



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

**Board of County Commissioners (BCC) Meeting**

February 6, 2018  
9:30 A.M.  
Commission Chambers

Thomas B. Davis, Esq.  
Director, Policy and Legislation  
Office of the Commission Auditor (OCA)  
111 N.W. First Street, Suite 1030  
Miami, FL 33128  
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**BCC Meeting February 6, 2018  
Research Notes**

**Item No. 7B**  
**File No. 180207**

**Researcher: AIP   Reviewer: TD**

ORDINANCE RELATING TO ANIMALS; AMENDING SECTIONS 5-5 AND 8CC-10 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROHIBITING ADOPTION OF ANIMALS FROM THE COUNTY'S PET ADOPTION AND PROTECTION CENTER BY INDIVIDUALS ADJUDICATED OF COMMITTING CERTAIN ANIMAL-RELATED OFFENSES; CLARIFYING ANIMAL SERVICES DEPARTMENT DIRECTOR'S DISCRETION TO REFUSE ADOPTION OR TRANSFER FOR OTHER REASONS TO PROTECT HEALTH, SAFETY, OR WELFARE OF PEOPLE OR ANIMALS; PROVIDING FOR APPEAL OF ADOPTION OR TRANSFER REFUSAL; DIRECTING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO COORDINATE WITH THE CLERK OF COURTS AND THE MIAMI-DADE COUNTY STATE ATTORNEY'S OFFICE REGARDING INFORMATION ON ANIMAL-RELATED OFFENSES AND TO REPORT TO THE BOARD WITHIN A SPECIFIED TIME FRAME; PROVIDING FOR ENFORCEMENT BY CIVIL PENALTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 172437]

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the ordinance, which amends sections of the County Code, in order to prohibit certain individuals from adopting an animal from Animal Services Department, and enforce this through civil penalty.

**APPLICABLE LEGISLATION/POLICY**

The ordinance amends the following sections of the County Code:

**Section 5-5** of the County Code (*Adoption of animals from the department; sterilization requirements; requirements for animal rescue organizations; authority to negotiate and enter into agreements.*)

<http://www.miamidade.gov/animals/library/chapter-5.pdf>

**Section 8CC-10** of the County Code (*Schedule of civil penalties.*)

[http://miamidade.fl.elaws.us/code/coor\\_ptiii\\_ch8cc\\_sec8cc-10](http://miamidade.fl.elaws.us/code/coor_ptiii_ch8cc_sec8cc-10)

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Daniella Levine Cava, District 8**

**Department/Requester: N/A**

**11/7/17:** This item was adopted by the Board on first reading at the November 7, 2017 BCC.

**11/21/17:** On November 27, 2017 municipal notification of a public hearing was sent, and the item was assigned to the Public Safety and Health Committee (PSHC).

**1/18/18:** The item was amended at the PSHC, and forwarded to the BCC with a favorable recommendation with the committee amendments.

During the PSHC meeting on January 18, 2018 the item was open for public hearing, but no one from the public spoke. Commissioner Cava brought up a modification to section 4 of the ordinance, to change the date from "90 days from adoption" to "180 days from the date of final adoption. This is to ensure that all the agencies involved have plenty of time to prepare the coordinated database. The Animal Services department director Alex Munoz brought up that this item has a \$50,000 unfunded price tag, but it will save the County approximately \$200,000 according to the mayoral memo. ASD also brought up that it would only apply to animals within animals service department, not all shelters within the County. Currently, the department is trying to expand this to all animal agencies in the County and looking to other Counties to see how this can be done. Commissioner Cava recommended to move forward with the item as is, and that she is currently working on a companion item to expand this ordinance to all agencies.

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**FISCAL IMPACT**

This item has a one-time \$50,000 impact to create the, as well as an \$8,000 cost per year. However, this is estimated to save the County \$200,000 a year. Currently, there is no funding source for the \$50,000.

**ANALYSIS**

This item allows the Animal Services Department to prohibit certain individuals found to have abused animals, from adopting an animal at the Miami-Dade County Animal Services Shelters. This insures the safety of both animals and people, and helps prevent future cases of animal abuse. Following the amendment made at the PSHC January 18 meeting, the item modified section 4 and 5 to extend the effective date to 180 days from the date of the final adoption instead of 90 days.

<b>Section 5-5 of the Code of Miami-Dade County as it currently reads:</b>	<b>Proposed amendment to Section 5-5 of the Code of Miami-Dade County:</b>
(a) The Department shall encourage the adoption of animals in its custody. The Department may charge fees for transferring ownership of such animals and for vaccination, sterilization, and other medical care provided to such animals. Fees shall be fixed by implementing order approved by the Board of County Commissioners, provided that animal rescue organizations acquiring ownership of animals may be charged reduced fees in accordance with this section.	(a) The Department shall encourage the adoption of animals in its custody. The Department may charge fees for transferring ownership of such animals and for vaccination, sterilization, and other medical care provided to such animals. Fees shall be fixed by implementing order approved by the Board of County Commissioners, provided that animal rescue organizations and other adopters acquiring ownership of animals may be charged reduced fees in accordance with this section. (1) This section does not create a right in any person or a private right of action concerning the adoption of animals from the Department or any other provisions of this section. The Director may, in the Director's sole discretion, prohibit the adoption or transfer of an impounded animal to protect the health, safety, and welfare of the people and animals of the County. (2) Prohibition on acquisition by offender. Offenders shall not adopt or otherwise acquire animals impounded by the Department or transferred to an animal rescue organization pursuant to this section, as provided herein. (i) For purposes of this section, "offender" means any person who has been convicted or adjudicated delinquent, regardless of whether adjudication is withheld, of any of the following animal-related offenses: 1. Cruelty to animals under section 828.12, Florida Statutes; 2. Fighting or baiting animals under section 828.122, Florida Statutes; 3. Killing a dog or cat with the intent to sell or give away its pelt under section 828.123, Florida Statutes; 4. Killing or aggravated abuse of horse or cattle under section 828.125, Florida Statutes; 5. Sexual activities involving animals under section 828.126, Florida Statutes; or 6. Confinement of animals without sufficient food, water,

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or exercise under section 828.13, Florida Statutes;

7. Being unable or unfit to adequately provide for an animal and being enjoined from further possession or custody of animals under section 828.073, Florida Statutes;

or

8. Designation as an “irresponsible dog owner,” pursuant to section 5-23.2 of this chapter, based in whole or in part on the commission of an act deemed cruelty to animals.

(ii) The prohibition on each offender shall remain in effect in accordance with the following schedule:

1. For a period of 3 years for a first conviction of a misdemeanor animal-related offense or first irresponsible dog owner designation;
2. For a period of 5 years for a first conviction of a felony animal-related offense or a second or subsequent violation by an irresponsible dog owner;
3. For a period of 10 years for a second or subsequent conviction of either a misdemeanor or felony animal-related offense; and
4. For the period established by an order issued pursuant to section 828.073, Florida Statutes, enjoining the further possession or custody of other animals.

(iii) This prohibition shall also terminate if: a court of competent jurisdiction has expunged the applicable criminal records; a conviction or adjudication has been reversed or vacated on appeal; or an applicable adjudication pursuant to section 828.073, Florida Statutes, or an “irresponsible dog owner” registration pursuant to section 5-23.2 of this chapter, has been terminated.

(iv) An offender who adopts or acquires an animal in violation of this section shall be prohibited from adopting or acquiring an animal for an additional 3-year period beginning upon the expiration of the original period of prohibition.

(v) The Director is hereby authorized to institute appropriate proceedings in any court of competent jurisdiction to effectuate the seizure of animals acquired by an offender in violation of this section.

(vi) Use of offender information for harassment prohibited. Any information maintained by the County regarding offenders and animal-related offenses, as defined above, is intended solely as an information resource by the County and by individuals or entities acquiring animals from the County pursuant to subsection 5-5(c) when they sell, trade, deliver, barter, lease, rent, auction, or otherwise transfer ownership of an

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animal. It shall be a violation of this section for any person to use offender information to knowingly harass an individual or to interfere with lawful commerce.

(3) Appeal. Written notice of the decision to refuse an adoption or transfer shall be provided. The decision may be appealed by providing to the Director, within 7 calendar days of the written notice, a written request for an administrative hearing. If a request for a hearing is received more than 7 calendar days from the date of the written notice, the hearing officer shall be precluded from exercising jurisdiction, and the appeal shall be dismissed as untimely. An administrative hearing shall be conducted in accordance with the provisions set forth in chapter 8CC of this code. A decision to refuse an adoption shall not be deemed final until the procedures set forth in this section have been exhausted. No person aggrieved by this section may apply to the Court for relief unless they have first exhausted the remedies provided for herein and taken all available steps provided in this section. The Department shall not be required to keep any particular animal while an appeal pursuant to this section is pending.

(2) The animal rescue organization shall enter into a written agreement signed by the Director and approved by the County Attorney's Office as to form and legal sufficiency that provides for the following: a guarantee that the organization will comply with the sterilization requirements set forth in Section 823.15(2)(b), Florida Statutes; a requirement that the organization periodically report to the Department on the disposition of animals acquired from the Department; and that the Department shall have the right to reclaim animals that are being maintained in violation of this chapter or other provisions of this Code. Breach of the agreement shall be a separate violation of this section.

(2) The animal rescue organization shall enter into a written agreement signed by the Director and approved by the County Attorney's Office as to form and legal sufficiency that provides for the following: a guarantee that the organization will comply with the sterilization requirements set forth in Section 823.15(2)(b), Florida Statutes, and will prohibit offenders, as defined in this section, from acquiring any animals from the organization; a requirement that the organization periodically report to the Department on the disposition of animals acquired from the Department; and that the Department shall have the right to reclaim animals that are being maintained in violation of this chapter or other provisions of this Code. Breach of the agreement shall be a separate violation of this section.

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Section 8CC-10 of the Code of Miami-Dade County as it currently reads:	Proposed amendment to Section 8CC-10 of the Code of Miami-Dade County:																																																																																												
<p>Sec. 8CC-10. Schedule of civil penalties.</p> <p>The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.</p> <p>* * *</p> <table> <tr> <td>Code Section</td><td></td></tr> <tr> <td>Description of Violation</td><td></td></tr> <tr> <td>Civil Penalty</td><td></td></tr> </table> <p>* * *</p> <table> <tr> <td>5-4</td><td></td></tr> <tr> <td>Cruelty to animals</td><td></td></tr> <tr> <td>500.00</td><td></td></tr> <tr> <td>Animal fighting or baiting</td><td></td></tr> <tr> <td>1,000.00</td><td></td></tr> <tr> <td>Abuse of equine</td><td></td></tr> <tr> <td>5,000.00</td><td></td></tr> <tr> <td>"Trunking" of animals</td><td></td></tr> <tr> <td>2,000.00</td><td></td></tr> <tr> <td>5-5</td><td></td></tr> <tr> <td>Failure to sterilize animal</td><td></td></tr> <tr> <td>500.00</td><td></td></tr> <tr> <td>Breaching agreement to sterilize an animal</td><td></td></tr> <tr> <td>500.00</td><td></td></tr> <tr> <td>5-6</td><td></td></tr> <tr> <td>Failure to vaccinate animal against rabies</td><td></td></tr> <tr> <td>50.00</td><td></td></tr> </table>	Code Section		Description of Violation		Civil Penalty		5-4		Cruelty to animals		500.00		Animal fighting or baiting		1,000.00		Abuse of equine		5,000.00		"Trunking" of animals		2,000.00		5-5		Failure to sterilize animal		500.00		Breaching agreement to sterilize an animal		500.00		5-6		Failure to vaccinate animal against rabies		50.00		<p>Sec. 8CC-10. Schedule of civil penalties.</p> <p>The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.</p> <p>* * *</p> <table> <tr> <td>Code Section</td><td></td></tr> <tr> <td>Description of Violation</td><td></td></tr> <tr> <td>Civil Penalty</td><td></td></tr> </table> <p>* * *</p> <table> <tr> <td>5-4</td><td></td></tr> <tr> <td>Cruelty to animals</td><td></td></tr> <tr> <td>500.00</td><td></td></tr> <tr> <td>Animal fighting or baiting</td><td></td></tr> <tr> <td>1,000.00</td><td></td></tr> <tr> <td>Abuse of equine</td><td></td></tr> <tr> <td>5,000.00</td><td></td></tr> <tr> <td>"Trunking" of animals</td><td></td></tr> <tr> <td>2,000.00</td><td></td></tr> <tr> <td>5-5</td><td></td></tr> <tr> <td>Failure to sterilize animal</td><td></td></tr> <tr> <td>500.00</td><td></td></tr> <tr> <td>Breaching agreement to sterilize an animal</td><td></td></tr> <tr> <td>500.00</td><td></td></tr> <tr> <td>Acquisition of animal by offender</td><td></td></tr> <tr> <td>500.00</td><td></td></tr> <tr> <td>Use of offender information to harass or to interfere with lawful commerce</td><td></td></tr> <tr> <td>500.00</td><td></td></tr> <tr> <td>Breach of animal rescue organization agreement</td><td></td></tr> <tr> <td>500.00</td><td></td></tr> <tr> <td>5-6</td><td></td></tr> <tr> <td>Failure to vaccinate animal against rabies</td><td></td></tr> <tr> <td>50.00</td><td></td></tr> </table>	Code Section		Description of Violation		Civil Penalty		5-4		Cruelty to animals		500.00		Animal fighting or baiting		1,000.00		Abuse of equine		5,000.00		"Trunking" of animals		2,000.00		5-5		Failure to sterilize animal		500.00		Breaching agreement to sterilize an animal		500.00		Acquisition of animal by offender		500.00		Use of offender information to harass or to interfere with lawful commerce		500.00		Breach of animal rescue organization agreement		500.00		5-6		Failure to vaccinate animal against rabies		50.00	
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<p>Section 4. The provisions of Sections 2 and 3 of this ordinance shall not take effect until <b>90</b> days from the effective date of this ordinance.</p> <p>Section 5. The County Mayor or County Mayor's</p>	<p>Section 4. The provisions of Sections 2 and 3 of this ordinance shall not take effect until <b>180</b> days from the effective date of this ordinance.</p>																																																																																												

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designee shall coordinate with the Clerk of Courts or the Miami-Dade County State Attorney's Office regarding information on individuals who have been convicted of animal-related Offenses as defined in Section 2 above and on making that information available to animal rescue organizations or other entities that acquire animals from Miami-Dade County for the purpose of finding permanent homes for them. The County Mayor or County Mayor's designee shall provide a report regarding this directive to the Board within **90** days of the effective date of this ordinance and place the completed report on an agenda of the Board pursuant to Ordinance No. 14-65.

Section 6. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 7. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. The County Mayor or County Mayor's designee shall coordinate with the Clerk of Courts or the Miami-Dade County State Attorney's Office regarding information on individuals who have been convicted of animal-related Offenses as defined in Section 2 above and on making that information available to animal rescue organizations or other entities that acquire animals from Miami-Dade County for the purpose of finding permanent homes for them. The County Mayor or County Mayor's designee shall provide a report regarding this directive to the Board within **180** days of the effective date of this ordinance and place the completed report on an agenda of the Board pursuant to Ordinance No. 14-65.

Section 6. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 7. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**ADDITIONAL INFORMATION**

Similar ordinances and/or efforts have been made in Orange County and Marion County, as well as in other states such as Arizona and Michigan. In Marion County, about 60 miles north Orlando, "Molly's Law" was spurred by the case of a man who was convicted of abuse after beating his dog, Molly, and then wanted to adopt another dog after getting out of jail. Furthermore, back 2015, New York City started an animal abuser "do-not-adopt" blacklist; this registry is managed by the city Health Department.

OCA found no similar ordinance in Broward County's County Code, but in Palm Beach County Code, Section 4-12 (d) explicitly states that:

"The Division shall have the authority to approve or decline the adoption or release of any animal in its custody or responsibility. At its discretion, the Division may refuse an adoption or the release of an animal if it is determined that the adoption or release is not in the best interest of the animal or the health, safety and general welfare of the public. Factors to be considered may include, but are not limited to the following:

- (1) Property and/or lease restrictions.
- (2) Insufficient personal identification or address verification.
- (3) Previous or current reported animal offenses or citations.
- (4) Failure to fulfill requirements of previous animal adoptions.



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- (5) Number of animals presently owned.
- (6) Conditions under which animals are to be housed. (7) Disposition/temperament of animal to be adopted.
- (8) Observations and determination of field investigator. (9) Prior convictions for animal cruelty or abuse.
- (10) Prior removal of an animal for neglect or mistreatment under F.S. § 828.073.
- (11) Relinquishment of ownership of an animal(s) within the past year or history of relinquishing ownership of animal(s) on more than one (1) occasion.
- (12) Outstanding fees, costs or fines owed to the Division.”

Broward adoption ordinances:

[https://library.municode.com/fl/broward\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH4DOCA\\_S4-7ADREDOCA](https://library.municode.com/fl/broward_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH4DOCA_S4-7ADREDOCA)

Palm Beach County Code:

[https://library.municode.com/fl/palm\\_beach\\_county/codes/code\\_of\\_ordinances?nodeId=PABECOCO\\_CH4AN\\_S4-12READ](https://library.municode.com/fl/palm_beach_county/codes/code_of_ordinances?nodeId=PABECOCO_CH4AN_S4-12READ)

<http://discover.pbcgov.org/publicsafety/animalcare/Pages/Ordinance.aspx>

Orange County and Marion County:

<http://www.orlandosentinel.com/news/politics/political-pulse/os-orange-animal-abuse-mollys-law-20170314-story.html>

Arizona:

<http://www.wsmv.com/story/29855619/pacc-working-to-prevent-animal-abusers-from-adopting>

Michigan:

[http://www.mlive.com/news/saginaw/index.ssf/2016/02/bills\\_aimed\\_at\\_stopping\\_abuser.html](http://www.mlive.com/news/saginaw/index.ssf/2016/02/bills_aimed_at_stopping_abuser.html)

New York City:

<http://www.nydailynews.com/new-york/nyc-crime/new-york-city-starts-animal-abuser-do-not-adopt-blacklist-article-1.2308990>

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**Item No. 7C**  
**File No. 172438**

**Researcher: NR   Reviewer: TD**

ORDINANCE RELATING TO ENVIRONMENTAL PERMITTING OF WORK IN TIDAL WATERS, BAY BOTTOM LANDS, AND WETLANDS AND MARINE FACILITIES OPERATING PERMITS; AMENDING SECTIONS 24-5, 24-48 AND 24-48.3 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; CREATING SECTION 24-48.221 OF THE CODE; ADDING DEFINITION; PROHIBITING THE USE OF UNENCAPSULATED POLYSTYRENE IN CONNECTION WITH MIAMI-DADE COUNTY CLASS I PERMITS AND PERMIT EXEMPTIONS; REQUIRING MARINE FACILITIES TO REPAIR OR REPLACE UNENCAPSULATED POLYSTYRENE THAT HAS EVIDENCE OF DEGRADATION, SHREDDING, OR OTHER DAMAGE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**ISSUE/REQUESTED ACTION**

Ordinance relating to environmental permitting of work in tidal waters, bay bottom lands, and wetlands and marine facilities operating permits; amending sections 24-5, 24-48 and 24-48.3 of the Code; creating section 24-48.221 of the Code; adding definition, prohibiting the use of un-encapsulated polystyrene in connection with Miami-Dade County Class I Permits and permit exemptions; requiring marine facilities to repair or replace un-encapsulated polystyrene that has evidence of degradation, shredding, or other damage.

**APPLICABLE LEGISLATION/POLICY**

County Code Section 24-5 (Definitions)

<http://miamidade.fl.elaws.us/code/cid10620/24-5/>

County Code Section 24-48 (Permit required; expedited administrative authorizations; exceptions; work standards; compliance with work standards, suspension of permit)

[http://miamidade.fl.elaws.us/code/coor\\_ptiii\\_ch24\\_artiv\\_div1\\_sec24-48](http://miamidade.fl.elaws.us/code/coor_ptiii_ch24_artiv_div1_sec24-48)

County Code Section 24-48.3 (Factors for evaluation of permit applications; incomplete permit applications)

[http://miamidade.fl.elaws.us/code/coor\\_ptiii\\_ch24\\_artiv\\_div1\\_sec24-48.3](http://miamidade.fl.elaws.us/code/coor_ptiii_ch24_artiv_div1_sec24-48.3)

**PROCEDURAL HISTORY**

**Prime Sponsor: Daniella Levine Cava**

**Department/Requester: None**

The proposed ordinance was adopted on first reading at the November 7, 2017 Board meeting and the Municipalities were notified of public hearing on November 27, 2017 to be held at the Government Operations Committee (GOC) January 17, 2018 meeting.

This item was forwarded to the Board with a favorable recommendation by the GOC at its January 17, 2018 meeting.

At the GOC meeting, Commissioner Cava stated that the intent is to change from best practice to a Code required practice (of prohibiting the use of un-encapsulated polystyrene) for any work requiring coastal construction permit or marine operating permit.

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**FISCAL IMPACT**

The cost of compliance will be incurred by the party(s) responsible for such construction or repairs conducted under a Class I permit.

**ANALYSIS**

This ordinance proposes to disallow the use of un-encapsulated polystyrene structures and instead will require encapsulated polystyrene structures on Class I permit construction or repair; and proposes to:

- amend sections 24-5, 24-48 and 24-48.3 of the Code;
- creating section 24-48.221 of the Code;
- adding definition, prohibiting the use of un-encapsulated polystyrene in connection with Miami-Dade County Class I Permits and permit exemptions;
- require marine facilities to repair or replace un-encapsulated polystyrene that has evidence of degradation, shredding, or other damage.

Polystyrene is known commonly by the brand name Styrofoam.

Below are the material revisions to the Code which are underlined.

**Section 1. Section 24-5 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:**

Sec. 24-5. Definitions.

Un-encapsulated polystyrene shall mean polystyrene that is not fully enclosed in material that reduces the chance that it can be released into tidal waters if the polystyrene is degraded or damaged.

**Section 2. Section 24-48 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:**

Sec. 24-48. Permit required; expedited administrative authorizations; exceptions; work standards; compliance with work standards, suspension of permit.

- (1) This section shall not apply to (i) work in treatment facilities or their ancillary facilities such as, but not limited to cooling canals or polishing ponds or (ii) the following projects provided that un-encapsulated polystyrene shall not be used or installed.

(The projects referenced in this Code Section are listed starting on HW p. 5 of the item and include structures such as docks, floating platforms, etc.)

- (2) The following activities shall not require a permit and shall be eligible to receive a written expedited administrative authorization, provided (i) the Department determines that the work meets one of the criteria set forth herein below in subsections (a)-(g) and will not result in adverse environmental impacts, and (ii) un-encapsulated polystyrene shall not be used or installed in connection with the work.

**Section 3. Section 24-48.3 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:**

Sec. 24-48.3. Factors for evaluation of permit applications; incomplete permit applications.

9) In addition to the applicable evaluation factors contained in subsection (1) (a) through (i) above, the use or installation of unencapsulated polystyrene shall be prohibited in connection with any work requiring a class I permit.

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**Section 4. Section 24-48.221 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:**

Sec. 24-48.221. Degraded polystyrene.

For all facilities which are subject to a County marine facilities operating permit pursuant to this chapter, such permit shall require the removal, replacement or repair of any un-encapsulated polystyrene where such polystyrene shows evidence of degradation, disintegration, shredding, or other damage, as determined in the discretion of the Director.

**ADDITIONAL INFORMATION**

According to the Social Equality Statement this ordinance can potentially increase, but not dramatically, the cost of construction or repairs conducted under a Class I permit because it will disallow the use of un-encapsulated (not fully enclosed material) polystyrene structures and instead require encapsulated (enclosed) polystyrene structures.

In 2014 Miami Beach commissioners approved to ban styro-foam containers at all city parks, events, buildings and sidewalk.  
<https://www.local10.com/news/commissioners-ban-styrofoam-containers-in-miami-beach->

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**Item No. 7D  
File No. 172681**

**Researcher: NR      Reviewer: TD**

ORDINANCE RELATING TO HUMAN TRAFFICKING PUBLIC AWARENESS SIGNS; AMENDING SECTION 21-31.5 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING THAT VIOLATIONS OF THE REQUIREMENT TO POST SIGNS AT ADULT ENTERTAINMENT ESTABLISHMENTS AND CERTAIN MASSAGE OR BODYWORK SERVICES ESTABLISHMENTS ARE SUBJECT TO CIVIL ENFORCEMENT PROCEEDINGS UNDER SECTION 8CC; AMENDING SECTION 8CC; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**ISSUE/REQUESTED ACTION**

Ordinance relating to human trafficking public awareness signs; amending section 21-31.5 of the Code; providing that violations of the requirement to post signs at adult entertainment establishments and certain massage or bodywork services establishments are subject to civil enforcement proceedings under section 8CC; amending section 8CC.

**APPLICABLE LEGISLATION/POLICY**

Section 787.29, Florida Statutes, authorized county commissions to adopt ordinances to enforce the posting of the human trafficking awareness signs at the previously specified adult entertainment, massage, or bodywork services establishments and specifies that a violation of the posting requirements constitutes a noncriminal violation punishable by a fine not to exceed \$500.

[http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App\\_mode=Display\\_Statute&Search\\_String=787.29&URL=0700-0799/0787/Sections/0787.29.html](http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=787.29&URL=0700-0799/0787/Sections/0787.29.html)

Ordinance No. 16-17 (Section 21-31 of the County Code) (Human Trafficking Awareness Signs): Adopted on February 2, 2016. This ordinance require the employer at each of the following establishments shall display public awareness signs in a conspicuous location that is clearly visible to the public and employees of the establishment: (i) a strip club or other adult entertainment establishment or (ii) a business or establishment that offers massage or bodywork services for compensation that is not owned by a health care profession regulated pursuant to Chapter 456, Florida Statutes, and defined in Section 456.001, Florida Statutes.

<http://intra/gia/legistarfiles/MinMatters/Y2015/152689min.pdf>

Sec. 8CC-1. - Civil offenses and penalties; hearing officers. The violation of any County ordinance listed in Section 8CC-10 of this chapter shall constitute a civil offense punishable by civil penalty in the amount prescribed in Section 8CC-10 and as modified by Section 8CC-4 of this chapter. Accordingly, there is hereby created and established a code enforcement position to be filled by hearing officers to enforce the ordinances listed in Section 8CC-10 which are contained in and enacted pursuant to this Code.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH8CCCOEN\\_S8CC-1CIOFPEHEOF#fn\\_182](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH8CCCOEN_S8CC-1CIOFPEHEOF#fn_182)

Sec. 1.5- General penalty; compliance; civil liability; criminal liability; penalties.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH1GEPR\\_S1-5GEPECOCILICRLIPE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH1GEPR_S1-5GEPECOCILICRLIPE)

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**PROCEDURAL HISTORY**

**Prime Sponsor: Sally A. Heyman, District 4**

**Sponsor: None**

The proposed ordinance was adopted on first reading at the December 5, 2017 Board meeting. On December 8, 2017 the Municipalities were notified of public hearing set for Public Safety and Health Committee (PSHC) January 18, 2018 meeting.

This item was forwarded to the Board with a favorable recommendation by the PSHC at its June 14, 2017 meeting, and no discussion was held at the PSHC.

**FISCAL IMPACT**

This item does not state a fiscal impact.

**ANALYSIS**

This item proposes to amend Section 21-31 of the County Code dealing with Human Trafficking Awareness Signs, and Section 8CC-10, Schedule of Civil Penalties.

This Board proposes to streamline enforcement of the sign-posting requirement by having violations of this requirement subject to enforcement proceedings as set forth in Section 8CC and 1-5 of the Code, and that there be a uniform fine of \$500 for each offense.

The Social Equity Statement states the Miami-Dade Police Department may cite violators when this violation is observed by the officer.

The below table reflects the current Code language and the proposed amendments:

Section 21-35.5 of the Code as it currently reads:	Section 21-35.5 of the Code - proposed changes:
(d) Enforcement. Any person violating any of the provisions of this section shall upon conviction of such offense, be punished by a fine not to exceed five hundred dollars (\$500.00) as provided in Section 775.083, Florida Statutes, which may be amended from time to time, in the discretion of the court. Each day of continued violation shall be considered a separate offense.	(d) Enforcement. Any person violating any of the provisions of this section shall be subject to penalties, civil liability, attorney's fees and enforcement proceedings as set forth in chapter 8CC of the Code and shall be subject to any other such enforcement proceedings as may be allowed by law. Each day of continued violation shall be considered a separate offense.

**Amendment proposed to 8CC-10. Schedule of Civil Penalties.**

Code Section	Description of Violation	Civil Penalty
21.31.5	Failure to post human trafficking awareness signs	\$500.00 for each offence

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**Item No. 7E**  
**File No. 172561**

**Researcher: AIP   Reviewer: TD**

ORDINANCE RELATING TO SPECIAL TAXING DISTRICTS; AMENDING SECTION 18-20.2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REQUIRING ALL SELLERS OF REAL PROPERTY LOCATED WITHIN A SPECIAL TAXING DISTRICT TO DISCLOSE TO BUYERS WITHIN REAL ESTATE CONTRACTS AND ON ANY INSTRUMENT CONVEYING TITLE THAT SUCH REAL PROPERTY IS LOCATED WITHIN A SPECIAL TAXING DISTRICT AND SUBJECT TO THE PAYMENT OF ASSESSMENTS; REQUIRING SUCH SELLERS TO RECORD BUYERS' WRITTEN ACKNOWLEDGEMENT IN PUBLIC RECORDS OF MIAMI-DADE COUNTY; PROVIDING FOR DELAYED IMPLEMENTATION; DIRECTING THE COUNTY MAYOR OR DESIGNEE TO PROVIDE NOTICE OF THE ENACTMENT OF THIS ORDINANCE TO REAL ESTATE INDUSTRY AND PROVIDE A REPORT TO THE BOARD; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the ordinance requiring all sellers of real property within a special taxing district to inform and record notice to all buyers that the property is within a special taxing district.

**APPLICABLE LEGISLATION/POLICY**

Miami-Dade **County Code Chapter 18:** (*Improvement and Special Districts*) and **Sec. 18-20.2** (*Notice to all purchasers of new residential property*): [https://library.municode.com/fl/miami-dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH18IMSPRPDI](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH18IMSPRPDI)

**Section 1.01** of the County's Home Rule Charter (*Powers*): <http://www.miamidade.gov/charter/library/charter.pdf>

Which States: “ (c) May change the boundaries of, merge, consolidate, and abolish and may provide a method for changing the boundaries of, merging, consolidating and abolishing from time to time all municipal corporations, county or district governments, special taxing districts, authorities, boards, or other governmental units whose jurisdiction lies wholly within Dade County, whether such governmental units are created by the Constitution or the Legislature or otherwise, except the Dade County Board of County Commissioners as it may be provided for from time to time by this home rule charter and the Board of Public Instruction of Dade County.”

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Jose “Pepe” Diaz, District 12**

**Department/Requester: None**

**11/21/2017:** The Board adopted the item on first reading and scheduled for public hearing at the Parks and Cultural Affairs Committee (PCAC).

**1/18/18:** At the January PCAC, the item was forwarded to the Board with a favorable recommendation, following a public hearing.

At the PCAC, one member of the public spoke, representing Miami Association of Realtors, who spoke against the item. Commissioner Diaz spoke about constituents being upset at changes which now require them to pay for living in a special taxing district, as well as retroactive payments, in some cases. Commissioner Diaz said he would work to come to a compromise. Commissioner Cava spoke on the lack of awareness in many communities, and the fact that realtors may be constrained by certain documents. Commissioner Diaz and Commissioner Souto both expressed the need for disclosure to constituents, and better communication.

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**FISCAL IMPACT**

This item has no fiscal impact.

**ANALYSIS**

In 1989 Miami-Dade County passed Ordinance No.89-56, requiring all developers to provide notice to purchasers on the existence of a Special District (No online record available). This item seeks to expand this requirement to include realtors, attorneys and title agencies to disclose this information to potential new buyers. According to the Mayor's memo, if implemented, existing staff of the Special Taxing Districts Division will provide notice of the enactment of this ordinance to the real estate industry.

If approved, this will help buyers avoid the potential hardship of acquiring property without knowing that their property is subject to annual assessments, regardless of their demographics or income levels. In 2015, the County did an audit of Special Taxing Districts and found that 94% (1000 districts) had a surplus balance in their budget, while 6% (68) districts had a deficit balance. To learn more about special taxing districts access the following link: <http://www.miamidade.gov/parks/special-taxing-districts.asp>

Ordinance Changes are listed in the table below as a side-by-side comparison with the current text:

<b>Sec. 18.20.2 As it currently reads</b>	<b>Sec. 18.20.2 Proposed Amendments</b>
(a) Definition. The term " <b>new residential property</b> " as used in this section shall mean any and all undeveloped land zoned for residential use and any and all residential dwelling units not previously sold for the purpose of individual owner occupancy.	(a) Definition. The term " <b>property</b> " as used in this section shall mean any <b>real property located within a special taxing district created, or pending creation by an ordinance proposed to the Board of County Commissioners, pursuant to this chapter.</b>
(b) Notice to purchasers. It shall be the obligation of a seller of <b>new residential property</b> to provide the purchaser thereof with notice either of the existence of a special district created pursuant to this chapter or of the pendency of a petition to create such a district. The notice required by this section shall be set forth in the contract for sale and purchase of the <b>new residential property</b> and shall be in substantially the following form:  THE PROPERTY WHICH IS THE SUBJECT OF THIS TRANSACTION IS LOCATED WITHIN _____ SPECIAL TAXING DISTRICT CREATED BY Miami-Dade COUNTY (OR PROPOSED TO THE BOARD OF COUNTY COMMISSIONERS) FOR THE PURPOSE OF PROVIDING LOCAL IMPROVEMENTS AND SERVICES IN THE NATURE OF _____. THE COSTS FOR PROVIDING SUCH IMPROVEMENTS AND SERVICES SHALL BE PAID BY SPECIAL ASSESSMENTS LEVIED AGAINST PROPERTIES WITHIN THE DISTRICT. SAID SPECIAL ASSESSMENTS MAY BE COLLECTED AT THE	b) Notice to purchasers. It shall be the obligation of a seller of <b>property</b> to provide the purchaser thereof with notice either of the existence of a special district created pursuant to this chapter or of the pendency of a petition to create such a district. The notice required by this section shall be set forth in the contract for sale and purchase of the <b>property</b> and shall be in substantially the following form:  THE PROPERTY WHICH IS THE SUBJECT OF THIS TRANSACTION IS LOCATED WITHIN _____ SPECIAL TAXING DISTRICT CREATED BY Miami-Dade COUNTY (OR PROPOSED TO THE BOARD OF COUNTY COMMISSIONERS) FOR THE PURPOSE OF PROVIDING LOCAL IMPROVEMENTS AND SERVICES IN THE NATURE OF _____. THE COSTS FOR PROVIDING SUCH IMPROVEMENTS AND SERVICES SHALL BE PAID BY SPECIAL ASSESSMENTS LEVIED AGAINST PROPERTIES WITHIN THE DISTRICT. SAID SPECIAL ASSESSMENTS MAY BE COLLECTED AT THE



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SAME TIME AND IN THE SAME MANNER AS AD VALOREM TAXES.

(Ord. No. 89-56, § 1, 6-20-89)

SAME TIME AND IN THE SAME MANNER AS AD VALOREM TAXES.

(Ord. No. 89-56, § 1, 6-20-89)

(c) Acknowledgement of special taxing district disclosure statement on instrument of conveyance. It shall be the responsibility of a seller of property that the following statement shall appear in a prominent location on the face of any instrument conveying title to property. The Seller shall record the notarized statement in the public records of Miami-Dade County maintained by the Clerk of the Court:

I HEREBY CERTIFY THAT I UNDERSTAND THAT THE PROPERTY WHICH IS THE SUBJECT OF THIS TRANSACTION IS LOCATED WITHIN \_\_\_\_\_ SPECIAL TAXING DISTRICT CREATED BY MIAMI-DADE (OR PROPOSED TO THE BOARD OF COUNTY COMMISSIONERS) FOR THE PURPOSE OF PROVIDING LOCAL IMPROVEMENTS AND SERVICES IN THE NATURE OF \_\_\_\_\_.

Signature of Purchaser \_\_\_\_\_ Date \_\_\_\_\_

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**Item No. 7F**

**File No. 172810**

**Researcher: NR**

**Reviewer: TD**

ORDINANCE RELATING TO THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST, THE PEOPLE'S TRANSPORTATION PLAN AND CHARTER COUNTY TRANSPORTATION SURTAX FUNDS; BY A TWO-THIRDS VOTE OF THE COMMISSION MEMBERSHIP, AMENDING SECTION 2-1421 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING AUTHORITY TO THE TRUST EXECUTIVE DIRECTOR TO AWARD CONTRACTS FOR GOODS AND SERVICES UP TO A CERTAIN AMOUNT WITHOUT BOARD APPROVAL; PROVIDING REPORTING REQUIREMENTS TO THE TRUST AND THE BOARD; BY A TWO-THIRDS VOTE OF THE COMMISSION MEMBERSHIP, AMENDING SECTION 29-124; REVISING THE DEADLINE BY WHICH THE FIVE YEAR IMPLEMENTATION PLAN MUST BE UPDATED AND PRESENTED TO THE BOARD; REVISING THE CALCULATION USED TO DETERMINE THE AMOUNT MUNICIPALITIES MUST YEARLY ALLOCATE FOR TRANSPORTATION FROM THEIR GENERAL FUNDS IN ORDER TO REMAIN ELIGIBLE FOR RECEIPT OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS; UPDATING REFERENCES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**ISSUE/REQUESTED ACTION**

Whether the Board should amend Section 2-1421 of the Code; providing authority to the Trust Executive Director to award contracts for goods and services up to a certain amount without Board approval; providing reporting requirements to the Trust and the Board; and by a two-thirds vote of the Commission membership,

- amend Section 29-124; revising the deadline by which the Five Year Implementation Plan must be updated and presented to the Board;
- revise the calculation used to determine the amount municipalities must yearly allocate for transportation from their general funds in order to remain eligible for receipt of Charter County Transportation Surtax funds.

**APPLICABLE LEGISLATION/POLICY**

Section 2-1421 of the Code - Citizens' Independent Transportation Trust created; powers over expenditure and use of proceeds of proposed Charter County Transit System Surtax.

[https://library.municode.com/fl/miami\\_section\\_2-1421](https://library.municode.com/fl/miami_section_2-1421)

Section 29-124 of the Code - Special fund created; uses of surtax proceeds; and role of Citizens' Independent Transportation Trust.

[https://library.municode.com/fl/miami\\_section\\_29-124](https://library.municode.com/fl/miami_section_29-124)

Section 29-124(d) of the Code states: The Trust shall in consultation with the Mayor recommend to the County Commission a Five Year Implementation Plan. The Five Year Implementation Plan shall include a detailed scope of work, schedule and budget, consistent with the federal requirements for the MPO TIP and Long Range Plan, for each project included in Exhibit 1 of the People's Transportation Plan, as amended, anticipated to be implemented in whole or in part during the five year period.

[https://library.municode.com/fl/miami\\_29-124\(d\)](https://library.municode.com/fl/miami_29-124(d))

Section 29-124(e) of the Code states: A two-thirds vote of the Commission membership shall be required to take action other than as contained in the reconsidered recommendation of the Trust.

[https://library.municode.com/fl/miami\\_29-124\(e\)](https://library.municode.com/fl/miami_29-124(e))

Section 29-124(h) (i) of the Code states: Twenty percent of surtax proceeds shall be distributed annually to those cities existing as of November 5, 2002 that meet the following conditions: (i) That continue to provide the same level of general fund support

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for transportation that is in their FY 2001-2002 budget in subsequent Fiscal Years. Any surtax proceeds received shall be applied to supplement, not replace a city's general fund support for transportation.

[https://library.municode.com/fl/miami\\_29-124\(h\)\(i\)](https://library.municode.com/fl/miami_29-124(h)(i))

Florida Statute 212.055(1) - Discretionary sales surtaxes; legislative intent; authorization and use of proceeds. Each charter county that has adopted a charter, each county the government of which is consolidated with that of one or more municipalities, and each county that is within or under an interlocal agreement with a regional transportation or transit authority created under chapter 343 or chapter 349 may levy a discretionary sales surtax, subject to approval by a majority vote of the electorate of the county or by a charter amendment approved by a majority vote of the electorate of the county.

[http://www.leg.state.fl.us/statutes\\_212.055](http://www.leg.state.fl.us/statutes_212.055)

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Sally A. Heyman, District 4**

**Department/Requester: None**

The proposed ordinance was adopted on first reading at the December 19, 2017 Board meeting. On December 21, 2017 municipal notification of a public hearing was provided.

This item was forwarded to the Board with a favorable recommendation by the Transportation and Public Works Committee (TPWC) at its January 19, 2018 without discussion.

**FISCAL IMPACT**

As indicated in the item's Fiscal Impact Statement, implementation of this ordinance will not have a fiscal impact to the Citizens' Independent Transportation Trust, the People's Transportation Plan or the Charter County Transportation Surtax.

**ANALYSIS**

The ordinance proposes to amend Section 2-1421 and 29-124 of the Code to allow the Executive Director of the Citizen's Independent Transportation Trust (CITT) to approve contracts for goods and services up to \$10,000 without Board approval, providing reporting requirements to the CITT and the Board.

- Previous versions of the Ordinance included a provision for the Trust to approve small administrative support contracts. This provision was inadvertently eliminated.
- The proposed amendment includes authorization for approval of administrative support contracts up to \$10,000. These contracts will be reported to the Commission as part of the Quarterly Report submitted by the Trust to the Commission. This will provide for a more efficient and effective process for these small contracts.

The ordinance proposes to revise the calculation used to determine the amount municipalities must yearly allocate for transportation from their general funds in order to remain eligible for receipt of Charter County Transportation Surtax funds.

- The current Ordinance defines the municipal MOE as the same level of general fund support for transportation that was included in the City's FY 2001-02 Budget. This was included in the original PTP in order to ensure that surtax funds supplemented and did not replace the existing municipal support. This method of calculation has worked well for almost all of the cities. There are, however, several cities that had an extraordinary "spike" in their FY 2001-2002 budget due to an extremely large one-time project. This spike has made it virtually impossible for those cities to meet the elevated MOE and qualify for surtax funding.
- The proposed amendment would establish a revised way to calculate the MOE when the spike exceeded 150% of what the city normally spent. In that circumstance the MOE would be based on the average general fund support over the

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previous five years. This limited adjustment preserves the integrity of the MOE while recognizing an extraordinary circumstance.

The ordinance proposes to amend Section 29-124 to revise the deadline by which the Five Year Implementation Plan must be updated and presented to the Board.

- The Five Year Implementation Plan is prepared annually by the Trust in collaboration with the County. The Plan, among other things, monitors the progress on all surtax funded projects and includes the planned expenditures and schedule for all projects over the next five years.
- The proposed amendment clarifies that the date for the annual update is January 1<sup>st</sup> of each year. This will enable the Plan to incorporate the most current information as approved by the Commission in the annual Adopted Budget.

As stated in the item's Social Equity Statement, the proposed amendments are not anticipated to have any measurable social equity benefit or burden.

**This ordinance proposes to amend Section 2-1421 of the Code (Citizen's Independent Transportation Trust created; powers over expenditure and use of proceeds of proposed Charter County Transit System Surtax) by adding the following:**

(8) Notwithstanding any provision to the contrary, the Executive Director shall have authority to award contracts in an amount up to \$10,000 for goods and services for the Trust and its staff without the need for action by the County Commission, so long as the award of such contracts does not result in the budget for the Trust exceeding the amount approved by the County Commission during the annual budget approval process. The award of such contracts shall be reported to the Trust and the County Commission on a quarterly basis.

**This ordinance proposes to amend Section 29-124 of the Code (Special fund created; uses of surtax proceeds; and role of Citizens' Independent Transportation Trust) as follows:**

Current	Proposed
(d) The Trust shall in consultation with the Mayor recommend to the County Commission a Five Year Implementation Plan. The Five Year Implementation Plan shall include a detailed scope of work, schedule and budget, consistent with the federal requirements for the MPO TIP and Long Range Plan, for each project included in Exhibit 1 of the People's Transportation Plan, as amended, anticipated to be implemented in whole or in part during the five year period. The Five Year Implementation Plan shall be approved by the County Commission in accordance with the procedures established in paragraph (f) of this section. The initial Five Year Implementation Plan shall be approved no later than January 1, 2011. The Five Year Implementation Plan shall be updated annually no later than thirty days from the commencement of Miami Dade County's fiscal year. The Trust shall review and	(d) The Trust shall in consultation with the Mayor recommend to the County Commission a Five Year Implementation Plan. The Five Year Implementation Plan shall include a detailed scope of work, schedule and budget, consistent with the federal requirements for the TPO TIP and Long Range Plan, for each project included in Exhibit 1 of the People's Transportation Plan, as amended, anticipated to be implemented in whole or in part during the five year period. The Five Year Implementation Plan shall be approved by the County Commission in accordance with the procedures established in paragraph (f) of this section. The initial Five Year Implementation Plan shall be approved no later than January 1, 2011. The Five Year Implementation Plan shall be updated annually no later than <u>January 1st of each year and shall be presented to the County Commission and posted online.</u> The

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monitor projects included in the Five Year Implementation Plan and provide to the County Commission and post online an annual report no later than December 31 of each year. The annual report shall detail the progress on each project included in the Five Year Work Plan.	annual report shall detail the progress on each project included in the Five Year Work Plan.
<p>h) Twenty percent of surtax proceeds shall be distributed annually to those cities existing as of November 5, 2002 that meet the following conditions:</p> <p>(i) That continue to provide the same level of general fund support for transportation that is in their FY 2001-2002 budget in subsequent Fiscal Years. Any surtax proceeds received shall be applied to supplement, not replace a city's general fund support for transportation.</p>	<p>h) Twenty percent of surtax proceeds shall be distributed annually to those cities existing as of November 5, 2002 that meet the following conditions:</p> <p>(i) That continue to provide the same level of general fund support for transportation that is in their FY 2001-2002 budget in subsequent Fiscal Years. Any surtax proceeds received shall be applied to supplement, not replace a city's general fund support for transportation. <u>Where the general fund support for FY 2001-2002 exceeded the general fund support in the preceding year by more than 150 percent, the maintenance of effort requirement may be calculated as the average general fund support for the five years preceding FY 2001-2002 and applied beginning FY 2001- 2002.</u></p>

**ADDITIONAL INFORMATION**

There is some precedent to delegate authority to the Trust Executive Director to award contracts for goods and services up to a certain amount without Board approval, including a Board reporting requirement.

For example, the WASD's Acceleration Ordinance delegates to the County Mayor the power to approve Consent Decree and CIP contracts, including a Board reporting requirement.

Section 2-8.2.12 of the County Code (Miami-Dade Water and Sewer Department Consent Decree and Capital Improvement Programs Acceleration Ordinance) authorizes the County Mayor to accelerate the processing, procurement and award of any contract and agreement of the County for Consent Decree Work and other capital improvements contracts to maintain the operational effectiveness and capacity of the water and sewer systems, including contracts related to the purchase of goods and services, construction and professional services. Any act undertaken pursuant to the authority set forth under this section is subject to ratification by the Board.

[https://library.municode.com/fl/miami\\_S2-8.2.12](https://library.municode.com/fl/miami_S2-8.2.12)

Also, Implementing Order 3-38 delegates contracting approval authority to the County Mayor for the procurement of goods and services. The County Mayor has further delegated some of that authority to the ISD Director. IO 3-38 includes reporting requirement.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-38.pdf>

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**Item No. 7G**  
**File No. 180054**

**Researcher: NR      Reviewer: TD**

ORDINANCE RELATING TO THE INDEPENDENT REVIEW PANEL; AMENDING CHAPTER 2, ARTICLE IC OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; CHANGING THE NAME OF THE INDEPENDENT REVIEW PANEL TO THE INDEPENDENT COMMUNITY PANEL; AMENDING THE COMPOSITION, AUTHORITY, POWERS, AND STAFFING OF THE INDEPENDENT REVIEW PANEL; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**ISSUE/REQUESTED ACTION**

Whether the Board should approve changes to the Ordinance relating to the Independent Review Panel; amending Chapter 2, Article IC of the Miami-Dade Code; changing the name of the Independent Review Panel to the Independent Community Panel (ICP); amending the composition, authority, powers, and staffing of the Independent Review Plan.

[http://miamidade.fl.elaws.us/code/coor\\_ptiii\\_ch2\\_artic\\_sec2-11.43](http://miamidade.fl.elaws.us/code/coor_ptiii_ch2_artic_sec2-11.43)

**APPLICABLE LEGISLATION/POLICY**

Resolution No. R-1075-16, created the Miami-Dade County Independent Review Panel Working Group (“Working Group”) and charged it with: 1) reviewing Article IC – Independent Review Panel - of the Code of Miami-Dade County; 2) analyzing the history and effectiveness of the Independent Review Panel.

<http://intra/gia/matter.asp?matter=162943&file=false&yearFolder=Y2016>

**PROCEDURAL HISTORY**

**Prime Sponsor: Barbara J. Jordan**

**Requester: None**

This ordinance was adopted on first reading on the November 7, 2017 BCC meeting.

This item was forwarded to the Board with a favorable recommendation, as amended, by the Housing and Social Services Committee (HSSC) at its December 11, 2017 meeting. The item was amended with the following language:

The panel may request the County Attorney to render opinions related to the panel’s duties, jurisdiction or power. Following the approval from the County Mayor the Administration should provide feedback on actions taken within a 45 day timeframe.

Below is a summary of the statements made by the Commissioners at the HSSC meeting.

Commissioner Jordan stated she wanted to recognize the County Attorney in order for the amendment to be on the record. The County Attorney stated Section 2-11.45 of subsection F of the amendment would be that the panel may request the county attorney to render opinions related to the panels duties, jurisdiction, or power.

Commissioner Cava asked if the role of the County Attorney could be explain more in depth. The County Attorney stated their role is to serve as council to all of the advisory boards and if the Independent Community Panel name were to be adopted, they would fall under the current advisory boards. Commissioner Cava also stated that this board/panel would have some additional powers unlike other boards. They would have subpoena authority and the option of coming to the BCC to request outside legal counsel.

Commissioner Jordan explained that outside legal counsel is available if the County Attorney were to feel that that there is a conflict with the County Attorney’s Office and instead they could request the BCC to make the decision.

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Commissioner Jordan also stated she that did not approve the amendment that was requested by the working group for the report to come back within 30 days. However, that she wanted to receive feedback since all administrative reports are given to the mayor and he can direct his staff to reissue it back. Though, she felt there needs to be some feedback on actions taken by the administration and wanted to hear the committee views since she does not mind including for the report to come back within a reasonable timeframe.

Commissioner Suarez expressed that he thought 30 days was a reasonable timeframe after an issue has been investigated and reported by the ICP with counsel present as a recommendation and then reported to the mayor.

Commissioner Cava also stated that currently there is not a timely response but feels that having standards and accountability in place like 30 days is a good idea.

Commissioner Martinez indicated he had concerns, but that he would bring them up at the Board meeting.

A scrivener's error regarding Section 2-11.42 on handwritten page 7 was incorrectly reference as Section 4.08(a) of the Charter and should be Section 5.08(a) of the Charter.

**FISCAL IMPACT**

The implementation of this ordinance will have a fiscal impact to the County. It is assumed that the Office of Community Advocacy would provide the staff support needed to manage the nominating and member selection process from existing resources. In addition, when the Independent Community Panel (ICP), formerly IRP, was last funded in FY 2008-09 it had five (5) full-time employees and a countywide general fund allocation of \$599,000. The five-year impact assumes that the ICP is funded at the same level as in FY 2008-09. The attached analysis also assumes that the ICP begins its operations halfway through FY 2017-18 and includes a onetime capital expense for startup costs, including office space and equipment that may be needed to operate the new office. None of the resources necessary to reestablish the ICP are currently in place as the ICP would, in essence, be a new County agency.

Assuming a start date of April 1, 2018, the immediate fiscal impact is \$349,500 for half a fiscal year. For year one the fiscal impact would double to \$475,650, and assumes a five percent growth in personnel expenses and three percent growth in operating expenses for every year thereafter.

Funding for the FY 2017-18 would be provided from the General Fund Public Safety Reserve. Future years funding would be subject to appropriation as part of annual budget development process. However, allocating this funding to the ICP would reduce the County's ability to address any additional public safety threats and concerns that are not currently funded.

**ANALYSIS**

The purpose of this article is to create a mechanism for external community fact-finding and dispute resolution. It is the intent of the Board that the impartial review panel created by this article to conduct independent reviews and hold public hearings concerning complaints or grievances made against an employee, agency or instrumentality of the County.

Below are the significant proposed changes to the Code:

**Sec. 2-11.43. - Composition; appointment and terms of office; compensation; oath; attendance at meetings, vacancies.**

Membership	Current Composition	Proposed Composition
Panel Members	Nine members	Thirteen Members
Community Groups or Organizations	Five	Eleven (*)



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(\*) In order to secure representative membership on the Panel, each of the following eleven community groups or organizations shall submit a list containing the names of three (3) qualified persons and the Board of County Commissioners shall select one (1) panel member from each of the eleven lists:

- (i) The American Civil Liberties Union of Greater Miami
- (ii) The Miami-Dade Branch of the National Association for the Advancement of Colored People
- (iii) The Spanish American League Against Discrimination
- (iv) The Florida Immigrant Coalition
- (v) The Miami-Dade County Association of Chiefs of Police
- (vi) National Alliance on Mental Illness
- (vii) Miami Coalition of Christians and Jews
- (viii) Miami Coalition of South Florida Muslim Organizations
- (ix) Equality Florida
- (x) Haitian Women of Miami
- (xi) National Organization of Black Law Enforcement Executives

The remaining two members will as follows:

- (i) One will be appointed by the Panel based on consensus of integrity and community representation, considering ethno-cultural and gender balance; and
- (ii) The Chair of the Miami-Dade County Youth Commission.

**Sec. 2-11.45. - Authority and powers generally.**

<b>Current</b>	<b>Proposed</b>
<p>(a) The Panel may hold public hearings, make factual determinations, draw conclusions, propose recommendations, and prepare interim and final reports on matters relating to serious complaints or grievances made against an employee, agency or instrumentality of Miami-Dade County.</p> <p>The Panel may also hold hearings, render findings of fact and conclusions of law and issue recommendations, as provided in Chapter 2, Article LXXI of the Code. The Panel shall have the authority and responsibility to determine whether complaints or grievances sufficiently serious to institute a review process.</p>	<p>(A) The Panel may hold public hearings, conduct mediations or other forms of dispute resolution, make factual determinations, draw conclusions, propose recommendations, and prepare interim and final reports on matters relating to complaints or grievances made against an employee, agency or instrumentality of Miami-Dade County.</p> <p>The Panel may also hold hearings, render findings of fact and conclusions of law and issue recommendations, as provided in Chapter 2, Article LXXI of the Code. The Panel shall have the authority and responsibility to determine whether sufficient merit has been established for complaints or grievances to institute a review process.</p>
<p>(d) The Panel may enter and inspect any premises under the jurisdiction or control of Miami Dade County or any of its agencies or instrumentalities.</p>	<p>N/A</p>
<p>(e) The Panel may request any person, including the supervisor of the Internal Review Section of the Miami-Dade Police Department, to give sworn testimony or to produce documentary or other evidence.</p>	<p>(D) The Panel may request any person, including the supervisor of the Internal Review Section of the Miami-Dade Police Department, to give sworn testimony or to produce documentary or other evidence to the extent permitted by applicable law.</p>



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(f) The Panel may request the County Attorney to Render opinions relating to its duties, jurisdiction or power.	(F) The County Attorney shall render opinions relating to the Panel's] duties, jurisdiction or power and such opinions shall be binding upon and adhered to By the Panel.
N/A	(G) The Panel shall not act on matters that fall within the jurisdiction of the Miami-Dade County Office of Inspector General
N/A	(H) The Panel shall be empowered to subpoena witnesses and/or documents for all matters within its jurisdiction, except for County employees who are law enforcement or correctional officers as defined in the Police Officers' Bill of Rights, codified in sections 112.531-121.535, Florida Statutes.

**Sec. 2-11.46. - Panel proceedings.**

<b>Current</b>	<b>Proposed</b>
Panel members shall meet with staff from time to time. (2) To consider any complaint or grievance filed with the Panel is sufficiently serious to merit review by the full Panel	Panel members shall meet with staff from time to time. (B) To consider whether sufficient merit has been established for any complaint or grievance filed with the Panel <u>to warrant</u> review by the full Panel

**Sec. 2-11.51. - Physical facilities and staff.**

<b>Current</b>	<b>Proposed</b>
(b) Executive Director. The Board of County Commissioners shall appoint an Executive Director from 3 nominees provided by the Independent Review Panel. The Independent Review Panel shall utilize a competitive selection process when selecting nominees for Executive Director. The Executive Director shall only be removed by the Independent Review Panel. Such removal shall be for good cause upon a majority vote. The Independent Review Panel shall establish the rate of remuneration of the Executive Director in conjunction, concurrence and consensus with the County Manager.	(B) Executive Director. The Board of County Commissioners shall appoint an Executive Director from 3 nominees provided by the Independent Community Panel. The Independent Community Panel shall utilize a competitive selection process when selecting nominees for Executive Director. The Executive Director shall only be removed by the Independent Community Panel. Such removal shall be for good cause upon a majority vote. The Independent Community Panel shall establish the rate of enumeration of the Executive Director in conjunction, concurrence and consensus with the County Mayor or County Mayor's designee.
(e) Staff. The Executive Director may hire and administer the necessary staff subject to budgetary allocation by the Board.	(C) Staff. The Executive Director may hire and administer the necessary staff. At a minimum, subject to budgetary allocation by the Board, staff shall consist of the following positions: (1) Senior investigator/mediator, (2) Mediator, (3) Office Administrator, (4) Professional Auditor.
	(E) Research personnel, investigative personnel and independent counsel. The Panel may request the Board to provide such other fact-finding personnel, research personnel and independent counsel as it may determine are necessary from time to time.

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**ADDITIONAL INFORMATION**

The Social Equality statement indicates that the establishment of the ICP would create the means for the external community fact-finding and dispute resolutions. The ICP will perform individual reviews of complaints or grievance made against employee, agency or instrumentality of the County. Furthermore, the panel will create a better relationship between the local community and government by enhancing the community's confidence in the results investigations.

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Research Notes**

**Item No. 7H  
Item No. 172812**

**Researcher: NR   Reviewer: TD**

ORDINANCE RELATING TO ZONING; AMENDING SECTIONS 33-247 AND 33-259 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING HOME IMPROVEMENT CENTERS AND HOME IMPROVEMENT WAREHOUSES TO ESTABLISH ADDITIONAL OUTDOOR DISPLAY AREAS; AUTHORIZING HOME IMPROVEMENT CENTERS AND HOME IMPROVEMENT WAREHOUSES TO SELL PRODUCTS OUTSIDE OF ENCLOSED BUILDINGS DURING A DECLARED STATE OF EMERGENCY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**ISSUE/REQUESTED ACTION**

Ordinance related to zoning; amending Sections 33-247 and 33-259 of the County Code; authorizing Home Improvement Centers and Home Improvement Warehouses to (1) establish additional outdoor display areas, and (2) to sell products outside of enclosed buildings during a declared State of Emergency.

**APPLICABLE LEGISLATION/POLICY**

Sections 33-247 of the County Code relates to Uses Permitted - No land, body of water and/or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, reconstructed, moved, maintained or occupied for any purpose in any BU-1A District, except as enumerated in this section of the Code.

[https://library.municode.com/fl/miami\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH33ZO\\_ARTXXVLIBUDI\\_S33-247USPE](https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33ZO_ARTXXVLIBUDI_S33-247USPE)

Section 33-259 of the County Code relates to Uses permitted - No land, body of water or structure shall be used or permitted to be used and no structure shall be erected, constructed, moved or reconstructed, structurally altered, or maintained, which is designed, arranged or intended to be used or occupied for any purpose, unless otherwise provided herein, in IU-1 District, except as enumerated in this section of the Code.

[https://library.municode.com/fl/miami\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH33ZO\\_ARTXXIXINLIMADI\\_S33-259USPE](https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33ZO_ARTXXIXINLIMADI_S33-259USPE)

**PROCEDURAL HISTORY**

**Prime Sponsor: Joe A. Martinez**

**Department/Requester: None**

The proposed ordinance was adopted on first reading at the December 19, 2017 Board meeting.

This item was forwarded to the Board with a favorable recommendation at the Government Operations Committee (GOC) to the at its January 17, 2018 meeting. Below is a summary of the discussion held at the GOC:

Commissioner Martinez stated that in a declared state of emergency this ordinance will allow stores to display items outside to have more space and also allow residents to purchase the supplies they may need.

Commissioner Moss questioned if in the ordinance it stated how long the opportunity would be available for home improvement centers/warehouse to set up outdoor displays since the state of emergency only existed for a certain time. The County Attorney stated that outdoor sales have to end when the local state of emergency is terminated. The County Attorney also specified there is a provision that does authorize some outdoor display and it is addressed on HW page 6 of the item and in a state of emergency it is addressed on HW page 7 of the item.

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In addition, Commissioner Moss also wanted to know the current process for home improvement stores to display items all year around and that they are displayed in a tasteful manner. The Zoning Director explained that currently there is a request that allows the home improvement centers to have a display area. He also stated there is an administrative site plan that shows the designated area and if it is violated, it can be enforced by Code Compliance. Furthermore, the Zoning Director stated that centers can only display items in a designated area that is within 10 feet of the actual structure and limited to only 40% of the direct frontage of the store if approved.

Commissioner Martinez asked if an amendment to this item could be done allowing the Commission to extend the state of emergency to allow home improvement centers to display items and help residents that are trying to rebuild their homes. The County Attorney stated that an amendment is not necessary since under the state of emergency ordinance a state of emergency can be declared for up to 30 days, and beyond that it could be extend by the Mayor or Chair.

**FISCAL IMPACT**

The implementation of this ordinance will not have a fiscal impact to the County as it will not result in additional staffing needs or future operational costs. Any enforcement relating to the implementation of the ordinance would be absorbed as part of ongoing monitoring.

**ANALYSIS**

This ordinance proposes to amend Section 1. 33-247 Uses permitted (adding the following significant sub-sections):

(b) Notwithstanding paragraph (a) above, a display area may be established outside of an enclosure, after administrative site plan review, where:

- (1) The display area abuts one of the building's walls;
- (2) The display area is limited to no greater than 40 percent of the lineal building's frontage where the display area is located;
- (3) Displayed items are within 10 feet of the building; and
- (4) All accessible pedestrian circulation is maintained.

(e) Notwithstanding any other provision of this chapter to the contrary, during the time that a Local State of Emergency has been declared pursuant to chapter 8B and is in effect, products may be sold outside of enclosed buildings, provided that all of the following conditions are satisfied:

- (1) Vehicular circulation is not interrupted.
- (2) Accessibility parking spaces are not reduced.
- (3) Outdoor sales are only conducted in the interior of the site and are oriented away from public rights-of-way.
- (4) Outdoor sales areas do not encroach in any minimum setback areas.
- (5) Tents or other membrane structures that are greater than 10' x 12' in size shall obtain a building permit.
- (6) The outdoor sales end when the Local State of Emergency is terminated.

(f) Variances to these requirements are subject to section 33-311(A) (4) (b) for non-use variances.

This ordinance proposes to amend Section 2 33-259 Uses permitted (adding the following significant sub-sections):

(g) Notwithstanding any other provision of this chapter to the contrary, a display area may be established outside of an enclosure, after administrative site plan review, where:

- (1) The display area abuts one of the building's walls;

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- (2) The display area is limited to no greater than 40 percent of the lineal building's frontage where the display area is located;
- (3) Displayed items are within 10 feet of the building; and
- (4) All accessible pedestrian circulation is maintained.

(h) Notwithstanding any other provision of this chapter to the contrary, when a Local State of Emergency has been declared pursuant to chapter 8B, products may be sold outside of enclosed buildings, provided that all of the following conditions are satisfied:

- (1) Vehicular circulation is not interrupted.
- (2) Accessibility parking spaces are not reduced.
- (3) Outdoor sales are only conducted in the interior of the site and are oriented away from public rights-of-way.
- (4) Outdoor sales areas do not encroach in any minimum setback areas.
- (5) Tents or other membrane structures that are greater than 10' x 12' in size obtain a building permit, unless a state of emergency has also been declared pursuant to chapter 252, Florida Statutes.
- (6) The outdoor sales end when the Local State of Emergency is terminated.

(i) Variances to these requirements are subject to section 33-311(A) (4) (b) for non-use variances.

**ADDITIONAL INFORMATION**

For non-use variance pursuant to Sec. 33-311(A)(4)(b) - Community Zoning Appeals Board—Authority and duties:

- The Board (following a public hearing) may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.
- For the purpose of this subsection, the term "non-use variances" involves matters such as setback lines, frontage requirements, subdivision regulations, height limitations, lot size restrictions, yard requirements and other variances which have no relation to change of use of the property in question.

[https://library.municode.com/fl/miami -  
dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH33ZO\\_ARTXXXVIZOPR\\_S33-  
311COZOAPBOUTDU](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33ZO_ARTXXXVIZOPR_S33-311COZOAPBOUTDU)

According to the Social Equality Statement, this ordinance intent is to ensure adequate availability of supplies during the pre and post recovery stages of disasters or other types of emergencies. These outdoor sales will give the opportunity for home improvement centers to serve the public during a declared state of emergency.

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**Item No. 71**  
**File No. 172686**

**Researcher: SM Reviewer: TD**

ORDINANCE CREATING THE MIAMI-DADE COUNTY VILOMAH AWARD TO RECOGNIZE PARENTS WHO HAVE BEEN INSPIRED BY THE MEMORY OF A LOST CHILD AND TAKEN ACTION TO POSITIVELY INFLUENCE THE COMMUNITY; CREATING SECTION 2-2349 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR CRITERIA AND SELECTION PROCESS FOR RECIPIENTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**ISSUE/REQUESTED ACTION**

Whether the Board should approve this Ordinance creating the Miami-Dade County Vilomah award to recognize parents who, inspired by the memory of a lost child, taken action to positively influence the community, creating Section 2-2349 of the Code of Miami-Dade County.

**APPLICABLE LEGISLATION/POLICY**

Section 2-2349 of the Code of Miami-Dade County would be created to provide criteria and a selection process for the recipients. No link is available at this time.

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioners Joe A. Martinez, District 11, Audrey M. Edmonson, District 3, Barbara J. Jordan, District 1, Jean Monestime, District 2, Dennis C. Moss, District 9, Rebeca Sosa, District 6.**

Commissioner Joe A. Martinez from District 11, emphasized that the Vilomah Award must be a thought out process where selected parents are recognized for taking action after a loss of a child, to positively influence their community. The Item was forwarded to BCC with a favorable recommendation at the Government Operations Committee on January 17, 2018.

**FISCAL IMPACT**

This Item will use resources that are existing from the protocol division, to administer this award process. The County may choose to offer various types of awards such as plaques, paper certificates etc. therefore the fiscal impact to the County may vary. The cost associated with the award for Fiscal Year(FY) 2017-18 would be funded from prior year carryover funds and would be included as part of the budget development process for FY 2018-19, as stated in the mayoral memo.

**ANALYSIS**

This Item will create an Ordinance establishing the Miami-Dade County Vilomah award. This award will recognize parents whom have influenced their community in a positive way after suffering the loss of a child.

This award will honor parents who suffered the terrible loss of a child and displayed the courage to afterwards contribute to positive change in their community. The parents who turned the loss into positive actions that influence change, and awareness on how to prevent future loss of life, in addition to impelling potential legislative change, would be candidates for the Vilomah award, as per the social equity statement.

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The Section 2-2349 of the Code of Miami-Dade County which would be created would state the following:

- **Criteria for Award.** The Vilomah Award shall be awarded biannually on behalf of the Board to any surviving parent or family member residing in the County who suffered the tragedy of losing a child and has since been inspired by the memory of their child to take action that has positively influenced the community by creating awareness or inspiring legislative change.
- **Procedures for Selection of Award Recipients.** Beginning in 2018 and for each year thereafter, each commissioner may select one candidate from his or her district to receive the Vilomah Award and, in order to be considered, such selection shall be submitted to the Clerk of the Board by no later than the second meeting of the Board in each calendar year. Any such selection shall then be announced by the Board at that meeting. In addition, after the Vilomah Award has been presented to these recipients, each commissioner may select one additional candidate per year from his or her district to receive the Vilomah Award and, in order to be considered, such selection shall be submitted to the Clerk of the Board by no later than the second meeting of the Board after July 1st of each year. Any such additional selection shall then be announced by the Board at that meeting.
- **Presentation of the Award.** For award recipients selected by the Board at the second meeting of the calendar year, the recipient's nominating Commissioner shall present them with the Vilomah Award at the Board's second meeting after March 1st of each year. For award recipients selected by the Board at the second meeting after July 1st, the recipient's nominating Commissioner shall present them with the Vilomah Award at the Board's second meeting after September 1st of each year. The Vilomah Award shall be of appropriate design.

Below is a chart of statistics from the Florida Department of Health detailing the number of child deaths in Miami-Dade County from the years 2012 to 2018. The years 2017 and 2018 reflect provisional data, and are subject to change.

<http://www.flhealthcharts.com/FLQUERY/Death/DeathCount.aspx>

**Resident death counts by year in Miami-Dade County, ages 0-19**

<b>Years</b>	<b>Minor Deaths Ages 0-19</b>
2012	310
2013	253
2014	291
2015	290
2016	332
2017 (Provisional)	303
2018 (Provisional)	12
<b>Total</b>	1791

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**Item No. 7J**  
**File No. 180072**

**Researcher: NR Reviewer: TD**

ORDINANCE CHANGING THE BOUNDARIES OF THE CITY OF FLORIDA CITY, FLORIDA, AND AMENDING THE CITY'S MUNICIPAL CHARTER TO PROVIDE FOR THE ANNEXATION OF CERTAIN LANDS PURSUANT TO SECTION 6.04(B) OF THE HOME RULE CHARTER AND CHAPTER 20 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR RESERVATION TO THE COUNTY OF ELECTRIC FRANCHISE AND UTILITY TAX REVENUES; PROVIDING FOR COUNTY RETENTION OF RESIDENTIAL WATER COLLECTION AND DISPOSAL UNLESS CERTAIN CIRCUMSTANCES OCCUR; REQUIRING PAYMENT OF OUTSTANDING DEBT SERVICE ATTRIBUTABLE TO THE ANNEXATION AREA; PROVIDING FOR COUNTY RETENTION OF JURISDICTION OVER CERTAIN DECLARATIONS OF RESTRICTIVE COVENANTS; PROVIDING FOR CONTINGENT EFFECTIVE DATE; PROVIDING INTERDEPENDENCY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER NO. 172420] [SEE AGENDA ITEM NOS. 11A14, 11A15, AND 11A15 SUPPLEMENT]

**ISSUE/REQUESTED ACTION**

Ordinance changing the boundaries of the City of Florida City, Florida, and amending the city's municipal charter to provide for the annexation of certain lands pursuant to Section 6.04(B) of the Home Rule Charter and Chapter 20 of the Code; providing for reservation to the County of electric franchise and utility tax revenues; providing for County retention of residential water collection and disposal unless certain circumstances occur; requiring payment of outstanding debt service attributable to the annexation area; providing for County retention of jurisdiction over certain declarations of restrictive covenants; providing for contingent effective date; providing interdependency.

**APPLICABLE LEGISLATION/POLICY**

Section 6.04(B) of the Home Rule Charter governs changes in municipal boundaries.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTICOAMCH\\_ART6MU\\_S6.04CHMUBO](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTICOAMCH_ART6MU_S6.04CHMUBO)

Section 20-8.1 of the Code governs retention of electric franchise revenues.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH20MU\\_ARTIBOCHPR\\_S20-8.1REELFRRE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH20MU_ARTIBOCHPR_S20-8.1REELFRRE)

Section 20-8.2 of the Code governs retention of all utility tax revenues.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH20MU\\_ARTIBOCHPR\\_S20-8.1REELFRRE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH20MU_ARTIBOCHPR_S20-8.1REELFRRE)

Section 20-8.4 of the Code governs retention of garbage and refuse collection and disposal.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH20MU\\_ARTIBOCHPR\\_S20-8.1REELFRRE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH20MU_ARTIBOCHPR_S20-8.1REELFRRE)

Section 20-8.5 of the Code governs annexing Municipality's responsibilities for bond indebtedness.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH20MU\\_ARTIBOCHPR\\_S20-8.1REELFRRE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH20MU_ARTIBOCHPR_S20-8.1REELFRRE)

Section 20-8.8 of the Code governs retention of modification and deletion of covenants or declaration of restrictions.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH20MU\\_ARTIBOCHPR\\_S20-8.1REELFRRE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH20MU_ARTIBOCHPR_S20-8.1REELFRRE)



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Section 20-28.1 of the Code governs areas and facilities of countywide significance.

[https://library.municode.com/fl/miami-dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH20MU\\_ARTIINPR\\_S20-28.1ARFACOSI](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH20MU_ARTIINPR_S20-28.1ARFACOSI)

**PROCEDURAL HISTORY**

**Prime Sponsor: Dennis C. Moss**

**Department/Requester: None**

On September 6, 2011, the City submitted a boundary change application to the Miami-Dade County Clerk of the Board. The application was referred to and accepted by the Board at the September 20, 2011 meeting. The application was then referred to the Office of Management and Budget (OMB) for processing as required by the Code.

The Planning Advisory Board (PAB) held a public hearing on February 22, 2012, where the City presented the application and amended the boundaries at the meeting. The PAB recommended approval of the application. However, after the amended boundaries were studied by the County staff, it was concluded that the annexation area included areas that were not contiguous. Therefore, the County staff requested that the City amend the application to have contiguous boundaries. In order to comply the City amended the boundaries through City Resolution No. 12-61, and the application with the amended boundaries was reviewed by the PAB, which recommended approval of the annexation.

The amended boundaries resulted in the annexation area having more than 250 resident electors. Therefore, the City was required to obtain petitions from 20 percent of the 326 resident electors, indicating consent to the annexation. On March 19, 2015, the Elections Department certified 74 petitions for the area satisfying the 20 percent petition requirement.

On September 7, 2016, the Board adopted Resolution No. R-789-16, which approved the boundary change for the City. This resolution allows action to be taken by the County Attorney to prepare the appropriate ordinance, ballot language, and Inter-local Agreement in order to effectuate the annexation request deny the annexation request or to defer the annexation request.

<http://www.miamidade.gov/govaction/matter.asp?matter=160214&file=true&yearFolder=Y2016>

<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2016/R-789-16.pdf>

Pursuant to Section 6.04 (B) of the County's Home Rule Charter, an affirmative vote of a majority of resident electors voting is required for the boundary change approval.

[https://library.municode.com/fl/miami-dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTICOAMCH\\_ART6MU\\_S6.04CHMUBO](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTICOAMCH_ART6MU_S6.04CHMUBO)

The proposed ordinance was adopted on first reading at the November 7, 2017 Board meeting and the Municipalities were notified of public hearing on November 27, 2017.

This item was forwarded to the Board with a favorable recommendation by the Government of Operation (GOC) at its January 17, 2018 meeting.

Below is a summary of the statements made by Commissioner Moss regarding the item at the GOC meeting:

Commissioner Moss stated that he wanted this item to move since it is unlike some of the other annexations that have been presented where the city attempts to annex high property areas. He also stated that in this case the County spends approximately \$155,000 in providing service to the area and generates \$70,000 in total revenue. Furthermore, Commissioner Moss indicated that the expansion of Urban Development Boundary will be controlled by Miami Dade County and will be based upon the Interlocal agreement.

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**FISCAL IMPACT**

According to the Fiscal Impact Statement, the annexation will have a positive impact on the Unincorporated Municipal Service Area (USMA). The 2016 Preliminary Roll taxable value of the annexation area is \$6,755,018. The area generates about \$85,915 in total revenue inclusive of ad valorem revenue and the county spends \$155,527 providing service every year. Therefore, the net revenue gain for USMA budget is \$69,612.

Additionally, USMA's net revenue gain does not include the \$7,601 from franchise fees and \$33,758 from utility taxes that will be retained by the county if the annexation is approved.

**ANALYSIS**

This ordinance seeks to change the boundaries of the City of Florida City, Florida, and amending the city's municipal charter to provide for the annexation of certain lands pursuant to Section 6.04(B) of the Home Rule Charter and Chapter 20 of the Code;

- provide for reservation to the County of electric franchise and utility tax revenues;
- provide for County retention of residential water collection and disposal unless certain circumstances occur;
- require payment of outstanding debt service attributable to the annexation area;
- provide for County retention of jurisdiction over certain declarations of restrictive covenants;
- provide for contingent effective date;
- provide for interdependency

**The proposed Ordinance specifically states the following:**

Pursuant to Sections 20-8.1 and 20-8.2 of the County Code, this ordinance shall be effective only upon the condition and with the reservation that the County shall continue to collect and reserve all electric franchise revenues accruing within the annexation area during the full term of the County franchise, and the County shall forever continue to collect and receive all utility tax revenues accruing within the annexation area in the same matter as though the annexation area remained a part of the unincorporated areas of the County.

Pursuant to Sections 20-8.4 of the County Code, this ordinance shall be effective only upon the condition and with the reservation that the County shall forever continue to collect and dispose of all residential waste within the annexation area in the same manner as though such annexation areas remained part of the unincorporated areas of the County, unless the authority to collect such waste is delegated by the County to the governing body of the municipality through a twenty (20) year Inter-local Agreement which provides for collection services, and a twenty (20) year Inter-local Agreement which provides for disposal services in substantially the form approved by Resolution No. R-1198-95, as amended.

Pursuant to Sections 20-8.5 of the County Code, this ordinance shall be effective only upon the condition and with the reservation that the City of Florida City:

- (i) shall pay the County the annexation area's prorated share of the Stormwater Utility Revenue Bonds debt service estimated at \$3,612 per year until 2029 and as provided in Section 20-8.5 of the Code, and
- (ii) shall execute a duly authorized Inter-local Agreement acceptable to the County agreeing to pay the required amounts.

Pursuant to Section 20-8.8 of the Code, as a condition of the annexation, the Board shall retain jurisdiction over the modification or deletion of declarations of restrictive covenants accepted by either the Board or a community Zoning

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Appeals Board in connection with a Comprehensive Development Master Plan application or zoning application, regardless of whether such declaration provides for modification or deletion by a successor governmental body.

It is the intention of the Board that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code in Appendix B - Ordinances Changing Municipal Boundaries, upon the Supervisor of Election's certification of election results.

Pursuant to Section 20-28.1 of the Code, the County may designate Areas or Facilities of Countywide Significance, and as provided in the Inter-local Agreement, the Board may designate lands or facilities within the annexation area that will be subject to the requirements pertaining to an Area or Facility of Countywide Significance as may be amended from time to time.

This ordinance shall be effective only upon the condition and with the reservation that the City and the County execute the Inter-local Agreement.

**ADDITIONAL INFORMATION**

Per the Social Equality Statement, if the vote is positive the residents will receive municipal type services from the City. Due to this change the City's mileage rate of 7.1858 will be applied to the properties in the area. Currently the property owners are assessed the USMA mileage rate of 1.9283 and with this implementation they will have pay an additional \$179.00 in property taxes. Furthermore, the majority of the area is outside the Urban Development Boundary and the County will retain certain regulatory procedures and jurisdiction outside the Urban Development Boundary.

**Annexation General Information:**

Annexation is the process whereby an established municipality amends its boundaries by adding lands that were previously outside of its boundaries.

Miami-Dade County is governed by Chapter 20 of the Miami-Dade County Code of Ordinances. The Code addresses petition requirements and considerations made by the Planning and Advisory Board and the Board of County Commissioners.

Upon these considerations the Board of County Commissioners determine if the annexation is to be put to a vote by the electorate (if more than 250 electors reside in the boundaries) of the affected area.

<http://www.miamidade.gov/incorporationandannexation/annexations.asp>

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**Item No. 7K  
File No. 172817**

**Researcher: SM Reviewer: TD**

ORDINANCE RELATED TO BUILDING CODE COMPLIANCE; GRANTING EXTENDED COMPLIANCE PERIOD AND CREATING A LIMITED EXCEPTION FROM PAYMENT OF CIVIL PENALTIES AND LIENS FOR PROPERTY OWNERS IN CERTAIN SUBDIVISIONS, UPON SATISFACTION OF CERTAIN CONDITIONS, INCLUDING COMPLIANCE WITH THE BUILDING CODE; PROVIDING EXCEPTIONS; DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO IMPLEMENT PROCEDURES AND DEVELOP DOCUMENTS; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, SUNSET, AND AN EFFECTIVE DATE

**ISSUE/REQUESTED ACTION**

Whether the Board should approve an ordinance providing a one-year exemption period for payment of civil penalties and liens for Building Code violations for property owners in the Coral Haven and Summer Grove subdivisions in order to afford the owners sufficient time to rectify non-compliance.

**APPLICABLE LEGISLATION/POLICY**

Chapter 8 of the County Code sets forth the Building Code for both the incorporated and unincorporated areas of the County.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH8BUCO](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH8BUCO)

Section 8-5 of the County Code relates to Unsafe Structures and provides that buildings or structures that are, or hereafter shall become, unsafe, unsanitary or deficient, facilities with inadequate means of egress, or which constitute a fire or windstorm hazard, or are otherwise dangerous to human life or public welfare by reason of illegal or improper use, occupancy or maintenance, or which have been substantially damaged by the elements, acts of God, fire, explosion or otherwise, shall be deemed unsafe structures and a permit shall be obtained to demolish the structure or where specifically allowed under the Code, to bring the building into compliance.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH8BUCO\\_ARTIAD\\_S8-5UNST](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH8BUCO_ARTIAD_S8-5UNST)

[Section 8CC-7 of the County Code relates to recovery of unpaid civil penalties; unpaid penalty to constitute a lien; interest to be paid on liens; foreclosure; prohibition of the issuance of permits; licenses, certificates of use and occupancy, or zoning approvals to violators with unpaid civil penalties or liens.](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH8CCCOEN_S8CC-7REUNCIPEUNPECOLIINBEPALIFOPRISPELICEUSOCZOAPVIUNCIPELI)

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH8CCCOEN\\_S8CC-7REUNCIPEUNPECOLIINBEPALIFOPRISPELICEUSOCZOAPVIUNCIPELI](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH8CCCOEN_S8CC-7REUNCIPEUNPECOLIINBEPALIFOPRISPELICEUSOCZOAPVIUNCIPELI)

Also see the Florida Building Code:

<https://floridabuilding.org/c/default.aspx>

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Javier Souto, District 10**

**Department/Requester: N/A**

This ordinance was forwarded to BCC with favorable recommendation at the Government Operations Committee on January 17, 2018.

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**FISCAL IMPACT**

The Fiscal Impact Statement indicates that implementation of the ordinance will not have a financial consequence to the County. The proffered amnesty period is limited to 22 active cases within the Coral Haven and Summer Grove subdivisions. The Department of Regulatory and Economic Affairs (RER) will assist the 22 homeowners to satisfy compliance.

**ANALYSIS**

This item proffers an extended compliance period and limited exemption from payment of civil penalties and liens for 22 homeowners in Coral Haven and Summer Grove subdivisions for Building Code violations. The amnesty period is for one-year, commencing on the effective date of the ordinance. The item justifies the amnesty period based on the limited income and resources available to the property owners, requiring additional time to gain compliance.

For an affected homeowner to capitalize on the amnesty period, he/she shall satisfy the following conditions:

1. Compliance with a consent agreement;
2. Issuance of a permit to correct all violations within the compliance period;
3. Compliance with the Building Code within the period provided in the Code for completion of the work on the structure and appurtenances under the permit obtained within the extended compliance period; and
4. Satisfaction of all direct costs associated with prior enforcement action.

The ordinance does not apply if the County has commenced a civil action to collect on the civil penalties or to foreclose a lien or if the violation has been determined to be a life-safety issue. The ordinance does not constitute a defense against any enforcement action brought by the County.

Note that Ordinance No. 17-77, adopted by the Board on October 3, 2017, extended the Building Code amnesty period established under Ordinance No. 11-64. That amnesty period provides for a limited exception from civil penalties for building code violations upon a homeowner's compliance and was extended through July 13, 2018. Under Ordinance No. 17-77, a homeowner seeking amnesty shall pay all indirect costs of the County in connection with enforcement of violations at the structure prior to the waiver of any and all civil penalties related to the enforcement of the Building Code violations at the structure.

<http://intra/gia/matter.asp?matter=171718&file=true&yearFolder=Y2017>

As of September 2017, RER has closed 3,435 cases under the existing amnesty ordinance (Ord. No. 11-64), with a total settlement amount of \$3,239,739.07. See the link to the September 2017 Report provided below.

<http://www.miamidade.gov/mayor/library/memos-and-reports//2017/10/10.26.17-Amnesty-Ordinance-September-2017-Report.pdf>

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**ADDITIONAL INFORMATION**

See the link below to a summary of changes to RER's fee schedule.

<http://www.miamidade.gov/building/library/memos/2017-fee-increase.pdf>

See the link below to RER's current Building Code Amnesty Program, including the application and submission processes.

<http://www.miamidade.gov/building/amnesty-program.asp>

Broward County also offers an incentive for property owners to bring their homes and businesses into compliance with County codes. For a limited time – from October 1, 2017 through March 31, 2018 – under Broward's Lien Amnesty Program, owners who bring their properties into compliance with County codes may have existing liens reduced up to 100 percent.

<http://www.broward.org/Planning/CodeEnforcement/Pages/LienAmnesty.aspx>

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**Item No. 7L  
File No. 172433**

**Researcher: BM Reviewer: TD**

ORDINANCE RELATING TO MINIMUM HOUSING STANDARDS; AMENDING ARTICLE II OF CHAPTER 17 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING, REVISING AND DELETING DEFINITIONS; CONFORMING SECTIONS THAT CONFLICT WITH OR ARE PREEMPTED BY FLORIDA STATUTES RELATING TO PUBLIC LODGING OR THE FLORIDA BUILDING CODE; CLARIFYING THE POWERS AND AUTHORITY OF THE MINIMUM HOUSING ENFORCEMENT OFFICERS IN THE INCORPORATED AND UNINCORPORATED AREAS; RENUMBERING SECTIONS; REPEALING ARTICLE III OF CHAPTER 17; DELETING CITY OF MIAMI MINIMUM HOUSING STANDARDS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**ISSUE/REQUESTED ACTION**

Whether the Board should approve an ordinance amending Chapter 17, Article II of the Miami-Dade County Code relating to minimum housing in the following ways: (1) conforming sections that conflict with or are preempted by Florida Statutes related to public lodging; (2) clarifying the power and authority of Minimum Housing Enforcement Officers in incorporated and unincorporated areas; (3) renumbering sections; (4) repealing Article III of Chapter 17; and (5) deleting City of Miami Minimum Housing Standards (which is superseded by revision to Article II).

**APPLICABLE LEGISLATION/POLICY**

Article II, Chapter 17, of the County Code Metropolitan Miami-Dade County Minimum Housing Standards which is intended to protect the public health, safety, morals and welfare of all the people of Metropolitan Miami-Dade County, Florida, by establishing minimum standards governing the condition, occupancy, and maintenance of dwellings, dwelling units, rooming houses, rooming units and premises.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=CD\\_MIAMI-DADE\\_CO\\_FLORIDA\\_CH17HO\\_ARTIIMEMIDECOMIHOST](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=CD_MIAMI-DADE_CO_FLORIDA_CH17HO_ARTIIMEMIDECOMIHOST)

Article III, Chapter 17, of the County Code City of Miami Minimum Housing Standards which intended to protect the public health, safety, morals and welfare of all the people of the City of Miami, Florida, by establishing minimum standards governing the condition, occupancy, and maintenance of dwellings.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=CD\\_MIAMI-DADE\\_CO\\_FLORIDA\\_CH17HO\\_ARTIIICIMIMIHOST](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=CD_MIAMI-DADE_CO_FLORIDA_CH17HO_ARTIIICIMIMIHOST)

Chapter 8 of the County Code Building Code is the building code for both the incorporated and unincorporated areas of the County and was adopted as a uniform building code for Miami-Dade County.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIIICOOR\\_CH8BUCO](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOOR_CH8BUCO)

**PROCEDURAL HISTORY**

**Prime Sponsor: Audrey M. Edmonson, District 3**

01/17/18: This item was forwarded to BCC with a favorable recommendation by the GOC following a public hearing; 4-0

11/27/17: Municipalities were notified of this public hearing before GOC.

11/21/17: This item was adopted by the Board on first reading.

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**FISCAL IMPACT**

If this ordinance is approved by the Board, it will not have a fiscal impact to the County of municipalities.

**ANALYSIS**

Article II of Chapter 17 of the County Code was codified by Ordinance No. 63-30, on July 16, 1963 to implement minimum standards for unincorporated Miami-Dade County. These standards required dwellings, dwelling units, rooming houses and rooming units, which contain four units or less, to be maintained in a safe and sanitary condition and to contain certain basic equipment. Article III of Chapter 17 County Code was codified by Ordinance No. 68-14, on March 5, 1968 to implement the article is to protect the public health, safety, morals and welfare of all the people of the City of Miami, Florida, by establishing minimum standards governing the condition, occupancy, and maintenance of dwellings, dwelling units, rooming houses, rooming units and premises.

The proposed ordinance amends Chapter 17, Article II of the Miami-Dade County Code relating to minimum housing in the following ways: (1) conforms sections that conflict with or are preempted by Florida Statutes related to public lodging; (2) clarifies the power and authority of Minimum Housing Enforcement Officers in incorporated and unincorporated areas; (3) renumbers sections; (4) repeals Article III of Chapter 17; and (5) deleting City of Miami Minimum Housing Standards (superseded by revision to Article II).

The revisions proposed by the ordinance increases the efficacy of Chapter 17 Article II as a regulatory tool by removing conflicts with Florida Building Code and State Statutes; identifies enforcement personnel's duties and jurisdiction; clarifies the role of the County in providing Federal State, and Municipal assistance.

The main sections amended by the ordinance are summarized in the table below:

<b>From</b>	<b>To</b>
<b>Sec. 17-7. - Minimum Housing Enforcement Officer</b>	
Sec. 17-7. - Minimum Housing Enforcement Officer— Office established; appointment; term; exempt from classified service; salary.	Sec. 17-7. - Minimum Housing Enforcement Officer
The office and position of Minimum Housing Enforcement Officer is hereby created and established. The Minimum Housing Enforcement Officer shall be appointed by and serve at the will of the County Manager. Such officer shall be chosen by the County Manager on the basis of qualifications and experience in the field of building and housing. The office shall constitute a position exempt from the classified service of the County. The salary for such position shall be fixed by the County Manager, and shall be included in the County budget. The Minimum Housing Enforcement Officer shall serve under the administrative supervision of the Director of Team Metro. The County Manager may appoint such assistants to the Minimum Housing Enforcement Officer as may be necessary in order that the duties may be properly performed, subject to budget limitations.	The position of Minimum Housing Enforcement Officer is hereby created and established. The Authority Having Jurisdiction may designate a Minimum Housing Enforcement Officer. Such officer shall be chosen on the basis of qualifications and experience. The Minimum Housing Enforcement Officer may appoint such subordinate enforcement officers as may be necessary in order that the duties may be properly performed, subject to budget limitations.



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<b>From</b>	<b>To</b>
<b>Sec. 17-8. - Same—Powers.</b>	
(1) The enforcement of the provisions of this article and rules and regulations promulgated hereunder, and all County ordinances, codes, rules and regulations pertaining to housing and the use and occupancy of dwellings, and all rules and regulations of the Florida State Board of Health and the Florida Hotel and Restaurant Commission, in cooperation with such State agencies, in the unincorporated areas of Metropolitan Miami-Dade County.	(1) The enforcement of the provisions of this article and rules and regulations promulgated hereunder, and all County or municipal ordinances, codes, rules and regulations as applicable pertaining to housing and the use and occupancy of dwellings, and all rules and regulations of the Florida State Board of Health and the Florida Hotel and Restaurant Commission, in cooperation with such State agencies except where preempted, in the unincorporated and incorporated areas of Miami-Dade County.
(2) Investigate complaints and institute enforcement actions necessary to abate all violations of County regulations governing the use and occupancy of housing facilities. In addition to inspections resulting from complaints, inspections may be made at the request of the owner of the subject property provided such requested inspections are for the purpose of qualifying for participation in a governmental program. The Minimum Housing Enforcement Officer shall have the power and authority to charge and collect fees for making inspections. The fees charged shall be as set forth in the Team Metro fee schedule, as established by resolution of the Board of County Commissioners of Miami-Dade County, Florida, as amended from time to time.	(2) Investigation of complaints and institution of enforcement actions necessary to abate all violations of County or municipal regulations as applicable governing the use and occupancy of housing premises of four unites or less. In addition to inspections resulting from complaints, inspections may be made at the request of the owner of the subject property provided such requested inspections are for the purpose of qualifying for participation in a governmental program. The Minimum Housing Enforcement Officer shall have the power and authority to charge and collect fees for making inspections. The fees charged shall be as set forth in the applicable duly adopted County of municipal fee schedule.
(3) Make appropriate surveys and inspections to determine whether the provisions of this article are being complied with, and whether minimum housing standards are being maintained within municipalities.	Removed.
(4) Make inspections of housing premises, facilities and equipment in accordance with procedures prescribed by this article to determine whether the provisions of this article are being complied with, and make recommendations for methods by which minimum housing standards may be more effectively maintained.	Removed.
(5) Render all possible assistance and technical advice to persons operating and maintaining housing facilities, premises and equipment.	Removed

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From	To	
<b>Sec. 17-23. - Minimum standards for basic equipment and facilities.</b>		
<p>(8) Every dwelling structure and dwelling unit of types of construction I, II, III, IV and V as defined by Chapters 17, 18, 19, 20, 21 and 22 respectively of the South Florida Building Code shall have means of egress which conform to the standards of Chapter 31 of the South Florida Building Code and any applicable fire codes, fire regulations or ordinances now in existence or adopted subsequent hereto. Every dwelling structure of type of construction V, built before December 31, 1957, where the structural and other elements of the building consist primarily of wood, having one (1) or two (2) dwelling units above the ground floor, shall have a minimum of two (2) separate means of egress which are remote from each other or at least one (1) means of egress with stairs that are constructed of either noncombustible materials or made safe by approved fire resistive modifications as may be required. Each such means of egress shall be easily accessible from every dwelling unit on the specified floor without passing through any other dwelling unit. Every dwelling structure of type of construction V, where the structural and other elements consist primarily of wood having three (3) or more dwelling units shall have means of egress which conform with the provisions of the South Florida Building Code and any applicable fire codes, fire regulations or ordinances now in existence or adopted subsequent hereto.</p>	<p>(8) Every dwelling and dwelling unit shall have and maintain the means of egress which conform to the Building Code requirements in effect when the building was constructed. The Minimum Housing Enforcement Officer or subordinate enforcement officer shall immediately report any presumed violation pertaining to means of egress to the Building Official.</p>	
<p>(9) In every owner-occupied dwelling unit not intended to be let for occupancy containing space heating facilities, such facilities shall be properly installed and maintained in safe and good working condition as provided in the South Florida Building Code and any applicable fire regulations or ordinances now in existence or adopted subsequent hereto.</p> <p>Every dwelling and dwelling unit which is let or intended to be let for occupancy shall have adequate space heating facilities which are properly installed and maintained in safe and good working condition as provided in the South Florida Building Code and any applicable fire</p>	<p>(9) Every dwelling and dwelling unit which is let or intended to be let for occupancy shall have adequate space heating facilities which are properly installed and maintained in safe and good working condition. The Minimum Housing Enforcement Officer or subordinate enforcement officer shall immediately report any presumed violation pertaining to space heating facilities as contained in this section. Adequate heating facilities are hereby defined as follows:</p> <p>(a) Permanent heating equipment is defined as heating equipment properly connected to a flue</p>	

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regulations or ordinances now in existence or adopted subsequent hereto. Adequate heating facilities are hereby defined as follows:

- (a) Permanent space heating equipment capable of heating two-thirds of the habitable rooms to a minimum air temperature of seventy (70) degrees Fahrenheit to be measured three (3) feet above floor when outside temperature is forty-five (45) degrees Fahrenheit, or permanent space heating equipment with capacity of five (5) Btu's per hour of input per cubic foot of habitable room space within two-thirds (2/3 ) of the habitable rooms.
- (b) The five (5) Btu's per hour input standard is based on a heating unit with seventy (70) percent rating of input-to-output efficiency; an appropriate correction factor will be applied when the proposed heating unit exceeds an input-to-output efficiency rating of seventy (70) percent. Heating units supplied on the basis of this calculation will otherwise comply with the standards described elsewhere in this subsection.
- (c) Permanent heating equipment is defined as heating equipment properly connected to a flue or vent or, if electric, properly installed and permanently connected to an adequately wired and sized branch circuit.
- (d) Habitable room shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, shower rooms, water closet compartments, laundries, pantries, foyers, connecting corridors, closets and storage spaces.
- (e) Heating equipment shall be installed and maintained in accordance with the provisions of the South Florida Building Code.
- (f) Any calculations necessary for the installation of permanent heating equipment to assure adequate heating capacity as defined in this subsection, shall be made in accordance with the standards established in the current edition of the "Heating Ventilating Air-Conditioning Guide," published by the American Society of Refrigeration, Heating and Air-Conditioning Engineers, Inc. (ASHRAE).

or vent or, if electric, properly installed and permanently connected to an adequately wired and sized branch circuit.

- (b) Oil heaters, gas heaters, and wood-stoves must be connected to a properly installed vent.
- (c) Electric heaters will be of a type readily fixed into position and must be properly installed and permanently connected to an adequately wired and sized branch-circuit.
- (d) Any portable heating devices approved by a Nationally Recognized Testing Laboratory (NRTL), or a properly installed fireplace may be used as an accessory heating unit.
- (e) Accessory heating units will be deemed to be supplementary to the permanent-heating equipment.
- (g) The use of unsafe heaters or cooking stoves and the use of cooking stoves, including ovens, for heating purposes is hereby prohibited.

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- (g) Oil heaters, gas heaters, and wood-stoves must be connected to a properly installed vent, said vent conforming to the provisions of the South Florida Building Code.
- (h) Electric heaters will be of a type readily fixed into position and must be properly installed and permanently connected to an adequately wired and sized branch-circuit.
- (i) Any portable heating devices approved by the Underwriters' Laboratories, Inc., or a properly installed fireplace may be used as an accessory heating unit.
- (j) Accessory heating units will be deemed to be supplementary to the permanent-heating equipment and shall not be considered when calculating the adequacy of the permanently installed heating equipment except as specified in subsection (9)(m).
- (k) Only those accessory heating units which are acceptable under the provisions of the City of Miami and Miami-Dade County Fire Code, the Florida State Hotel and Restaurant Commission regulations, and other regularly adopted regulations will be used.
- (l) The use of unsafe heaters or cooking stoves and the use of cooking stoves, including ovens, for heating purposes is hereby prohibited.
- (m) The requirements of subsection (9) shall not apply to dwelling units in existence on March 17, 1969, provided that either a gas pipe outlet or an electrical outlet and circuit are present for the use of gas space heaters or portable electrical space heaters.

**From**

**To**

**Sec. 17-24. - Minimum standards for light and ventilation.**

No person shall occupy, or let to another for occupancy, any dwelling or dwelling unit for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements:

The Minimum Housing Enforcement Officer or subordinate enforcement officers shall immediately report to the Building Official any presumed violation pertaining to light and ventilation standards as contained in this section.

No person shall let to another for occupancy, any dwelling or dwelling unit for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements:

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<p>(1)</p> <p>(a) Every habitable room shall have at least one (1) window or skylight facing directly to the outdoors. The minimum total window area which provides light to each habitable room shall be not less than ten (10) percent of the floor area of such room. Whenever exterior walls or other light-obstructing structures are located less than three (3) feet from the window and extend above the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included in the required minimum total window area. Whenever the only window in a room is a skylight-type window located in the top of such room, the minimum total window area of such skylight shall not be less than fifteen (15) percent of the total floor area of the room. Skylights shall not be a substitute for the window requirements in sleeping rooms.</p>	<p>(1)</p> <p>(a) Every habitable room shall have at least one (1) window or skylight facing directly to the outdoors.</p>	
<p>(2) Every habitable room shall be ventilated by openable areas equal to fifty (50) percent of the required minimum window area, as set forth in subsection (1) of this section or by equivalent mechanical ventilation as approved by the inspecting officer.</p>	<p>(2) Every habitable room shall be ventilated.</p>	
<p><b>From</b></p>	<p><b>To</b></p>	
<p><b>Sec. 17-25. - Requirements relating to the safe and sanitary maintenance of dwellings and dwelling units.</b></p>		
<p>No person shall occupy, or let to another for occupancy, any dwelling or dwelling unit, for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements:</p>	<p>The Minimum Housing Enforcement Officer or subordinate enforcement officers shall immediately report to the Building Official any building presumed to be unsafe as established by the provisions of this section or Chapter 8 of the Code.</p> <p>No person shall let to another for occupancy, any dwelling or dwelling unit, for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements:</p>	
<p>(9) For these purposes, every owner of a building containing three (3), or more, dwelling units, shall provide the continuing services of a person or persons solely to assure that the minimum requirements of maintenance and sanitation, as provided by this article, are maintained on the premises at all times. The landlord shall provide the tenant with the name, address, and phone</p>	<p>Removed.</p>	

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number of the person or persons providing the continuing services. Said notice shall be given to the tenant by either posting the notice in a conspicuous place at the building site or by supplying the tenant with the information at the inception of the lease. The landlord is further charged with informing the tenant of any change of name, address, or phone number of the person or persons providing the continuing service.

**From**

**To**

**Sec. 17-26. - Minimum space, use and location requirements.**

No person shall occupy, or let to another for occupancy, any dwelling or dwelling unit, for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements:

The Minimum Housing Enforcement Officer or subordinate enforcement officers shall immediately report to the Building Official any presumed violation pertaining to minimum space standards as contained in this section.

No person shall let to another for occupancy, any dwelling or dwelling unit, for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements:

**From**

**To**

**Sec. 17-30. - Designation of dwellings, hotels and rooming houses, unfit for human habitation and procedures for placarding.**

Sec. 17-30. - Designation of dwellings, hotels and rooming houses, unfit for human habitation and procedures for placarding.

...Where the Minimum Housing Enforcement Officer or his assistant determines that a building is an unsafe building within the provisions of Section 202 of the South Florida Building Code, he shall immediately report the matter to the Building Official.

Sec. 17-30. - Designation of dwellings and rooming houses as unsafe.

...Where the Minimum Housing Enforcement Officer or subordinate enforcement officer determines that a building may be an unsafe building within the provisions Chapter 8 of this Code or other applicable local unsafe building regulation, they shall immediately report the matter to the Building Official.

The proposed ordinance removes entirely the following items from Article II Chapter 17 of the County Code: Section 17-29 – Minimum standards for hotels and rooming houses; Section 17.33 – Housing cost impact analysis; Section 17-34 – Mechanism to mitigate cost increase. The proposed ordinance repeals Article III of Chapter 17 of the Code of Miami-Dade County in its entirety which relates to the City of Miami Minimum Housing Standards as it is superseded by proposed revisions to Article II Chapter 17 of the County Code.

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**Item No. 8A1  
File No. 172912**

**Researcher: NR    Reviewer: TD**

RESOLUTION APPROVING A COVENANT RUNNING WITH THE LAND REQUIRING INSTITUTIONAL AND ENGINEERING CONTROLS AT PAN AM TRACT ONE, MIAMI INTERNATIONAL AIRPORT; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND RECORD IN PUBLIC RECORDS

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the execution and recording of the Covenant Running with the Land requiring Institutional and Engineering Controls at the Miami International Airport (MIA) Pan Am Tract One to reduce and/or eliminate the spread of contaminated soil within the vicinity of the tract.

**APPLICABLE LEGISLATION/POLICY**

Section 24-44 of Chapter 24 of the Code of Miami-Dade County (Clean-up Target Levels and Procedures for Site Rehabilitation Actions) defines engineering controls as a process or structure which eliminates or reduces the migration of contaminants or eliminates or reduces the exposure of human and environmental receptors to contaminants. It also defines institutional control as a restriction on the use of, or access to, a site to eliminate or minimize exposure to contaminants. Further applicable sections are below:

- Section 24-44(2) (k) of Chapter 24 of the Code, Site Closure, in the form of a no further action or a no further action with conditions, shall be approved by the Director, or the Director's designee, when the Cleanup Target Levels (CTL) or alternative CTLs established pursuant to Section 24-44(2) (f) (iii) and the requirements set forth in this section have been achieved.
- Section 24-44(2)(k)(i) A no further action proposal shall be approved by the Director, or Director's designee, if such proposal demonstrates that human health, public safety and the environment are protected and certain criteria is met per Section 24-44(2)(k)(i).
- Section 24-44(2)(k)(ii) A no further action with conditions proposal shall be approved by the Director, or the Director's designee, provided the following: the property owner of the location elects to implement institutional and, if applicable, engineering controls; it is demonstrated, using site-specific data, modeling results, risk assessment studies, risk reduction techniques or a combination thereof, that human health, public safety and the environment are afforded protection equivalent to that provided in Section 24-44(2)(f)(i) and Section 24-44(2)(f)(ii), and certain criteria is met per Section 24-44(2)(k)(ii).

**[Section 24-44 of Chapter 24 of the County Code](#)**

FAA Advisory Circular 150/5380-6B provides guidelines and procedures for maintaining rigid and flexible airport pavements.

[https://www.faa.gov/documentLibrary/media/advisory\\_circular/150-5380-6B/150\\_5380\\_6b.pdf](https://www.faa.gov/documentLibrary/media/advisory_circular/150-5380-6B/150_5380_6b.pdf)

Resolution R-974-09 directs that any resolution authorizing the execution of instruments creating a County interest in real property shall require such instruments to be recorded in the public records of Miami-Dade County and attached by the Clerk of the Board to the authorizing resolution.

<http://intra/gia/matter.asp?matter=091900&file=true&yearFolder=Y2009>

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**PROCEDURAL HISTORY**

**Prime Sponsor: Rebeca Sosa**

**Department/Requester: Aviation Department**

This item was forwarded to the Board with a favorable recommendation by the Economic Development and Tourism Committee (EDTC) at its January 19, 2018 meeting without discussion.

**FISCAL IMPACT**

The Covenant Running with the Land shall be recorded for a fee of \$350. Additionally, a permit in the amount of \$150 per year is required. The fees will be paid from the Miami-Dade Aviation Department (MDAD) budget.

**ANALYSIS**

In 2004 contaminated soil in the vicinity of the Pan Am Tract One area at MIA was documented and was investigated between 2004 and 2007. In 2009 MDAD completed construction of a new aircraft apron over the contamination per authority of Chapter 24 of the County Code.

On May 27, 2015 MDAD's request for No Further Action with Conditions (NFAC) was approved by the Department of Regulatory and Economic Resources' (RER) Division of Environmental Resources Management. The NFAC allows the contaminated soil in the vicinity of the Pan Am Tract One to remain, with certain conditions. Those conditions include the implementation of institutional and engineering controls, which must be recorded in a Covenant Running with the Land.

The Covenant Running with the Land in favor of Miami-Dade County requires institutional controls and engineering controls at real property located at Pan Am Tract One, Miami International Airport. This Covenant is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years after the date this Covenant is recorded, after which time it shall be extended automatically for successive periods of ten (10) years each, unless the Covenant is modified or released by the County.

Covenant Running with the Land is defined in [property law](#), land-related covenants are called "real covenants" and are a major form of covenant, typically imposing restrictions on how the land may be used (negative covenants) or requiring a certain continuing action (affirmative covenant). These may also "run with the land" (called a *covenant appurtenant*), meaning that any future owners of the land must abide by the terms.

These institutional and engineering controls afford a level of protection to human health, public safety and the environment. The applicable institutional and engineering controls are set forth as follows:

1. The Property shall not be used for residential purposes
2. The Property shall not be used for a children's nursery, children's day care center, children's school, children's camp, or any other similar facility
3. Groundwater from the Property shall not be used for drinking water purposes
4. Groundwater from the Property shall only be withdrawn for monitoring of pollution
5. Contaminated soil, as delineated in the Site Assessment Report dated January 28, 2013 and approved by the RER's Division of Environmental Resources Management, shall not be removed from the property without prior written approval of the RER Department, its successors or its assigns.
6. Engineering Controls, detailed in the Engineering Control Plan dated October 12, 2015 and approved RER's Division of Environmental Resources Management, shall remain on file with the RER Department, its successors or its assigns.



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**MDAD Input**

Covenants are issued to ensure safety of the public pursuant to Code Section 24-22(2) (f) (iii).

MDAD requested a No Further Action (NFAC) with Conditions pursuant to Section 24-44 (2)(k)(ii) which allows the responsible party to elect to implement institutional and engineering controls in order to obtain the NFAC.

During the construction of the apron in 2009 contaminated soils were properly disposed and all applicable soil and groundwater guidelines were followed during construction. Further, exposure to the contamination is prevented via engineering controls in the form of a concrete aircraft ramp, an asphalt taxiway and a two foot thick layer of clean and uncontaminated soil.

All of MIA airside pavement are included in the MIA Pavement Management Program, and Pan Am Track One is airside and all paved.

The contamination was discovered in 2004; however, there is no exact date of the contamination as it happened over the course of years if not decades. At that the time the contamination was discovered proper regulations were followed.

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**Item No. 8C1  
File No. 172872**

**Researcher: AIP Reviewer: TD**

RESOLUTION AUTHORIZING THE FUNDING OF 42 GRANTS FOR A TOTAL OF \$190,000.00 FROM THE DEPARTMENT OF CULTURAL AFFAIRS FISCAL YEAR 2017-2018 COMMUNITY GRANTS PROGRAM – SECOND QUARTER FOR VARIOUS ENTITIES; WAIVING RESOLUTION NO. R-130-06; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO EXECUTE GRANT AGREEMENTS AND TO EXERCISE ALL PROVISIONS, INCLUDING THE CANCELLATION PROVISIONS, CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize funds totaling \$190,000, as grants to 42 community organizations, and waive resolution No. R-130-06 (*Contract Conveyance*).

**APPLICABLE LEGISLATION/POLICY**

**Resolution No. R-130-06** (File No. 060239), which states that no item seeking approval of a contract and authority to execute same will be put before the Board or committees until the underlying contract is completely negotiated, in final form, and executed by all non-County parties.\*

Resolution No. R-130-06 (RESO AMENDING RESO. R-1198-05) (*Contract Conveyance*) can be found at:

<http://intra/gia/matter.asp?matter=060239&file=false&yearFolder=Y2006>

\* This item is requesting to waive this requirement, so that the funds can be expedited quickly, due to the time-sensitive, tourism-oriented community events.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Department of Cultural Affairs**

**1/18/2018:** The Parks and Cultural Affairs Committee (PCAC) forwarded the item to the BCC with a favorable recommendation. There was no discussion or concerns brought up during committee.

**FISCAL IMPACT**

The funds being authorized were approved as part of the Fiscal Year 2017-2018 County Budget ordinance. These funds are from the Department of Cultural Affairs’ revenues, and a total of \$190,000 will be used for the Community Grants Program FY 2017-2018 Q2. The recommended amounts for the grants vary from \$1,517 to \$9,105.

**ANALYSIS**

The Community Grants (CG) Program is responsive on a quarterly basis to not-for-profit organizations developing small and large-scale community-based cultural (dance, theater, music, visual arts) programs, as well as projects and events, such as fairs, parades, neighborhood festivals, conferences and publications that have a strong artistic component.

The item includes an attachment which details each of the events proposed, as well as the address of each organization and the date(s) of the event(s). The Cultural Affairs Council approved the recommendations at their meeting on November 15, 2017. Authorizing these funds is imperative to the execution of these events, which enrich and benefit the members of our community by exposing them to different arts and cultures.

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**The grants for Fiscal Year 2017-2018 Community Grants Program - Second Quarter, are listed as follows:**

#	Organization	Amount	Purpose	Location District
1	Amplifyme, Inc.	\$4,554	Dance Performance	3
2	4Ward Miami, Inc.	\$6,071	Festival	5
3	Anchor Arts Management, Inc. a/f/a for ALDT Corp.	\$4,554	Media Workshops	4, 5
4	Anchor Arts Management, Inc. a/f/a for Nu Flamenco Collaborative, Inc.	\$4,554	Performance/Installation	3, 9, 10
5	Art Creates US, Inc. d/b/a Project Art	\$4,554	Art Classes	2, 3, 5
6	ArtSouth, Inc.	\$4,554	Neighborhood Art Project	7
7	Barry University, Inc.	\$4,554	Festival	3
8	Big Blue & You, Inc.	\$6,071	Festival	7
9	Branches, Inc.	\$3,582	Festival	7
10	Center for the Advancement of Jewish Education, Inc.	\$9,105	Film Festival	3, 4, 5, 6, 7
11	Children's Hope Chest of Dreams, Inc.	\$4,554	Film Series	3
12	Dade Heritage Trust, Inc.	\$4,554	Tour Program	3
13	Dr. Martin Luther King Jr., Parade & Festivities Committee, Inc.	\$6,071	Parade	2, 3
14	Finger Lakes Grassroots Festival Organization, Inc.	\$6,071	Festival	3, 7
15	Florida International University Board of Trustees for the benefit of School of Music	\$2,428	Festival	5
16	Florida Opera Prima, Inc. a/f/a for Voices of Miami, Inc.	\$4,554	Festival	6, 12
17	France-Florida Foundation for the Arts, Inc.	\$4,554	Festival	3
18	Friends of South Florida Music, Inc.	\$4,554	Music Class	3
19	Global Arts Project, Inc.	\$3,035	Concert Series	5
20	Haitian American Youth Organization, Inc.	\$4,554	Cultural Event	11
21	Hispanic-American Lyric Theater, Inc. a/f/a for Kaleidoscope MusArt, Inc.	\$4,554	Performances	5, 7
22	Inlets Foundation for Experimental Practices, Inc.	\$4,554	Art Events	3, 6, 7

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23	Living Arts Trust, Inc. d/b/a O Cinema a/f/a for Bistoury, Inc.	\$4,554	Festival	3, 5
24	Miami Beach Arts Trust, Inc.	\$4,554	Online Zine Publication	5
25	Miami International Science Fiction Film Festival	\$4,554	Film Festival	5
26	Music in Miami, Inc.	\$4,249	Concert Series	3, 4
27	Nigerian-American Foundation, Inc.	\$3,946	Parade and Festival	1
28	Pantastik Music Academy, Inc.	\$3,946	Concert	1
29	Power Access, Inc.	\$4,554	Jazz Festival	1, 5
30	Power2VoiceCorp.	\$1,517	Art Exhibit	3, 6
31	Rotary Foundation of South Miami, Inc.	\$6,071	Festival	7
32	Shakespeare in the Park Miami, Inc.	\$4,554	Theater Festival	7
33	South Florida National Parks Trust, Inc.	\$4,554	Art Exhibit/Concert	9
34	St. Patrick's Day Committee, Inc.	\$3,946	Festival	7
35	The Miami Foundation, Inc. a/f/a for Obsolete Media Miami	\$4,554	Presentation	5
36	The Miami Foundation, Inc. a/f/a for Public Hives	\$4,554	Community Programming	1, 2, 3, 10
37	The Miami Foundation, Inc. a/f/a for The Unvoiced Community	\$1,517	Art/Food Project	8
38	The Opera Atelier, Inc. a/f/a for Miami International Ballet Competition	\$3,642	Ballet Performance	4
39	Tradisyon Lakou Lakay, Inc.	\$4,227	Spring Festival	3
40	United Jewish Generations, Inc.	\$3,642	Concert	4
41	Village of Pinecrest - Pinecrest Gardens	\$6,071	Arts Festival	7
42	World Literacy Crusade of FL, Inc.	\$4,554	Leadership Summit	3

**ADDITIONAL INFORMATION**

The CG panel considers projects with strong community involvement and/or outreach component. Arts organizations not meeting these criteria should consider applications to other Department programs. The CG Program is particularly sensitive to the needs of indigenous cultural neighborhood activities and projects encouraging the preservation of heritage, traditions and culture, as well as social service organizations and cultural groups developing collaborative intervention projects using the arts.

All first-time applicants are required to attend a CG Workshop and schedule a consultation with the program administrator. Workshops also cover user registration and navigation of Culture Grants Online (CGO), the Department's grants management system. Returning applicants must schedule a consultation with the program administrator.

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Community Grants Program:

<http://www.miamidadearts.org/community-grants-cg-program>

Community Grants Panel Members: [http://www.miamidadearts.org/sites/default/files/files/inline/cg\\_panel\\_list\\_fy17-18\\_revised\\_0.pdf](http://www.miamidadearts.org/sites/default/files/files/inline/cg_panel_list_fy17-18_revised_0.pdf)

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**Item No. 8E1  
File No. 172776**

**Researcher: SM    Reviewer: TD**

RESOLUTION RETROACTIVELY AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO APPLY FOR, ACCEPT, AND EXPEND \$1,537,425.00 IN GRANT FUNDS DURING FISCAL YEAR 2017-18 FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY PORT SECURITY GRANT PROGRAM AND TO CONTRIBUTE \$512,475.00 IN MATCHING FUNDS FROM FIRE DISTRICT FUNDS OVER THREE YEARS; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO APPLY FOR, RECEIVE, AND EXPEND ADDITIONAL FUNDS SHOULD THEY BECOME AVAILABLE UNDER THIS GRANT PROGRAM AND TO EXERCISE ANY OF THE TERMS CONTAINED HEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve this Resolution retroactively authorizing the County Mayor or County Mayor's designee to apply for, accept, and expend \$1,537,425.00 in grant funds during Fiscal Year 2017-18 from the United States Department of Homeland Security Port Security Grant program and to contribute \$512,475.00 in matching funds from fire district funds over three years.

**APPLICABLE LEGISLATION/POLICY**

All Recipients must comply with the Articles I through XLII of the U.S Department of Homeland Security's Port Security Grant Program Agreement Articles, detailed further in the attachment provided in the mayoral memo.

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Sally A. Heyman, District 4**

**Requester/Department: Miami-Dade Fire and Rescue Department**

This Item was forwarded to BCC with a favorable recommendation at the Public Safety and Health Committee on January 18, 2018.

**FISCAL IMPACT**

The grant will provide for federal funding in the amount of \$1,537,425 from the U.S. Department of Homeland Security during Fiscal Year 2017-2018. The required matching local contribution of \$512,475 will be allocated evenly in Fire District funds over the next three years. Specifically, this line item is budgeted for in the FY 2017-2018 MDFR budget in the amount of \$170,825, and subsequently for each of the remaining two fiscal years thereafter, \$170,825 will be allocated from Fire District funds. The parties acknowledge that this Agreement is not intended to create financial obligations between the parties. In the event that costs are incurred as a result of either or both of the parties performing their duties or responsibilities under this Agreement, each party agrees to be responsible for their own costs, as stated in the mayoral memo.

**ANALYSIS**

If this Resolution receives Board approval then it will authorize the county Mayor or County Mayor's designee to apply for, receive and expend approximately \$1,537,425 in federal funds from the United States Department of Homeland Security Port Security Grant Program during Fiscal Year (FY) 2017-2018. This grant agreement is awarded to Miami-Dade Fire Rescue (MDFR) to provide port-wide maritime security risk management; enhance maritime domain awareness; and to maintain or re-establish maritime security mitigation protocols that support port recovery and resiliency capabilities.

The Port Security Grant Program provides funds for transportation infrastructure security activities to implement Area Maritime Security Plans and facility security plans among port authorities, facility operators, and state and local government

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agencies required to provide port security services. This Grant Program strengthens critical infrastructure against risks associated with potential terrorist attacks.

The following will happen with the approval of this Resolution:

- Retroactively apply for, receive, and expend Port Security Grant Program funds in the amount of \$1,537,425 in federal funds from the United States Department of Homeland Security.
- Contribute \$512,475 in matching funds from Fire District Funds over three years.
- Apply for, receive and expend future additional funds should they become available through the grant program performance period.
- To Exercise any of the terms contained in the grant agreement documents.

As per the agreement between Miami-Dade County and Department of Homeland Security the County is required to contribute a cost match in the amount of \$512,475,00 of non-Federal funds, or 25 percent of the total approved project costs of \$2,049,900

Miami-Dade Fire and Rescue has the responsibility to provide fire protection and rescue emergency response to PortMiami. MDFR was awarded federal funding to purchase a Regional Rapid Response All Hazards Port Security Command Vessel and a Maritime Support and Command Unit. MDFR's newly awarded vessel will patrol the surrounding waters in PortMiami and the Miami River Port. This vessel of a size range between 45 to 50 feet will be equipped with the latest technology to aid in early detection and prevention efforts, enhancing the resiliency of South Florida and the Captain of the Port zone. The Maritime Support and Command Unit will replace the existing 1988 Marine Firefighting Support Unit. This land-based command truck will house support mechanisms that will control and mitigate maritime emergencies such as fires, explosions, terrorist events or environmental responses within the South Florida waterways.

**ADDITIONAL INFORMATION**

According to FEMA, the Port Security Grant Program (PSGP) plays an important role in the implementation of the National Preparedness System by supporting the building, sustainment, and delivery of core capabilities essential to achieving the National Preparedness Goal of a secure and resilient Nation. Building core capabilities requires the combined effort of the whole community, rather than the exclusive effort of any single organization or level of government. The PSGP's allowable costs support efforts to build and sustain core capabilities across Prevention, Protection, Mitigation, Response, and Recovery mission areas, with specific focus on addressing the security needs of our Nation's maritime ports. Among the five basic homeland security missions noted in the DHS Quadrennial Homeland Security Review, the PSGP supports the goal to Strengthen National Preparedness and Resilience.

<https://www.fema.gov/fiscal-year-2017-port-security-grant-program>

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**Item No. 8F1  
File No. 172695**

**Researcher: SM Reviewer: TD**

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-00512 FOR PURCHASE OF TRAFFIC CONTROL EQUIPMENT, ACCESSORIES, AND RENTALS FOR VARIOUS COUNTY DEPARTMENTS TO ALL AMERICAN BARRICADES, CORP. AND BON'S BARRICADES, INC. IN A TOTAL AMOUNT NOT TO EXCEED \$2,428,000.00 FOR THE FIVE TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF THIS AWARD, ISSUE THE APPROPRIATE PURCHASE ORDER TO GIVE EFFECT TO SAME AND EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE CODE AND IMPLEMENTING ORDER 3-38

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the award of contract No. FB-00512 for purchase of traffic control equipment, accessories, and rentals for various County departments to All American Barricades, Corp. and Bon's Barricades, Inc.

**APPLICABLE LEGISLATION/POLICY**

Section 2-8.1 of the County Code requires formal sealed bids for purchases over \$250,000; describes the circumstances under which non-competitive purchases may be approved; establishes requirements for legacy purchases, designated purchases, and single vehicle leases; provides that procurement procedures shall be established by I.O. and approved by the Board.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIIICOR\\_CH2AD\\_ARTIINGE\\_S2-8.1COPUGE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

Implementing Order 3-38 governs the County's processes and procedures for the purchase of goods and services including professional services. It establishes the roles and responsibilities of the Internal Services Department, methods of purchasing goods and services, and the authority to award contracts. Contains requirements for access contracts, emergency purchases, bid waivers, confirmation purchases, and sole sources.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-38.pdf>

Resolution No. R-1011-15 adopted November 3, 2015 directs the County Mayor or County Mayor's designee to require that vendors provide addresses of all local branch offices and headquarters and the number and percentage of local residents such vendors employ; and directing the county mayor or county mayor's designee to include such information in memorandum to board pertaining to vendor being recommended for contract award.

<http://www.miamidade.gov/govaction/matter.asp?matter=152271&file=true&yearFolder=Y2015>

County Code Section 29-124(f) of the County Code governs that No surtax proceeds may be used to pay the costs of a contract unless the Trust has submitted a recommendation to the County Commission regarding said contract award.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIIICOR\\_CH29TA\\_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001\\_S29-124SPFUCRUSSUPRROCIINTRTR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-124SPFUCRUSSUPRROCIINTRTR)

Resolution No. R-187-12 adopted February 21, 2012 directs the County Mayor to include due diligence information in memoranda recommending certain contract awards.

<http://www.miamidade.gov/govaction/matter.asp?matter=120287&file=true&yearFolder=Y2012>



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**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Internal Services Department**

This Item was forwarded to BCC with a favorable recommendation at the Government Operations Committee on December 12, 2017.

**FISCAL IMPACT**

The fiscal impact for the five-year term is \$2,428,000. The current contract. 9659-0/17, is valued at \$2,204,000, for a five-year and three-month term. The expiration date of the contract is February 28, 2018. The allocation under the replacement contract is higher than the current contract because Police, PortMiami, and Transportation and Public Works anticipate an increase in usage during the contract term, as stated in the mayoral memo.

<b>Department</b>	<b>Allocation</b>	<b>Funding Source</b>
Parks and Recreation and Open Spaces	\$213,000	General Fund
Police	\$20,000	General Fund
PortMiami	\$215,000	Proprietary Funds
Regulatory and Economic Resources	\$10,000	Proprietary Funds
Solid Waste Management	\$33,000	Proprietary Funds
Transportation and Public Works	\$1,034,000	DTWP Operating
Water and Sewer	\$903,000	Proprietary Funds
<b>Total</b>	<b>\$2,428,000</b>	

**ANALYSIS**

This resolution would approve the competitive contract award, Contract No. FB-00512, Traffic Control Equipment and Accessory, Purchase and Rentals, for various County Departments. The method of award was to the lowest priced responsive and responsible vendor per group that met the minimum requirements as specified in the solicitation.

This contract is used to rent equipment including barricades, signs, barriers, high intensity lights and traffic control arrow boards. County Departments use traffic control devices when performing capital improvement and construction activities, as stated in the mayoral memo.

The services under this solicitation are divided into groups:

- Groups A-C for non-federally funded departments.
- Groups D-E for federally funded departments.
- Groups A and D include rental of barricades, signs, high intensity lights and arrow boards.
- Groups B and E include rental of barrier systems.
- Groups C and F include purchase of solar assisted traffic control arrow boards.

All American Barricades, Corp. and Bon's Barricades, Inc. are the two awardees out of the nine bids that were received.

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**ADDITIONAL INFORMATION**

All American Barricades, Corp. has two offices in south Florida located in Fort Lauderdale (Headquarters) and Deerfield Beach.

They offer a wide range of services; including certified FDOT Maintenance of Traffic Plans (M.O.T), permit processing, flagging, standard type I, II, and vertical barricades, crowd control barricades, reflective construction signs, reflective and non-reflective traffic cones, flashing arrow boards, and variable message boards (VMS), as stated on their website.

<http://www.barricades.com/>

Bon's Barricades, Inc. is a privately held company in Pompano Beach, FL and is a Headquarters business. Categorized under Yard Equipment Rental Stores. Our records show it was established in 2004 and incorporated in FL. Current estimates show this company has an annual revenue of \$2,430,637 and employs a staff of approximately 14 as stated on the website Manta.

<https://www.manta.com/c/mmjp2w7/bon-s-barricades-inc>

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**Item No. 8F2**  
**File No. 172874**

**Researcher: SAP Reviewer: TD**

RESOLUTION APPROVING REJECTION OF ALL BIDS RECEIVED IN RESPONSE TO FORMAL BID NO. FB-00579 FOR THE PURCHASE OF SODIUM PERMANGANATE FOR THE WATER AND SEWER DEPARTMENT

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the rejection of all bids received under Formal Bid No. FB-00579 for purchase of Sodium Permanganate for the Water and Sewer Department.

**APPLICABLE LEGISLATION/POLICY**

Section 2-8.1 of the County Code (Contracts and Purchases Generally) – requires formal sealed bids for purchases over \$250,000; provides that procurement procedures shall be established by Implementing Order and approved by the Board.

[http://miamidade.fl.e laws.us/code/coor\\_ptiii\\_ch2\\_arti\\_sec2-8.1](http://miamidade.fl.e laws.us/code/coor_ptiii_ch2_arti_sec2-8.1)

Implementing Order No. 3-38 governing the County's processes and procedures for the purchase of goods and services including professional services. It establishes the roles and responsibilities of the Internal Services Department, methods of purchasing goods and services, and the authority to award contracts. Contains requirements for access contracts, emergency purchases, bid waivers, confirmation purchases, and sole sources.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-38.pdf>

**PROCEDURAL HISTORY**

**Department/Requester: Internal Services Department**

**Prime Sponsor: None**

This item was forwarded to the Board with a favorable recommendation by the Infrastructure and Utilities Committee at its January 17, 2018 meeting.

**FISCAL IMPACT**

There is no fiscal impact to the County for the rejection of bids.

As of January 26, 2018, the current Contract No. 7868-0/17 shows the following BPO information in BTS:

<b>BPO ID</b>	<b>Allocation Amount</b>	<b>Released Amount</b>	<b>Remaining Balance</b>
ABCW1300199	\$3,161,000.00	\$1,789,737.50	\$1,1371,262.50

**ANALYSIS**

The proposed resolution authorizes the rejection of three (3) bids from Carus Corporation, Chemrite, Inc., and Shannon Chemical Corporation for the purchase of Sodium Permanganate for WASD. Note that there was a "No Bid" received from American Safety Utility Corporation. Sodium permanganate is the inorganic compound that absorbs water from the atmosphere and has a low melting point. The use of sodium permanganate depends on climatic conditions, such as low or high water and vegetation cycles, which cannot be predicted. The chemical is used by WASD for the treatment of potable water, reduction of total organic carbon, and disinfection.

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Research Notes**

The purpose of the solicitation is to establish a contract for the purchase and delivery of sodium permanganate in a 20% solution in tanker truck loads; and monthly rental of 6,500 gallon ultra-dense polyurethane (UDPE) tanks inclusive of installation and containment area in conjunction with the County's needs on an as needed basis. During the evaluation of bids, an error in the quantity required was discovered and the estimated quantities may have been relied upon by prospective bidders. As a result, a rejection of all bids is recommended to allow the County to issue a new solicitation.

In September 2013, the current Contract No. 7868-0/17 was awarded to the only two bidders, F2 Industries in Smyrna, TN as the primary vendor and Carus Corporation in Peru, IL as the secondary vendor. Award was made to the two responsive and responsible bidders offering the lowest aggregate price. As of January 10, 2017, under Commodity Code 88576 (*Odor Control Chemicals, etc.*), Pancar Industrial Supply Corporation located in Miami, Florida is a registered vendor on the Small Business Development Enterprise Certification List.

OCA posed the following questions to ISD, to which the Department responded.

1. **The current Contract No. 7868-0/17 expired on 1/31/18, explain how the Department intends to treat potable water and/or organic carbon in the interim while this contract is being re-solicited.**

A replacement solicitation has been issued and three responses were received. The plan is to extend the existing contract (7868-0/17) pursuant to the Mayor's delegated authority to allow sufficient time to award the replacement contract (FB-00715) and ensure continuity of services. The certification requirement will remain the same. The award of the replacement contract is contingent upon the rejection of Solicitation FB-00579, Sodium Permanganate for Water and Sewer Department Legistar File No. 172874).

2. **What steps have been taken by the Department to encourage local vendor participation in the solicitation process?**

Outreach was conducted in order to increase the number of local vendor participation. ISD staff conducted the following efforts: posting for future solicitations, electronic mail solicitation through the National Institute of Governmental Purchasing, and staff contacted the Miami-Dade Beacon Council in an effort to gain assistance with identifying additional local vendors engaged in providing these services.

**ADDITIONAL INFORMATION**

According to Florida Department of State, Division of Corporations, Carus Corporation has Registered Agent Name and Address listed as C T Corporation System, 1200 South Pine Island Road, Plantation, FL 33324.

**BCC Meeting February 6, 2018  
Research Notes**

**Item No. 8F3  
File No. 172916**

**Researcher: BM Reviewer: TD**

RESOLUTION WAIVING FORMAL BID PROCEDURES PURSUANT TO SECTION 5.03(D) OF THE HOME RULE CHARTER AND SECTION 2-8.1(B)(1) OF THE CODE OF MIAMI-DADE COUNTY AND AUTHORIZING THE EXERCISE OF THE REMAINING THREE, ONE-YEAR OPTION TO RENEW PERIODS FOR CONTRACT NO. BW9156-4/21, HISTOPATHOLOGY SERVICES, FOR THE MEDICAL EXAMINER DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$267,000; BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION, RENEWAL AND EXTENSION PROVISIONS, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

**ISSUE/REQUESTED ACTION**

Whether the Board should waive the competitive bidding procedures for the purchase of goods and services pursuant to Section 2-8.1 of the County Code and Section 5.03(D) of the Home Rule Charter and authorize the Mayor or County Designee to exercise the remaining three, one-year option to renew terms under Contract No. BW9156-4/21, Histopathology Services, for the Medical Examiner Department.

**APPLICABLE LEGISLATION/POLICY**

Section 2-8.1 of the County Code (Contracts and Purchases, Generally); this section requires formal sealed bids for purchases over \$250,000; describes the circumstances under which non-competitive purchases may be approved, including legacy and designated purchases; and provides that procurement procedures shall be established via an Implementing Order.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.1COPUGE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

Section 5.03(D) Home Rule Charter, Financial Administration, relates to contracts for public improvements and purchases of supplies, materials, and services other than professional shall be made whenever practicable on the basis of specifications and competitive bids.

The link below relates to Section 5.03(D) Home Rule Charter:

<http://www.miamidade.gov/chapter/library/chapter.pdf>

Chapter 406 of the Florida Statutes, Medical Examiner; Disposition of Human Remains, requires that the County use of Histopathology Technologists in evaluating the evidentiary human tissue collected during the autopsy process as part of the death investigation procedure.

[http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0400-0499/0406/0406.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0400-0499/0406/0406.html)

Resolution No. R-986-17, adopted by the Board on November 7, 2017, relates to lease agreement awarded to the vendor, UMTB Donor Service Foundation, for a three year term, with one three-year option to renew effective December 2017.

<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2017/R-986-17.pdf>

**BCC Meeting February 6, 2018  
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**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Internal Services Department**

This item was forwarded by the TPWC to the BCC on January 19, 2018 with a favorable recommendation; 3-0.

**FISCAL IMPACT**

The existing cumulative allocation of Contract No. BW9156-4/21, Histopathology Services, is \$178,000 and expires on March 31, 2018.

If the proposed resolution is approved by the Board, the remaining three, one-year options to renew terms under Contract No. BW9156-4/21, Histopathology Services, will be exercised and the estimated cumulative value will be \$445,000. The increase in the estimated value related by the exercise of the three, one-year option to renew is consistent with the initial \$89,000 annual value.

**ANALYSIS**

If the proposed resolution is approved by the Board, it will exercise the remaining three, one-year option to renew terms under Contract No. BW9156-4/21, Histopathology Services, for the Medical Examiner Department.

UMTB is to provide the County with a variety of Histopathological Services as needed. As part of the death investigation process, forensic pathologist/medical examiners will study microscopic section of the human tissue collected and preserved during an autopsy. Specially trained personnel, Histotechnologists, provide these services utilizing specialized laboratory equipment procedures. A bid waiver is in the County's best interest as the material that is tested under the contract may be compromised in the event that a change of custody occurs off premises. There is currently a lease with UMTB on premise which has equipment installed that would avoid the necessity of purchasing equipment.

The current contract is in its first option to renew term expiring March 31, 2018. Exercising the remaining three, one-year option to renew terms would extend the current contract until March 31, 2021. Currently, there are 36 local residents employed via this agreement.

The University of Miami was the awarded vendor for a related contract, Contract no. BW9156-0/14, Histopathological Services, for the period of January 2010 through August 2013.

**ADDITIONAL INFORMATION**

As of January 16, 2018 the OCA found no Certified SBEs with the corresponding commodity code, 92590 - Testing, Professional Services.

<http://www.miamidade.gov/smallbusiness/library/reports/certify-by-firms-sbegs.pdf>

UMTB Donor Service Foundation is a foreign not-for-profit corporation based out of Georgia. UMBTB is currently active with Sunbiz and originally filed on June 26, 2015.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=UMTBDONORSERVICESFOUNDATION%20F150000028420&aggregateId=fornp-f15000002842-fce4087b-1916-4d91-b74f-d086feac2cc&searchTerm=UMTB%20Donor%20Service%20Foundation&listNameOrder=UMTBDONORSERVICESFOUNDATION%20F150000028420>

**BCC Meeting February 6, 2018  
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**DEPARTMENT INPUT**

OCA posed the following questions to the Internal Services Department, to which the following answers were provided:

1. Besides the information in the Mayoral Memo relating to compromising the materials tested, are there other reasons as to why the County should exercise the three, one-year option to renew terms and the bid-waiver is requested?
  - (a) The ME continues to need the services.
  - (b) In addition to the need to keep it onsite for chain of custody issues, it benefits the County to not incur the costs for transportation and delivery.
  - (c) There is a lease agreement with UMTB Donor Services approved by BCC in order for the vendor to be located on the premises.
  - (d) The lab equipment installed in the leased space to provide these services is the property of UMTB, which is a cost avoidance as the County doesn't need to purchase equipment.
  - (e) Histopathology procedures developed by the collaboration with UMTB staff meet the highest standards expected by ME.
  - (f) The contract provides access to a pathologist from UMTB for consultation at no additional cost.
2. How many South Floridians are employed via this agreement?

There are 36 local residents employed via this agreement.

**BCC Meeting February 6, 2018  
Research Notes**

**Item No. 8F4  
File No. 172918**

**Researcher: BM Reviewer: TD**

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$16,306,000.00 FOR PREQUALIFICATION POOL NO. 6276-1/19-1 FOR PURCHASE OF SECURITY ALARM AND CARD ACCESS SYSTEMS

**ISSUE/REQUESTED ACTION**

Whether the Board should approve a cumulative increase in allocation of \$16,306,000 to the County's Security Alarm and Card Access Systems prequalification pool in order for the Water and Sewer, Police and PortMiami Departments to continue to purchase under the pool.

**APPLICABLE LEGISLATION/POLICY**

Section 2-8.1 of the County Code (Contracts and Purchases Generally) applies to all contracts for public improvements and purchases of all supplies, materials and services other than professional services and (1) requires formal sealed bids for purchases over \$250,000; (2) describes the circumstances under which non-competitive purchases may be approved; (3) establishes requirements for legacy purchases, designated purchases, and single vehicle leases; and (4) provides that procurement procedures shall be established by I.O. and approved by the Board.

[https://library.municode.com/fl/miami -  
dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIIICOR\\_CH2AD\\_ARTIINGE\\_S2-8.1COPUGE](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

Implementing Order No. 3-38 sets forth the County's processes and procedures for the purchase of goods and services. The I.O. outlines: the roles and responsibilities of the Internal Services Department; the methods of purchasing goods and services; the authority to award and modify contracts; and the requirements for access contracts, emergency purchases, bid waivers, confirmation purchases and sole sources.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-38.pdf>

Resolution No. R-187-12, adopted by the Board on February 21, 2012, directs the County Mayor to include due diligence information in memoranda recommending certain contract awards.

<http://intra/gia/legistarfiles/MinMatters/Y2012/120287min.pdf>

**PROCEDURAL HISTORY**

**Prime Sponsor: N/A**

**Department/Requester: Internal Services**

01/17/18: This item was forwarded to the BCC with a favorable recommendation by the GOC; 4-0.

Chairman Moss noted the Water and Sewer Department's (WASD) request accounted for more than 99 percent of the total additional allocation being requested.

Mr. Lester Sola, Director, WASD, explained that the department had been subject to multiple audits from national agencies; and as the department was building new infrastructure, it was required to include the proper security systems.

This item was initially tabled at the July 11, 2017 GOC due to a lack of a quorum.



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**FISCAL IMPACT**

The pool is in its option to renew term, which commenced on January 1, 2015 and expires on December 31, 2019. The current value of this option to renew term is \$13,680,000. If the requested increase in spending of \$16,306,000 is approved, the modified allocation for this option to renew term would be \$29,986,000.

Of the \$1,250,000 allocated to the Water and Sewer Department for the option term, \$844,389 has been released; of the \$460,000 allocated to PortMiami, \$332,140 has been released; and of the \$525,000 allocated to the Police Department, \$308,758 has been released.

**ANALYSIS**

The purpose of this pool is for prequalified vendors to compete to provide County departments security alarm and card access systems, including installation and repair services. The pool was approved by the Board for an initial five-year term plus one optional five-year renewal term under Resolution No. R-1367-09 on December 1, 2009. The pool was established with only eight prequalified vendors. Under the solicitation for the pool, bidders delivering installation services shall be licensed to install and repair security alarm and card access systems.

The Water and Sewer (WASD), PortMiami, and Police Departments are requesting increased spending under this pool to satisfy their operational needs. WASD's current allocation for the term is \$1,250,000, and the department is requesting \$15,851,000 in additional spending. WASD's justification for the sizeable increase is to purchase new equipment (i.e., access controls, closed circuit televisions, and fuel monitoring) to comply with the Consent Decree, Presidential Directive 21 and House Bill 8448, as detailed in Attachment 1 to the mayoral memorandum. The increase would enable WASD to safeguard its critical facilities, such as water treatment plants, booster stations and fuel farms.

The Police Department is requesting \$300,000 in increased spending for its Intracoastal District and for the Professional Compliance Bureau for keyless entry card access projects.

PortMiami is requesting \$155,000 in increased spending to cover parts and services for its existing security alarm and card access systems as well as to cover parts and services for a new cruise terminal and expansion of an existing terminal.

**ADDITIONAL INFORMATION**

This request was first presented at the July 11, 2017 GOC meeting and was tabled due to lack of a motion. The current request differs from the initial in that it includes Attachment 1, WASD's justification for the requested spending increase.

<http://www.miamidade.gov/govaction/matter.asp?matter=171596&file=true&yearFolder=Y2017>

**BCC Meeting February 6, 2018  
Research Notes**

**Item No. 8F5  
File No. 170802**

**Researcher: AIP Reviewer: TD**

RESOLUTION AUTHORIZING ESTABLISHMENT OF PREQUALIFICATION POOL RTQ-00439 IN A TOTAL AMOUNT UP TO \$88,356,000.00 FOR OFFICE AND NON-OFFICE FURNITURE FOR MULTIPLE COUNTY DEPARTMENTS FOR A TERM OF EIGHT YEARS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SOLICIT PRICING, AWARD CONTRACTS, EXERCISE ALL PROVISIONS OF THE SOLICITATION DOCUMENTS AND ANY RESULTING CONTRACTS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38, AND ADD VENDORS TO THE POOL AT ANY TIME, SUBJECT TO RATIFICATION BY THE BOARD ON A BI-ANNUAL BASIS

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the establishment of a replacement prequalification pool, RTQ-00439, for office furniture for County departments.

**APPLICABLE LEGISLATION/POLICY**

**Section 2-8.1 of the Code and Implementing Order No. 3-38** (*Contracts and Purchases Generally*), governing the authority to award and modify contracts. [http://miamidade.fl.elaws.us/code/coor\\_ptiii\\_ch2\\_arti\\_sec2-8.1](http://miamidade.fl.elaws.us/code/coor_ptiii_ch2_arti_sec2-8.1)

**Resolution No. R-187-12** (*Include Due Diligence Info Mayor's Memo for Contract Awards*), which was adopted by the Board on 2/21/2012, and directs the County Mayor to include due diligence information in memoranda recommending certain contract awards. <http://intra/gia/matter.asp?matter=120287&file=true&yearFolder=Y2012>

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Internal Services Department**

**5/2/2017:** The item went before the BCC and was deferred.

**7/18/2017:** The item went before the BCC and was deferred.

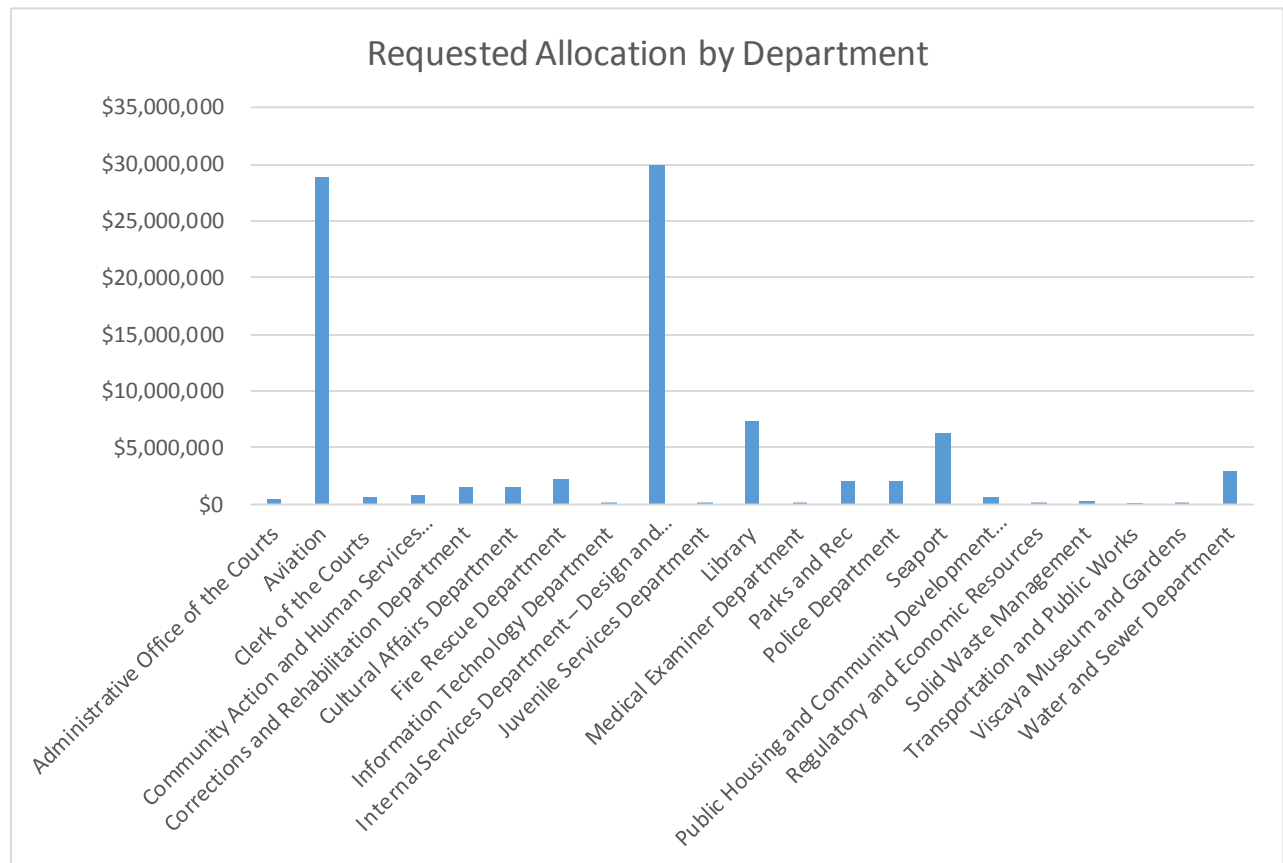
This item was presented at the 5/2/17 BCC meeting and, after discussion, was deferred. During this meeting, Commissioner Sosa stated she would approve the item if it only included local vendors. Commissioner Martinez questioned ISD's large allocation, stating that \$30,000,000 is too much for the term. Ms. Tara Smith, Director, Internal Services Department (ISD), noted that in this particular period, the large capital projects that ISD conducted on behalf of other departments included the Children's Court House and the new Animal Pet Adoption and Protection Center. She explained that most of the work done by ISD was large capital projects outfitting a new building and used furniture was often utilized. Commissioner Heyman suggested buying furniture through Amazon.com or buying individual pieces of furniture as needed rather than bulk purchases. In response to those concerns, the Mayor suggested the removal of allocations and instead including departmental needs as part of the annual departmental budget process as the allocation requested in the item is inflated.

**FISCAL IMPACT**

The fiscal impact for the eight-year term is \$88,356,000. The current pool, 1072-1/16, is valued at \$257,231,000 for a 10-year and five-month term and expired on July 31, 2017. The following table lists the departments and the requested expenditure, as indicated by the mayoral memo:

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Research Notes**

Department/Office	Requested Allocation	Department/Office	Requested Allocation
Admin. Office of the Courts	\$439,000	Medical Examiner Department	\$80,000
Aviation	\$28,800,000	Parks and Rec	\$2,000,000
Clerk of the Courts	\$690,000	Police Department	\$2,160,000
Community Action and Human Services Department	\$800,000	Seaport	\$6,300,000
Corrections and Rehabilitation Department	\$1,500,000	Public Housing and Community Development Department	\$720,000
Cultural Affairs Department	\$1,500,000	Regulatory and Economic Resources	\$40,000
Fire Rescue Department	\$2,208,000	Solid Waste Management	\$253,000
Information Technology Department	\$40,000	Transportation and Public Works	\$216,000
Internal Services Department	\$30,000,000	Viscaya Museum and Gardens	\$106,000
Juvenile Services Department	\$80,000	Water and Sewer Department	\$2,992,000
Library	\$7,432,000		
<b>TOTAL:</b>			<b>\$88,356,000</b>



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**ANALYSIS**

This item proposes to establish a prequalification pool for “Furniture Office and Non-Office,” for multiple County departments. This pool provides for the purchase and installation of furniture, including replacement parts, upholstery and associated products and services. 50 vendors responded to the solicitation. 39 were recommended for inclusion in the pool. Of these, 16 are local vendors, of which eight (8) are Miami-Dade County vendors, and (6) are certified small business Enterprises.

The supplement to the item clarifies the following:

- This pool represents a 50 percent reduction in allocation as compared to the current pool;
- The requested allocation will cover purchases for resilient, commercial-grade furniture that will last for many years; and
- Commercial-grade furniture offers the ability for offices within the County to re-purpose furniture as needs change.

The supplement further states that the County will monitor expenditures under this pool for office furniture by ensuring that purchases are limited to those that are operationally necessary for departments and will increase the useful life of the County’s existing furniture through repurposing whenever possible. Although a large portion will be allocated to ISD, the \$30,000,000 will go towards purchasing items on behalf of other County departments and agencies.

**ADDITIONAL INFORMATION**

In 2007, the Board approved R-177-07, which awarded a furniture and office equipment pool for a five-year term, with one, five-year option to renew (OTR) period. As part of that approval, the Board requested that an annual report of expenditures under the contract be provided.

Attached (*refer to link below*) is the last report, providing a description and summary of the purchases made from March 1, 2016 through February 28, 2017 under the current pool. During this reporting period, a total of \$6,127,530 was expended to complete various projects throughout the County. The projects comprising the majority of the expenditures over the past year included Miami International Airport's terminal refurbishment project, the new Animal Services facility, the Transportation and Public Works Traffic and Signals renovation project, and library facility renovation projects.

<http://www.miamidade.gov/mayor/library/memos-and-reports//2017/04/04.21.17-Annual-Report-of-Furniture-and-Office-Equipment-Expenditures-Under-Contract-1072-116-March-1-2016-February-28-2017.pdf>

**BCC Meeting February 6, 2018  
Research Notes**

**Item No. 8G1  
File No. 172690**

**Researcher: SM   Reviewer: TD**

RESOLUTION APPROVING THE BUDGET TOTALING \$2,582,141.00 FOR FISCAL YEAR 2017-18 FOR THE SOUTH MIAMI COMMUNITY REDEVELOPMENT AGENCY

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the budget totaling \$2,582,141 for Fiscal Year (FY) 2017-18 for the South Miami Community Redevelopment Agency (CRA).

**APPLICABLE LEGISLATION/POLICY**

Section 163.387 of the Florida Statutes governs redevelopment trust funds. Tax Increment Financing (TIF) is a method to pay for redevelopment of a slum or blighted area through the increased ad valorem tax revenue resulting from that redevelopment.  
[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0100-0199/0163/Sections/0163.387.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0163/Sections/0163.387.html)

Ordinance No. 98-80, adopted June 16, 1998, established the CRA's Trust Fund. Relates to certain geographic area within city of South Miami, Florida described generally as bounded by S.W. 62<sup>nd</sup> Avenue on West, S.W. 62<sup>nd</sup> Street on North, S.W. 57<sup>th</sup> Avenue on East and S.W. 72<sup>nd</sup> Street on South; accepting delivery of redevelopment plan from city of South Miami and Making Certain Findings with respect to said redevelopment plan an said geographic area; adopting said redevelopment plan.  
<http://intra/gia/matter.asp?matter=981061&file=false&yearFolder=Y1998>

Resolution No. R-99-100 governs the CRA's Redevelopment Plan. Relates to Ordinance regarding redevelopment of South Miami community redevelopment area described generally as bounded by S.W. 62<sup>nd</sup> avenue on west, S.W. 62<sup>nd</sup> street on north, S.W. 57<sup>th</sup> avenue on east and S.W. 72<sup>nd</sup> street on south; approving and authorizing execution by county manager of Interlocal cooperation agreement between Miami-Dade county, Florida, South Miami community redevelopment agency and city of South Miami for redevelopment of said area; authorizing exercise of eminent domain power by community redevelopment agency within said geographic area.  
<http://intra/gia/matter.asp?matter=992733&file=false&yearFolder=Y1999>.

Resolution No. R-327-04 amended the Interlocal Agreement between Miami-Dade County and the CRA that was adopted September 9, 1999.  
<http://intra/gia/matter.asp?matter=040139&file=true&yearFolder=Y2004>

**PROCEDURAL HISTORY**

**Prime Sponsor: Housing and Social Services Committee  
Department/Requester: Office of Management and Budget**

This Item was forwarded to BCC with a favorable recommendation at the Housing and Social Services Committee on January 17, 2018

**FISCAL IMPACT**

The CRA's main revenue source is tax increment financing (TIF) and is generated through the incremental growth of ad valorem revenues beyond an established base year. Miami-Dade County's (County) TIF revenue payment into the Agency's Trust Fund for FY 2017-18 is \$741,576 and the City of South Miami's (City) TIF revenue payment into the Trust Fund is \$683,322. The adopted budget for FY2016-17 was \$1,826,430.

## BCC Meeting February 6, 2018 Research Notes

The budget includes revenue sources of County and City TIF payments totaling \$741,576 and \$683,322, respectively; carryover from prior years \$1,032,447; carryover reserved for a grant project \$76,202; rent revenues \$45,000; and interest earnings \$3,594. Administrative expenditures total \$179,528, excluding the 1.5 percent County Administrative Charge \$11,124, and represent seven percent of total expenditures, which satisfies the 20 percent cap in administrative expenditures required by the Interlocal Agreement, as stated in the mayoral memo.

### **ANALYSIS**

If the proposed Resolution receives Board approval then the South Miami Community Redevelopment Agency's FY 2017-18 Budget will be approved. The Interlocal Cooperation Agreement with the County requires the CRA to submit, for County approval, an annual budget for the implementation of their plan. The Budget was approved by the CRA on July 31, 2017. The area lies within Commissioner Xavier L. Suarez district, District 7.

With the monies received during the 2017-2108 FY, the CRA intends to continue to implement key community redevelopment plan objectives including land acquisition of the remaining vacant blighted properties in the redevelopment area to provide additional affordable housing opportunities, the continued rehabilitation of the existing housing stock and the on-going implementation of current economic and business development initiatives. The CRA also anticipates having a viable affordable housing development partner under contract during FY 2017-2018 to complete construction of the critically needed Madison Square mixed-use, affordable housing development project.

The Marshall Williamson facility was constructed to function as a business and community service facility. They currently house five rotating, start-up businesses and four community service organizations including Career Source South Florida, the Police Explorer organization and the Community Redevelopment offices. In FY 2016-17 \$4,750 was spent on economic development, of which the Small Business Assistance program is a part. The CRA also funds a start-up business and community service program which has the goal of providing new office space to eligible start-up businesses and non-for-profit community service providers at governmental established rental rates. This offers assistance in both economic development opportunities in addition to providing vital community services and related amenities.

During the FY 2016-17 there were multiple redevelopment accomplishments such as authorizing several health, safety and welfare related single and multi-family residential improvement projects for low income residents. Previously the CRA established the single and multi-family residential rehabilitation programs. These programs are critical in preserving the existing affordable housing stock in the CRA area. Residential improvements were \$30,000 for the FY 2016-17, and during the past three years, approximately 30 homes have been improved through this initiative.

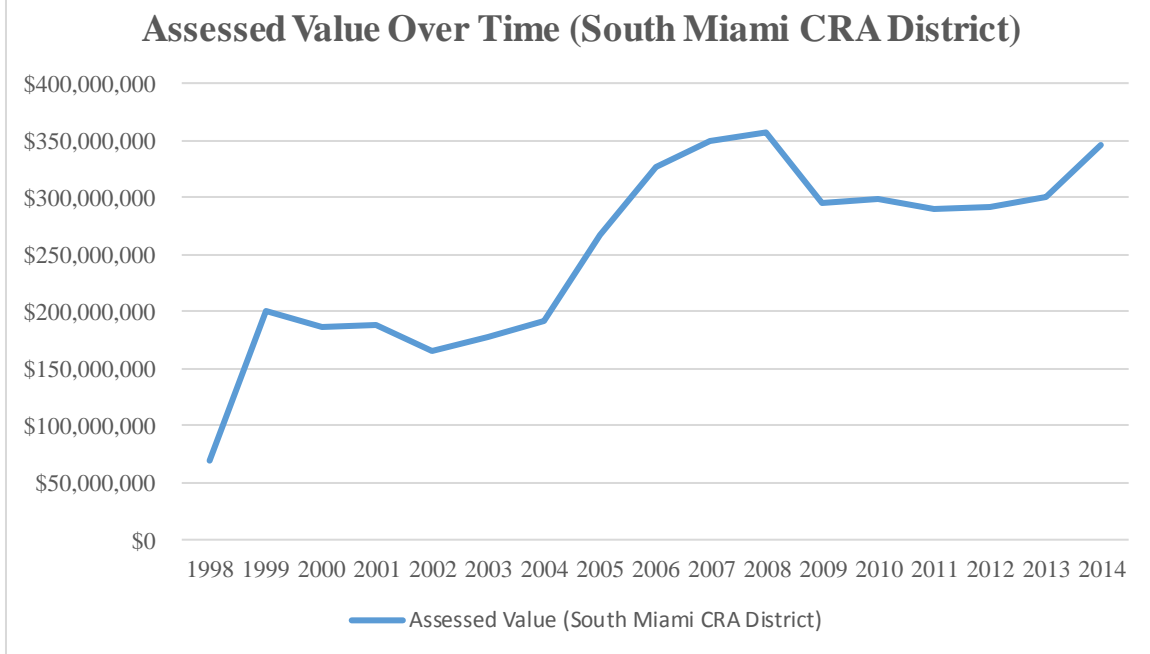
A study on seven Broward County CRA's from the FY 2008-2013 revealed that public investment yielded more than \$371,863,097 in private sector investment creating more than 2,147 jobs.

<http://redevelopment.net/best-practices/cra-fiscal-impact/>

City of Tallahassee CRA Board adopted performance measures in April, 2015. The leading performance measure identified by the Board for the CRA in their respective area was private investment. The Board found that CRA investment in major redevelopment projects increased post-development taxable value by at least 20% on average. [https://www.talgov.com/Uploads/Public/Documents/cra/pdf/cra\\_performance\\_measures.pdf](https://www.talgov.com/Uploads/Public/Documents/cra/pdf/cra_performance_measures.pdf)

The South Miami CRA District has undergone steady increases in assessed property value since 2011, as demonstrated by the below chart.

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Research Notes**



<https://www.southmiamifl.gov/DocumentCenter/View/1549>

The following questions pertaining to Fiscal Year 2017-18 were asked of the South Miami CRA and are pending response:

- 1) Revenue generated from CRA investment (attracting private dollars, etc.)?
- 2) How many businesses created or improved as a result of CRA investment?
- 3) How many businesses have moved to the area as a direct result due to the CRA?
- 4) How many people have benefitted from the CRA investment?

**ADDITIONAL INFORMATION**

The South Miami Community Redevelopment Agency has a website which explains its public purpose which is to increase property values and to support economic development related projects within the redevelopment area. It also mentions its mission and goals which is to improve documented slum and blighted conditions. Improve the physical environment and quality of life in the redevelopment area are the CRA's overriding goals. See link below.

<http://www.southmiamifl.gov/204/Community-Redevelopment-Agency>

**BCC Meeting February 6, 2018  
Research Notes**

**Item No. 8G2  
File No. 172689**

**Researcher: SM Reviewer: TD**

RESOLUTION APPROVING FISCAL YEAR 2017-18 NORTH MIAMI COMMUNITY REDEVELOPMENT AGENCY BUDGET TOTALING \$8,742,942.00

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the Fiscal Year (FY) 2017-18 North Miami Community Redevelopment Agency (CRA) budget totaling \$8,742,942.00

**APPLICABLE LEGISLATION/POLICY**

Ordinance No. 05-109 adopted June 7, 2005 created the CRA's Trust Fund.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2005/051261.pdf>

Resolution No. R-610-05, adopted June 7, 2005, approved the redevelopment plan and Interlocal Cooperation Agreement. No link is available at this time.

Resolution No. R-1132-16, adopted December 6, 2016, approved an amendment to the redevelopment plan and second amendment to the Interlocal Agreement and extended the life of the CRA until 2044.

<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2016/R-1132-16.pdf>

Resolution No. R-882-17, adopted October 3, 2017, amending the Interlocal Agreement to remove the section requiring the CRA to submit an amended redevelopment plan.

<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2017/R-882-17.pdf>

Section 163.387 of the Florida Statutes governs redevelopment trust funds. Tax Increment Financing (TIF) is a method to pay for redevelopment of a slum or blighted area through the increased ad valorem tax revenue resulting from that redevelopment.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0100-0199/0163/Sections/0163.387.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0163/Sections/0163.387.html)

Resolution No. R-837-04, adopted July 13, 2004, approved the Finding of Necessity and established the CRA.

No link available at this time.

Resolution No. R-1132-16 adopted December 6, 2016 approving an Amendment to the Redevelopment Plan and Second Amendment to the Interlocal Agreement and extending the life of the Agency until 2044

<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2016/R-1132-16.pdf>

**PROCEDURAL HISTORY**

**Prime Sponsor: Housing and Social Services Committee**

**Department/Requester: Office of Management and Budget**

This Item was forwarded to BCC with a favorable recommendation at the Housing and Social Services Committee on January 17, 2018.



**BCC Meeting February 6, 2018  
Research Notes**

**FISCAL IMPACT**

The CRA's source of revenue is tax increment financing (TIF), which is generated through the incremental growth of ad valorem revenues beyond an established base year, as defined in Section 163.387 of the Florida Statutes. Miami-Dade County's TIF revenue payment into the CRA's Trust Fund for FY 2017-18 is \$1,877,602 and the City of North Miami's TIF revenue payment into the Trust Fund is \$3,031,173. Subsequently the budget includes the County and City of North Miami's TIF revenue payments (\$1,877,602 and \$3,031,173, respectively), carryover from prior years (\$3,831,167) and interest earnings (\$3,000), as stated by the mayoral memo. The Budget for FY16-17 was \$7,964,393

**ANALYSIS**

This item if approved, will approve FY 2017-18 North Miami Community Redevelopment Agency Budget Totaling \$8,742,942. The Board must approve the CRA's budget prior to the CRA expending any funds. The Interlocal Cooperation Agreement with the County requires the CRA to submit, for County approval, an annual budget for the implementation of their plan

The Board approved the Finding of Necessity and established the CRA on July 13, 2004. The redevelopment plan and Interlocal Cooperation Agreement was approved June 7, 2005. The Board approved the funding of the Plan when it enacted Ordinance No. 05-109 on June 7, 2005, which created the Agency's Trust Fund. There is an Interlocal Agreement among the County, City and CRA which requires that the CRA shall refund the County's TIF payment for the redevelopment area west of Biscayne Boulevard and that the CRA shall submit for County approval an annual budget for the implementation of the Plan prior to expending any funds.

The CRA is required to refund Miami-Dade County's Tax increment financing payment for the redevelopment area west of Biscayne Boulevard and to submit for County approval an annual budget for the implementation of the plan prior to expanding any funds.

The following is what the CRA will focus on for FY 2017-18 with the funds received:

- The CRA will continue to work on large scale development projects such as the downtown parking garage and redevelopment of NW 7<sup>th</sup> Avenue through the approved masterplan.
- Adopt the Transit Oriented Development and major corridors masterplan commissioned and start implementing first steps.
- Attract new businesses to the downtown corridor and the Arts & Entertainment District, where they have recently funded a brewery installation and expect more to come.
- Continue to work with North Miami's Housing Department to implement the single family rehab program and create other housing initiatives.
- Invest over 5,600,000 in capital projects in support of the newly amended North Miami CRA Plan. Over 50 percent of the budget has been earmarked for capital projects and improvements that will enhance the quality of life of the community.
- Commission a Music District masterplan as per the 2016 CRA Plan to capitalize on existing community assets and redevelop incentives to support and enhance music, film and broadcasting projects.
- Fund a pilot film incentives program to support investment in businesses within the North Miami CRA.

**ADDITIONAL INFORMATION**

The North Miami Beach Community Redevelopment Agency has a website which explains its public purpose, which is to eliminate and prevent the development or spread of blighted areas, improve the public infrastructure, and prevent or reduce incidents of crime. They offer incentive programs there and when the next CRA meetings are.

<http://www.citynmb.com/cra>

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Research Notes**

**Item No. 8G3  
File No. 172454**

**Researcher: SM Reviewer: TD**

RESOLUTION APPROVING THE FISCAL YEAR 2017-18 BUDGET FOR THE N.W. 79TH STREET CORRIDOR COMMUNITY REDEVELOPMENT AGENCY IN THE AMOUNT OF \$495,125.00

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the NW 79 Street Corridor Community Redevelopment Agency's (CRA) Fiscal Year (FY) 2017-18 budget for the NW 79th Street Corridor Community Redevelopment Area in the amount of \$495,125.00.

**APPLICABLE LEGISLATION/POLICY**

Section 163.387 of the Florida Statutes governs redevelopment trust funds. Tax Increment Financing (TIF) is a method to pay for redevelopment of a slum or blighted area through the increased ad valorem tax revenue resulting from that redevelopment.  
[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0100-0199/0163/Sections/0163.387.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0163/Sections/0163.387.html)

Resolution No. R-604-11 adopted July 19, 2011 is a Resolution adopting Community Redevelopment Plan regarding certain geographic area of Miami-Dade County, specifically the N.W 79<sup>th</sup> Street Corridor.  
<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2011/R-604-11.pdf>

Resolution No. R-95-12 adopted January 24, 2012 is a Resolution approving Interlocal Cooperation Agreement between Miami-Dade County and the NW 79<sup>th</sup> Street Corridor Community Redevelopment Agency; and authorizing County Mayor to execute said agreement.  
<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2012/R-95-12.pdf>

Resolution No. R-566-09 adopted May 5, 2009 is a Resolution declaring a geographic area of Miami-Dade County, specifically the N.W 79<sup>th</sup> Street Corridor to be a slum or blighted area; declaring the rebuilding, rehabilitation, conservation and redevelopment of the area.  
<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2009/R-566-09.pdf>

Ordinance No. 11-55 adopted July 19, 2011 is an Ordinance appointing Board of Commissioners of the NW 79<sup>th</sup> Street Corridor Community Redevelopment Agency and designating their respective terms of office; delegating certain redevelopment powers to such agency.  
<http://www.miamidade.gov/cob/library/Registry/Ordinances/Board-of-County-Commissioners/2011/11-55.pdf>

Resolution No. R-241-14 adopted March 4, 2014 conveyed a parcel of land to the CRA to be used as an incentive to attract developers.  
<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2014/R-241-14.pdf>

**PROCEDURAL HISTORY**

**Prime Sponsor: Housing and Social Services Committee  
Department/Requester: Office of Management and Budget**

This Item was forwarded to BCC with a favorable recommendation at the Housing and Social Services Committee, on January 17, 2018.

**BCC Meeting February 6, 2018  
Research Notes**

**FISCAL IMPACT**

On July 12, 2017, the CRA approved the FY 2017-18 budget in the amount of \$495,125. The County-wide contribution to the trust fund for FY 2017-18 is \$243,760. The unincorporated contribution to the trust fund is \$100,719. There is a carryover balance of \$149,946 and projected interest income totaling \$700 for the year. The adopted budget for FY 2016-17 was \$181,810. Total expenditure for the FY17-18 Proposed Budget is \$495,125 which gives a Cash Position of (0)

<b>NW 79<sup>TH</sup> STREET CRA FY 2017-2018 PROPOSED BUDGET</b>		
<b>Revenues</b>	<b>FY16-17 Adopted Budget</b>	<b>FY 17-18 Proposed Budget</b>
UMSA Tax Increment Revenue (TIR)	\$53,888	\$100,719
County TIR	\$130,419	\$243,760
Carryover from prior year	\$(2,597)	\$149,946
Interest earnings	\$100	\$700
<b>Total</b>	<b>\$181,810</b>	<b>\$495,125</b>

**ANALYSIS**

This Resolution relates to approving the FY 2017-18 budget For The N.W. 79th street corridor CRA in the amount of \$495,125.00. The Board must approve the CRA's budget prior to the CRA expending any funds. The Area is located in County Commission Districts 2 and 3, which are represented by Commissioner Jean Monestime and Vice Chairwoman Audrey M. Edmonson, respectively. The purpose of the CRA is for the rebuilding, rehabilitation, conservation and redevelopment of the area as necessary to eradicate slum and blight. The Interlocal Cooperation Agreement with the County requires the CRA to submit, for County approval, an annual budget for the implementation of their plan. On July 12, 2017, the CRA approved the FY 2017-18 budget.

The N.W 79<sup>th</sup> Street Corridor was created by Miami-Dade County Board of County Commissioners in 2009. The County created Resolution No. R-566-09 adopted May 5, 2009 established that the boundaries of the N.W 79<sup>th</sup> Street Corridor and declared the area to be slum or blighted.

In July 2011, the Board of County Commissioners adopted Resolution No. R-604-11, and Ordinance No. 11-55, adopting a redevelopment plan and creating a trust fund, respectively for the NW 79th Street Corridor Community Redevelopment Agency. The CRA is generally bounded on the north by NW 87th Street, on the south by NW 62nd Street, on the east by NW 7th Avenue, and on the West by NW 37th Avenue in unincorporated Miami-Dade County. The CRA held its first meeting on September 12, 2011 and on October 3, 2011, adopted the Interlocal Agreement between the County and the CRA which granted the CRA certain redevelopment powers. The Interlocal Agreement was approved by the County's Internal Management and Fiscal Responsibility Committee at the December 13, 2011 meeting and the BCC on January 24, 2012.

In February 2014, the BCC conveyed a parcel of land to the CRA, this land was given for the purpose of attracting developers interested in creating new jobs in part through the construction of facilities for new retail, office and industrial use within the redevelopment area. The company Eco Building Solutions, were the sole responders to a Request for Proposals the CRA issued FY 14-15. The CRA re-conveyed the parcel back to the County after the negotiations with Eco Building Solutions did not materialize.

The Preliminary tax roll received from the Property Appraiser of Miami-Dade County for the 2016 value of the area is \$450,139,645, this amount represents a nine percent increase from the 2016 Preliminary Tax Roll. The CRA's taxable values have increased approximately 13 percent, from its 2011 base year value of 395,158,830.

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The CRA will reimburse the County \$40,000 which represents a portion of the creation and other related expenses associated with the CRA of approximately \$260,656. FY 2016-17, the CRA reimbursed the County \$30,000.

**ADDITIONAL INFORMATION**

Keith and Schnars, P.A Engineers, Planners, Surveyors, conducted a finding of necessity study that was published February, 2009. They worked with Miami-Dade County to provide the basis for creating a CRA. They conducted a detailed examination of existing land use, characteristics, socio-economic conditions, and other indicators. They concluded that the 79<sup>th</sup> Street Corridor Study Area does meet the requirements for a CRA. The findings were based upon a determination that the following criteria of slum and blight are met. The study showed the area has deficiencies in attracting market-based investments of the same rate and quality as surrounding areas and the County as a whole. "Slum Area" means an area having physical or economic conditions conducive to disease, infant mortality, juvenile delinquency, poverty, or crime because there is a predominance of buildings or improvements. "Blighted Area" means an area in which there are a substantial number of deteriorated, or deteriorating structures, in which conditions, as indicated by government-maintained statistics or other studies, are leading to economic distress or endanger life or property. The report is linked below.

<http://www.miamidade.gov/redevelopment/library/resolutions/nw-79th-st-finding-of-necessity.pdf>

The website for the NW 79<sup>th</sup> Street Corridor Area is below, it explains the services provided, such as the district helps address slum and blight through redevelopment initiatives and incentive economic development within the area as outlined in the redevelopment plan. It also included meeting dates and previously adopted Budgets.

<http://www.miamidade.gov/redevelopment/nw-79th-street-special-district.asp>

**BCC Meeting February 6, 2018  
Research Notes**

**File No. 8G4  
Item No. 172931**

**Researcher: JFP    Reviewer: TD**

RESOLUTION APPROVING THE AMENDED BUDGET FOR FISCAL YEAR 2016-2017 AND FISCAL YEAR 2017-18 FOR THE SOUTHEAST OVERTOWN/PARK WEST COMMUNITY REDEVELOPMENT AGENCY IN THE AMOUNT OF \$48,708,155.00 AND \$46,290,074.00, RESPECTIVELY

**ISSUE/REQUESTED ACTION**

The proposed resolution approves the amended FY 2016-2017 and 2017-2018 budgets for the Southeast Overtown/ Park West Community Redevelopment Agency.

**APPLICABLE LEGISLATION/POLICY**

Section 163.387, Florida Statutes governs redevelopment trust funds.

[http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&Appmode=Display\\_Statute&Search\\_String=163.387&URL=0100-0199/0163/Sections/0163.387.html](http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&Appmode=Display_Statute&Search_String=163.387&URL=0100-0199/0163/Sections/0163.387.html)

Resolution No. R-39-81 (adopted on January 20, 1981) established the boundaries of the Southeast Overtown/Park West Community Redevelopment Area and declared the Area to be slum or blighted. Link not available.

Resolution No. R-1677-82 (adopted on December 21, 1982) approved the establishment of the Southeast Overtown/Park West Community Redevelopment Agency by adopting the Agency's Community Redevelopment Plan. Link not available.

Ordinance No. 82-115 (adopted on December 21, 1982) created the Agency's Redevelopment Trust Fund.  
<http://www.miamidade.gov/cob/library/Registry/Ordinances/Board-of-County-Commissioners/1982/82-115.pdf>

Resolution No. R-516-12 (adopted on June 16, 2012) approved the issuance of up to \$50,000,000 in debt for needed capital projects in the Agency's Plan.  
<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2012/R-516-12.pdf>

Resolution No. R-480-13 (adopted on June 18, 2013) amended Resolution No. 516-12 to increase the aggregate principal amount of Southeast Overtown/Park West Community redevelopment revenue bonds to \$60,000,000.  
<http://www.miamidade.gov/govaction/legistarfiles/MinMatters/Y2013/131690min.pdf>

Resolution No. R-237-17 (adopted on March 7, 2017) approved the original FY 2016-2017 budget.  
<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2017/R-237-17.pdf>

CRA Resolution No. CRA-R-17-008 (adopted on February 27, 2017) approved the amended FY 2016-2017 budget of \$48,708,155 at the Agency level. See attachment in mayoral memo.

CRA Resolution No. CRA-R-17-0045 (adopted on July 31, 2017) approved the FY 2017-18 budget totaling \$46,290,074 at the Agency level. See attachment in mayoral memo.

City of Miami Resolution No. R-17-0438 (adopted on September 19, 2017) approved the FY 2017-2018 budget in the amount of \$46,290,074 at the City level. See attachment in mayoral memo.

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Research Notes**

**PROCEDURAL HISTORY**

**Prime Sponsor: Housing and Social Services Committee**  
**Requester/Department: Office of Management and Budget**

This Item was forwarded to the Board with a favorable recommendation at the January 17, 2018 Housing and Social Services Committee.

**FISCAL IMPACT**

The CRA was created in 1982 to generate new development and bolster redevelopment efforts to ultimately achieve the goal of revitalizing the Southeast Overtown and Park West communities. The CRA's main revenue source is tax increment financing (TIF), which earmarks a specific portion of property tax dollars collected by the City of Miami, Miami Dade County and the Children's Trust. The below table highlights the County's investment via TIF into the Southeast Overtown/Community Redevelopment Agency's trust fund.

**Payment into the Southeast Overtown/Community Redevelopment Agency's Trust Fund by Source**

<b>Fiscal Year</b>	<b>County's TIF Payment</b>	<b>City's TIF Payment</b>
FY 2016-2017	\$6,941,355	\$11,373,090
FY 2017-2018	\$7,181,272	\$11,435,199

Both the CRA and Redevelopment Area sunset on March 31, 2030.

**ANALYSIS**

The proposed resolution approves the amended FY 2016-2017 budget in the amount of \$48,708,155 and the FY 2017-2018 budget in the amount of \$46,290,074 for the Southeast Overtown/ Park West Community Redevelopment Agency. The Southeast Overtown/Park West Community Redevelopment Area is located in County Commission District 3. Of the \$46,290,074 FY 2017-2018 budget, \$26,915,529, or 58% is derived from carryover funding.

**Southeast Overtown/ Park West Community Redevelopment Agency's Revenue Sources for FY 2017-2018**

<b>Revenue Source</b>	<b>FY 2017-18 Funding</b>
County Tax Increment Financing (TIF)	\$7,181,272
City TIF	\$11,435,199
Carry Over Funds	\$26,915,529
Other	\$758,074
<b>Total</b>	<b>\$46,290,074</b>

The Interlocal Cooperation Agreement (Interlocal) between Miami-Dade County the City of Miami and the Southeast Overtown/Park West Community Redevelopment Agency places a 20% allowable cap for administrative costs; the CRA's administrative expenditures of \$2,109,081 (including employee salaries and fringes) represent less than one percent of total budgeted expenditures, thus satisfying the requirements prescribed in the Interlocal.

Of the \$42,437,399 planned for operating expenses, \$22,978,579 is for grants and aids for affordable/workforce housing projects, parks, job creation and arts, culture and quality of life programming. The budget also includes a reserve of \$1,743,593. All expenditures are detailed in Exhibit 2 of the resolution.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2017/172931.pdf>

In accordance with its commitment to eliminate slum and blight and encourage private investment in the Southeast Overtown/Park West Community, the CRA has reinvested funds in infrastructure upgrades, new construction and rehabilitation

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of multi-family housing, economic development investments in new and existing businesses, historic preservation and the promotion and support of job creating initiatives, as stated in the CRA's 2016 Annual Report.

<http://www.miamicra.com/seopwcra/docs/2016%20Annual%20Report%20SEOPWCRA.pdf>

Some of the CRA investments highlighted in the 2016 Annual Report are:

Housing

- The Plaza at the Lyric - **\$17 million**
- Island living Apartments - **\$9 million**
- Courtside Family Apartments - **\$7.5 million**
- St. Johns Overtown Plaza Apartments - **\$10 million**

Ongoing Rehabilitation Projects

- Town Park Plaza North - **\$15 million**
- Town Park Plaza South - **\$13.5 million**
- Town Park Village - **\$1 million**

Economic Development & Small Business

- Top Value Supermarket - **\$200,000**
- Gerald's Graphics & Printing - **\$110,000**

Historic Preservation

- Overtown Performing Arts Center - **\$2.6 million**
- City of Miami Black Police Precinct and Courthouse Museum - **\$195,476**
- Dunn and Josephine Hotel - **\$850,000**
- Old Clyde Killen's Pool Hall - **\$930,000**
- Former Law Office of the Honorable Judge Lawson Edward Thomas - **\$100,000**

Arts & Culture

- Folk Life Friday's Outdoor Marketplace - **\$110,000**
- Overtown Music & Arts Festival - **\$200,000**
- Art Africa Miami Arts Fair - **\$110,000**

Promotions & Marketing - **\$85,000**

Safety - **\$900,000**

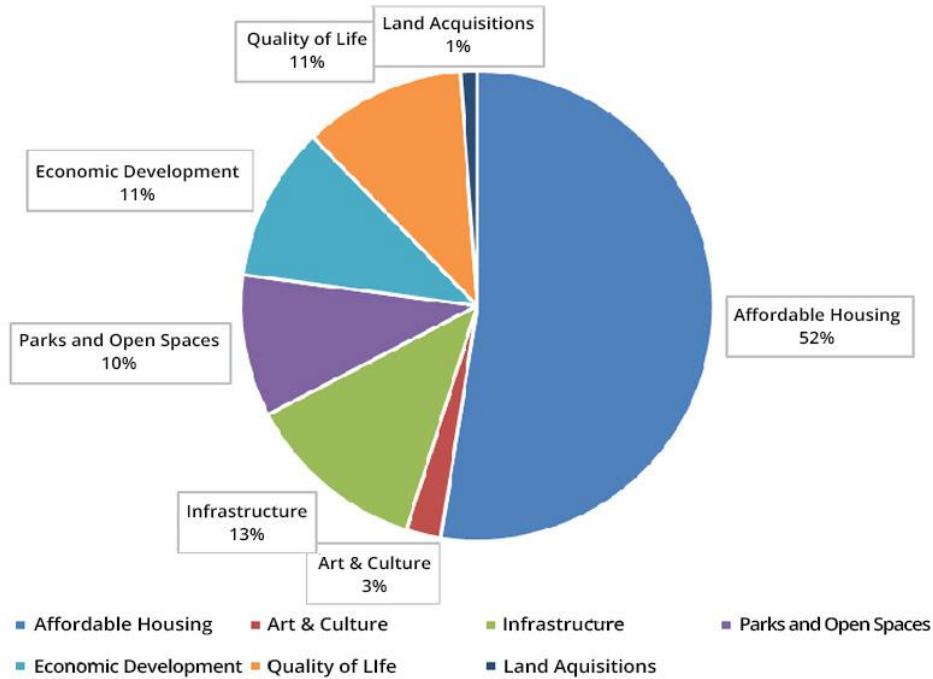
The following questions pertaining to FY2017-18 were asked of the Southeast Overtown/Park West CRA:

- 1) Revenue generated from CRA investment (attracting private dollars, etc.)?
- 2) How many businesses created or improved as a result of CRA investment?
- 3) Did property values in the CRA area increase/reduce?
- 4) How many businesses have moved to the area as a direct result of the CRA?
- 5) How many people have benefitted from the CRA investment?

In response, the Southeast Overtown/Park West CRA sent over a report highlighting the progress made from 2005-2016. A total of \$150.1 million was allocated to redevelopment projects during this time period, with the following distribution:



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**Research Notes**



**ADDITIONAL INFORMATION**

According to a February 2013 Florida Redevelopment Association CRA impact study of seven comparable Broward County CRAs, a total public investment of \$19.5 million yielded a private investment of \$371.8 million and the creation of 2,147 jobs.  
<http://redevelopment.net/best-practices/cra-fiscal-impact/>



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Research Notes**

**File No. 8G6  
Item No. 172929**

**Researcher: JFP    Reviewer: TD**

RESOLUTION APPROVING THE BUDGET FOR FISCAL YEAR 2017-18 FOR THE OMNI COMMUNITY REDEVELOPMENT AGENCY TOTALING \$53,387,872.00

**ISSUE/REQUESTED ACTION**

The proposed resolution approves the 2017-2018 budget for the Omni Community Redevelopment Agency.

**APPLICABLE LEGISLATION/POLICY**

Section 163.387, Florida Statutes governs redevelopment trust funds.

[http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&Appmode=Display\\_Statute&Search\\_String=163.387&URL=0100-0199/0163/Sections/0163.387.html](http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&Appmode=Display_Statute&Search_String=163.387&URL=0100-0199/0163/Sections/0163.387.html)

Resolution No. R-825-87 (adopted by the Board on July 7, 1987) established the boundaries of the Omni Community Redevelopment Area and declared the Area to be slum or blighted. Link not available.

Ordinance No. 87-47 (adopted by the Board on July 7, 1989) established the Omni Community Redevelopment Agency

<http://www.miamidade.gov/cob/library/Registry/Ordinances/Board-of-County-Commissioners/1987/87-47.pdf>

CRA-R-17-0043 (adopted by the CRA on July 27, 2017) approved the CRA's FY 2017-18 budget of \$53,387,872. See attachment included in the mayoral memo.

R-17-0437 (adopted by the City on September 19, 2017) approved the CRA's budget at the City level. See attachment included in the mayoral memo.

**PROCEDURAL HISTORY**

**Prime Sponsor: Housing and Social Services Committee**

**Department/Requester: Office of Management and Budget**

This Item was forwarded to the Board with a favorable recommendation at the January 17, 2018 Housing and Social Services Committee.

**FISCAL IMPACT**

The Omni CRA was created in 1989 to generate new development and bolster redevelopment efforts to ultimately achieve the goal of revitalizing the Omni Community Redevelopment Area.

The CRA's main revenue source is tax increment financing (TIF), which earmarks a specific portion of property tax dollars (pertaining to the properties within the Area's boundaries) collected by Miami Dade County, the City of Miami, and the Children's Trust.

Both the County and the City are required to fund this amount annually until the CRA and Redevelopment Area sunset on March 31, 2030.

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**ANALYSIS**

The proposed resolution approves the FY 2017-2018 budget in the amount of \$53,387,872 for the Omni Community Redevelopment Agency. The Omni Community Redevelopment Area includes the Omni neighborhood, as well as parts of Overtown, Wynwood and Museum Park, and is located in County Commission Districts 3 and 5.

**Omni Community Redevelopment Agency's Revenue Sources for FY 2017-2018**

<b>Revenue Source</b>	<b>FY 2017-18 Funding</b>
County Tax Increment Financing (TIF)	\$6,942,759
City TIF	\$11,382,342
Carry Over Funds	\$8,903,477
Children's Trust	\$733,004
Loan Proceeds	\$25,000,000
Other	\$426,290
<b>Total</b>	<b>\$53,387,872</b>

An independent audit of the CRA's finances was conducted in December 2016. The conclusion drawn by the Independent Auditor was that the CRA's financial statements present fairly the financial position of the governmental activities and each major fund of the Agency as of September 30, 2016.

<http://omnicra.com/documents/AnnualReport2016-final.pdf>

The vision of the Omni CRA is to create a 24-hour walkable neighborhood with sidewalk merchants and pedestrian-friendly streets that function as a platform for creative productivity. In furtherance of this goal, a 2016 investment of \$1 million was made to rehabilitate residential areas and a \$500,000 grant was made to the City of Miami Police Department to pay for a special detail of Omni CRA police.

For a complete list of expenditures for FY 2017-18, see the full 2017-2018 Omni CRA budget

<http://omnicra.com/documents/2017-2018OmniCRABudget.pdf>

The following questions were asked of the Omni Community Redevelopment Agency.

- 6) Revenue generated from CRA investment (attracting private dollars, etc.)?
- 7) How many businesses created or improved as a result of CRA investment?
- 8) Did property values in the CRA area increase/reduce?
- 9) How many businesses have moved to the area as a direct result due to the CRA?
- 10) How many people have benefitted from the CRA investment?

Below are the following responses:

Omni CRA's Chief Legal Officer responded that among the Omni CRA's successes is that the Omni Community Redevelopment Area has seen an increase in assessed property value, a likely result of the complete transformation of the once shipping warehouse district to residential/commercial in nature.

The Chief Legal Officer highlighted the CRA's investment in economic development in the form of the Miami Entertainment Complex (MEC). The MEC, now called VIACOM International Studios after its operating film and television production firm, shoots much of Viacom's Latin American television at this studio, spurring the employment of hundreds of workers.

This, along with building renovation and business rehabilitation funded by the CRA, has revitalized the Omni area, and the attraction of businesses and residents to the area is expected to continue.

**BCC Meeting February 6, 2018**  
**Research Notes**

**ADDITIONAL INFORMATION**

According to a February 2013 Florida Redevelopment Association CRA impact study of seven comparable Broward County CRAs, a total public investment of \$19.5 million yielded a private investment of \$371.8 million and the creation of 2,147 jobs.  
<http://redevelopment.net/wp-content/uploads/2013/04/2012-CRA-Impact-Study-Finall.pdf>

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Research Notes**

**Item No. 8H1  
File No. 172919**

**Researcher: AIP Reviewer: TD**

RESOLUTION AUTHORIZING CONVEYANCE OF AN EASEMENT TO THE CITY OF NORTH MIAMI BEACH IN EXCHANGE FOR \$10.00 TO INSTALL AND MAINTAIN A SEWER LINE AT DOLPHIN CENTER SPECIAL TAX DISTRICT LINEAR PARK, LOCATED NEAR NW 24 AVENUE AND NW 196 TERRACE; DIRECTING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AND RECORD THE EASEMENT AND EXERCISE ALL PROVISIONS CONTAINED THEREIN; AND DIRECTING THE CLERK OF THE BOARD TO PERMANENTLY STORE THE EASEMENT AND A COPY OF THIS RESOLUTION

**ISSUE/REQUESTED ACTION**

This item seeks to authorize the conveyance of an easement to the City of North Miami Beach, to install and maintain an underground sewage line, located in District 1.

**APPLICABLE LEGISLATION/POLICY**

**Resolution No. R-504-15** (*Require certain measures to reduce negative visual impact*) adopted by the Board on June 2, 2015, which requires the County to undertake certain measures to minimize negative aesthetic impact to the public prior to conveyance of an easement or license for the installation of utility lines and equipment on County-owned property. <http://intra/gia/matter.asp?matter=151008&file=true&yearFolder=Y2015>

**Resolution No. R-974-09** (*Filing closing documents BCC Clerk*) adopted by the Board on July 21, 2009, which directs that any resolution authorizing the execution of instruments creating a County interest in real property shall require such instruments to be recorded in the public records of Miami-Dade County and attached by the Clerk of the Board to the authorizing resolution. <http://intra/gia/matter.asp?matter=091900&file=true&yearFolder=Y2009>

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Barbara J. Jordan, District 1  
Department/Requester: Parks, Recreation and Open Spaces**

1/18/18: This item was forwarded to the BCC with a favorable recommendation at the Parks and Cultural Affairs Committee (PCAC). During the meeting, the item was approved with no discussion or concerns being brought up.

**FISCAL IMPACT**

The conveyance of the easement to City of North Miami Beach will cost \$10.00, paid to the County. There is no other fiscal impact associated with this item.

**ANALYSIS**

The City of North Miami Beach is upgrading the sewer system that serves residents in the area around the Dolphin Center Special Tax District Linear Park. The easement spans 4,365 sq. ft. and is located along NW 24 Avenue and NW 196 Terrace. The area is adjacent to the Hard Rock Stadium/Dolphins Center, and located within the Dolphin Center Special Tax District. The proposed sewage line will be underground, so it will have no effect on the aesthetics of the area, and is therefore complying with Resolution No. R-504-15.

Google Maps satellite view of the area for the proposed sewage line: <https://goo.gl/maps/na8PSsfXDE12>

The city of North Miami Beach will maintain the line, conduct routine maintenance, repair, or replacement; it will have a right to select the contractor(s) of its choice for the project, and it will be obligated to restore pavement, curb-gutter, sidewalk and/or

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sod, to restore the surface of the Easement Area to the condition in which it existed immediately prior to the performance of the work.

**ADDITIONAL INFORMATION**

The North Miami Beach Water Department Owned and operated by the City of North Miami Beach, is counseled by the Public Utilities Commission, which acts as an advisory committee to the North Miami Beach City's Mayor and Council regarding decisions on water utility rates, expansions and expenditures. Currently, it serves over 170,000 customers in Northern Miami-Dade County.

City of North Miami Beach Water Department: <http://www.citynmb.com/index.asp?SEC=%7B94879C16-6EC7-4DCB-91C6-C21AD5ED310C%7D>

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**Item No. 811  
File No. 172905**

**Researcher: BM Reviewer: TD**

RESOLUTION APPROVING THE TERMS OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE ECOATM, LLC, AND MIAMI-DADE COUNTY, THROUGH THE MIAMI-DADE POLICE DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE MEMORANDUM OF UNDERSTANDING, CERTAIN AMENDMENTS AND CANCELLATION PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve a resolution execute a Memorandum of Understanding (MOU) between Miami-Dade County (County), through the Miami-Dade Police Department (MDPD) and the ecoATM, LLC (ecoATM) that would allow MDPD to gain custody of various consumer electronics to facilitate criminal investigations until January 31, 2028.

**APPLICABLE LEGISLATION/POLICY**

Florida Statutes Section 538.09(3) relates to the requirement that a Second Hand Dealer must hold secondhand goods at the registered location for the period required by s. 538.06 or until any extension of the holding period has expired, whichever is later.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0500-0599/0538/Sections/0538.09.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0500-0599/0538/Sections/0538.09.html)

Florida Statutes Section 538.06 relates to the holding period for Second Hand Dealers. A secondhand dealer may not sell, barter, exchange, alter, adulterate, use, or in any way dispose of any secondhand good within 30 calendar days after the date on which the good is acquired if the secondhand dealer uses an automated kiosk.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0500-0599/0538/Sections/0538.06.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0500-0599/0538/Sections/0538.06.html)

Miami-Dade County Code Section Chapter 21, Article VI, Section 21-29, Second Hand Dealers, requires that dealers hold second hand property for 30 days.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIIICOR\\_CH21OFMIPR\\_ARTIVMI\\_S21-29SEDE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH21OFMIPR_ARTIVMI_S21-29SEDE)

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Sally A. Heyman, District 4**

**Department/Requester: Miami-Dade Police Department**

01/18/18: This item was forwarded to the BCC by the PSHC, 4-0.

**FISCAL IMPACT**

There is no fiscal impact to the County. ecoATM would provide custody to the MDPD at no cost to the department or the victim of unauthorized purchases at ecotATM kiosks.

**ANALYSIS**

If the proposed resolution is approved by the Board, it will execute a MOU between the County, through the MDPD and the ecoATM that would require ecoATM provide custody to the MDPD to various consumer electronics related to unauthorized purchases at the kiosks to facilitate criminal investigations, for ten years, until January 31, 2028.

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ecoATM is the only automated kiosk company that collects unwanted or used cell phones, tablets and MP3 players for instant cash. The company has invested a significant amount of effort and resources and worked with law enforcement agencies to implement several layers of technology and processes to reduce the likelihood that an ecoATM kiosk will buy a stolen device. The theft of mobile devices may still lead to unauthorized purchases at the ecoATM kiosks. ecoATM is helping law enforcement identify and capture cell phone thieves and reunite victims of cell phone theft with their stolen property. The kiosks require a valid driver's license and a thumbprint scan before it dispenses cash.

The company is Headquartered in San Diego, California, and operates approximately 2,500 automated kiosks in 44 states through the country. A search on the ecoATM website resulted in zero locations within the County. ecoATM does currently operate approximately ten of their kiosks in Broward County and several more throughout the State of Florida. As an alternative to ecoATM, County residents can also sell their unwanted devices to Amazon, BestBuy, GameStop, or Gazelle.

The agreement will permit ecoATM to remove items purchased by its kiosks in unincorporated Miami-Dade County locations prior to the expiration of the statutory minimum hold period under Florida Statutes. Should there be any unauthorized purchases at ecoATM kiosk, the company will waive all rights to the property and provide custody to MDPD so that device is returned to their rightful owner at no cost to the owner. ecoATM is responsible for returning requested devices to MDPD via Federal Express overnight shipping, at no cost to MDPD, for criminal investigation purposes.

**ADDITIONAL INFORMATION**

ecoATM, LLC is a foreign not-for-profit corporation based out of California. ecoATM is currently active with Sunbiz and originally filed on January 13, 2017.

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**Item No. 812  
File No. 172892**

**Researcher: SM    Reviewer: TD**

RESOLUTION APPROVING THE TERMS AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE EMERGENCY FACILITY AGREEMENT WITH G.F.B. ENTERPRISES MANAGEMENT, LLC, AND WEST KENDALL IMPORTS, LLC, AND MIAMI-DADE COUNTY, THROUGH THE MIAMI-DADE POLICE DEPARTMENT, TO USE THE DESIGNATED SERVICE BUILDING AS AN EMERGENCY FACILITY WITHIN 48 HOURS OF A KNOWN EMERGENCY TO STORE MIAMI- DADE POLICE DEPARTMENT'S EMERGENCY OR DISASTER-RELATED EQUIPMENT AND/OR TO OPERATE A MIAMI-DADE POLICE DEPARTMENT HAMMOCKS DISTRICT COMMAND CENTER DURING AN EMERGENCY, IN THE EVENT OF A MAJOR NATURAL DISASTER, OR CATASTROPHIC INCIDENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE TERMINATION AND MODIFICATION PROVISIONS AND ANY AND ALL PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve this Resolution approving the terms and authorizing the County Mayor or County Mayor's designee to execute the emergency facility agreement with G.F.B Enterprises Management, LLC, and West Kendall Imports, LLC, and Miami-Dade County, through the Miami-Dade County Police Department (MDPD), to use the designated service building as an emergency facility within 48 hours of a known emergency to store MDPD's emergency or disaster-related equipment.

**APPLICABLE LEGISLATION/POLICY**

Section 768.28 of the Florida Statutes which governs recovery limits; limitations on attorney fees; statute of limitations; exclusions; indemnification; risk management programs.

[http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0700-0799/0768/Sections/0768.28.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0700-0799/0768/Sections/0768.28.html)

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Joe A. Martinez, District 11**

**Requester/Department: Miami-Dade Police Department**

This Item was forwarded to BCC with a favorable recommendation at the Public Safety and Health Committee on January 18, 2018.

**FISCAL IMPACT**

There is no Fiscal Impact to the County.

**ANALYSIS**

This resolution, if approved, will authorize the County Mayor or the County Mayor's designee to utilize the designated Service Building as an emergency facility within 48 hours of a known emergency, to store MDPD's emergency or disaster-related equipment and/or for the MDPD Hammocks District to operate a command center during an emergency, in the event of a major natural disaster, or catastrophic incident, and to execute termination and modification provisions contained in the Agreement. Presently, the Hammocks District does not have an enclosed structure to store equipment such as the Mobile Operations Command vehicle, prisoner transport van, all-terrain and other vehicles and equipment. The agreement provides such an enclosed space to store this equipment during the emergencies and not risk damage.

This Emergency Facility Agreement is made by and between G.F.B Enterprises Management, LLC, West Kendall Imports, LLC, and Miami-Dade County. The use of the emergency facility by MDPD will occur at no charge to the County and the



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MDPD. This includes the storing of emergency or disaster-related equipment and/or to operate a command center during an emergency, as early as 48 hours before a known emergency. When an emergency occurs, the MDPD may continue to use the emergency facility without unreasonable interference to the owner's use of the service building, its business or its own emergency preparation to store such equipment until conditions allow for their safe removal. Generally, the parties expect that emergency conditions would not exceed a one-week period, but the totality of the circumstances at the time would dictate when the emergency has ended and conditions are safe for removal of the equipment. The occupation will under no circumstance extend beyond 30 days from the date of the commencement of MDPD's occupation, as stated by the agreement between the parties.

The owner will retain the right to use the emergency facility and the rest of the service building for its own business purposes, including the storage of equipment and other goods, however, during an emergency, the owner will restrict access to the emergency facility to the MDPD and its personnel, and to owner and owner's employees, agents, contractors and business invitees only.

As previously stated, the owner will not charge the County for its use of the emergency facility or for providing electricity during any emergency event; otherwise, each party shall be responsible for its own costs and expenses incurred during any emergency event.

It's also stated in the agreement between the parties that MDPD's use of the emergency facilities shall be at the County's sole risk, and the owner has made no representation or warranty that the service building is safe or suitable for the uses proposed by the MDPD or that the service building will withstand any major natural disaster or catastrophic incident, including a hurricane of any strength category. MDPD has physically inspected the service building and has sufficient access to the Miami-Dade County building records concerning its construction.

**ADDITIONAL INFORMATION**

Further research of G.F.B Enterprises Management, LLC showed the company having a principal address of 13750 SW 136 Street, Miami, FL 33186, and a status as Inactive on Sunbiz.org. Filing date was 09/18/2002.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=GFBENTERPRISESMANAGEMENT%20M020000024560&aggregateId=forl-m02000002456-142f09b0-eadd-434a-a83c-188b4a338b24&searchTerm=G.F.B.%20Enterprises%20Management&listNameOrder=GFBENTERPRISESMANAGEMENT%20M020000024560>

West Kendall Imports, LLC has a principal address of 13800 SW 137 Ave, Miami, FL 33156 and a status of Active.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=WESTKENDALLIMPORTS%20M040000006020&aggregateId=forl-m04000000602-88bbdcdd-36e9-4ae9-ac02-f5c080c8b421&searchTerm=West%20Kendall%20Imports&listNameOrder=WESTKENDALLIMPORTS%20M040000006020>

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**Item No. 8K1  
File No. 172915**

**Researcher: AIP    Reviewer: TD**

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO SUBMIT A DEMOLITION APPLICATION TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE MEDVIN APARTMENTS PUBLIC HOUSING SITE LOCATED AT 945 SW 3RD AVENUE, MIAMI, FLORIDA FOR THE PURPOSE OF DEMOLISHING ONE BUILDING, AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE, SUBJECT TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT'S APPROVAL, TO EXECUTE AMENDMENTS TO THE ANNUAL CONTRIBUTION CONTRACT AGREEMENTS, RELEASES OF THE DECLARATION OF TRUST, AND OTHER RELATED-DOCUMENTS, AND TO EXERCISE AMENDMENTS, MODIFICATIONS, CANCELLATION, AND TERMINATION CLAUSES CONTAINED IN SUCH CONTRACT

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize (1) the County Mayor or designee to submit a demolition application to the United States Department of Housing and Urban Development (HUD) for the Medvin Apartments public housing site; and (2) the County Mayor or designee execution of amendments to annual contribution contracts, agreements and other related documents on behalf of the County subject to HUD approval.

**APPLICABLE LEGISLATION/POLICY**

N/A

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Bruno A. Barreiro, District 5**

**Department/Requester: Public Housing and Community Development**

**1/17/18:** The Housing and Social Services Committee (HSSC) forwarded the item to the BCC with a favorable recommendation as corrected. (Scrivener's Error)

This item went before the HSSC Committee, as a public hearing item, and no members of the public spoke on the item. Commissioner Levine Cava spoke about units being taken offline and the need to create a policy to preserve those properties. Chairwoman Edmonson also noted her awareness of this need, but she also pointed out the requirement of being approved by the Federal Housing Urban Development. Commissioner Levine Cava recommended exploring some policies that would preserve units. Mr. Michael Liu, Public Housing Community Development Director commented that the County had a strong policy to preserve Affordable Public Housing units; however, the units taken offline in 2014 were incorporated in the Joe Moretti development, where 20 units were set aside to ensure residents would be housed at the new development.

**FISCAL IMPACT**

The proposed demolition is anticipated to have a fiscal impact of approximately \$50,000 from Capital Fund Program for demolition of existing structures on the property.

**ANALYSIS**

This item seeks to get authorization to apply to demolish a vacant residential building containing 18 units. The application will be submitted to the U.S. Department of Housing and Urban Development (HUD). According to the County department, Public Housing and Community Development, the apartment building was vacated in 2014 due to its life and safety concerns, The Medvin Apartments were built in 1965, and since being vacated in 2014, the structure has deteriorated even further. The City of Miami has since issued a notice to the County for "Repair or Demolish Final Notice/Unsafe Structures", on August 28,

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2017. It notes that the City of Miami desires the demolition to take place by Sept. 8, 2017. Residents have voluntarily moved to the new Joe Moretti development, which is located adjacent to the Medvin Apartments.

Medvin Apartments is located at 945 Southwest 3rd Avenue, Miami, FL, while the Joe Moretti development is located at 538 SW 8th St, Miami, FL 33130. Google Maps shows the two locations are five minutes away by vehicle. Google Maps view with route of Medvin Apartments and the Joe Moretti development: <https://goo.gl/maps/MLNfvKbKSRk>

**ADDITIONAL INFORMATION**

According to the Office of Policy Development and Research, under the U.S. Department of Housing and Urban Development, Vacant and abandoned properties have negative spillover effects that impact neighboring properties and, when concentrated, entire communities and even cities. Research links foreclosed, vacant, and abandoned properties with reduced property values, increased crime, increased risk to public health and welfare, and increased costs for municipal governments. Public Housing Authorities (PHAs) must show that the necessary modification and/or rehabilitation to a project is not cost-effective. HUD generally considers modifications not to be cost-effective if costs exceed 62.5% of TDC for elevator structures and 57.14% for other types.

Local political and economic contexts, as well as limitations of capacity and resources, shape the tools that local governments, nonprofits, and neighbors employ to address and reuse vacant and abandoned properties. The most desired outcome is to quickly return a property to its previous use — an owner-occupied residence or a thriving business. However, tight credit, weak markets, population loss, or other factors may require other solutions such as demolition, conversion of owner-occupied housing to rental housing, or replacement (such as constructing a solar farm on a former industrial site). Strategies for reuse aim to stabilize and revitalize neighborhoods and may stimulate economic recovery and growth or, in the case of shrinking cities, manage decline in ways that improve quality of life for the remaining residents.

HUD website for “Vacant and Abandoned Properties: Turning Liabilities Into Assets”:  
<https://www.huduser.gov/portal/periodicals/em/winter14/highlight1.html>

HUD website for “Targeting Strategies for Neighborhood Development”:  
<https://www.huduser.gov/portal/periodicals/em/winter14/highlight2.html>

**970.4 - General requirements for HUD approval of applications for demolition or disposition. HUD will not approve an application for demolition or disposition unless:**

(a) The application has been developed in consultation with tenants of the project involved, any tenant organizations for the project, and any PHA-wide tenant organizations that will be affected by the demolition or disposition;

(b) Demolition or disposition (including any related replacement housing plan) will meet the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321), the National Historic Preservation Act of 1966 (16 U.S.C. 469), and related laws, as stated in the Department’s regulations at 24 CFR part 50.

(c) Demolition or disposition (including any related replacement housing plan) will meet the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321), the National Historic Preservation Act of 1966 (16 U.S.C. 469), and related laws, as stated in the Department’s regulations at part 50 of this title. Where the site of the replacement housing is unknown at the time of submission of the application for demolition or disposition, the application shall contain an certification that the applicant agrees to assist HUD to comply with part 50 of this title and that the applicant shall:

(1) Supply HUD with all available, relevant information necessary for HUD to perform for each property any environmental review required by part 50 of this title;

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(2) Carry out mitigating measures required by HUD or select alternate eligible property; and  
(3) Not acquire, rehabilitate, convert, lease, repair or construct property, or commit HUD or local funds to such program activities with respect to any eligible property, until HUD approval is received.

(d) The public housing agency has developed a replacement housing plan, in accordance with §970.11, and has obtained a commitment for the funds necessary to carry out the plan over the approved schedule of the plan. To the extent such funding is not provided from other sources (e.g., State or local programs or proceeds of disposition), HUD approval of the application for demolition or disposition is conditioned on HUD's agreement to commit the necessary funds (subject to availability of future appropriations).

(e) The PHA has complied with the offering to resident organizations, as required under § 970.13.

(f) The PHA has prepared a certification regarding relocation of residents, in accordance with §970.5(h)(1). If relocation is required, the PHA must submit a relocation plan in accordance with § 970.5.

(g) The PHA has made the appropriate certifications regarding site and neighborhood standards, in accordance with § 970.11(h) (2) and (4).

HUD requirements for demolition: [https://www.hud.gov/sites/documents/DOC\\_8089.PDF](https://www.hud.gov/sites/documents/DOC_8089.PDF)

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**Item No. 8L1  
File No. 172883**

**Researcher: NR    Reviewer: TD**

RESOLUTION AUTHORIZING HISTORIC PRESERVATION AD VALOREM TAX EXEMPTION FOR THE REHABILITATION OF 4245 NORTH MERIDIAN AVENUE, MIAMI BEACH, FLORIDA, PURSUANT TO FLORIDA STATUTES SECTION 196.1997 AND SECTION 16A-18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; DIRECTING THE MAYOR OR DESIGNEE TO EXECUTE AND RECORD COVENANT; AND AUTHORIZING MAYOR OR DESIGNEE TO EXERCISE PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize the ad valorem tax exemption for the property located at 4245 North Meridian Avenue, Miami Beach, Florida, pursuant to the provisions of Florida Statutes Section 196.1997 and Section 16A-18 of the Code of Miami-Dade County.

**APPLICABLE LEGISLATION/POLICY**

Florida Statutes Section 196.1997 states that the board of county commissioners of any county or the governing authority of any municipality may adopt an ordinance to allow ad valorem tax exemptions under s. 3, Art. VII of the State Constitution to historic properties if the owners are engaging in the restoration, rehabilitation, or renovation of such properties in accordance with guidelines established in this section.

<http://www.leg.state.fl.us/statutes=Section196.1997>

Section 16 of the Code of Miami-Dade County declared as a matter of public policy that the protection, enhancement and perpetuation of properties of historical, cultural, archaeological, paleontological, aesthetic and architectural merit are in the interests of the health, prosperity and welfare of the people of the County.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH16AHIPR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH16AHIPR)

Section 16A-18 of the Code of Miami-Dade County states:

- a) Scope of tax exemptions. A method is hereby created for the Board of County Commissioners, at its discretion, to allow tax exemptions for the restoration, renovation, or rehabilitation of historic properties. The exemption shall apply to one hundred (100) percent of the assessed value of all improvements to historic properties which result from restoration, renovation, or rehabilitation made on or after the effective date of this ordinance. The exemption applies only to taxes levied by Metropolitan Miami-Dade County.
- b) Duration of tax exemptions. Any exemption granted under this section to a particular property shall remain in effect for ten (10) years. The Board of County Commissioners shall have the discretion to set a lesser term if requested by the property owner in its original application and covenant. The term of the exemption shall be specified in the resolution approving the exemption.

[http://miamidade.fl.elaws.us/code/coord\\_ptiii\\_ch16a\\_sec16a-18](http://miamidade.fl.elaws.us/code/coord_ptiii_ch16a_sec16a-18)

**PROCEDURAL HISTORY**

**Prime Sponsor: Sally A. Heyman**

**Department/Requester: Regulatory and Economic Resources**

This item was forwarded to the Board with a favorable recommendation by the Government Operations Committee (GOC) at its January 17, 2018 meeting without discussion.

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**FISCAL IMPACT**

The annual amount of ad valorem taxes to be exempted for the ten-year period is determined by applying the countywide operating millage against the taxable value of the qualifying improvements to the property. The ad valorem tax exemption is not applicable to other taxing authorities.

Based on this methodology, the estimated tax exemption for one year is \$2,453, and was provided by the Property Appraiser. However, the annual value of the tax exemption during the ten-year period may fluctuate based on adjustments to either the countywide operating millage or the Property Appraiser's taxable value of the qualifying improvements to the property. Countywide operating ad valorem property taxes will still be assessed and collected on the remaining taxable value that did not qualify for the exemption. Following the ten-year incentive period, the County will begin to assess and collect the countywide operating millage on the full value of the property, inclusive of the previous exempt improvements.

**ANALYSIS**

The historic single-family residence located at 4245 North Meridian Avenue, Miami Beach was originally constructed in 1953 and was designed by prominent architect Albert Anis. It is of architectural and historic significance and is a locally designated historic site by the City of Miami Beach.

Restoration work included full interior renovation, replacement of all doors and windows with historically-appropriate impact-resistant glass doors and windows; restoration of exterior façade, replacement of electrical, plumbing, and HVAC systems; and construction of a second floor addition in the rear of the home.

Part II of the application indicates that the amount spent by the property owner on the total renovation was \$900,000, of which \$750,000 was attributed to work on the historic structure. The Property Appraiser's office determined that the taxable value of the qualifying improvements was \$525,694.

**ADDITIONAL INFORMATION**

This property is located within Commission District 4, represented by Commissioner Sally A. Heyman. However, the impact of this item is countywide.

In 1993, the State of Florida legislature approved tax exemptions for historic properties that give local governments the option to provide this property tax exemption for eligible historic properties.

The purpose of this legislation is to encourage the preservation of historic buildings by offering an economic incentive to those property owners that take on the responsibility of restoring and maintaining a designated historic structure. The exemption is not for the entire assessed value of the property. The tax exemptions are calculated from what the value of the renovations to the historic property were, and only apply to the countywide portion of the property's tax bill. An exemption may also be granted on the municipal portion of the property tax bill if approved by the respective municipality.

All applicants must meet certain criteria as set forth by the Florida Department of State, Division of Historical Resources, in order for a tax exemption to be allowed, including:

- Certification that the property has been designated historic by the applicable preservation board;
- Certification that the property has received approval for the improvements by the applicable preservation board; and
- A determination that the planned improvements are consistent with the Secretary of the Interior's Standards for Rehabilitation

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**Item No. 8L2  
File No. 172884**

**Researcher: NR    Reviewer: TD**

RESOLUTION AUTHORIZING HISTORIC PRESERVATION AD VALOREM TAX EXEMPTION FOR THE REHABILITATION OF 5240 NORTH BAY ROAD, MIAMI BEACH, FLORIDA, PURSUANT TO FLORIDA STATUTES SECTION 196.1997 AND SECTION 16A-18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; DIRECTING THE MAYOR OR DESIGNEE TO EXECUTE AND RECORD COVENANT; AND AUTHORIZING MAYOR OR DESIGNEE TO EXERCISE PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize the ad valorem tax exemption for the property located at 5240 North Bay Road, Miami Beach, Florida, pursuant to the provisions of Florida Statutes Section 196.1997 and Section 16A-18 of the Code of Miami-Dade County.

**APPLICABLE LEGISLATION/POLICY**

Florida Statutes Section 196.1997 states that the board of county commissioners of any county or the governing authority of any municipality may adopt an ordinance to allow ad valorem tax exemptions under s. 3, Art. VII of the State Constitution to historic properties if the owners are engaging in the restoration, rehabilitation, or renovation of such properties in accordance with guidelines established in this section.

<http://www.leg.state.fl.us/statutes=Section196.1997>

Section 16 of the Code of Miami-Dade County declared as a matter of public policy that the protection, enhancement and perpetuation of properties of historical, cultural, archaeological, paleontological, aesthetic and architectural merit are in the interests of the health, prosperity and welfare of the people of the County.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH16AHIPR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH16AHIPR)

Section 16A-18 of the Code of Miami-Dade County states:

- c) Scope of tax exemptions. A method is hereby created for the Board of County Commissioners, at its discretion, to allow tax exemptions for the restoration, renovation, or rehabilitation of historic properties. The exemption shall apply to one hundred (100) percent of the assessed value of all improvements to historic properties which result from restoration, renovation, or rehabilitation made on or after the effective date of this ordinance. The exemption applies only to taxes levied by Metropolitan Miami-Dade County.
- d) Duration of tax exemptions. Any exemption granted under this section to a particular property shall remain in effect for ten (10) years. The Board of County Commissioners shall have the discretion to set a lesser term if requested by the property owner in its original application and covenant. The term of the exemption shall be specified in the resolution approving the exemption.

[http://miamidade.fl.elaws.us/code/coord\\_ptiii\\_ch16a\\_sec16a-18](http://miamidade.fl.elaws.us/code/coord_ptiii_ch16a_sec16a-18)

**PROCEDURAL HISTORY**

**Prime Sponsor: Sally A. Heyman**

**Department/Requester: Regulatory and Economic Resources**

This item was forwarded to the Board with a favorable recommendation by the Government Operations Committee (GOC) at its January 17, 2018 meeting without discussion.



**BCC Meeting February 6, 2018  
Research Notes**

**FISCAL IMPACT**

The annual amount of ad valorem taxes to be exempted for the ten-year period is determined by applying the countywide operating millage against the taxable value of the qualifying improvements to the property. The ad valorem tax exemption is not applicable to other taxing authorities.

Based on this methodology, the estimated tax exemption for one year is \$2,402 and was provided by the Property Appraiser. However, the annual value of the tax exemption during the ten-year period may fluctuate based on adjustments to either the countywide operating millage or the Property Appraiser's taxable value of the qualifying improvements to the property. Countywide operating ad valorem property taxes will still be assessed and collected on the remaining taxable value that did not qualify for the exemption. Following the ten-year incentive period, the County will begin to assess and collect the countywide operating millage on the full value of the property, inclusive of the previous exempt improvements.

**ANALYSIS**

The historic single-family residence located at 5240 North Bay Road, Miami Beach was originally constructed in 1958 and was designed by prominent architect Maurice Weintraub. It is of architectural and historic significance and is a locally designated historic site by the City of Miami Beach.

Restoration work included full interior and exterior rehabilitation with stucco repair, code compliance updates; installation of impact resistant windows; roof replacement; and construction of a rear addition.

Part II of the application indicates that the amount spent by the property owner on the total renovation was \$550,000, of which the Property Appraiser's office determined that the taxable value of the qualifying improvements was \$510,631.

**ADDITIONAL INFORMATION**

This property is located within Commission District 4, represented by Commissioner Sally A. Heyman. However, the impact of this item is countywide.

In 1993, the State of Florida legislature approved tax exemptions for historic properties that give local governments the option to provide this property tax exemption for eligible historic properties.

The purpose of this legislation is to encourage the preservation of historic buildings by offering an economic incentive to those property owners that take on the responsibility of restoring and maintaining a designated historic structure. The exemption is not for the entire assessed value of the property. The tax exemptions are calculated from what the value of the renovations to the historic property were, and only apply to the countywide portion of the property's tax bill. An exemption may also be granted on the municipal portion of the property tax bill if approved by the respective municipality.

All applicants must meet certain criteria as set forth by the Florida Department of State, Division of Historical Resources, in order for a tax exemption to be allowed, including:

- Certification that the property has been designated historic by the applicable preservation board;
- Certification that the property has received approval for the improvements by the applicable preservation board; and
- A determination that the planned improvements are consistent with the Secretary of the Interior's Standards for Rehabilitation.



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Research Notes**

**Item Nos. 8L3, 8L4, 8L5, 8L6 and 8L7**

**File Nos. 172880, 172897, 172899, 172901 and 172902**

**Researcher: SAP    Reviewer: TD**

RESOLUTION ACCEPTING "ASSIGNMENT OF OPTION TO PURCHASE" APPROXIMATELY 10 ACRES OF SOUTH DADE WETLANDS PROJECT WITHIN THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM ACQUISITION SITE WITH THE NATURE CONSERVANCY AS ASSIGNOR, **MIAMI-DADE COUNTY AS ASSIGNEE, AND GUILLERMO E. GOMEZ DEL BARCO, GUSTAVO ALBERTO DUQUE V., JORGE ARTURO GOMEZ A., AND LUIS JAVIER ESCOBAR AS SELLERS** FOR A PURCHASE PRICE OF \$53,000.00 USING BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS; AUTHORIZING USE OF ENVIRONMENTALLY ENDANGERED LANDS ACQUISITION TRUST FUND FOR THIS PURCHASE IN THE EVENT BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS ARE NOT AVAILABLE; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE THE ASSIGNMENT OF OPTION TO PURCHASE AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN; AND DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO RECORD IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY THE INSTRUMENT OF CONVEYANCE AS REQUIRED BY RESOLUTION NO. R-974-09

RESOLUTION ACCEPTING "ASSIGNMENT OF OPTION TO PURCHASE" APPROXIMATELY 9.04 ACRES OF SOUTH DADE WETLANDS PROJECT WITHIN THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM ACQUISITION SITE WITH THE NATURE CONSERVANCY AS ASSIGNOR, **MIAMI-DADE COUNTY AS ASSIGNEE, AND CARLOTA CHALARCA AS SELLER FOR A PURCHASE PRICE OF \$45,000.00** USING BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS; AUTHORIZING USE OF ENVIRONMENTALLY ENDANGERED LANDS ACQUISITION TRUST FUND FOR THIS PURCHASE IN THE EVENT BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS ARE NOT AVAILABLE; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE ASSIGNMENT OF OPTION TO PURCHASE AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO RECORD IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY THE INSTRUMENT OF CONVEYANCE AS REQUIRED BY RESOLUTION NO. R-974-09

RESOLUTION ACCEPTING "ASSIGNMENT OF OPTION TO PURCHASE" APPROXIMATELY 5 ACRES OF SOUTH DADE WETLANDS PROJECT WITHIN THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM ACQUISITION SITE WITH THE NATURE CONSERVANCY AS ASSIGNOR, **MIAMI-DADE COUNTY AS ASSIGNEE, AND JORGE H. POSADA, INDIVIDUALLY AND AS TRUSTEE, AS SELLER FOR A PURCHASE PRICE OF \$25,000.00** USING BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS; AUTHORIZING USE OF ENVIRONMENTALLY ENDANGERED LANDS ACQUISITION TRUST FUND FOR THIS PURCHASE IN THE EVENT BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS ARE NOT AVAILABLE; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE ASSIGNMENT OF OPTION TO PURCHASE AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO RECORD IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY THE INSTRUMENT OF CONVEYANCE AS REQUIRED BY RESOLUTION NO. R-974-09

RESOLUTION ACCEPTING "ASSIGNMENT OF OPTION TO PURCHASE" APPROXIMATELY 5 ACRES OF SOUTH DADE WETLANDS PROJECT WITHIN THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM ACQUISITION SITE WITH THE NATURE CONSERVANCY AS ASSIGNOR, **MIAMI-DADE COUNTY AS ASSIGNEE, AND PEDRO GARCIA, JUAN GARCIA, AND MARLEN GARCIA AS SELLERS FOR A PURCHASE PRICE OF \$25,000.00** USING BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS; AUTHORIZING USE OF ENVIRONMENTALLY ENDANGERED LANDS ACQUISITION TRUST FUND FOR

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Research Notes**

THIS PURCHASE IN THE EVENT BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS ARE NOT AVAILABLE; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE ASSIGNMENT OF OPTION TO PURCHASE AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO RECORD IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY THE INSTRUMENT OF CONVEYANCE AS REQUIRED BY RESOLUTION NO. R-974-09

RESOLUTION ACCEPTING "ASSIGNMENT OF OPTION TO PURCHASE" APPROXIMATELY 5 ACRES OF SOUTH DADE WETLANDS PROJECT WITHIN THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM ACQUISITION SITE WITH THE NATURE CONSERVANCY AS ASSIGNOR, **MIAMI-DADE COUNTY AS ASSIGNEE, AND IRA S. SILVER, INDIVIDUALLY AND AS TRUSTEE, AS SELLER FOR A PURCHASE PRICE OF \$25,000.00** USING BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS; AUTHORIZING USE OF ENVIRONMENTALLY ENDANGERED LANDS ACQUISITION TRUST FUND FOR THIS PURCHASE IN THE EVENT BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS ARE NOT AVAILABLE; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE ASSIGNMENT OF OPTION TO PURCHASE AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO RECORD IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY THE INSTRUMENT OF CONVEYANCE AS REQUIRED BY RESOLUTION NO. R-974-09

**ISSUE/REQUESTED ACTION**

Whether the Board should approve resolutions to accept the "Assignment of Option to Purchase" within the Environmentally Endangered Lands (EEL) Program acquisition site, and authorizing use of EEL acquisition trust funds for the purchase in the event the BBC-GOB program funds are not available. Purchase price to the sellers are as follows:

<b>Seller(s)</b>	<b>Acres</b>	<b>Appraised Value</b>	<b>Negotiated Purchase Price</b>
Guillermo E. Gomez del Barco, Gustavo Alberto Duque V., Jorge Arturo Gomez A, and Luis Javier Escobar	10	\$60,000.00	\$53,000.00
Carlota Chalarca	9.04	\$58,000.00	\$45,000.00
Jorge H. Posada	5	\$30,000.00	\$25,000.00
Pedro Garcia, Juan Garcia and Marlen Garcia	5	\$30,000.00	\$25,000.00
Ira S. Silver	5	\$32,500.00	\$25,000.00

**APPLICABLE LEGISLATION/POLICY**

Resolution No. R-974-09: County interest in real property be recorded in public records of Miami-Dade County.

<http://intra/gia/legistarfiles/MinMatters/Y2009/091900min.pdf>

Section 24-50.5 of the Florida Statutes creating the Environmentally Endangered Lands Trust Funds for use in acquiring environmentally-endangered lands in Miami-Dade County. The Finance Director is hereby authorized to establish the EEL Acquisition Trust Fund and to receive and disburse monies in accordance with the provisions of this section; and Sec. 24-50.6. of the Florida Statutes creating the Land Acquisition Selection Committee (LSAC).

[http://miamidade.fl.elaws.us/code/coor\\_ptiii\\_ch24\\_artiv\\_div3\\_sec24-50.5](http://miamidade.fl.elaws.us/code/coor_ptiii_ch24_artiv_div3_sec24-50.5)

**BCC Meeting February 6, 2018  
Research Notes**

**PROCEDURAL HISTORY**

**Department/Requester: Regulatory and Economic Resources**

**Prime Sponsor: Commissioner Dennis C. Moss, District 9**

All five (5) items were forwarded to the Board with favorable recommendations by the Infrastructure and Utilities Committee at its January 17, 2018 meeting.

**FISCAL IMPACT**

Building Better Communities General Obligation Bond (BBC-GOB) Program funding under Project No 2. Site #70230 will be used for all six purchases. As of September 30, 2017, the remaining balance under the BBC-GOB Program for allocations towards EEL acquisitions is \$11,308,299. In the unlikely event that BBC-GOB Program funds are not available, the EEL Acquisition Trust Fund may be used to close on the properties. As of September 30, 2017, the balance of the EEL Trust Fund is \$34,387,841.42, of which \$21,280,558.27 is reserved for acquisition and \$13,107,283.15 is reserved for management.

**ANALYSIS**

These five items seek approval of resolutions to accept the “Assignment of Option to Purchase” and also authority to use EEL acquisition trust fund for the purchases in the event BBC-GOB funds are not available. The EEL program, administered by the Regulatory and Economic Resources (RER) department, focuses on the protection and conservation of endangered lands. All five parcels are strategically located between the Everglades National Park and Biscayne National Park in District 9. If approved, the properties will be transferred and assigned to Miami-Dade County from The Nature Conservancy, a District of Columbia nonprofit corporation, located at 2500 Maitland Center Parkway, Suite 311, Maitland, FL 32751.

**The Process for Proposed Acquisitions**

Pursuant to Section 24-50.6 of the Florida Statutes, the EEL Program considers proposed acquisition sites by the public on an annual basis. Proposals by government agencies are reviewed semiannually. Each site is inspected by county staff and citizen volunteers who are members of the Land Acquisition Selection Committee (LASC). The primary responsibility of the LASC is to recommend to the BCC the EEL Acquisition List. The LASC may, from time to time, recommend to the Board (or to the County Manager, as appropriate) proposed expenditures from the EEL Trust Funds; additional selection or acquisition policies, procedures, standards, criteria, strategies, schedules, and programs; and other such matters as may be necessary to fulfill the purposes of the EEL Program.

According to RER, Division of Environmental Resources Management, in cases when only a portion of the property is on the EEL Acquisition List, the Department request an appraisal for only the portion that is eligible for acquisition. The property owner is responsible for subdividing the property prior to the closing. Once approved for acquisition, a purchase is negotiated with the owner.

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Research Notes**

Over the years, acquiring lands through the EEL program has been successful and beneficial to the County. On December 5, 2017, the following six (6) purchases were approved by the Board.

<b>Resolution</b>	<b>Seller</b>	<b>Negotiated Price</b>	<b>Acre(s)</b>
R-1182-17	Sattur Gafoor <a href="http://intra/gia/legistarfiles/Matters/Y2017/172439.pdf">http://intra/gia/legistarfiles/Matters/Y2017/172439.pdf</a>	\$175,000.00	35
R-1183-17	Leopold N. Bonitto and Putra Oakley Bonitto <a href="http://intra/gia/legistarfiles/Matters/Y2017/172443.pdf">http://intra/gia/legistarfiles/Matters/Y2017/172443.pdf</a>	\$ 22,500.00	5
R-1184-17	Ira S. Silver (individually and as trustee) <a href="http://intra/gia/legistarfiles/Matters/Y2017/172446.pdf">http://intra/gia/legistarfiles/Matters/Y2017/172446.pdf</a>	\$ 45,000.00	10
R-1185-17	Carlos L. Fernandez <a href="http://intra/gia/legistarfiles/Matters/Y2017/172448.pdf">http://intra/gia/legistarfiles/Matters/Y2017/172448.pdf</a>	\$ 22,500.00	5
R-1186-17	Juan Manuel Hernandez <a href="http://intra/gia/legistarfiles/Matters/Y2017/172450.pdf">http://intra/gia/legistarfiles/Matters/Y2017/172450.pdf</a>	\$ 25,000.00	5
R-1187-17	Jacinto I. Fernandez or Norma M. Fernandez <a href="http://intra/gia/legistarfiles/Matters/Y2017/172451.pdf">http://intra/gia/legistarfiles/Matters/Y2017/172451.pdf</a>	\$ 22,500.00	5

**ADDITIONAL INFORMATION**

**Sea Level Rise Task Force**

Acquiring these parcels are consistent with the Sea Level Rise Task Force recommendations for the continued strategic implementation for the EEL program. The Sea Level Rise Task Force is charged with reviewing relevant data and prior studies and reports regarding the potential impact of sea level rise on public services and facilities, real estate, water and other ecological resources, and property and infrastructure; and providing a comprehensive and realistic assessment of the likely and potential impacts of sea level rise and storm surge over time.

<http://www.miamidade.gov/planning/boards-sea-level-rise.asp>

**BCC Meeting February 6, 2018  
Research Notes**

**Item No. 8L9  
File No. 172908**

**Researcher: NR    Reviewer: TD**

RESOLUTION AUTHORIZING HISTORIC PRESERVATION AD VALOREM TAX EXEMPTION FOR THE REHABILITATION OF 1254 CORAL WAY, CORAL GABLES, FLORIDA, PURSUANT TO FLORIDA STATUTES SECTION 196.1997 AND SECTION 16A-18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; DIRECTING THE MAYOR OR DESIGNEE TO EXECUTE AND RECORD COVENANT; AND AUTHORIZING MAYOR OR DESIGNEE TO EXERCISE PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize the ad valorem tax exemption for the property located at 1254 Coral Way, Coral Gables, Florida, pursuant to the provisions of Florida Statutes Section 196.1997 and Section 16A-18 of the Code of Miami-Dade County.

**APPLICABLE LEGISLATION/POLICY**

Florida Statutes Section 196.1997 states that the board of county commissioners of any county or the governing authority of any municipality may adopt an ordinance to allow ad valorem tax exemptions under s. 3, Art. VII of the State Constitution to historic properties if the owners are engaging in the restoration, rehabilitation, or renovation of such properties in accordance with guidelines established in this section.

<http://www.leg.state.fl.us/statutes=Section196.1997>

Section 16 of the Code of Miami-Dade County declared as a matter of public policy that the protection, enhancement and perpetuation of properties of historical, cultural, archaeological, paleontological, aesthetic and architectural merit are in the interests of the health, prosperity and welfare of the people of the County.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH16AHIPR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH16AHIPR)

Section 16A-18 of the Code of Miami-Dade County states:

- e) Scope of tax exemptions. A method is hereby created for the Board of County Commissioners, at its discretion, to allow tax exemptions for the restoration, renovation, or rehabilitation of historic properties. The exemption shall apply to one hundred (100) percent of the assessed value of all improvements to historic properties which result from restoration, renovation, or rehabilitation made on or after the effective date of this ordinance. The exemption applies only to taxes levied by Metropolitan Miami-Dade County.
- f) Duration of tax exemptions. Any exemption granted under this section to a particular property shall remain in effect for ten (10) years. The Board of County Commissioners shall have the discretion to set a lesser term if requested by the property owner in its original application and covenant. The term of the exemption shall be specified in the resolution approving the exemption.

[http://miamidade.fl.elaws.us/code/coord\\_ptiii\\_ch16a\\_sec16a-18](http://miamidade.fl.elaws.us/code/coord_ptiii_ch16a_sec16a-18)

**PROCEDURAL HISTORY**

**Prime Sponsor: Rebeca Sosa**

**Department/Requester: Regulatory and Economic Resources**

This item was forwarded to the Board with a favorable recommendation by the Government Operations Committee (GOC) at its January 17, 2018 meeting without discussion.

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Research Notes**

**FISCAL IMPACT**

The annual amount of ad valorem taxes to be exempted for the ten-year period is determined by applying the countywide operating millage against the taxable value of the qualifying improvements to the property. The ad valorem tax exemption is not applicable to other taxing authorities.

Based on this methodology, the estimated tax exemption for one year is \$1,174, and was provided by the Property Appraiser. However, the annual value of the tax exemption during the ten-year period may fluctuate based on adjustments to either the countywide operating millage or the Property Appraiser's taxable value of the qualifying improvements to the property. Countywide operating ad valorem property taxes will still be assessed and collected on the remaining taxable value that did not qualify for the exemption. Following the ten-year incentive period, the County will begin to assess and collect the countywide operating millage on the full value of the property, inclusive of the previous exempt improvements.

**ANALYSIS**

The historic single-family residence located at 1254 Coral Way, Coral Gables was originally constructed in circa 1922 and was among the early build-out of Coral Gables. Known as Casa Azul, it is of architectural and historic significance and is a designated local historic landmark and a contributing structure in the Coral Way Historic District as well as the Coral Rock Residences Thematic Group, designated by the City of Coral Gables.

Restoration work included installation of historically appropriate impact resistant windows; roof replacement; preservation of original interior features, including coral rock fireplace, Dade County pine floors, and butler's pantry; and construction of a rear addition.

Part II of the application indicates that the amount spent by the property owner on the total renovation was \$342,684.13, of which the Property Appraiser's office determined that the taxable value of the qualifying improvements was \$251,480.

**ADDITIONAL INFORMATION**

This property is located within Commission District 6, represented by Commissioner Rebecca Sosa. However, the impact of this item is countywide.

In 1993, the State of Florida legislature approved tax exemptions for historic properties that give local governments the option to provide this property tax exemption for eligible historic properties.

The purpose of this legislation is to encourage the preservation of historic buildings by offering an economic incentive to those property owners that take on the responsibility of restoring and maintaining a designated historic structure. The exemption is not for the entire assessed value of the property. The tax exemptions are calculated from what the value of the renovations to the historic property were, and only apply to the countywide portion of the property's tax bill. An exemption may also be granted on the municipal portion of the property tax bill if approved by the respective municipality.

All applicants must meet certain criteria as set forth by the Florida Department of State, Division of Historical Resources, in order for a tax exemption to be allowed, including:

- Certification that the property has been designated historic by the applicable preservation board;
- Certification that the property has received approval for the improvements by the applicable preservation board; and
- A determination that the planned improvements are consistent with the Secretary of the Interior's Standards for Rehabilitation

**BCC Meeting February 6, 2018  
Research Notes**

**Item No. 8L10  
File No. 172909**

**Researcher: NR    Reviewer: TD**

RESOLUTION AUTHORIZING HISTORIC PRESERVATION AD VALOREM TAX EXEMPTION FOR THE REHABILITATION OF 1125 NORTH GREENWAY DRIVE, CORAL GABLES, FLORIDA, PURSUANT TO FLORIDA STATUTES SECTION 196.1997 AND SECTION 16A-18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; DIRECTING THE MAYOR OR DESIGNEE TO EXECUTE AND RECORD COVENANT; AND AUTHORIZING MAYOR OR DESIGNEE TO EXERCISE PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize the ad valorem tax exemption for the property located at 1125 North Greenway Drive, Coral Gables, Florida, pursuant to the provisions of Florida Statutes Section 196.1997 and Section 16A-18 of the Code of Miami-Dade County.

**APPLICABLE LEGISLATION/POLICY**

Florida Statutes Section 196.1997 states that the board of county commissioners of any county or the governing authority of any municipality may adopt an ordinance to allow ad valorem tax exemptions under s. 3, Art. VII of the State Constitution to historic properties if the owners are engaging in the restoration, rehabilitation, or renovation of such properties in accordance with guidelines established in this section.

<http://www.leg.state.fl.us/statutes=Section196.1997>

Section 16 of the Code of Miami-Dade County declared as a matter of public policy that the protection, enhancement and perpetuation of properties of historical, cultural, archaeological, paleontological, aesthetic and architectural merit are in the interests of the health, prosperity and welfare of the people of the County.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH16AHIPR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH16AHIPR)

Section 16A-18 of the Code of Miami-Dade County states:

- g) Scope of tax exemptions. A method is hereby created for the Board of County Commissioners, at its discretion, to allow tax exemptions for the restoration, renovation, or rehabilitation of historic properties. The exemption shall apply to one hundred (100) percent of the assessed value of all improvements to historic properties which result from restoration, renovation, or rehabilitation made on or after the effective date of this ordinance. The exemption applies only to taxes levied by Metropolitan Miami-Dade County.
- h) Duration of tax exemptions. Any exemption granted under this section to a particular property shall remain in effect for ten (10) years. The Board of County Commissioners shall have the discretion to set a lesser term if requested by the property owner in its original application and covenant. The term of the exemption shall be specified in the resolution approving the exemption.

[http://miamidade.fl.elaws.us/code/coord\\_ptiii\\_ch16a\\_sec16a-18](http://miamidade.fl.elaws.us/code/coord_ptiii_ch16a_sec16a-18)

**PROCEDURAL HISTORY**

**Prime Sponsor: Rebeca Sosa**

**Department/Requester: Regulatory and Economic Resources**

This item was forwarded to the Board with a favorable recommendation by the Government Operations Committee (GOC) at its January 17, 2018 meeting without discussion.



**BCC Meeting February 6, 2018  
Research Notes**

**FISCAL IMPACT**

The annual amount of ad valorem taxes to be exempted for the ten-year period is determined by applying the countywide operating millage against the taxable value of the qualifying improvements to the property. The ad valorem tax exemption is not applicable to other taxing authorities.

Based on this methodology, the estimated tax exemption for one (1) year is \$1,035, and was provided by the Property Appraiser. However, the annual value of the tax exemption during the ten-year period may fluctuate based on adjustments to either the countywide operating millage or the Property Appraiser's taxable value of the qualifying improvements to the property. Countywide operating ad valorem property taxes will still be assessed and collected on the remaining taxable value that did not qualify for the exemption. Following the ten-year incentive period, the County will begin to assess and collect the countywide operating millage on the full value of the property, inclusive of the previous exempt improvements.

**ANALYSIS**

The historic single-family residence located at 1125 North Greenway Drive, Coral Gables was originally constructed in 1951 and was designed by architect R. M. Nordin. It is of architectural and historic significance and is a contributing structure within the County Club of Coral Gables Historic District, designated by the City of Coral Gables.

Restoration work included installation of historically appropriate impact resistant windows and doors; roof replacement; repair and refinishing of original architectural detailing; plumbing and electrical upgrades; structural reinforcements; exterior paint and stucco repair; and construction of a one-story addition.

Part II of the application indicates that the amount spent by the property owner on the total renovation was \$200,000, of which the Property Appraiser's office determined that the taxable value of the qualifying improvements was \$215,357.

**ADDITIONAL INFORMATION**

This property is located within Commission District 6, represented by Commissioner Rebecca Sosa. However, the impact of this item is countywide.

In 1993, the State of Florida legislature approved tax exemptions for historic properties that give local governments the option to provide this property tax exemption for eligible historic properties.

The purpose of this legislation is to encourage the preservation of historic buildings by offering an economic incentive to those property owners that take on the responsibility of restoring and maintaining a designated historic structure. The exemption is not for the entire assessed value of the property. The tax exemptions are calculated from what the value of the renovations to the historic property were, and only apply to the countywide portion of the property's tax bill. An exemption may also be granted on the municipal portion of the property tax bill if approved by the respective municipality.

All applicants must meet certain criteria as set forth by the Florida Department of State, Division of Historical Resources, in order for a tax exemption to be allowed, including:

- Certification that the property has been designated historic by the applicable preservation board;
- Certification that the property has received approval for the improvements by the applicable preservation board; and
- A determination that the planned improvements are consistent with the Secretary of the Interior's Standards for Rehabilitation



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Research Notes**

**File No. 8L11  
Item No. 172904**

**Researcher: NR Reviewer: TD**

RESOLUTION AUTHORIZING THE DISBURSEMENT OF UP TO \$98,000.00 FROM THE BISCAYNE BAY ENVIRONMENTAL ENHANCEMENT TRUST FUND FOR BAYNANZA 2018; APPROVING AGREEMENT WITH THE FLORIDA INLAND NAVIGATION DISTRICT TO PROVIDE FUNDING TO MIAMI-DADE COUNTY FOR BAYNANZA 2018; AND AUTHORIZING MAYOR OR MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND EXERCISE THE PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the disbursement of \$98,000 from the Biscayne Bay Environmental Enhancement Trust Fund for Baynanza 2018, and the execution of a related agreement (i.e., 2018 Waterway Cleanup Agreement) with the Florida Inland Navigation District to provide up to \$10,000 toward Baynanza 2018 expenses.

**APPLICABLE LEGISLATION/POLICY**

Chapter 24-40 of the Code created a Biscayne Bay Environmental Enhancement Trust Fund; the monies of which shall be disbursed only for the environmental enhancement of Biscayne Bay and its foreshore. No disbursements whatsoever shall be made from the Biscayne Bay Environmental Enhancement Trust Fund until and unless authorized and approved by resolution of the Board of County Commissioners. Prior to authorizing and approving said disbursements, the Board shall receive and consider the recommendations of the County Mayor. The County Mayor, prior to making such recommendations, shall receive and consider the recommendations of the Department pertaining to the proposed particular disbursement.

[Chapter 24-40 of the County Code](#)

Florida Inland Navigation District Waterway Cleanup Program Rules (66B-2.016 Waterways Cleanup Events) explains the process of proposals (applications) to be accepted for financial assistance for the organized removal of refuse within the District's waterways.

[Florida Administrative Code 66B.016](#)

Under the provisions of Section 258.397 of the Florida Statutes, Biscayne Bay in Miami-Dade and Monroe Counties are designated and established as an aquatic preserve. It is the intent of the Legislature that Biscayne Bay be preserved in an essentially natural condition so that its biological and aesthetic values may endure for the enjoyment of future generations.

[Florida Statute, Sections 258.397](#)

**PROCEDURAL HISTORY**

**Prime Sponsor: Economic Development and Tourism Committee  
Department/Requester: Regulatory and Economic Resources**

This item was forwarded to the Board with a favorable recommendation by the Economic Development and Tourism Committee (EDTC) at its January 19, 2018 meeting without discussion.

**FISCAL IMPACT**

Funding in the amount of \$98,000 from the Trust Fund is requested for costs related to County services and outside services for educational, public awareness, and environmental enhancement activities as part of Baynanza 2018, particularly Biscayne Bay Cleanup Day. Costs for Biscayne Bay Cleanup Day include event staffing, safety and sanitation equipment, supplies and services, trash collection and disposal, commemorative t-shirts for volunteers, equipment rental and marketing. The agreement with the Florida Inland Navigation District (FIND) will provide up to \$10,000 toward 7, 200 Baynanza commemorative t-shirts. The agreement is attached as Attachment A to the resolution.

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The Department of Regulatory and Economic Resources' Division of Environmental Resources Management (DERM) will seek additional funds and in-kind services through sponsorships from local organizations. However, DERM will pay from its operating budget other costs for the planning and implementation of the event which exceed the funding amounts shown above.

**ANALYSIS**

The early 1980s marked the beginning of a monumental effort by Miami-Dade County to save Biscayne Bay. The Bay was suffering from pollution and the marine environment of the Bay was in steep decline. Baynanza was created as part of a larger effort to save the bay. It is a cooperative effort among several County departments, environmental groups in Miami-Dade County and the community at large to enhance public awareness of Biscayne Bay as a recreational, aesthetic, economic, historic, scientific and environmental resource.

This event marks the 36th anniversary of the Biscayne Bay cleanup event. The event usually attracts approximately 6,000 volunteers, and each volunteer will receive a Baynanza T-shirt to commemorate their hard work and promote awareness of the importance of Biscayne Bay.

A variety of events related to Biscayne Bay will be scheduled from March through April 2018 which will include:

- nature walks, kayaking tours, and other similar educational activities;
- the main event, Biscayne Bay Cleanup Day, will take place on April 21, 2018 and will include shoreline cleanup at 23 sites along Biscayne Bay; and
- a special outreach event to mark the 36<sup>th</sup> anniversary is planned for the VIP cleanup site at the Deering Estate.

**Input from RER:**

RER's DERM has not yet begun contacting possible sponsors for Baynanza 2018; however, sponsorships are usually requested from previous Baynanza sponsors.

Baynanza's 2017 Sponsors are below listed and are grouped by funding source:

**Cash Donations to the Trust Fund**

\$5,000 Covanta Dade Renewable Energy  
\$ 500 FDEP / Biscayne Bay Aquatic Preserves  
\$10,000 FIND  
\$ 2,000 Ygrene Energy Fund  
\$ 2,000 Nova Consulting  
\$ 5,000 Florida Power & Light  
\$24,000

**In-kind Donations to the Trust Fund**

\$10,000 Actualidad Radio, 990 ESPN Deportes, and Exitos 107.1  
\$ 500 Island Queen Cruises  
\$ 500 Whole Foods  
\$ 500 Sailboard Miami  
\$11,500

In 2017, as with recent prior years, DERM requested and received \$98,000 from the Biscayne Bay Environmental Enhancement Trust Fund for Baynanza.

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**ADDITIONAL INFORMATION**

Baynanza is a celebration of Biscayne Bay and its significance as one of our most important ecological systems in South Florida. While Baynanza includes more than 25 great events throughout March and April, the event that has become nearly synonymous with this celebration is the Biscayne Bay Cleanup Day.

Sponsorship packages offer wide exposure at a unique countywide celebration featuring thousands of participants committed to the positive cause of helping our environment. Benefits include:

- Six weeks of exposure at more than 35 events across Miami-Dade County
- Advertisements and media coverage including print, radio and web advertising
- Online presence and promotion on the Miami-Dade County website and social media
- Promotion on the Baynanza Calendar of Events and commemorative T-shirt
- Host at the Baynanza VIP Cleanup Site at Morningside Park, which includes promotion of your core messages in a festive atmosphere to hundreds of community volunteers and their friends and families

<http://www.miamidade.gov/environment/baynanza.asp>

The Florida Inland Navigation District (FIND) is a special State taxing district for the continued management and maintenance of the Atlantic Intracoastal Waterway (ICW). FIND was created by the Florida Legislature in 1927 to be State local sponsor for the Atlantic Intracoastal Waterway. This act authorized the purchase of the existing East Coast Canal, constructed by private interests, which ran from Jacksonville to Miami. Today, the Navigation District consists of the twelve counties along the east coast of Florida from Nassau through Miami-Dade.

<http://www.aicw.org/index.php>

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**Item No. 8N1  
File No. 172831**

**Researcher: NR    Reviewer: TD**

RESOLUTION DESIGNATING A PORTION OF MIAMI-DADE COUNTY-OWNED PROPERTY IDENTIFIED AS PARCEL 1, AS ROAD RIGHT-OF-WAY, FOR THE ROAD PROJECT ENTITLED IMPROVEMENTS TO NW 97 AVENUE, FROM NW 58 STREET TO NW 70 STREET, IN SECTION 17, TOWNSHIP 53, RANGE 40 EAST AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME

**ISSUE/REQUESTED ACTION**

Whether the Board should approve designating a portion of Miami-Dade County (County) owned property, as public road right-of-way, for the Project Entitled Improvements to NW 97 Avenue, from NW 58 Street to NW 70 Street, in Section 17, Township 53, Range 40 East.

**APPLICABLE LEGISLATION/POLICY**

N/A

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Jose "Pepe" Diaz, District 12**

**Department/Requester: Transportation and Public Works**

This item was forwarded to the Board with a favorable recommendation by the Transportation and Public Works Committee (TPWC) at its January 19, 2018 without discussion.

**FISCAL IMPACT**

The total annual maintenance costs associated with this item will be \$3,842, and will be funded by the Department of Transportation and Public Works' (DTPW) General Fund allocation.

**ANALYSIS**

This item seeks to designate a portion of County owned property as public road right-of-way for programmed improvements along NW 97 Avenue, from NW 58 Street to NW 70 Street. The square footage of the County-owned property is 3,068, approximately 0.070 acres more or less.

A right-of-way is a type of easement granted or reserved over the land for transportation purposes, this can be for a highway, public footpath, rail transport, canal, as well as electrical transmission lines, oil and gas pipelines.

This project consists of widening the existing roadway from a two-lane to a four-lane divided roadway, and includes sidewalks, curb and gutter, bike lanes, a continuous storm drainage system, pavement markings and signage, signalization, lighting, and landscaping. These improvements will improve traffic mobility and drainage, as well as beautify this section of NW 97 Avenue.

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**Input from DTPW**

1. Estimated beginning of construction is January 2019, and estimated completion is June 2020
2. Approximately \$4,500,000 is the cost of the programmed improvements along NW 97 Ave, from NW 58 Street to NW 70 Street
3. The community will be positively impacted by the roadway improvements that include widening the road, providing sidewalks, providing roadway lighting and providing a new drainage system.
4. The right-of-way is needed to construct the improvements noted above, specifically the sidewalks, and will remain as public right-of-way in perpetuity.

**ADDITIONAL INFORMATION**

The impact of this project is countywide; however, the proposed right-of -way is located within District 12, represented by Commissioner Jose “Pepe” Diaz.

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**Item No. 8N2  
File No. 172927**

**Researcher: BM Reviewer: PGE**

RESOLUTION APPROVING THE ACCEPTANCE OF A QUIT CLAIM DEED FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION CONVEYING TO MIAMI-DADE COUNTY AN APPROXIMATELY 8.0 ACRE PARCEL OF VACANT LAND (FOLIO NO. 30-4904-000-0071) LOCATED AT STATE ROAD 90/TAMIAMI TRAIL (SW 8 STREET) AND SW 147 AVENUE, MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO ACCOMPLISH THE ACCEPTANCE OF THE PROPERTY

**ISSUE/REQUESTED ACTION**

Whether the Board should approve an acceptance of a Quit Claim Deed from the Florida Department of Transportation (FDOT), conveying to Miami-Dade County (County) an approximately 8.0 acre parcel of vacant land at State Road 90/Tamiami Trail (SW 8 Street) and SW 147 Avenue for the development of the Department of Transportation and Public Works (DTPW) proposed Tamiami Park and Ride/Bus Terminal Facility (Tamiami Station).

**APPLICABLE LEGISLATION/POLICY**

Florida Statutes Section 337.25 Acquisition, lease, and disposal of real and personal property, relates to the conveyance of land, building, or other property, real or personal, for the construction, operation, and maintenance of a transportation facility.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0300-0399/0337/Sections/0337.25.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0300-0399/0337/Sections/0337.25.html)

Administrative Order No. 8-1, set forth the standards for Acquisition or Lease of Real Property From the Private Sector.

Prior to the purchase of any non-right-of-way real property, an environmental assessment of the property shall be conducted by the Department of Environmental Resources Management (DERM), or a certified environmental engineering firm.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO8-1.pdf>

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Joe A. Martinez, District 11**

**Requester/Department: Transportation and Public Works**

This item was forwarded by the TPWC to the BCC on January 19, 2018 with a favorable recommendation; 3-0.

**FISCAL IMPACT**

If this item is approved by the Board, the estimated annual cost to operate and maintain the Tamiami Station is approximately \$100,000, which is to be accommodated within the existing DTPW's Annual Operations and Maintenance Budget. The funding for this project is as follows:

- FTA Grant - \$4,000,000.00
- FDOT - \$897,640.00
- County's PTP - \$5,935,343.00.

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**ANALYSIS**

If this item is approved by the Board, the FDOT will convey property owned by it via a Quitclaim Deed to the County. The property is approximately 8 acres of vacant land and will be used for the development of the proposed Tamiami Station. Additionally, acceptance of the parcel will eliminate FDOTs involvement to secure permits or applicable conditional requirements. Per the Department, a study on estimated usage has not been completed.

The Quitclaim Deed has a reverter which states that the Property is to be used in perpetuity for the public purpose use of a park and ride transportation facility for the general public. If the property ceases to be used for the described purpose, all property rights shall revert back to said Grantor. The land is to be used solely for public purposes.

The Tamiami Station, to be located at the corner of SW 8th Street and SW 147th Avenue, will accommodate approximately 500 parking spaces and a bus terminal as identified in the 2010 Annual Update to the DTPW Transit Development Plan. The station is a major part of the implementation of the planned Flagler Corridor Bus Rapid Transit Service as well as the State Road 836 Express Bus service. The FDOT has secured full funding from the Federal Transit Administration (FTA), FDOT and the County's People's Transportation Plan (PTP) for the design and construction of the park and ride/bus terminal project. It is anticipated that the operation of the Tamiami Station will commence in the summer of 2020.

**ADDITIONAL INFORMATION**

The report below provides additional information relating to the Tamiami Station as well as the other Park-and-Ride Facilities throughout the County.

Additional information regarding the Transit Annual Plan is provided at the link below:

<https://www.miamidade.gov/transit/library/pdfs/misc/2016-tdp-annual-plan.pdf>

The report below provides additional information as it relates to the Tamiami, Panther, and Dolphin Stations as it relates to the planned Express Bus Service.

Additional information regarding the Express Bus service for the County is provided at the link below:

<https://www.miamidade.gov/transit/library/pdfs/misc/sr-836-express-bus-service-east-west-corridor.pdf>

**DEPARTMENT INPUT**

OCA posed the following questions to the Internal Services Department, to which the following answers were provided:

1. Is there a study regarding the estimated ridership at the Tamiami Station; and  
Ridership projections have not been conducted for this project.
2. Relating to the total project cost, what are the contribution amounts by source.  
FTA Grant - \$4,000,000.00, FDOT - \$897,640.00, County's PTP - \$5,935,343.00.

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**Item No. 8N3  
File No. 172895**

**Researcher: BM Reviewer: TD**

RESOLUTION WAIVING COMPETITIVE BIDDING BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT IN ACCORDANCE WITH SECTION 5.03D OF THE HOME RULE CHARTER AND SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY TO SELECT THE UNDERLINE MANAGEMENT ORGANIZATION, INC. AS THE ENTITY RESPONSIBLE FOR THE MANAGEMENT, MAINTENANCE AND OPERATION OF THE URBAN MOBILITY TRAIL AND RECREATIONAL SPACE WITHIN THE METRORAIL RIGHT-OF-WAY AND AS THE COUNTY'S MARKETING PARTNER WITH RESPECT TO SAME; APPROVING A MANAGEMENT AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE UNDERLINE MANAGEMENT ORGANIZATION, INC. FOR THE MANAGEMENT, MAINTENANCE, AND OPERATION OF THE URBAN MOBILITY TRAIL AND RECREATIONAL SPACE WITHIN THE METRORAIL RIGHT-OF-WAY AT AN ESTIMATED ANNUAL COST OF UP TO \$363,882.58 TO BE PERIODICALLY ADJUSTED ON THE BASIS OF THE CONSUMER PRICE INDEX FOR THE INITIAL AND RENEWAL TERMS; WAIVING IMPLEMENTING ORDER 8-9 TO PERMIT THE UNDERLINE MANAGEMENT ORGANIZATION, INC. TO ALLOW THE ADVERTISING OF ALCOHOL; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ALL RIGHTS AND PROVISIONS IN THE AGREEMENT

**ISSUE/REQUESTED ACTION**

Whether the Board should:

1. Waive competitive the bid procedures pursuant to Miami-Dade County (County) Code Section 2-8.1 and Section 5.03D of the Home Rule Charter to approve a Management Agreement (Agreement) between the County and The Underline Management Organization, Inc. (Management Organization) to manage, operate, maintain, and serve as the County's Marketing Partner for the proposed urban mobility trail which is planned to be developed within the southern portion of the Metrorail right-of-way (The Underline);
2. Approve the Management Agreement at an annual cost of up to \$363,882;
3. Waive Implementing Order 8-9 to allow the advertising of alcoholic beverages within The Underline, which is consistent with advertisement approved at other Department of Transportation and Public Works (DTPW) facilities; and
4. Authorize the County Mayor or Designee to execute the Management Agreement on behalf of the County and to exercise all rights and provisions contained therein.

**APPLICABLE LEGISLATION/POLICY**

Section 5.03(D) Home Rule Charter, Financial Administration, relates to contracts for public improvements and purchases of supplies, materials, and services other than professional shall be made whenever practicable on the basis of specifications and competitive bids.

The link below relates to Section 5.03(D) Home Rule Charter:

<http://www.miamidade.gov/charter/library/charter.pdf>

Section 2-8.1 of the County Code (Contracts and Purchases, Generally); this section requires formal sealed bids for purchases over \$250,000; describes the circumstances under which non-competitive purchases may be approved, including legacy and designated purchases; and provides that procurement procedures shall be established via an Implementing Order.

[https://library.municode.com/fl/miami-dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.1COPUGE](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)



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Section 2-8.9 of the County Code Living Wage Ordinance; this section requires that all service contractors as defined by this Chapter, performing covered services shall pay to all of its employees providing covered services, the current Living Wage rate, applicable to the time when the covered service is performed as that rate is adjusted each fiscal year in the manner provided for herein for the adjustment of the Living Wage rate.

[https://library.municode.com/fl/miami -  
dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIIICOR\\_CH2AD\\_ARTIINGE\\_S2-8.9LIWAORCOSECOEM](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.9LIWAORCOSECOEM)

Miami-Dade County Code, Section 2-2201 Marketing Partnerships Program

(1) Definitions

(a) Marketing Partnerships Program – The Marketing Partnerships Program is a countywide sponsorship program whereby a third party will provide a financial benefit to the County in the form of non-tax revenue and/or in-kind fees (products or services) in exchange for the access to the marketing commercial potential associated with select County assets for the use in strategies to promote, sell, or distribute a product or service.

(2) The Marketing Partnerships Program is hereby created to generate revenue for the County by using the commercial marketable value of county assets.

[https://library.municode.com/FL/Miami -  
Dade County/codes/Code\\_of\\_Ordinances?nodeId=PTIIICOR\\_CH2AD\\_ARTCLIMIDECOMAPAPR\\_S2-2201MAPAPR](https://library.municode.com/FL/Miami - Dade County/codes/Code_of_Ordinances?nodeId=PTIIICOR_CH2AD_ARTCLIMIDECOMAPAPR_S2-2201MAPAPR)

Article III, Section 26-39 of the County Code Miami-Dade Park and Recreation Department employees and volunteers, Relating to the Shannon Melendi Act; this section requires a nationwide criminal background check of all existing employees and volunteers whose primary duties require physical presence on park property owned or operated by Miami-Dade County.

[https://library.municode.com/FL/Miami -  
Dade County/codes/Code\\_of\\_Ordinances?nodeId=PTIIICOR\\_CH26PAREDERURE\\_ARTIIITHSHMEAC\\_S26-39MIDEPAREDEEMVO](https://library.municode.com/FL/Miami - Dade County/codes/Code_of_Ordinances?nodeId=PTIIICOR_CH26PAREDERURE_ARTIIITHSHMEAC_S26-39MIDEPAREDEEMVO)

Miami-Dade County Implementing Order 8-9. The Implementing Order governs the procedure for implementing and managing the Marketing Partnerships Program. The marketing partnerships would be comprised of potentially bundling together County-owned and operated assets (programs, services, and events) and properties (facilities and sites), across all County departments, for the collective purpose of leveraging various types of investments/sponsorships with benefits that would include a mix of: advertising, exclusivity rights, naming rights, and other revenue-generating methodologies.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO8-9.pdf>

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Dennis C. Moss, District 9 (Co-Sponsor)**

**Requester/Department: Transportation and Public Works**

01/19/18: This item was forwarded by the TPWC to the BCC with a favorable recommendation.

**FISCAL IMPACT**

If this item is approved by the Board, the estimated annual cost to for maintenance of the Underline will be \$35,888 per mile . Additionally, up \$5,000 will be paid in any 12-month period as reimbursement to the Management Organization for background checks conducted. The total anticipated fiscal impact is \$363,883 per year to be paid out of the DTPW Operating Division

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**ANALYSIS**

If this item is approved by the Board, it will approve the Management Agreement at an estimated cost of \$363,883 per year for the management, operation, maintenance, and marketing partnership for the southern portion of the Underline with The Underline Management Organization, Inc. of the 10-mile corridor. The agreement would extend for up to 30 years and will have two, 30-year option to renew terms. A bid waiver is in the County's best interest because selecting a different entity to perform the management services required could result in significant delays to the project, loss of grant funds, and the incurring of additional expenses. Furthermore, the County has not been approached by any organization expressing interest in undertaking the management, programming, fund raising and marketing efforts for this project.

The Underline Management Organization was created as a collaborative effort between Miami-Dade County Department of Transportation and Public Works, Parks, Recreation & Open Spaces Department and Friends of The Underline. It was modeled on successful public/private management organizations for the Atlanta Beltline, the NYC High Line the Central Park Conservancy and others. To this date, Miami-Dade County has not been approached by any organization expressing interest in undertaking the management, programming, fund raising and marketing efforts for this project.

The Underline is expected to become a signature linear park and urban trail improving the quality of life for Miami-Dade County residents, and generating economic benefits to thousands of residents, businesses and properties. The Underline will also catalyze new real estate development and increase the value and fiscal potential of surrounding properties. The Underline will become a valuable amenity for surrounding neighborhoods, creating \$300-\$485 million in incremental assessed value for property owners. Increased property values will equate to \$6 to \$10 million in new annual tax revenue for Miami-Dade County and the cities of Miami, Coral Gables and South Miami. The Underline is expected to create more than 1,000 jobs during construction and 400 permanent jobs during operations of the park. The Underline is expected to enhance connectivity, mobility, and biking safety for hundreds of thousands of Miami-Dade residents and visitors. The total cost is \$110-\$120 million which includes: \$80 Million for the two trails, lighting, seating, and other amenities; \$20 Million for intersection improvements (over 30 intersections); and \$20 Million for destination parks. This project is part of the 'High Line Network' which consists of 19 infrastructure reuse projects in the U.S. that are intended to positively transform their cities. Some of the projects include: The High Line in New York, the Beltline in Atlanta, and The 606 in Chicago.

The High Line in New York City: In 1999, residents in the Chelsea neighborhood of Manhattan started a community group, Friends of the High Line, dedicated to turning the High Line (a 1930s elevated train track) into an elevated park-greenway. The opening of the first half-mile section in 2009 was the culmination of more than three years of construction and ten years of planning. Much of the park lies within the West Chelsea special District, a zoning area specially created by the City in June 2005 that has fostered development along the High Line and in the West Chelsea neighborhood. The rezoned area has provided opportunities for new residential and commercial development, facilitated the reuse of the High Line as a unique park, created and maintained affordable housing, and enhanced the neighborhood's art gallery district.  
<https://www.nycedc.com/project/high-line>

The Atlanta BeltLine: The Atlanta BeltLine is a sustainable redevelopment project that is transforming the city. It will ultimately connect 45 in-town neighborhoods via a 22-mile loop of multi-use trails, modern streetcar, and parks – all based on railroad corridors that formerly encircled Atlanta. The plan for the Atlanta Beltline includes a 22-mile transit system, 33-mile trail network, 1,300 acres of new and 700 acres of restored greenspace, public art, historic preservation, 28,000 new and 5,600 affordable housing units, 30,000 permanent and 48,000 construction jobs, and up to \$20 billion in total projected economic development. <https://beltline.org/about/the-atlanta-belt-line-project/>

The Chicago 606 Elevated Trail: The 606 has the elevated Bloomingdale Trail at its centerpiece, connected to four neighborhood parks at ground level, an observatory, art installations, educational programming and other amenities. Official plans for converting the Bloomingdale Line into a public space date back to the late 1990s, when it was included in the City's Bike Plan. The 2004 Logan Square Open Space Plan called for an ambitious reuse of the former industrial rail corridor. This

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spurred the formation of the Friends of the Bloomingdale Trail, a group of residents who would champion the project for the next decade, dedicated to making the vision become a reality.

The project broke ground in August 2013. The first phase of the project opened on June 6, 2015. At that time, the elevated Bloomingdale Trail and four of the connected parks were open and accessible. Additional parks, further arts integration and enhanced landscaping followed since then. <https://www.the606.org/>

Friends of the Underline is a 501(c)3 non-profit organization advocating to transform the underutilized land below Miami's Metrorail into a 10-mile neighborhood park, urban trail and canvas for artistic expression to create a safer, healthier, more connected, mobile, and engaged community. The Board of Directors and sub-committee members include architects, designers, urban planners, biking advocates, marketing experts, philanthropists, legal and accounting professionals, business leaders, real estate developers and more.

James Corner Field Operations was selected from an impressive field of 19 applicants. The design firm has been touted as one of the most influential design firms by Time magazine and is renowned for such high-profile projects as the New York City High Line, Tongva Park in Santa Monica, Seattle's Central Waterfront, and South Park of London's Queen Elizabeth Olympic Park.

Below is a list of the five finalist who submitted their design presentation for the Underline Project. The finalist were selected from 19 design consulting firms from around the world.

- Balmori Associates, New York City, NY
- Dlandstudio, Brooklyn, NY
- James Corner Field Operations, New York City, NY
- Perkins + Will, Atlanta, GA
- Stoss, Boston, MA

The Request for Qualifications (RFQ) for the Master Plan and Design of Phase 1 was advertised nationally and internationally by Friends of The Underline 501(c)3 in 2015. 19 companies responded to the RFQ. 16 out of the 19 companies met the qualifications criteria. Out of the 16 companies meeting the qualifications criteria 7 were from Miami-Dade County. These companies were: Arquitectonica (Miami, FL), Building Center No. 3 (Miami, FL), KHS (worldwide including the Miami Office), Perkins + Will (Miami, FL), Rhodeside & Harwell with Borelli (Virginia & Coral Gables, FL), Stantec (Miami, FL) and WRT & Zyscovich (Miami, FL).

The key responsibilities of the Management Agreement between the County and Management Organization is summarized below:

The Management Organization shall be responsible for:

- Undertaking the exclusive maintenance, management, and operation of the Underline.
- Generating revenues in accordance to the agreement, and for the purpose of the Underline.
- Management of the Underline in a manner comparable, at a minimum, to that of other Comparable First Class Trails to be accessible to the public 24 hours a day 365 days per year at no cost to the public.
- Booking, managing, and overseeing the Underline and all of its components and amenities.
- Providing general and reasonable security and protection of each area of the Underline for which the County has issued an agreement.
- Providing a hurricane emergency plan for the Underline.

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- Employing sufficient number of staff, to provide a level of service equal to or better than that provided to the public at Comparable First-Class Trails, to ensure the Underline is open and operating during the timeframes approved by the County.
- Paying wages in accordance with the Living Wages Requirement for County Service Contracts.
- Compliance with the Shannon Melendi Act relating to background screenings.
- Pay for all upkeep, maintenance and repairs to: benches, walls, barriers, fencing, pavements, signs, painting, monuments and public art, and lighting.

The County shall be responsible for:

- Maintenance, management, and operation of any area otherwise comprising a portion of the Underline until the County issues a Management agreement.
- The Metrorail, its infrastructure, and columns.
- Developing each phase in accordance to plans set by the James Corner Field Operations Framework Plan.
- Providing police service ordinarily provided to the public-at-large.
- Reimbursing the Manager for Background screening conducted up to \$5,000 in any 12-month period.

**ADDITIONAL INFORMATION**

The full report on the Economic Impacts of the Underline is available at the link below.

[https://www.theunderline.org/wp-content/uploads/2016/01/Miami\\_Underline\\_Economic\\_Impact\\_Study\\_FINAL.pdf](https://www.theunderline.org/wp-content/uploads/2016/01/Miami_Underline_Economic_Impact_Study_FINAL.pdf)

Additional information on the Friends of the Underline is available at the link below.

<https://www.theunderline.org/>

The Parks, Recreation and Open Spaces Department website contains additional information on the Underline. The link to this website is provided below:

<http://www.miamidade.gov/parks/the-underline.asp>

Below is a link relating to the top Five Finalist announced for the design of the Underline:

<http://www.miamidade.gov/parks/releases/2015-01-27-underline-master-planning.asp>

A Miami-Dade County News Release dated March 5, 2015 provides additional information on the selection of James Corner Field Operations as the design firm for the Underline project. The link to this news release is provided below:

<http://www.miamidade.gov/parks/releases/2015-03-05-the-underline.asp>

Newyork-architects published an article providing details on the James Corner Field Operations. The link to the article is provide at the link below:

<https://www.newyork-architects.com/en/james-corner-field-operations-new-york>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), The Underline Management Organization, Inc., has an active status as a Not-For-Profit Corporation and first filed and registered on 11/21/2016. The corporation was reinstated on 01/19/2018.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=UNDERLINEMANAGEMENTORGANIZATIO%20N160000111420&aggregateId=domnp-n16000011142-e3bc4a38-c2a5-43ba-bedc-c46a7010c597&searchTerm=the%20underline%20management%20organization&listNameOrder=UNDERLINEMANAGEMENTORGANIZATIO%20N160000091450>

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Research Notes**

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Friends of the Underline, Inc., has an active status as a Not-For-Profit Corporation and first filed and registered on 10/10/2014.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=FRIENDSUNDERLINE%20N130000103792&aggregateId=domnp-n13000010379-afc75848-91b7-46c6-8af3-efc2e23954db&searchTerm=Friends%20of%20the%20Underline&listNameOrder=FRIENDSUNDERLINE%20N130000103792>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), James Corner Field Operations, Inc., has an active status as a Foreign Limited Liability Company based out of New York and first filed and registered on 1/25/2016.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=JAMESCORNERFIELDOPERATIONS%20M160000006580&aggregateId=forl-m16000000658-24cf1062-0394-4710-ba57-a05aae426b2c&searchTerm=James%20Corner%20Field%20Operations&listNameOrder=JAMESCORNERFIELDOPERATIONS%20M160000006580>

**DEPARTMENT INPUT**

OCA posed the following questions to the Parks, Recreation and Open Spaces Department, to which the following answers were received:

1. As this is a Bid Waiver request to approve a Management Agreement with The Underline Management Organization, are there any other organizations locally that can offer management services for the Underline; why was this organization selected;

This project is a direct result of the vision of Meg Daly and Friends of the Underline. It is a grassroots initiative proposing to transform 10-miles of Miami-Dade County Rapid Transit Zone (RTZ) into a multi-modal transportation corridor World Class Urban Trail. Meg Daly, a full time volunteer and Friends of the Underline, from inception, have advocated, marketed, commissioned the branding and sought private funding to hire the consultants to develop The Underline Framework Master Plan for the full 10 miles and design the Phase 1. The Master Plan was completed in 2015 and the design and construction documents for Phase 1 are going thru the permitting process. As a result of this initiative, many articles, nationally and internationally have been written about the transformative power that this project will have on our residents and visitors. Friends of the Underline are the leading proponent for this project and have taken tangible steps towards its development as well as establishing strong relationships with legislators at State and Federal levels and, at municipal levels which are providing contributions towards the development and in support of The Underline.

The Underline Management Organization was created as a collaborative effort between Miami-Dade County Department of Transportation and Public Works, Parks, Recreation & Open Spaces Department and Friends of The Underline. It was modeled on successful public/private management organizations for the Atlanta Beltline, the NYC High Line the Central Park Conservancy and others.

The Development of this agreement has been in the works since 2015. To this date, Miami-Dade County has not been approached by any organization expressing interest in undertaking the management, programming, fund raising and marketing efforts for this project.

2. How many consulting firms considered for the design of the Underline were based out of Miami-Dade County or Florida; and

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The Consultant selection for The Underline was performed by Friends of The Underline through a competitive process. The Request for Qualifications (RFQ) for the Master Plan and Design of Phase 1 was advertised nationally and internationally by Friends of The Underline 501(c)3 in 2015. 19 companies responded to the RFQ. 16 out of the 19 companies met the qualifications criteria. Out of the 16 companies meeting the qualifications criteria 7 were from Miami-Dade County. These companies were: Arquitectonica (Miami, FL), Building Center No. 3 (Miami, FL), KHS (worldwide including the Miami Office), Perkins + Will (Miami, FL), Rhodeside & Harwell with Borelli (Virginia & Coral Gables, FL), Stantec (Miami, FL) and WRT & Zyscovich (Miami, FL).

There was a shortlist selection committee that included two Miami-Dade County representatives (the Director of Miami-Dade County Transportation and the Director of Parks, Recreation and Open Spaces Department). The other 3 members of the selection committee were a representative from the John S. and James L. Knight Foundation and two members from Friends of The Underline. The selection committee shortlisted 5 firms for the interview. Perkins + Will (Miami, FL) was one of the 5 firms shortlisted for the interview.

3. Have there been studies conducted as to the Underline's impact on traffic during construction and after completion.

Traffic Control Plans will be the responsibility of the Contractor. Any lane closures will require permitting and traffic control plans. The project is mainly within DTPW Right-of-way (ROW); however, we expect some minor impact to traffic during construction.

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**Item No. 8N4  
File No. 172367**

**Researcher: BM Reviewer: TD**

RESOLUTION AUTHORIZING THE EXECUTION OF A MIAMI-DADE COUNTY DISCLAIMER FOR THOSE PORTIONS OF THEORETICAL SW 222 AVENUE AND SW 240 STREET LOCATED WITHIN SECTION 20, TOWNSHIP 56 SOUTH, RANGE 38 EAST IN MIAMI-DADE COUNTY, FLORIDA

**ISSUE/REQUESTED ACTION**

Whether the Board should approve execution of a Miami-Dade County Disclaimer in favor of the Florida Power and Light (FPL) for those portions of theoretical SW 222 Avenue and SW 240 Street (located in Section 20, Township 56 South, Range 38 East).

**APPLICABLE LEGISLATION/POLICY**

Resolution No. R-974-09, requires that any resolution authorizing the executing of instruments creating a County interest in real property shall require such instruments to be recorded in the public records of Miami-Dade County.

This resolution was adopted by the Board on July 21, 2009.

<http://www.miamidade.gov/govaction/legistarfiles/MinMatters/Y2009/091900min.pdf>

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Dennis C. Moss, District 9**

**Department/Requester: Transportation and Public Works**

01/19/18: This item was forwarded to BCC with a favorable recommendation by the TPWC.

12/14/17: The item was deferred until the January 19, 2018 meeting, passed 4-0.

**Commissioner:**

Commissioner Sosa asked the following questions to the department:

If this was a street closure?

Do we opinion with data on this one?

So what they are doing is creating a private street for the flow of traffic in that area or to close?

Why does FPL need this reservations at the boundaries of the everglades if no development is projected in the area?

Commissioner Sosa had a concern that this is like when the proposals from MDX came to extend totally from outside of the UDB to sell property to develop later. He concern are the roads. And had questions on this item.

**Department:**

This is a hypothetical road that does not exist at this time and the reservation is being abandoned at the request of FPL.

There are no existing road in the area; there is not traffic impact.

They did not know the nature of their request but FPL own the land in the surrounding area, but the reservation was placed many year ago. Based on the zoning on the area, a reservation of right-of-way is not permitted there.

This cleans up the title for FPL as there is currently a reservation.

**Sponsor:**

A representative for FPL will provide the details to Commissioner Sosa at a meeting if requested and advised that this disclaimer is a typical process that is done.

11/16/17: No action was taken due to lack of a quorum at the Transportation and Public Works Committee.



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**FISCAL IMPACT**

There is no fiscal impact associated with this action since there are no existing roads within the areas being disclaimed.

**ANALYSIS**

The proposed resolution authorizes an execution of a Miami-Dade County Disclaimer of portions of theoretical SW 222 Avenue and SW 240 Street (located in Section 20, Township 56 South, Range 38 East) in favor of FPL. Disclaimer means the refusal to accept an interest in or power over property. The disclaimer states that the County never accepted the reservation created by Arvida Corporation. Additionally, FPL is requesting said disclaimer so as to clear title. The project impact is in District 9. More specifically, FPL, the present property owner of the lands adjacent, is requesting that the Department of Transportation and Public Works disclaim any interest it might have to the property.

As FPL is the owner of all of the lands adjacent to theoretical SW 222 Avenue and SW 240 Street located in Section 20, Township 56 South, Range 38 East, it is asking the County to disclaim any rights it might have by virtue of a warranty deed created on March 24, 1966 by Arvida Corporation. There will be no impact to traffic since there are no existing roads along the lines being disclaimed. As stated in the mayoral memo, the subject area is agricultural and the possibility of it ever being developed is very remote.

**ADDITIONAL INFORMATION**

The link below demonstrates that the area in question is located in an agricultural area outside of the Urban Development Boundary, and near the Everglades National Park.

<https://www.google.com/maps/@25.5442166,-80.5493625,1016m/data=!3m1!1e3>

The Urban Development Boundary for Miami-Dade County was established by the Comprehensive Development Master Plan (CDMP) and generally approved through the year 2020. For reference, below is a link to the '2015 Urban Development Boundary'.

<http://www.miamidade.gov/planning/cdmp.asp>



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**Item No. 8N5  
File No. 172821**

**Researcher: NR    Reviewer: TD**

RESOLUTION AUTHORIZING APPROVAL OF A DEVELOPMENT AGREEMENT FOR STATION IMPROVEMENTS TO DADELAND NORTH METRORAIL STATION INCLUDING AN EXCHANGE OF EASEMENTS BETWEEN MIAMI-DADE COUNTY AND DADELAND APARTMENTS, LLC AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME, EXERCISE ALL PROVISIONS CONTAINED THEREIN, AND TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME

**ISSUE/REQUESTED ACTION**

Whether the Board should approve a Development Agreement for station improvements at the Dadeland North Metrorail Station, including an exchange of easements between Miami-Dade County and Dadeland Apartments, LLC.

**APPLICABLE LEGISLATION/POLICY**

Resolution R-974-09 approved on July 21, 2009 by this Board directs that any resolution authorizing the acceptance or execution of a deed, easement, covenant, reverter, or mortgage creating or reserving a real property interest in favor of the County contain language requiring such instrument, after proper execution, to be recorded in the public records of the county within which the real property is located.

<http://intra/gia/matter.asp?matter=091900&file=true&yearFolder=Y2009>

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Xavier L. Suarez, District 7**

**Department/Requester: Transportation and Public Works**

This item was forwarded to the Board with a favorable recommendation by the Transportation and Public Works Committee (TPWC) at its January 19, 2018 meeting without discussion.

**FISCAL IMPACT**

There will be a positive fiscal impact to the County as the station improvements will be financed by the Developer at a greater value than the exchange of property easements.

**ANALYSIS**

This item seeks an agreement for station improvements to the Dadeland North Metrorail Station, which includes an exchange of easements between the County and the Dadeland Apartments, LLC, the Developer. The Developer proposes a mixed-use transit-oriented development (TOD) that will consist of two buildings with 416 multi-family residential rental units, 22,183 square feet of ground floor retail, and 487 parking spaces. Construction is expected to begin in April 2018.

The County will convey four small easements to the Developer for ingress and egress to its Transit Oriented Development (TOD) along SW 70 Avenue in consideration of the sum of Ten Dollar (\$10.00). The Developer will convey two easements on SW 85 Street in consideration of the sum of Ten Dollar (\$10.00). According to the Mayoral Memorandum, the value of the County owned property is \$380,779 and the value of the Developer owned property is \$106,291; leaving \$274,500 to be paid to the County.

However, in lieu of payment to the County, it is mutually agreed by the County and the Developer, that the Developer will contribute \$274,500 for station improvements at the Dadeland North Metrorail Station. The station improvements will include: covered walkways, covered entrance to the pedestrians, TV screens on the train platform, bicycle accessibility

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enhancements, etc. The Agreement provides a description and rendering depiction of the proposed improvements and details are listed on Schedule 2.1 (HW p. 124) of the item.

The Term of Agreement will be two years or until such time as Developer completes the improvements, whichever comes first, and, unless this Agreement is terminated. The term of this Agreement shall automatically renew for up to two additional renewal terms of one year each upon expiration of the preceding term.

The Agreement shall not become effective unless and until the Board and the Federal Transit Administration (FTA) approve the execution of this Agreement. The Developer is to comply with the following FTA requirements:

1. Not to discriminate based on race, color, national origin or sex;
2. Not to discriminate based on disability and binding the same to compliance with the Americans with Disabilities Act with regard to any improvements constructed;
3. Language in FTA Master Agreement, particularly relating to conflicts of interest, debarment and suspension;
4. Continuing control of the property by Department of Transportation and Public Works (DTPW);
5. Continued unobstructed public access to the system;
6. Non-interference with transit operations; and
7. FTA Third Party Rules and Regulations

The County grants and conveys to the Developer for the benefit of the Project, a temporary easement over the Property including the Air Rights above the System.

Exhibit D of the item is Miami-Dade Transit (MDT) Adjacent Construction Safety Manual, dated August 2015, which was prepared in the interest and for the guidance of those who may want to construct a non-MDT physical structure on, adjacent to or over, an existing MDT facility and/or property.

The purpose of Adjacent Construction Manual is to provide uniform minimum standards and criteria for the construction, development and maintenance of all properties that have or may enter the Safety Zone that has been established for all MDT property and extending on either side of the Metrorail and/or Metromover systems. These standards are intended to provide the basic guidance for the construction, development and maintenance of property adjacent to the operating guideway systems so as to:

1. Protect the safety of the general public and MDT Employees;
2. Protect the guideway system and the MDT property from physical damage;
3. Preserve the level of service and operational schedules so as to cause the least disruption for the ridership and use of the MDT system.

The development site is located within Commission District 7, represented by Commissioner Xavier L. Suarez.

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**DTPW INPUT**

- A benefit to the developer is that there will be access from 70<sup>th</sup> Ave to the development.
- The project will produce anywhere from 200 to 500 jobs at any given time.
- The project will take between 26 months to 28 months to complete.
- This project is adding connectivity to the Underline project along Dadeland North Metrorail Station, and will complement the County's transit system and local walkability. Further, the developer is working with the Traffic Division for the traffic detail, as foot traffic will increase.
- There is no connection between this project and the Green (Green Dadeland Station) properties.
- This project will add to the residential units available in the area.
- The Development Agreement was notarized in 2016 and is it just travelling to the Board because this project has many moving parts, the agreement and all the exhibits, to include legal descriptions, had to be checked and rechecked by all attorneys and surveyors involved, with minor changes and modifications along the way.

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**Item No. 8N6  
File No. 172894**

**Researcher: BM Reviewer: TD**

RESOLUTION AUTHORIZING DESIGNATED PURCHASE PURSUANT TO SECTION 2-8.1 (B)(3) OF THE MIAMI-DADE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE, TO EXECUTE AN AGREEMENT WITH TERRABOOST MEDIA LLC FOR THE CONTINUATION OF MAINTAINING AND REPLENISHING HAND SANITIZING DISPLAYS AT EACH OF THE TWENTY-THREE METRORAIL PASSENGER STATIONS AND AT EACH OF THE TWENTY-ONE METROMOVER STATIONS FOR A PERIOD NOT TO EXCEED ONE YEAR, AND TO EXERCISE ALL PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve a Designated Purchase with Terraboost Media LLC (Terraboost) to continue maintaining and replenishing hand sanitizing displays at the 23 Metrorail passenger stations and the 21 Metromover stations for a one year term.

**APPLICABLE LEGISLATION/POLICY**

Section 2-8.1(b)(3) of the County Code, Contracts and purchases generally relates to designated purchases. Designated Purchase shall mean a purchase within the scope of this section when the purchase through the use of formal sealed bids is not practicable, including, but not limited to: (i) sole source purchases, (ii) services where no competition exists such as public utility services, (iii) where purchases or rates are fixed by law or ordinance, (iv) unique professional or artistic services not governed by the Consultants' Competitive Negotiations Act, section 287.055, Florida Statutes, (v) purchases of goods and services necessary to address an emergency, or where additional formal competition would not be practicable, and (vi) solicitations where only a single proposer has responded to a competitive solicitation but such response contains material defects and the County still desires to enter into a contract with such proposer. The Board of County Commissioners shall adopt any resolution authorizing a Designated Purchase by a two-thirds vote of the members present.

[https://library.municode.com/fl/miami-dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.1COPUGE](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

Administrative Order 8-5 established the requirements regarding Permission to Conduct Private Business on Public Property. Permits shall be issued for a specific time period not to exceed one year in duration, are non-transferable, and may be revoked at any time at the discretion of the department director. Each permit holder shall keep a copy of the approved permit at each business site. A master file of all permits shall be maintained by the County Manager.

Permits, other than those specifically exempted in the section below, may be renewed once, upon approval by County Manager. If a person or firm wishes to continue to conduct private business on County property after the renewal period has expired, a concession or lease is required. The County will follow competitive procedures prior to awarding any concession or lease, where applicable.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO8-5.pdf>

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Requester/Department: Transportation and Public Works**

This item was forwarded by the TPWC to the BCC on January 19, 2018 with a favorable recommendation; 3-0.

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**FISCAL IMPACT**

If this item is approved by the Board, it will have a positive benefit to the County as Terraboost will provide the necessary ongoing maintenance of the displays with unlimited hand sanitizer for transit riders.

**ANALYSIS**

If this item is approved by the Board, the County will execute an agreement with Terraboost to continue to provide the necessary ongoing maintenance of the displays with unlimited hand sanitizer at all the Metrorail and Metromover stations for one year, until October 2018.

Terraboost provides a cost efficient vehicle that allows advertisers to both communicate with and sponsor the wellness of their target audience. The vendor has approximately 15 thousand advertisement Kiosks throughout the nation.

The Department of Transportation and Public Works (DTPW) entered into a permit agreement with Terraboost to provide hand sanitizing displays at the County's Metrorail and Metromover stations. The original one-year term agreement commenced on October 2015, and included one, one-year option to renew which expired on October 2017. Accordingly, this item is requesting a designated purchase to retroactively approve the expired agreement (effective October 15, 2017) while affording DTPW sufficient time to conduct a replacement procurement for a long term successor contract. The DTPW indicated that the procurement solicitation for the new agreement is expected to be advertised during the current fiscal quarter. Terraboost signed to extend the agreement on 8/31/17.

Below is a summary of the responsibilities for Terraboost under the extension agreement:

- Maintain and replenish hand sanitizing displays at each of the 23 Metrorail Passenger Stations and at each of the 21 Metromover Stations
- Provide unlimited hand sanitizing cartridges and batteries for the displays at all stations
- Maintaining the displays in good order and in a safe and suitable condition
- Repair and replace any display that is broken, damaged, or defaced at its sole cost
- Maintain all advertising spaces occupied with advertising materials at all times as stated in Section 13 of the Permit Agreement.
- Displays are not allowed on the platform level of stations
- May only install more than one display prior written approval
- The advertising may not protrude from the display
- Permittee retains the rights, title and interest in and to the displays

**DEPARTMENT INPUT**

OCA requested to receive from a representative of the Department of Transportation and Public Works information on the timeline for the re-procurement on this agreement. The department's representative indicated that the procurement solicitation for the new agreement is expected to be advertised during the current fiscal quarter.

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**Item No. 801  
File No. 172898**

**Researcher: SAP    Reviewer: TD**

RESOLUTION ACKNOWLEDGING REVERSION OF OWNERSHIP OF COUNTY-OWNED PROPERTY LOCATED AT 1000 N.W. 209 STREET, MIAMI GARDENS, FLORIDA, IN AS-IS CONDITION, PURSUANT TO A REVERTER CLAUSE IN THE WARRANTY DEED TO THE MIAMI-DADE WATER AND SEWER AUTHORITY AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE THE ACKNOWLEDGEMENT OF THE REVERSION AND TO TAKE ALL ACTION NECESSARY TO EFFECTUATE SAME

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize the acknowledgement of the reversion of ownership of County-owned property located at 1000 NW 209 Street in Miami Gardens, in as-is condition, to the Water and Sewer Department (WASD).

**APPLICABLE LEGISLATION/POLICY**

Resolution R-377-09, adopted April 7, 2009, establishing official County policy that when the County conveys property with reverter clauses or conditions in deeds, County Department shall request from Tax Collector annual tax notices on said property until conditions for reverter are no longer valid.

<http://intra/gia/legistarfiles/Matters/Y2009/090513.pdf>

Section 197-343 of the Florida Statutes. For all County agencies and departments involved in the sale or transfer of property wherein the deed of transfer evidences an obligation to comply with certain conditions or contains a right of reverter, involved agencies or departments shall request that the Miami-Dade Tax Collector provide them with duplicate annual tax notices for the property.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0100-0199/0197/Sections/0197.343.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0197/Sections/0197.343.html)

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Barbara J. Jordan, District 1**

**Department/Requester: Water & Sewer Department**

This item was forwarded to the Board with a favorable recommendation by the Infrastructure and Utilities Committee at its January 17, 2018 meeting.

**FISCAL IMPACT**

The fiscal impact to the County is the value of the property which is \$94,240.

**ANALYSIS**

Pursuant to Warranty Deed dated January 27, 1978, this item seeks acknowledgement of reversion of ownership for a 23,560 sq. ft. County property located at 1000 N.W. 209 Street, Miami Gardens, in as-is condition to WASD. The Deed contains a reverter clause that provides that the property shall revert to the (the Grantor), or its successor, in the event any portion of the property or the entire property is not used or useful to WASD. On January 26, 2006, D. R. Horton, Inc. (Horton) assumed ownership of the land surrounding the WASD property, therefore becoming the property's successor and having reversionary rights to the property.

On May 10, 2006, Horton's representative requested a conveyance of the WASD property for the purpose of development. The land was initially acquired to be used as an interim sewage treatment facility, but the land remained vacant and was never utilized by WASD. In 2008, Horton provided the County with an environmental release releasing the County from any liability

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for environmental issues regarding the Property. An indemnification agreement holding the County harmless from any liability states that Horton understands and agrees that any insurance protection required by this County Deed, or otherwise provided by Horton shall in no way limit the responsibility to indemnify, keep and save harmless and defend the County or its officers, employees, agents and instrumentalities.

In December 2016, Horton provided a Notice of Reverter that included the following:

- Horton is the owner of the property acquired by Special Warranty Deed;
- The Warranty Deed which conveyed the Reverter Property to Miami-Dade WASD contained a reverter provision; and
- Horton as the owner of the Horton property is the successor of the First Federal Savings and Loan Association of Broward County and as the Reverter Property is not being used as an interim sewage treatment facility the applicable reversionary interest to the reversionary Property reverts to D.R. Horton, inc. a Delaware corporation.

In March 2017, the property was circulated by the Internal Services Department and it was determined that no other County Department has use for the Property, hence the Property is being reverted to Horton. The property is located in District 1, Commissioner Barbara J. Jordan.

**Similar Reverter Clause Actions by the Board**

<b>Resolution</b>	<b>Adopted</b>	<b>Description</b>
R-1231-04	October 19, 2014	Authorizing Miami-Dade County to convey County-owned property located at 1200 NW 139 <sup>th</sup> Street, Miami to Dade Memorial Park, Inc. pursuant to the Reverter Clause in the Special Warranty Deed to Miami-Dade County. <a href="http://intra/gia/matter.asp?matter=042415&amp;file=true&amp;yearFolder=Y2004">http://intra/gia/matter.asp?matter=042415&amp;file=true&amp;yearFolder=Y2004</a>
R-693-01	June 19, 2001	Authorizing the recapture of five (5) residential sites awarded to New Washington Heights Community Development Conference (NWHCDC); authorizing staff to commence legal proceedings to recapture sites in accordance with the reverter clause in the deed, if necessary <a href="http://intra/gia/matter.asp?matter=011349&amp;file=false&amp;yearFolder=Y2001">http://intra/gia/matter.asp?matter=011349&amp;file=false&amp;yearFolder=Y2001</a>
R-736-97	June 17, 1997	Requesting that the Florida Department of Transportation convey certain land, at no cost, to Dade County, stating the public purpose for use of such land; authorizing due diligence inspection of the Property; authorizing the acceptance of a deed for the subject land with a reverter clause. <a href="http://intra/gia/matter.asp?matter=971775&amp;file=false&amp;yearFolder=Y1997">http://intra/gia/matter.asp?matter=971775&amp;file=false&amp;yearFolder=Y1997</a>

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**Item No. 802**  
**File No. 172717**

**Researcher: SAP Reviewer: TD**

RESOLUTION APPROVING AGREEMENT BETWEEN MIAMI-DADE COUNTY AND CP LOGISTICS WESTVIEW, LLC FOR SANITARY SEWER FACILITIES, INCLUDING CONSTRUCTION OF NEW SEWER INFRASTRUCTURE, FOR A PERIOD OF 365 DAYS; APPROVING ALLOCATION OF \$3,224,304.00 FUNDED BY BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BONDS PROGRAM PROJECT NO. 17 – “COUNTYWIDE WATER AND SEWER SYSTEM ENHANCEMENTS” FOR CONSTRUCTION OF OFFSITE SEWER IMPROVEMENTS AND A NEW SEWAGE PUMP STATION; WAIVING FORMAL COMPETITIVE BIDDING REQUIREMENTS OF SECTION 2-8.1 OF THE MIAMI-DADE COUNTY CODE, SECTION 5.03(D) OF THE HOME RULE CHARTER, AND SECTION 255.20, FLORIDA STATUTES; AND AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO EXECUTE THE AGREEMENT AND EXERCISE THE PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve a New Business Agreement I.D. No. 23064 entitled: Agreement for Sanitary Sewer Facilities between the County and CP Logistics Westview, LLC. for sanitary sewer facilities, and approve allocation of \$3,224,304.00 funded by Better Building Communities-General Obligation Bond (BBC-GOB) Project Program No. 17 for construction of offsite sewer improvements and a new sewage pump station.

**APPLICABLE LEGISLATION/POLICY**

Resolution No. 912-04, adopted July 20, 2004, providing for holding of General Obligation Bond Special Election in Miami-Dade County, FL, with respect to authorization of not exceeding \$378,183,000 General Obligation Bonds to construct and improve Water, Sewer and Flood Control systems

<http://intra/gia/matter.asp?matter=042284&file=false&yearFolder=Y2004>

Resolution No. R-597-13, adopted July 2, 2013, directing County Mayor or County Mayor’s designee to provide plan to extend sewer service to commercial and industrial areas.

<http://intra/gia/matter.asp?matter=132022&file=false&yearFolder=Y2013>

Resolution R-537-14, adopted June 3, 2014, approving allocation of \$126,000,000.00 from BBC-GOB Program Project No. 17 – “Countywide Water and Sewer System Enhancements” to fund extension of sewer system to developed commercial and industrial corridors of County

<http://intra/gia/matter.asp?matter=140987&file=true&yearFolder=Y2014>

Section 2-8.1 of the County Code which expands on the “bid requirement for certain purchases; delegation of authority to advertise, award and reject bids or proposals for certain purchases.

[http://miamidade.fl.elaws.us/code/coor\\_ptiii\\_ch2\\_arti\\_sec2-8.1](http://miamidade.fl.elaws.us/code/coor_ptiii_ch2_arti_sec2-8.1)

Section 5.03(d) of the Home Rule Charter. The Board upon written recommendation of the Mayor, may by resolution adopted by two-thirds vote of the members present waive competitive bidding when it finds this to be in the best interest of the County.

<http://www.miamidade.gov/charter/library/charter.pdf>

Section 255.20(10)(d) of the Florida Statutes governing local bids and contracts for public construction works; specification of state-produced lumber. The project is to be awarded by a method other than a competitive selection process, and the architect or engineer of record has provided a written recommendation that the project be awarded to the private sector contractor without competitive selection



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[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0200-0299/0255/Sections/0255.20.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0200-0299/0255/Sections/0255.20.html)

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Jean Monestime, District 2**

**Department/Requester: Water & Sewer Department**

This item was forwarded to the Board with a favorable recommendation by the Infrastructure and Utilities Committee at its January 17, 2018, meeting. The Clerk of the Board received the appropriate memorandum requesting Chairman Bovo to waive the Board's Rules of Procedure to allow the foregoing proposed resolution to be heard at the Board of County Commissioners (BCC) meeting on January 23, 2018.

At that meeting, the following discussion took place.

- The Department Director requested a waiver to the next Board meeting in order to allow the developer to continue the construction of the pump station.
- Commissioner Martinez expressed his concerns regarding the process. He had a problem that CP Logistics Westview, LLC approached the department, they prepared the documents and bid, they offered the cost/estimate and then they got a "no bid".
- The Department Director stated that this is a pump station that the department is going to have to build but will not be able to build at this time; however, this development is ongoing in this area, along with the direction by the Board to bring sewers to certain commercial areas.
- Commissioner Martinez informed the Director that he was familiar with the item and that he was also aware of the incentive to the Company for building the pump station; however, the Commissioner expressed that the deal seemed self-serving by CP Logistics and although the Department reviewed and agreed with the estimate, the Commissioner would like to see other estimates for building similar pump stations.
- The Director added that the item includes several protections to the County in that the maximum compensation based on what the Department has estimated the pump station to be, is the County's protection so if the project is a \$1 more, the County is protected. The Director promised to provide the Committee, by the next Board meeting, with validation of the estimates provided by the contractor the County worked with and also other comparable estimates if they are available. The Director concluded that the Department is comfortable that the County's interest and/or exposure to maximum compensation is correct.
- Commissioner Martinez felt like a "no bid" offer is patently unfair and against what the Board stands for and he cannot support the item at this time.
- Commissioner Suarez inquired if the contract was a part of the pool.
- The Director informed the Commissioner that yes it was and that the contractor was already on site and construction was in progress for infrastructure for water and waste water. He noted that the company needs a pump station and provided an estimate of the cost that the County's engineers have reviewed and approved. Also, the company is already paying their share of the utilization of the pump station which normally if the County had to build, the County would have to assume 100% of the cost.
- Commissioner Monestime inquired about similar items recently passed by the Board.
- The Department Director concurred that the Board has taken actions with the entire Capital Improvement Program (CIP), in that the County should partner with developers building any infrastructure that the County had planned to build, up to a compensation of 50% or higher depending on the situation. The fact that CP Logistics is paying 3% of the development cost of this pump station shows basic participation of that legislation of the Board.

**BCC Meeting February 6, 2018  
Research Notes**

**FISCAL IMPACT**

There is a fiscal impact to the County. The total project estimate for the sewer improvements is \$3,466,994.00. This estimate which includes design and construction costs, was prepared by CP Logistics Westview, LLC and was reviewed, validated and approved by WASD. Additional cost payables submittals by CP Logistics Westview, LLC beyond the maximum of \$3,224,304 are non-negotiable and will not be subject to cost sharing by the County.

**ANALYSIS**

This item seeks approval of an agreement with CP Logistics Westview, LLC for construction of a new sewage pump station for a period of 365 days; and approval of allocation of \$3,224,304.00 funded by BBC-GOB Project Program No. 17 for construction of offsite sewer improvements. According to the Mayor's memo, CP Logistics Westview, LLC approached the Department about the lack of sewer infrastructure in the proposed project area, as the Company is planning to construct an industrial warehouse and an office building inside the project boundaries. As part of its development, once built, the offsite sewer improvements and pump station will become County property and will serve CP Logistics Westview, LLC's development as well as other developments in the area.

The item also seeks a waiver of formal competitive bidding requirements. As required by Section 255.20(10)(d), the Engineer of Record for Miami-Dade WASD has provided a written recommendation that CP Logistics Westview, LLC and its contractors be awarded the project without competitive solicitation. A memorandum dated December 12, 2017 from the WASD Director of Planning and Regulatory Compliance Division to the Director of WASD outlined the following recommendations for the waiver of competitive solicitation:

1. CP Logistics Westview, LLC is uniquely qualified to undertake the project because the contractor is currently working under contract constructing sewer infrastructure at a site adjacent to the proposed project site; and
2. The time to competitively award the project would delay construction of sewer infrastructure in the NW 27<sup>th</sup> Corridor which is currently without sewer service, creating an undue hardship on the public welfare. Postponement of the project would increase costs of the project and delay the economic development of the area.

The Agreement for Sanitary Sewer Facilities states that:

Payment for Offsite Sewer Improvements and New Public Sewage Pumping Station - All construction costs will be shared by CP Logistics Westview, LLC and the County as follows:

- a. The County will be responsible for reimbursing ninety three percent (93%) of the cost of such construction and new public sewage pumping station; which amount shall not exceed \$3,224,304.00; and
- b. CP Logistics Westview, LLC will be responsible for the seven percent (7%) of the total cost or approximately \$242,690.00 which amount represents 7% of the flow contribution of the Project to the total flow of the new public sewage pumping station as determined by the Hydraulic modeling flow analysis.

General Obligation Bond (GOB) Funds Payments - The Department has allocated GOB funds for the cost sharing of the new infrastructure and new public sewage pumping station that will be utilized for Wastewater Commercial Corridors Economic Development: Project 1047 for Gravity and Force Mains and Project 1047 for Pump Stations. CP Logistics Westview, LLC acknowledges and agrees that, in accordance with the GOB requirements, only 17% of the GOB money allocation for this Project can be spent on soft costs, including design and administration of the Project.

Service Charges – CP Logistics Westview, LLC agrees to pay to the County the prevailing service charges for sewage collection and disposal within the property as may be applicable until the responsibility for payment of said charges is properly transferred in accordance with the County's regulations.

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Research Notes**

Facilities Easements – If the facilities are installed within private property outside of public right-of-way, the facilities shall be installed in the center of a fifteen (15) foot wide easement for sewer facilities, with a twenty-five (25) foot minimum vertical clearance above the finished grade.

The property is located in District 2 Unincorporated Miami-Dade.

**ADDITIONAL INFORMATION**

As of November 5, 2017, Sunbiz lists CP Logistics Westview LLC's principal address located in Sacramento, California. There is no local address recorded for this company.

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Research Notes**

**Item No. 803**  
**File No. 172854**

**Researcher: SAP   Reviewer: TD**

RESOLUTION APPROVING RETROACTIVE CHANGE ORDER NO. 2 (FINAL) WITH POOLE AND KENT COMPANY OF FLORIDA WAIVING LIQUIDATED DAMAGES IN AN AMOUNT NOT TO EXCEED \$290,000.00 AND APPROVING A NON-COMPENSABLE TIME EXTENSION OF 58 DAYS FOR CONSTRUCTION OF MASTER PUMP STATION NO. 3, CONTRACT NO. S-852; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND EXERCISE PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should:

1. Retroactively approve Change Order No. 2 (Final) with Poole and Kent Company of Florida (P&K) to waive liquidated damages in an amount not to exceed \$290,000.00; and
2. Approve a non-compensable time extension of 58 days for construction of Master Pump Station 3.

**APPLICABLE LEGISLATION/POLICY**

Resolution No. R-173-14, adopted February 19, 2014, approving Construction Contract No. S-852 in the amount of \$21,976,500.00 to Poole & Kent Company of Florida to construct proposed master pump station No. 3 to provide sewer system capacity in the Brickell area.

<http://intra/gia/legistarfiles/MinMatters/Y2013/132588min.pdf>

Resolution No. R-127-16, adopted February 2, 2016, approving retroactive deductive change Order No. 1 with Poole and Kent Company of Florida for a reduction in the base contract of \$500,000.00 and a non-compensable time extension of 254 days for construction of mater pump station No. 3, Contract No. S-852;

<http://intra/gia/legistarfiles/Matters/Y2015/152991.pdf>

Ordinance No. 07-108, adopted July 24, 2007, creating Section 2-8.2.11 of the Miami-Dade Code, authorized the acceleration to process and procure contracts and agreements related to the design and construction of the improvements for Alternative Water Supply Projects required for the County's 20-Year Water Consumptive Use Permit (20-CUP) and High Level Disinfection Projects (HLD) required by the Florida Department of Environment Consent Decree for the South District Wastewater Treatment Plan.

<http://intra/gia/legistarfiles/MinMatters/Y2007/072231min.pdf>

Resolution No. R-1001-15, adopted November 3, 2015 requiring Contracts with Small Business measures meet at least 85 percent of the Small Business goals applicable to the portion(s) of the Contract work performed to date before a change order or contract amendment be considered for board approval.

<http://intra/gia/legistarfiles/Matters/Y2015/151746.pdf>

Section 2-8.2.11 of the Miami-Dade Code. Water and Sewer Department (WASD) Contracting Authority.

[https://library.municode.com/FL/Miami\\_-\\_Dade\\_County/codes/Code\\_of\\_Ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.2.11WASEDECOAU](https://library.municode.com/FL/Miami_-_Dade_County/codes/Code_of_Ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.2.11WASEDECOAU)

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Water and Sewer Department**

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This item was forwarded to the Board with a favorable recommendation by the Infrastructure and Utilities Committee at its January 17, 2018 meeting.

**FISCAL IMPACT**

The Engineer of Record, Montgomery Watson Americas, Inc. and WASD agree that the circumstances surrounding the project delays that caused P&K to reach substantial completion late were out of their control, and that the non-compensable time extension requested by P&K is warranted, which results in the waiver of liquidated damages in the amount of \$290,000.00

Upon approval of the Board, WASD will provide P&K the following from already approved contract funds.

<b>Amount</b>	<b>For</b>
\$267,329.73	Payment for additional work requested from the Contract's contingency allowance account
\$75,825.12	Outstanding permit fees
\$370,272.39	Retainage

**ANALYSIS**

This item seeks retroactive approval of Change Order No. 2 (Final) to Construction Contract No S-852, for Master Pump Station No. 3, waiving liquidated damages in an amount not to exceed \$290,000.00 and authorizing a non-compensable time extension for 58 days (from February 5, 2016 to April 3, 2016). The construction documents were reviewed and confirmed that the project delays were beyond P&K's control and that the non-compensable time extension is justified as the setbacks were initiated by other parties impacting P&K's construction schedule.

According to P&K, there are 38 full time local employees and approximately 25 local sub-contractors and vendors affiliated with the ten (10) WASD projects. The company headquarters is located at 1781 NW North River Drive, Miami, Florida and the project is located in Commission District 5. As of January 26, 2018, P&K is listed in Sunbiz.org in good and active status.

Resolution No. R-127-16, adopted by the Board on February 2, 2016, approved retroactive deductive Change Order No. 1 to resolve a dispute regarding the number of project delays in days caused by P&K and the number of project delays caused by WASD. The negotiations resulted in the following:

- 1) A monetary reduction of the base contract amount by \$500,000.00, from \$19,110,000.00 to \$18,610,000.00; and
- 2) A non-compensable time extension of 254 days, extending the contract's substantial completion date from May 27, 2015 to February 5, 2016.

**Change Order No. 2**

Monetary Justification – Not Applicable.

Time Justification – The Board awarded this contract to P&K in February 2014 to construct Master Pump Station No. 3 as the existing sewer facilities in the Brickell area were inadequate to serve increased usage in existing buildings, new buildings under construction, and future construction including sewer service to the Brickell City Center development.

*OCA posed the following questions to WASD, to which they responded.*

1. The item stated that the project delays were initiated by "other parties" impacting P&K's construction schedule. Who would "other" parties be referring to?  
*The other parties are FP&L and the Miami-Dade Water and Sewer Department.*
2. If this item is not approved by the Board, what impact could this have to the County, P&K and/or the residents of Miami-Dade County?

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*The pump station has been built and placed into service, therefore, there would be no impact to the residents of the County. The impact would be to the Contractor, P&K, who is not responsible for the project delays. Change Order No. 2 (Final) provides for a non-compensable time extension which allows P&K to reach substantial completion timely, waiving liquidated damages, and 2) releases final payment from already approved contract funds that are due to P&K*

**ADDITIONAL INFORMATION**

Other WASD contracts awarded to P&K in the last four (4) years.

<b>BCC Action</b>	<b>Contract No.</b>	<b>Description</b>
<b>R-52-18</b> 01/23/18	S-891	Award Construction Contract in the amount of \$36,003,300 for CD 2.19(2) Co-Gen Facility and 2.01(6) electrical improvements at the Central District Wastewater Treatment Plant. <a href="http://intra/gia/legistarfiles/Matters/Y2017/172887.pdf">http://intra/gia/legistarfiles/Matters/Y2017/172887.pdf</a>
<b>R-484-17</b> 05/02/17	S-903	Award Construction Contract in the amount of \$5,798,030 for consent decree project No 5.12 upgrade of Pump Station 0187. <a href="http://intra/gia/legistarfiles/Matters/Y2017/170888.pdf">http://intra/gia/legistarfiles/Matters/Y2017/170888.pdf</a>
<b>R249-13</b> 04/02/13	S-863	Award Construction Contract in the amount of \$5,720,050 to provide screening systems and improvements at the County's South District Wastewater Treatment Plant. <a href="http://intra/gia/legistarfiles/MinMatters/Y2013/130275min.pdf">http://intra/gia/legistarfiles/MinMatters/Y2013/130275min.pdf</a>

**BCC Meeting February 6, 2018  
Research Notes**

**Item No. 805**  
**File No. 180098**

**Researcher: SAP   Reviewer: TD**

RESOLUTION RATIFYING ACTION BY COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE RELATED TO MIAMI-DADE WATER AND SEWER DEPARTMENT'S CONSENT DECREE AND CAPITAL IMPROVEMENT PROGRAMS ACCELERATION ORDINANCE PURSUANT TO SECTION 2-8.2.12 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA SPECIFICALLY THE AWARD AND EXECUTION OF A CONSTRUCTION CONTRACT FOR CD 5.5 UPGRADE OF SEWAGE PUMP STATION NO. 0415 TO POOLE & KENT COMPANY OF FLORIDA IN THE AMOUNT OF \$5,646,610.00; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should ratify action for the award and execution of a Water and Sewer (WASD) Consent Decree Construction Contract in the amount of \$5,646,610.00 to Poole & Kent Company of Florida (P&K) for upgrade of Sewage Pump Station No. 0415.

**APPLICABLE LEGISLATION/POLICY**

Section 2-8.2.12 of the County Code governing WASD Consent Decree and Capital Improvement Programs Acceleration Ordinance authorizing the County Mayor to accelerate the processing, procurement and award of any contract and agreement of the County for Consent Decree Work and other capital improvement contracts to maintain the operational effectiveness and capacity of the water and sewer systems, including contracts related to the purchase of goods and services, construction and professional services. Any act undertaken pursuant to the authority set forth under this section is subject to ratification by the Board.

[https://library.municode.com/FL/Miami\\_Dade\\_County/codes/Code\\_of\\_Ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.2.12MIDEWASEDECODECAIMPRACOR](https://library.municode.com/FL/Miami_Dade_County/codes/Code_of_Ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.2.12MIDEWASEDECODECAIMPRACOR)

Ordinance No. 14-77, adopted September 3, 2014, creating Section 2.8.2.12 of the Code, delegating the County Mayor or his designee the authority to advertise, award, amend and negotiate contracts for goods and services, construction and professional services for the Miami-Dade Water and Sewer Department.

<http://intra/gia/matter.asp?matter=141981&file=false&yearFolder=Y2014>

Case: No. 1:12-cv-24400-FAM. May 21, 2013. Consent Decree between Miami-Dade County, the United States of America, the State of Florida and the Florida Department of Environmental Protection for the County to take all necessary measures, consistent with the objectives of the Clean Water Act (CWA), to achieve full compliance with the CWA.

<http://www.miamidade.gov/water/library/reports/consent-decree/consent-decree-signed.pdf>

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Water and Sewer Department**

**FISCAL IMPACT**

Project No.	Commission District(s)	Contract Amount	Funding Source(s)	Contract Term
5.05	District 1	\$5,646,610.00	Future WASD Revenue Bonds; WASD Revenue Sold; Wastewater Connection Charges	420 days (Proceed date 10/11/2017 – Completion date 12/5/2018) (EPA Compliance date: January 27, 2019)



**BCC Meeting February 6, 2018  
Research Notes**

**ANALYSIS**

This item is requesting Board ratification for the award and execution of Consent Decree Project - Construction Contract No. S-905R for \$5,646,610.00 to P&K for upgrade of Sewage Pump Station No. 0415 (*Replacement of Switchgear and Rehabilitation of Wetwell*). The wetwell is a chamber to which the suction pipe of a pump is attached. The Pump Station is located at 3750 NW 181 Street and the upgrade will not affect the water and wastewater services in the area. According to P&K, there are 38 full time local employees and approximately 25 local sub-contractors and vendors affiliated with the ten (10) WASD projects. The company headquarters is located at 1781 NW North River Drive, Miami, Florida. As of January 26, 2018, P&K is listed in Sunbiz.org in good and active status.

Scope of Work for Project 5.05 includes:

- Replacement of plumbing and electrical equipment;
- Partial demolition and expansion of electrical building including structural upgrades; and
- Installation of new generator, valves, pumps, motors and control panel.

(The project consists of furnishing all materials, labor and equipment necessary to rehabilitate and upgrade the Pump Station).

**Consent Decree Program**

A Consent Decree is a settlement of a lawsuit in which a person or company agrees to take specific actions without admitting fault or guilt for the situation that led to the lawsuit. WASD has entered into a federally mandated Consent Decree with the United States Environmental Protection Agency (USEPA) and the Florida Department of Environmental Protection (FDEP) and is committing to making improvements to the wastewater collection and treatment system totaling \$1.6 Billion over the next 15 years.

On May 21, 2013, the Miami-Dade Board of County Commissioners authorized the execution of a Consent Decree between Miami-Dade County, the United States of America, the State of Florida and the Florida Department of Environmental Protection, for improvements to the County's wastewater collection and treatment system (*see preceding link*). On June 6, 2013, the Department of Justice lodged the proposed Consent Decree with the United States District Court for the Southern District of Florida in the lawsuit entitled United States, State of Florida and State of Florida Department of Environmental Protection v. Miami-Dade County.

**Bid Analysis Recommendation**

The bid opening took place on July 28, 2017 and four (4) bids were received (see below). The Base Bid Subtotal based on the Engineer's Opinion of Probable Construction cost (OPCC) was \$6,685,455.00. P&K was the lowest bidder and was selected with the base bid of \$4,997,000.00, which is 25% below the Engineer's estimate. After review of P&K submittal it was determined that they included the required experience information and therefore their bid was deemed Responsive.

Contractor	Base Bid Subtotal	Allowances		Total Project Cost
		Dedicated	Contingency	
Engineer's OPCC	\$6,685,455.00	\$200,563.65	\$668,545.50	\$7,554,564.00

1	Poole & Kent	\$4,997,000.00	\$149,910.00	\$499,700.00	\$5,646,610.00
2	Klewit Infrastructure	\$6,962,220.00	\$208,886.60	\$696,222.00	\$7,867,308.60
3	PC Construction	\$7,141,000.00	\$214,230.00	\$714,100.00	\$8,069,330.00
4	Metro Equipment	\$7,254,354.00	\$217,630.62	\$725,435.40	\$8,197,420.02



**BCC Meeting February 6, 2018  
Research Notes**

Due to the disparity between the Engineer's estimate and P&K's bid (25.0%), the Engineer was requested to perform a bid analysis. An analysis of the bids showed that the largest discrepancies in bid terms were pumps and valves, which were \$901,328.54 and \$186,676 respectively. Consideration of potential alternative suppliers or equipment should not be a concern as the engineer of record will review equipment selection in the construction process to ensure compliance.

**Similar successful WASD ratifications by the Board**

R-1244-17, adopted 12/19/17 <http://intra/gia/legistarfiles/Matters/Y2017/172636.pdf>

R-87-17, adopted 02/07/17 <http://intra/gia/legistarfiles/Matters/Y2017/170086.pdf>

R-456-16, adopted 06/07/16 <http://intra/gia/legistarfiles/Matters/Y2016/161098.pdf>

**ADDITIONAL INFORMATION**

P&K contributed to the growth of the South Florida community, having been involved in numerous projects to include the Miami-Dade County's Master Pump Station No. 3, which is a pumping facility that expands Downtown Miami's sewer capacity". As the community has grown, P&K has opened additional offices in West Palm Beach, Tampa, and Port Charlotte. <https://www.pkflorida.com/about-us>

**BCC Meeting February 6, 2018  
Research Notes**

**Item No. 11A5  
File No. 172748**

**Researcher: AIP   Reviewer: TD**

RESOLUTION APPROVING AMENDMENT TO LICENSE AGREEMENT BETWEEN THE COUNTY AND FLORIDA POWER & LIGHT COMPANY TO OMIT THE REQUIREMENT THAT THE COUNTY PURCHASE INSURANCE IN CONNECTION WITH THE USE OF THE PROPOSED LINEAR PARK LOCATED ALONG NORTHWEST 136TH COURT; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAID AMENDED LICENSE AGREEMENT FOR AND ON BEHALF OF THE COUNTY AND TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the amendment to omit the insurance requirement in the adopted FPL agreement.

**APPLICABLE LEGISLATION/POLICY**

Resolution No. R-709-17 (*License Agreement Right of Entry Florida Power & Light Co*) adopted by the Board on June 6, 2017 approved a license agreement and right of entry agreement between the County and Florida Power & Light Company (FPL) for the development and use of property owned by FPL, located along Northwest 136<sup>th</sup> Court, as a recreational trail.: <http://intra/gia/matter.asp?matter=172122&file=false&yearFolder=Y2017>

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Jose “Pepe” Diaz, District 12**

**Department/Requester: None**

**1/18/18:** At the Parks and Cultural Affairs Committee (PCAC), the item was forwarded to the BCC with a favorable recommendation. There was no discussion or concerns brought up during committee.

**FISCAL IMPACT**

This amendment has no fiscal impact. The original license agreement, adopted by the Board on has an estimated fiscal impact of \$700,000 in development costs funded from park impact fees, and \$1,606,500 in operational costs and fees, (exclusive of insurance costs), for the 27 year term of the license agreement.

**ANALYSIS**

As approved, the County was required to purchase and maintain insurance in connection with the County’s use of the proposed linear park located along Northwest 136th Court; and FPL subsequently agreed to amend the Agreement to delete the insurance requirement, substituting instead a requirement that the County maintain a self-insurance program for any and all claims arising out of or in connection with the County’s use of the linear park.

The County has such a self-insurance program in place, and relief from the previously included insurance requirement would generate a substantial savings to the County. This item seeks to approve the amendment to the license and right-of-entry agreement between the County and FPL, in substantially the form attached hereto as Exhibit “A,” to omit the requirement that the County purchase insurance in connection with the use of the proposed linear park located along Northwest 136th Court.

**BCC Meeting February 6, 2018  
Research Notes**

**File No. 11A8  
Item No. 172950**

**Researcher: SM      Reviewer: TD**

RESOLUTION DECLARING CERTAIN FIREFIGHTING EQUIPMENT SURPLUS PROPERTY; WAIVING, BY A TWO-THIRDS VOTE OF BOARD MEMBERS PRESENT, THE PROCEDURE FOR DISPOSITION OF SURPLUS PROPERTY; AUTHORIZING THE DONATION OF SUCH EQUIPMENT TO THE GENERAL CORPS OF VOLUNTEER FIREFIGHTERS OF PERU FOR USE BY THE LIMA 4 FIRE STATION; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE A FOREIGN GOVERNMENTAL ENTITY DONATION AGREEMENT, TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN AND TO TAKE ANY AND ALL ACTIONS NECESSARY TO EFFECTUATE THE FOREGOING

**ISSUE/REQUESTED ACTION**

Whether the Board should approve this Resolution declaring certain firefighting equipment surplus property, authorizing the donation of such equipment to the general corps of volunteer firefighters of Peru for use by the Lima 4 fire station.

**APPLICABLE LEGISLATION/POLICY**

Code Section 2-11.2.1(b) of the Code of Miami-Dade County provides a procedure for disposition of County surplus property.

[https://library.municode.com/fl/miami-dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-11.2.1DICOSUPR](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-11.2.1DICOSUPR)

Code Section 2-11.2.1(d) of the Code of Miami-Dade County, The Board may waive such procedure by a two-thirds vote of the members present, and may donate surplus property to a foreign governmental entity upon a finding that the property is obsolete and cannot legally be used by another County department, a municipality in Miami-Dade County or an eligible community organization.

[https://library.municode.com/fl/miami-dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-11.2.1DICOSUPR](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-11.2.1DICOSUPR)

Chapter 274 of the Florida Statutes governs tangible personal property owned by local Governments.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0200-0299/0274/0274.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0274/0274.html)

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Sally A. Heyman**

This Item was forwarded to BCC with a favorable recommendation at the Public Safety and Health Committee on January 18 2018.

**FISCAL IMPACT**

The firefighting equipment that is deemed obsolete and cannot be legally used by another County department, is worth the following:

- 100 Sets of Turnout Gear: Coats & Pants, Obsolete \$100,000
- 100 Fire Helmets, Obsolete \$10,000
- 100 Sets of Fire Boots, Obsolete \$1,000

The aforementioned equipment is declared to be surplus pursuant to chapter 274, Florida Statutes, and Section 2-11.2.1 of the Code of Miami-Dade County which can be referred to above.

**BCC Meeting February 6, 2018  
Research Notes**

**ANALYSIS**

This Item pertains to obsolete and surplus firefighting equipment, if the Resolution receives Board approval it will grant The County Mayor or County Mayor's designee to execute a foreign Governmental Entity Donation Agreement. The surplus equipment will be donated to the general corps of volunteer firefighters of Peru for use by the Lima 4 fire station. The decommissioned fire protective clothing listed below is being made available for donation to the Cuerpo General de Bomberos Voluntarios del Peru, Lima 4 Fire Station.

Type	Count
Rubber boots	100
Bunker Coats	100
Bunker Pants	100
Helmets	100
<b>Total</b>	<b>400</b>

The Donee must take possession of the equipment within 60 days of the effective date of this resolution and shall be responsible for any and all costs of transferring the equipment. If the Donee fails to do so the proposed Resolution will be null and void and the ownership shall revert back to the County.

The fire equipment is not to be used for live fire service and can only be used for training without live fire burns. Per the agreement attached in the mayoral memo the donee shall indemnify and hold harmless, Miami-Dade County, and its officers, employees, agents and instrumentalities et. Al. from any and all liability, losses or damages, including attorney's fees and costs of defense, which the County or its officers, employees, agents or instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature arising out of, relating to or resulting from the transfer of ownership.

**ADDITIONAL INFORMATION**

There is some debate as to when the gear the fire departments use should be retired. The website firerescue1 has an article that speaks about the mandatory gear retirement at 10 years. The National Fire Protection Association (NFPA) set a maximum service life for turnout gear that would be unambiguous — remove any gear from service that had a manufacture date of more than 10 years, regardless of its use, care, or actual condition. This was applied for all types of gear except aluminized outer shells found in proximity firefighter clothing that were given an expiration date of 5 years.

<https://www.firerescue1.com/fire-products/Personal-protective-equipment-ppe/articles/1372912-The-debate-mandatory-gear-retirement-at-10-years/>

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**Item No. 11A10  
File No. 172890**

**Researcher: AIP    Reviewer: TD**

RESOLUTION AUTHORIZING CONVEYANCE, PURSUANT TO SECTION 125.379(2), FLORIDA STATUTES, OF THREE COUNTY-OWNED PROPERTIES TO ECOTECH VISIONS FOUNDATION, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION, AT A PRICE OF \$10.00, FOR THE PURPOSE OF DEVELOPING SUCH PROPERTIES WITH AFFORDABLE HOUSING TO BE SOLD TO LOW- AND MODERATE INCOME HOUSEHOLDS THROUGH THE MIAMI-DADE INFILL HOUSING INITIATIVE PROGRAM; AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE A COUNTY DEED; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTION NECESSARY TO ENFORCE THE PROVISIONS SET FORTH IN SUCH COUNTY DEED AND TO ENSURE PLACEMENT OF APPROPRIATE SIGNAGE

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize the conveyance of three County-owned properties to Ecotech Visions Foundation, Inc. for the purpose of being sold to low and moderate income households as part of the Miami-Dade Infill Housing Initiative Program.

**APPLICABLE LEGISLATION/POLICY**

**Miami-Dade County Code Article VII Chapter 17** (Section 17-121 to 17-128) (*Infill Housing Initiative*):  
[https://library.municode.com/FL/Miami -  
Dade\\_County/codes/Code\\_of\\_Ordinances?nodeId=PTIICOOR\\_CH17HO\\_ARTVIINHAIN](https://library.municode.com/FL/Miami-Dade_County/codes/Code_of_Ordinances?nodeId=PTIICOOR_CH17HO_ARTVIINHAIN)

**Administrative Order No. 8-4** (*Sale or Lease of County Real Property*) which gives the Board the authority to sell or lease or otherwise dispose of County-owned real property, adopted on May 5, 1981:  
<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO8-4.pdf>

**Implementing Order 3-44** (*Infill Housing Program Initiative*):  
<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-44.pdf>

**Florida Statutes Section 125.379(1)** and **Florida Statutes Section 125.379(2)** (*County Organization and Intergovernmental Relations*): [http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0100-0199/0125/Sections/0125.379.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0125/Sections/0125.379.html)

**Florida Statutes Section 125.411** (*Conveyance of Land by County*) which states "IN WITNESS WHEREOF the said party of the first part has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chair or Vice Chair of said board, the day and year aforesaid".  
[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0100-0199/0125/Sections/0125.411.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0125/Sections/0125.411.html)

**Resolution No. R-974-09** (*Filing Closing Documents BCC Clerk*) Adopted on July 21, 2009, which directs any resolution authorizing the execution of instruments creating a County interest in real property shall require such instruments to be recorded in the public records of Miami-Dade County and attached by the Clerk of the Board to the authorizing resolution.  
<http://intra.gia/matter.asp?matter=091900&file=true&yearFolder=Y2009>

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**Resolution No. R-376-11** (*County Owned Real Property Affordable Housing*) adopted on May 3, 2011, which directed that any resolution authorizing the rehabilitation, improvement or conveyance of County-owned real property appropriate for or to be used as affordable housing shall include detailed information on the property and the County's investment and future control.  
<http://intra/gia/matter.asp?matter=110684&file=true&yearFolder=Y2011>

**Resolution No. R-333-15** (*Market Value or Market Rental in Legislative Items*) adopted on April 21, 2015, which established a County policy to require disclosure of market value or market rental in legislative items authorizing the conveyance or lease of County-owned property to promote public disclosure and fiscal responsibility.  
<http://intra/gia/matter.asp?matter=150446&file=true&yearFolder=Y2015>

**Resolution No. R-979-17** (*Resolution Declaring 226 County-Owned Properties Surplus*) adopted November 7, 2017, which declared various County-owned properties surplus and revised the inventory list of real property upon conclusion of a public hearing, to include the properties in accordance with section 125.379(1), Florida Statutes; authorizing the County Mayor or designee to include said properties in the Miami-Dade Infill Housing Initiative Program, subject to the consultation with each County Commissioner in whose district the properties are located; and waiving the requirements of Resolution Nos. R-376-11 and R-333-15.  
<http://intra/gia/matter.asp?matter=171574&file=true&yearFolder=Y2017>

**Resolution No. R-1416-08** (*Hope VI*) adopted on December 6, 2008, which requires the developer to give the former Scott/Carver residents the right of first refusal on all units to be sold in the target area.  
<http://intra/gia/matter.asp?matter=083584&file=true&yearFolder=Y2008>

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Barbara J. Jordan, District 1**

**Department/Requester: None**

**1/17/18:** The Housing and Social Services Committee (HSSC) forwarded the item to the BCC with a favorable recommendation as corrected. (Scrivener's Error)

During the HSSC meeting, Commissioner Martinez brought up the concern that neither Ecotech Visions Foundation, Inc., nor the 34-Ways Foundation, Inc. (Item No. 180012) were property developers in the past, so it is not their expertise. In response, the Prime Sponsor, Commissioner Jordan assured the other committee members that she had met with both organizations, and they expressed their desire to develop properties for low income housing, and that she had reviewed their plans for the development. Both of the items passed unanimously, with a favorable recommendation to the BCC.

**FISCAL IMPACT**

The County will receive \$10.00 USD. No other fiscal impact is associated with this item. The organization will take on the rehabilitation of the properties. Infill home sales prices range up to \$205,000 (private lots may be priced up to \$215,000). If someone decides to purchase a Habitat for Humanity of Greater Miami (Habitat) home, they are required to complete 'sweat equity' hours. Sweat equity hours consist of an average of 250 hours which are completed by helping build the home. The price range for a Habitat home is generally up to \$175,000 (subject to change).

Property (Legal Description)	Address	Lot Size (Square ft.)	Market Value (2017)	Annual Tax Revenue Generated
1) "Magnolia Sub"	2090 NW Ali Baba Ave Opa-Locka, FL 33054	15,625	\$121,074	\$3,036.28

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2) "Venetian Gardens"	15800 NW 37 <sup>th</sup> Ave Miami Gardens, FL 33054	8,500	\$50,836	\$1,227.92
3) "Biscayne River"	2481 NW 152 St Miami Gardens, FL 33054	6,000*	\$17,765	\$691.97

\*The table under attachment A in the item lists the third property as 6,500 sq. ft., while the report from the Property Appraiser's office lists the property as having a lot size of 6,000 sq. ft.

**ANALYSIS**

This item seeks to convey three County-owned properties to provide housing for low to moderate income families. As per Administrative Order No. 8-4, Miami-Dade Internal Services Department has announced the availability of the County Properties to all County departments, and none showed interest in the County properties. The organization will have to follow the Infill Housing Initiative program guidelines for the conveyance, rehabilitation, and use of the properties. Ecotech Visions Foundation, Inc. (Ecotech) will have to complete the development within two years of the effective date of the conveyance, unless extended at the discretion of the Board.

Ecotech Visions, Inc. is located at 670 NW 112th St, Miami, FL 33168 (Primary Address). It is a co-working space located in Miami-Dade County, which encourages innovation in businesses that are eco-friendly and "green". According to the Florida Department of State website, "[Ecotech Visions Foundation, Inc.](#)" is registered as a "not-for-profit" and its partner organization, [Ecotech Visions, Inc.](#) is listed as a "profit corporation". An earlier version of this item referred to the organization requesting the County properties as "Ecotech Visions, Inc." but this was listed as a scrivener's error during the HSSC meeting.

According to the Ecotech Website, Ecotech Visions is Miami's first green incubator and makerspace. They assist entrepreneurs in creating, planning, and launching innovative and "green" manufacturing businesses in South Florida. They offer high-quality business resources, maker space, office space and event space to support the development of products made with recycled materials. Ecotech provides an intense incubation experience for entrepreneurs that enhances the potential for success upon launching into the market. Ecotech hopes to launch innovative and environmentally-conscious ideas that would otherwise remain dormant and inactive due to limited resource availability.

Currently, the organization is undertaking the creation of the first "green city" in America with goals of spreading the development framework globally. Their flagship location is within the Green corridor in Miami, Florida. The Green Corridor helps focus economic development in order to encourage companies and entrepreneurs dealing with renewable energy, energy efficiency, and environmentally beneficial technologies to locate within Miami-Dade County.

Ecotech Visions, Inc. Website: <http://ecotechvisions.com/about/>

**ADDITIONAL INFORMATION**

Miami-Dade County Infill Housing Initiative Program is located at 701 NW 1<sup>st</sup> CT, 16<sup>th</sup> Floor Miami, FL 33136. The purpose of the Infill Housing Program (Infill Program) is to increase the availability of affordable homes for very low-, low- and moderate-income persons and households, maintain a stock of affordable housing; redevelop urban neighborhoods by eliminating the blight of vacant, dilapidated or abandoned properties; equitably distribute homeownership opportunities within the Infill Target Areas, and generate payment of ad valorem taxes. The Infill Program shall encourage the sale or transfer of County-owned properties to Infill Developers. The Infill Developers shall be required to build affordable homes to be sold to very low, low- and moderate-income persons. Although the Infill Program is primarily designed to create affordable homeownership of single family homes, the County, under limited circumstances, at its sole discretion, may allow Infill Developers to rent these homes to qualified very low-, low-, or moderate-income families.

Developers experience, qualifications and other evaluation criteria are reviewed as part of the RFP solicitation process or as otherwise required for participation in the Infill Program. Minimum requirements include, but not be limited to the following:

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- 1) Relevant experience, qualifications, past performance and length of time in business;
- 2) Relevant experience and qualifications of key personnel, including key personnel of subcontractors, which will be assigned to the project, number of employees, and experience and qualifications of subcontractors;
- 3) Past performance on similar housing projects;
- 4) Financial strength and ability to provide start-up operations.
- 5) Financial capacity to build the homes;
- 6) Sample Marketing plan and skills to reach out to Eligible Households;
- 7) Provide project budgets, architectural plans, project schedules, operation of property and meeting time schedules; proposed sales price consistent with program sales cap;
- 8) Specific key tasks necessary to concurrently develop multiple lots to complete on time and within budget;
- 9) Contracts (past and current) with the County and describe if developer met project goals, timelines, and within budget;
- 10) Payment of County real estate taxes, code compliance liens and other County fees when due.

The Developer submits the completed application, required documents, and fee(s) 60 days prior to the sale of an eligible home to a qualified first-time homebuyer. After the sale of the Infill home to a qualified first-time homebuyer, and after the Warrantee Deed and buyer's Restrictive Covenant is recorded, the Department will record the Release of County Liens and Citations. Only qualified County liens and citations may be released.

Link to Miami-Dade County Infill Housing Developer Requirements: <http://www.miamidade.gov/housing/infill-housing-developers.asp>

Guidelines for the Miami-Dade County Infill Housing Initiative Program:  
<http://www.miamidade.gov/housing/library/guidelines/infill-housing.pdf>



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**Item No. 11A12**  
**File No. 180012**

**Researcher: AIP    Reviewer: TD**

RESOLUTION AUTHORIZING CONVEYANCE, PURSUANT TO SECTION 125.379(2), FLORIDA STATUTES, OF THREE COUNTY-OWNED PROPERTIES TO 34WAYS FOUNDATION, A LOUISIANA NOT-FOR-PROFIT CORPORATION, AT A PRICE OF \$10.00, FOR THE PURPOSE OF DEVELOPING SUCH PROPERTIES WITH AFFORDABLE HOUSING TO BE SOLD TO LOW- AND MODERATE INCOME HOUSEHOLDS IN ACCORDANCE WITH THE MIAMI-DADE INFILL HOUSING INITIATIVE PROGRAM; AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE A COUNTY DEED; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTION NECESSARY TO ENFORCE THE PROVISIONS SET FORTH IN SUCH COUNTY DEED AND TO ENSURE PLACEMENT OF APPROPRIATE SIGNAGE

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize the conveyance of three County-owned properties to 34ways Foundation for the purpose of being sold to low and moderate income households as part of the Miami-Dade Infill Housing Initiative Program.

**APPLICABLE LEGISLATION/POLICY**

**Miami-Dade County Code Article VII Chapter 17** (Section 17-121 to 17-128) (*Infill Housing Initiative*):  
[https://library.municode.com/FL/Miami -  
Dade County/codes/Code of Ordinances?nodeId=PTIICOOR\\_CH17HO\\_ARTVIIINHGIN](https://library.municode.com/FL/Miami_Dade_County/codes/Code_of_Ordinances?nodeId=PTIICOOR_CH17HO_ARTVIIINHGIN)

**Administrative Order No. 8-4** (*Sale or Lease of County Real Property*) which gives the Board the authority to sell or lease or otherwise dispose of County-owned real property, adopted on May 5, 1981:  
<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO8-4.pdf>

**Implementing Order 3-44** (*Infill Housing Program Initiative*):  
<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-44.pdf>

**Florida Statutes Section 125.379(1) and Florida Statutes Section 125.379(2)** (*County Organization and Intergovernmental Relations*): [http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0100-0199/0125/Sections/0125.379.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0125/Sections/0125.379.html)

**Florida Statutes Section 125.411** (*Conveyance of Land by County*) which states "IN WITNESS WHEREOF the said party of the first part has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chair or Vice Chair of said board, the day and year aforesaid".  
[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0100-0199/0125/Sections/0125.411.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0125/Sections/0125.411.html)

**Resolution No. R-974-09** (*Filing Closing Documents BCC Clerk*) Adopted on July 21, 2009, which directs any resolution authorizing the execution of instruments creating a County interest in real property shall require such instruments to be recorded in the public records of Miami-Dade County and attached by the Clerk of the Board to the authorizing resolution.  
<http://intra/gia/matter.asp?matter=091900&file=true&yearFolder=Y2009>

**Resolution No. R-376-11** (*County Owned Real Property Affordable Housing*) adopted on May 3, 2011, which directed that any resolution authorizing the rehabilitation, improvement or conveyance of County-owned real property appropriate for or to

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be used as affordable housing shall include detailed information on the property and the County's investment and future control.  
<http://intra/gia/matter.asp?matter=110684&file=true&yearFolder=Y2011>

**Resolution No. R-333-15** (*Market Value or Market Rental in Legislative Items*) adopted on April 21, 2015, which established a County policy to require disclosure of market value or market rental in legislative items authorizing the conveyance or lease of County-owned property to promote public disclosure and fiscal responsibility.  
<http://intra/gia/matter.asp?matter=150446&file=true&yearFolder=Y2015>

**Resolution No. R-979-17** (*Resolution Declaring 226 County-Owned Properties Surplus*) adopted November 7, 2017, which declared various County-owned properties surplus and revised the inventory list of real property upon conclusion of a public hearing, to include the properties in accordance with section 125.379(1), Florida Statutes; authorizing the County Mayor or designee to include said properties in the Miami-Dade Infill Housing Initiative Program, subject to the consultation with each County Commissioner in whose district the properties are located; and waiving the requirements of Resolution Nos. R-376-11 and R-333-15.  
<http://intra/gia/matter.asp?matter=171574&file=true&yearFolder=Y2017>

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Barbara J. Jordan, District 1**  
**Department/Requester:**

**1/17/18:** The Housing and Social Services Committee (HSSC) forwarded the item to the BCC with a favorable recommendation as corrected.

During the HSSC meeting, Commissioner Martinez brought up the concern that neither the 34-Ways Foundation, Inc., nor Ecotech Visions Foundation Inc. (Item No. 172890), were property developers in the past, so it is not their expertise. In response, the Prime Sponsor, Commissioner Jordan assured the other committee members that she had met with both organizations, and they expressed their desire to develop properties for low income housing, and that she had reviewed their plans for the development. Both of the items passed unanimously, with a favorable recommendation to the BCC.

**FISCAL IMPACT**

The County will receive \$10.00 USD. No other fiscal impact is associated with this item. The organization will take on the rehabilitation of the properties.

Property (Legal Description)	Address	Lot Size (Square ft.)	Market Value (2017)	Annual Tax Revenue Generated
1) "Magnolia Gardens Consolidated"	2121 Rutland St	5,000	\$42,642	\$1,597.99
2) "Kings Gardens"	Adjacent East of 4501 NW 194 St	13,068	\$26,136	\$733.66
3) "Rainbow Park"	Adjacent East of 1751 NW 151 St	5,000	\$20,000	\$483.96

**ANALYSIS**

This item seeks to convey three County-owned properties to provide housing for low to moderate income families. As per Administrative Order No. 8-4, Miami-Dade Internal Services Department has announced the availability of the County Properties to all County departments, and none showed interest in the County properties. The organization will have to follow the Infill Housing Initiative program guidelines for the conveyance, rehabilitation, and use of the properties. 34ways

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Foundation will have to complete the development within two years of the effective date of the conveyance, unless extended at the discretion of the Board.

According to the letter from the foundation to Commissioner Barbara J. Jordan, the organization has committed itself to finishing the homes within one year after the permit for construction is approved. Each design will have 3 bedrooms, 2 bath and 1 car garage minimum and meet all applicable building codes. The design and construction team will be TJJA Architects and Poinciana Development Group, Inc. has over 0 years of industry experience. Both firms are local to Miami and have completed various projects within District 1.

The 34ways Foundation is a Louisiana nonprofit organization, founded in 2001 by National Football League (NFL) New Orleans Saints cornerback Mike McKenzie. It is not an active Sunbiz non-for-profit organization. The organization was founded as a support organization to provide guidance and encouragement to children through football camps, activities and programs. Its mission is to help kids by promoting sports, academics and other mentoring programs that build character, teach discipline, and encourage good health and education. The foundation desires to enrich communities and inner cities by providing fun and edifying opportunities to youth ages 11- 18. All funding and contribution are used solely for the programs and activities of 34 Ways Foundation.

Board of Directors:

- Mike McKenzie: Founder
- Rachel McNeil, MBA: Executive Director
- Tanya Bowley: Program Manager
- Antoinette de Alteriis Event Development
- Robin N. Kindrick, Liaison
- Mechelle Murray: Event Coordinator
- Raynard Sanders: Mentor of Youth development
- Ronald Gearing: Honorary Athletic Director
- Hotel Romeo Design: Technical Advisor

Foundation Website: <http://34waysfoundation.org/>

**ADDITIONAL INFORMATION**

Miami-Dade County Infill Housing Initiative Program is located at 701 NW 1<sup>st</sup> CT, 16<sup>th</sup> Floor Miami, FL 33136. The purpose of the Infill Housing Program (Infill Program) is to increase the availability of affordable homes for very low-, low- and moderate-income persons and households, maintain a stock of affordable housing; redevelop urban neighborhoods by eliminating the blight of vacant, dilapidated or abandoned properties; equitably distribute homeownership opportunities within the Infill Target Areas, and generate payment of ad valorem taxes. The Infill Program shall encourage the sale or transfer of County-owned properties to Infill Developers. The Infill Developers shall be required to build affordable homes to be sold to very low, low- and moderate-income persons. Although the Infill Program is primarily designed to create affordable homeownership of single family homes, the County, under limited circumstances, at its sole discretion, may allow Infill Developers to rent these homes to qualified very low-, low-, or moderate-income families.

Developers experience, qualifications and other evaluation criteria are reviewed as part of the RFP solicitation process or as otherwise required for participation in the Infill Program. Minimum requirements include, but not be limited to the following:

- 1) Relevant experience, qualifications, past performance and length of time in business;
- 2) Relevant experience and qualifications of key personnel, including key personnel of subcontractors, which will be assigned to the project, number of employees, and experience and qualifications of subcontractors;

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- 3) Past performance on similar housing projects;
- 4) Financial strength and ability to provide start-up operations.
- 5) Financial capacity to build the homes;
- 6) Sample Marketing plan and skills to reach out to Eligible Households;
- 7) Provide project budgets, architectural plans, project schedules, operation of property and meeting time schedules; proposed sales price consistent with program sales cap;
- 8) Specific key tasks necessary to concurrently develop multiple lots to complete on time and within budget;
- 9) Contracts (past and current) with the County and describe if developer met project goals, timelines, and within budget;
- 10) Payment of County real estate taxes, code compliance liens and other County fees when due.

The Developer submits the completed application, required documents, and fee(s) 60 days prior to the sale of an eligible home to a qualified first-time homebuyer. After the sale of the Infill home to a qualified first-time homebuyer, and after the Warrantee Deed and buyer's Restrictive Covenant is recorded, the Department will record the Release of County Liens and Citations. Only qualified County liens and citations may be released.

Link to Miami-Dade County Infill Housing Developer Requirements: <http://www.miamidade.gov/housing/infill-housing-developers.asp>

Guidelines for the Miami-Dade County Infill Housing Initiative Program:  
<http://www.miamidade.gov/housing/library/guidelines/infill-housing.pdf>

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**Item No. 11A13**

**File No. 180016**

**Researcher: BM Reviewer: TD**

RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE MIAMI-DADE EXPRESSWAY AUTHORITY PROVIDING FOR MIAMI-DADE EXPRESSWAY AUTHORITY'S ASSUMPTION OF THE PROCUREMENT, FINANCING, DESIGN AND CONSTRUCTION OBLIGATIONS FOR THE WIDENING OF SW 137 AVENUE BETWEEN SW 8 STREET AND SW 26 STREET AND TRANSFERRING TEMPORARY CONTROL OVER THE CONSTRUCTION SITE AND PORTIONS OF THE RIGHT-OF-WAY TO THE MIAMI-DADE EXPRESSWAY AUTHORITY UNTIL ACCEPTANCE OF THE CONSTRUCTION WORK; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT SUBJECT TO ANY REQUIRED APPROVALS BY THE TRANSPORTATION PLANNING ORGANIZATION

**ISSUE/REQUESTED ACTION**

Whether the Board should approve an interlocal agreement between Miami-Dade County and the Miami-Dade Expressway Authority (MDX) providing: (1) MDX's assumption for procurement, finance, design and construction obligations for the widening of SW 137 Avenue between SW 8 Street and SW 26 Street; (2) MDX's temporary control over the construction site and portions of the right-of-way to enable MDX and its contractors to design, construct, and administer the project; and (3) the resumption by the Department of Transportation and Public Works of operation and maintenance responsibility for SW 137 Avenue between SW 8 Street and SW 26 Street upon MDX's acceptance of the work under the project.

**APPLICABLE LEGISLATION/POLICY**

N/A

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Joe A. Martinez, District 11**

**Department/Requester: N/A**

01/19/18: This item was forwarded by the TPWC to the BCC with a favorable recommendation.

**FISCAL IMPACT**

If this item is approved by the Board, this item will have no fiscal impact to the County since MDX will assume financial and management responsibility for the construction. MDX shall be solely responsible for all project costs and expenses.

**ANALYSIS**

The Interlocal Construction and Maintenance Agreement between the County and MDX provides MDX temporary authority over a project construction site and portions of the right-of-way to widen SW 137 Avenue between SW 8 Street and SW 26 Street from four to six lanes, which will improve safety for drivers, and is an unfunded priority project in the 2040 Long Range Transportation Plan (link provided below).

The intent of the project is to alleviate traffic congestion caused because the current four lane configuration of this corridor does not match the lane configuration south and north of this segment, thus creating severe congestion for traffic entering or exiting the State Road 836 Extension at SW 137 Avenue. The construction will align with the current six-lane configuration. The project will also correct an operational deficiency mainly in the form of bottlenecks where the road converges from six lanes to four lanes and will alleviate congestion at the intersection of SW 137 Avenue and SW 8 Street, which causes severe traffic congestion for southbound traffic during peak hours by providing better access to State Road 836.

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MDX will assume financial and management responsibility for the construction in order to procure and fund the design and construction of the improvement to the County road in order to improve traffic flow and alleviate traffic congestion. MDX will immediately release control of the work site to the County upon completion of the infrastructure improvements. MDX shall provide all liability insurance as required for this project.

During all phases of the project, MDX shall be responsible for keeping SW 137 Avenue between SW 8 Street and SW 26 Street and all adjacent streets and areas in appropriate and safe state of maintenance and repair. MDX shall obtain all necessary permits and approvals required in accordance with applicable state, federal and local laws. No cost, claim, lien, or other expense shall be incurred by the County for the related project. The County can conduct inspections on the construction site and perform reasonable tests.

**ADDITIONAL INFORMATION**

The Miami-Dade County Long Range Transportation Plan provides information on the long range transportation plan throughout the County. A link to the 2040 Long Range Transportation Plan is provided below:

<http://www.miamidade2040lrtp.com/>

A google maps link to the subject area is provided below:

<https://www.google.com/maps/place/SW+26th+St+%26+SW+137th+Ave,+Miami,+FL+33175/@25.7508011,-80.4146883,15z/data=!4m5!3m4!1s0x88d9bf994dc1cdc9:0xf239b324fdd3affa!8m2!3d25.7435824!4d-80.4161474>

**DEPARTMENT INPUT**

OCA spoke to a Miami-Dade Expressway Authority representative and requested to receive information regarding the procurement timeline (solicitation advertisement to contract award) and project timeline for the MDX Interlocal agreement on 137<sup>th</sup> Avenue. The MDX representative informed us that there was no set date as yet for the project; it would begin as soon as possible after approval by the Board.

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**Item No. 11A15  
File No. 172886**

**Researcher: NR    Reviewer: TD**

RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF FLORIDA CITY IN CONNECTION WITH THE PROPOSED ANNEXATION BY THE CITY OF FLORIDA CITY; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT IN SUBSTANTIALLY THE FORM ATTACHED AND TAKE ANY ACTION REQUIRED BY THE COUNTY HEREIN [SEE AGENDA ITEM NOS. 7(J) AND 11(A)(14)]

**Item No. 11A15 Supplement  
File No. 172951**

**Researcher: NR    Reviewer: TD**

SUPPLEMENT TO THE CITY OF FLORIDA CITY ANNEXATION AREA H INTERLOCAL AGREEMENT

**ISSUE/REQUESTED ACTION**

Whether the Board should approve an Interlocal Agreement between Miami-Dade County (County) and the City of Florida City (City) in connection with the proposed annexation by the City of Florida City, and authorize the County Mayor to execute the Agreement.

**APPLICABLE LEGISLATION/POLICY**

Section 20-8.1 of the Code governs retention of electric franchise revenues.

[https://library.municode.com/fl/miami -  
dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH20MU\\_ARTIBOCHPR\\_S20-8.1REELFRRE](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH20MU_ARTIBOCHPR_S20-8.1REELFRRE)

Section 20-8.2 of the Code governs retention of all utility tax revenues.

[https://library.municode.com/fl/miami -  
dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH20MU\\_ARTIBOCHPR\\_S20-8.1REELFRRE](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH20MU_ARTIBOCHPR_S20-8.1REELFRRE)

Section 20-8.4 of the Code governs retention of solid waste collection in annexed area.

[https://library.municode.com/fl/miami -  
dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH20MU\\_ARTIBOCHPR\\_S20-8.1REELFRRE](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH20MU_ARTIBOCHPR_S20-8.1REELFRRE)

On September 7, 2016, the Board adopted Resolution No. R-789-16, which approved the boundary change for the City

<http://intra/gia/matter.asp?matter=160214&file=true&yearFolder=Y2016>

**PROCEDURAL HISTORY**

**Prime Sponsor: Dennis C. Moss**

**Department/Requester: None**

On September 6, 2011, the City submitted a boundary change application to the Miami-Dade County Clerk of the Board. The application was referred to and accepted by the Board at the September 20, 2011 meeting. The application was then referred to the Office of Management and Budget (OMB) for processing as required by the Code.

The Planning Advisory Board (PAB) held a public hearing on February 22, 2012, where the City presented the application and amended the boundaries at the meeting. The PAB recommended approval of the application. However, after the amended boundaries were studied by the County staff, it was concluded that the annexation area included areas that were not contiguous.



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Therefore, the County staff requested that the City amend the application to have contiguous boundaries. In order to comply the City amended the boundaries through City Resolution No. 12-61, and the application with the amended boundaries was reviewed by the PAB, which recommended approval of the annexation.

The amended boundaries resulted in the annexation area having more than 250 resident electors. Therefore, the City was required to obtain petitions from 20 percent of the 326 resident electors, indicating consent to the annexation. On March 19, 2015, the Elections Department certified 74 petitions for the area satisfying the 20 percent petition requirement.

On September 7, 2016, the Board adopted Resolution No. R-789-16, which approved the boundary change for the City. This resolution allows action to be taken by the County Attorney to prepare the appropriate ordinance, ballot language, and Interlocal Agreement in order to effectuate the annexation request deny the annexation request or to defer the annexation request.

<http://www.miamidade.gov/govaction/matter.asp?matter=160214&file=true&yearFolder=Y2016>

<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2016/R-789-16.pdf>

This item was forwarded to the Board with a favorable recommendation by the Government Operations Committee (GOC) at its January 17, 2018 meeting. At the GOC meeting the County Attorney corrected a scrivener's error regarding the additional property taxes owners would have to pay would is \$179 instead of \$86.

**FISCAL IMPACT**

According to the 2016 Preliminary Roll, the taxable value of the annexation area is \$6,755,018. The area generates an estimated \$85,915 in revenue, and the County spends an estimated \$155,527 per year providing services. The net gain to the UMSA budget is calculated at \$69,612.

- The area revenue source include: Property Tax, Franchise Fees, Sales Tax, Utility Taxes, Communications Tax, Alcoholic Beverage License, Occupational License, Interest, Sheriff and Police Fees, and Miscellaneous Revenues.
- The County's UMSA Services include: Police Department, Parks, Recreation and Open Spaces Department, Right-of-Way Maintenance, Policy Formulation, Internal Support, Planning and Non-Departmental, and QNIP Debt Service Payments.

At the FY 2016-17 City millage rate of 7.1858 mills, the ad valorem revenues attributable to the Area is \$21,020. The expected tax increase for the annexation area is \$16,137. Based on the City's millage rate of 7.1858 mills, the average property owner would pay an additional \$179 in property taxes should the annexation be approved.

If the annexation is approved, pursuant to Section 20-8.1 and 20-8.2 of the Code, the County retains all of the area's franchise fees estimated at \$7,601 and utility tax revenues estimated at \$33,758.

**ANALYSIS**

This item seeks the approval of the Interlocal Agreement between the City and the County. The City is proposing to annex an area adjacent to the City's boundaries to add 775 acres or 1.21 square miles of the Unincorporated Municipal Service Area (UMSA).

The Interlocal Agreement between the County and the City will provide the conditions of annexation and transition of services, including:

- County retention of franchise fees and utility taxes;
- County retention of residential solid waste collection in the annexation area;
- Requires City to make Stormwater Utility debt service payments;



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- Allows the County to retain regulatory jurisdiction of any future Facilities of Countywide Significance; and
- Provides for certain regulatory procedures and jurisdiction outside the Urban Development Boundary.

The Inter-local Agreement also addresses the Transfer of Public Roads, and Canal Reservation and Maintenance:

**Transfer of Public Roads**

- Both parties agree to transfer to the city jurisdiction, ownership and control of all public roads within the Annexed Area, except for state and county roads that have been previously designated.

**Canal Reservation and Canal Maintenance**

- The County will retain ownership and regulatory control of all canals that are currently considered right-of way canals.
- The City will pay the maintenance cost, in perpetuity, of any canal or ditched maintained by the County that provides service in Florida City.

**ADDITIONAL INFORMATION**

**Annexation General Information:**

Annexation is the process whereby an established municipality amends its boundaries by adding lands that were previously outside of its boundaries.

Miami-Dade County is governed by Chapter 20 of the Miami-Dade County Code of Ordinances. The Code addresses petition requirements and considerations made by the Planning and Advisory Board and the Board of County Commissioners.

Upon these considerations the Board of County Commissioners determine if the annexation is to be put to a vote by the electorate (if more than 250 electors reside in the boundaries) of the affected area.

<http://www.miamidade.gov/incorporationandannexation/annexations.asp>

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**Item No. 11A17  
Item No. 172382**

**Researcher: NR Reviewer: TD**

RESOLUTION AMENDING IMPLEMENTING ORDER 4-82 RELATING TO SCHEDULE OF FEES FOR COUNTY PARKING FACILITIES

**ISSUE/REQUESTED ACTION**

Whether the Board should amend Implementing Order (IO) No. 4-82 relating to the Schedule of Fees for County Parking Facilities.

**APPLICABLE LEGISLATION/POLICY**

IO 4-82 – Schedule of Fees for County Parking Facilities

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO4-82.pdf>

Florida Statutes Section 286.0114 provides that members of the public shall be given a reasonable opportunity to be heard on a proposition before a board or commission.

[http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0200-0299/0286/Sections/0286.0114.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0286/Sections/0286.0114.html)

**PROCEDURAL HISTORY**

**Prime Sponsor: Senator Javier D. Souto**

**Department/Requester: None**

IO-4-82 was ordered September 17, 2014 and effective October 1, 2014.

At the November 14, 2017 Government Operations Committee (GOC) meeting no action taken due to lack of a quorum.

At the December 12, 2017 GOC meeting this item was deferred.

This item was forwarded to the Board with a favorable recommendation by the GOC at its January 17, 2018 meeting without discussion.

**FISCAL IMPACT**

The table below includes the current and proposed rates for Miami-Dade County Cultural Center Garage, West Lot Garage, and Garage #5, 140 West Flagler Garage, and Overtown Transit Village Garage.

<b>Fees</b>	<b>Current</b>	<b>Proposed rates</b>
Current rates per half hour or portion thereof	\$3.00	First two hours of parking will be free of charge for County residents attending BCC meetings or a committee of the Board
Current fee for >2.5 hours or all day	\$14.00	
Lost ticket rate	\$14.00	
Juror parking	\$0	
Disabled parking	\$0	

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**ANALYSIS**

This proposed amendment to IO 4-82 relates to the schedule of fees for various County parking facilities. The item aims to unburden a resident who seeks to participate in a County public meeting by allowing that resident to park for free for the first two hours.

Currently, if a County resident wishes to be heard in front of the Board they would need to drive downtown and park in one of the various facilities the County offers and pay the current rates.

This amendment provides that any County resident will not be charged a parking fee, for the first two hours if they park in the County-owned Hickman garage, West lot garage or Cultural Center garage, to attend a meeting of the BCC or one of its committees.

**ADDITIONAL RESEARCH: BROWARD COUNTY**

The following fees are established for parking in or on the following Broward County-owned or operated parking facilities:

Broward County Governmental Center Garage, per hour or portion thereof, up to a maximum of \$12.00 per entry. There shall be no charge for any portion of the first hour which is less than ten minutes:

- First Hour - \$2.00
- Per Hour Thereafter - \$1.00
- Monthly Parking Pass, per month - \$150.00

Persons operating vehicles that display a Florida Toll Exempt permit, or vehicles with specialized equipment, such as ramps, lifts, or foot and hand controls, for use by a person who has a disability, will be provided with free parking, subject to Facilities Management Division verification process.

[https://library.municode.com/fl/broward\\_county/codes/administrative\\_code?nodeId=CH38FEOTCHPUWO\\_PTIFAMA\\_38.1PAFE](https://library.municode.com/fl/broward_county/codes/administrative_code?nodeId=CH38FEOTCHPUWO_PTIFAMA_38.1PAFE)