Types of Offenders in this Program	Work Locations	Services Provided by the Inmate Workers	Compensation
				subsistence fee; • If applicable, opportunity to earn incentive gain time; and • Out of cell time while on duty for inmate worker assignments.
Palm Beach County, Florida	Convicted felons with no holds or open cases.	Work locations include on the correctional compound or other municipality buildings.	Inmate services include: • Kitchen details within the compound; • Lawn services for city parks; and • Trash cleanups for different municipalities.	No cash payment; however, inmates can receive $0.30 per day work credit towards any outstanding court costs.
Hillsborough County, Florida	Inmates sentenced to County jail time qualify (no pre-trial). Minimum and medium security inmates qualify as trustee. Maximum can qualify only through a supervisor process; however, only trustees with minimum and	Work locations are limited to correctional facility or perimeter of facility. Trustees on minimum security are allowed to work outside the facility with supervision.	Inmate services within the facility include: • Cleaning; • Maintenance of facility grounds; • General sanitation; • Unloading supplies at warehouse; and • Kitchen work. Inmate services outside of the facility include: • Food preparation; • General sanitation; • Carpentry program; • Culinary arts program; and • Horticulture programs.	Trustees do not get paid for the work they provide; however, for every six days of work they reduce their sentence time by one day.

Inmate Work (Trustee) Programs
2009 Nationwide Survey

Jurisdiction	Types of Offenders in this Program	Work Locations	Services Provided by the Inmate Workers	Compensation
	medium security inmates are allowed to work outside the facility. Trustee eligibility is based on arrest history and behavior.			
Orange County, Florida	Inmates with minimum to medium custody level qualify as trustees. Maximum custody level inmates can qualify but jobs are very limited and restricted.	Minimum to medium custody level trustees provide services within and outside the facility. Work locations outside the facilities include: • Courthouse, • Sheriff's Office, • Fire Department (various fire stations), and • Side road work.	Services provided are restricted to cleaning and food preparation. Maintenance work is very limited.	Trustees do not get paid for the work they provide, however for every five days of work they receive gain time on their sentence.
Pinellas County, Florida	Inmates sentenced to County jail time qualify (no pre-trial) as trustee. Trustees are inmates with minimum and medium custody level (but mostly minimum).	Work locations are within and outside the facility. Outside facility locations are determined by County Row Crews from various public agencies. The County Row Crews pick up inmates at the correctional facility and take them to the job site.	Services provided within and outside the facility include: • Cleaning; • Food preparation; • Warehouse loading; • Lawn services; and • General maintenance.	Some trustees are paid for their work; however, it is dependent on a case by case basis. If the inmate is paid, non-sentenced felons get $2 per day and sentenced felons get gain time. For every

Jurisdiction	Types of Offenders in this Program	Work Locations	Services Provided by the Inmate Workers	Compensation
				five days the inmate works, he gets one day towards his gain time.
Duval County, Florida	Department of Corrections is comprised of three facilities: Pretrial, Correctional Center and Community Transition Center (CTC). CTC provides the Trustee Program. Inmates with minimum custody level qualify for trustee. Duval County also has a Work Furlough Program in which minimum custody level inmates have outside employment during the daytime.	Minimum custody level trustees provide services within and outside the facility. Outside facilities include various public agencies throughout the city.	Inmates provide the following services: • Cleaning; • Food preparation; • Lawn work; and • Painting.	Trustees are not paid for the work provided.