



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

Board of County Commissioners (BCC) Meeting

February 21, 2018
9:30 A.M.
Commission Chambers

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Item No. 2B3
File No. 180320

Researcher: SM Reviewer: TD

RECOMMENDATION RELATED TO THE UNSOLICITED PROPOSAL RECEIVED FOR THE DESIGN, BUILD, FINANCE, OPERATION, AND MAINTENANCE OF A NEW CIVIL AND PROBATE COURTHOUSE

ISSUE/REQUESTED ACTION

This Item is related to the recommendation to the unsolicited proposal received for the Design, Build, Finance, Operations, and Maintenance of a New Civil and Probate Courthouse.

APPLICABLE LEGISLATION/POLICY

Ordinance No. 17-94 adopted December 5, 2017 established the policies and procedures for the County's evaluation of unsolicited proposals.

<http://www.miamidade.gov/govaction/matter.asp?matter=172928&file=false&yearFolder=Y2017>

PROCEDURAL HISTORY

Prime Sponsor: None

Requester/Department: Office of the Mayor.

This Item has no procedural history.

FISCAL IMPACT

New Flagler Courthouse Development Partners, LLC (NFCDP) proposed to build a new courthouse on a County-owned parcel located adjacent to the historic Miami-Dade County Courthouse (Alternative Site). NFCDP proposed to deliver the new courthouse and maintain the facility in exchange for an estimated annual availability payment of \$26 million for a 35-year term. Acceptance of the unsolicited proposal may require the environmental remediation of the Alternative Site, which would create a significant fiscal impact to the County and would further delay the project completion, as stated by the mayoral memo.

ANALYSIS

As stated in the mayoral memo and in the aforementioned paragraph, the NFCDP proposed to build a new courthouse on a County-owned parcel located adjacent to the historic Miami-Dade County Courthouse which is an alternative site to the selected site which Internal Services Department (ISD) issued a draft for solicitation as it relates to the Courthouse Project. After the NFCDP's unsolicited proposal, the Mayor's office was directed to issue a Request for Qualifications (RFQ) as the aforementioned unsolicited proposal was under review. Below you can see that the competitive process is a better cost effective option for the County as it gives them the option to review multiple firms that are qualified accordingly, rather than accepting an unsolicited proposal without review of other qualified firms.

Since NFCDP made an unsolicited proposal, it will be rejected after further review. There needs to be a competitive process which the County does when going through a Design, Build, Finance, Operations, and Maintenance project.

The following are the differences between the selected site and the alternative site which is the proposal of NFCDP:

Selected Site	Alternative Site
The Selected Site is the most build-ready site among the County's downtown holdings, as the County has already	Acceptance of the unsolicited proposal may require the environmental remediation of the Alternative Site, which

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completed environmental remediation on the site prior to the construction of the Children's Courthouse.	would create a significant fiscal impact to the County and would further delay the project completion.
The Selected Site is currently underutilized as a surface parking lot and the County does not foresee any other suitable uses for the site (e.g., commercial, residential, or retail development) other than the development of an appropriate judicial facility due to its immediate proximity to the existing Children's Courthouse.	The Alternative Site has other potential land uses that may be monetized by the County to mitigate the costs associated with the Courthouse Project. Acceptance of the unsolicited proposal would prevent the County from selling or leasing the Alternative Site and from collecting any revenue that the site may generate.
Distributing a Request for Proposals through the unsolicited proposal process will significantly inhibit market competition for this project in comparison to the procurement process that is currently underway as an RFQ. As you know, members of the County's P3 Task Force last year, who are experts in these types of projects, have recommended a two-step process that first shortlists respondents before proceeding to a Request for Proposals.	Skipping the RFQ step will benefit only NFCDP, not the County.

The mayoral memo recommends rejection of the unsolicited proposal in the County's best interest.

The Solicitation, as stated by the mayoral memo is under the Cone of Silence. Currently the deadline for prospective developers are due by April 2, 2018.

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**Item No. 3B1
File No. 180157**

Researcher: AIP Reviewer: TD

RESOLUTION APPROVING CONFIDENTIAL PROJECT ICE AS A QUALIFIED TARGET INDUSTRY BUSINESS PURSUANT TO SECTION 288.106, FLORIDA STATUTES; CONFIRMING THAT THE COMMITMENTS OF LOCAL FINANCIAL SUPPORT NECESSARY FOR CONFIDENTIAL PROJECT ICE EXISTS; AND PROVIDING THAT LOCAL SUPPORT OF UP TO \$90,000.00 FROM GENERAL REVENUE FUNDS WILL BE AVAILABLE AS LOCAL PARTICIPATION IN THE STATE OF FLORIDA QUALIFIED TARGET INDUSTRY TAX REFUND PROGRAM FOR FISCAL YEARS 2019-20 THROUGH 2023-24 INCLUSIVE, OR OVER A PERIOD AS DETERMINED BY THE STATE OF FLORIDA IN ITS APPROVAL OF CONFIDENTIAL PROJECT ICE

ISSUE/REQUESTED ACTION

Whether the Board should approve Confidential Project Ice as a Qualified Target Industry, confirming the commitment of \$450,000 between State and County funds, of which the County will pay \$90,000 during a period of five years beginning in FY 2019-2020.

APPLICABLE LEGISLATION/POLICY

Section 288.106 of the Florida Statutes (*Tax refund program for qualified target industry businesses*) which details the tax refunds and eligible amounts for the Qualified Target Industries Tax Program.

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0200-0299/0288/Sections/0288.106.html

Resolution No. R-1175-16 (*Qualified Target Industry Hire 20 Percent Local Employees*) adopted on December 16, 2016 by the Board, and sets a policy for the County which requires Qualified Target Industries to fill not less than 20% of the jobs created with Miami-Dade County residents.

<http://intra/gia/matter.asp?matter=162493&file=true&yearFolder=Y2016>

PROCEDURAL HISTORY

**Prime Sponsor: Commissioner Barbara J. Jordan, District 1
Department/Requester: Regulatory and Economic Resources**

This item has no procedural history.

FISCAL IMPACT

Project Ice has applied and is eligible for a total of \$450,000 in QTI Tax Refund Program Incentives. According to State Statutes the companies who qualify may be provided with a tax refund of up to \$3,000 per job created, however this project qualifies for a high-impact job bonus (\$2,000 more), for a total of \$5,000 per job created. A company may qualify for the high-impact job bonus based on the high wages they are paying, or the need for that certain industry, in accordance with State Statute 288.106. Project Ice will create 90 new jobs, and retain 196 employees. Multiplying the \$5,000 per job with the 90 new jobs being created, equals the total tax refund incentive of \$450,000.

Of the total \$450,000 the State of Florida will pay 80% (\$360,000) while Miami-Dade County will pay 20% (\$90,000). This \$90,000 will be paid over a five-year period from the Countywide General Fund, beginning in FY 2019-2020. This investment is predicted to have a net positive fiscal impact to the County, because the capital investment of \$10,750,000 from Project Ice, is expected to generate \$108,103 over a five-year period, however this is not a condition for the award.

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Funding distribution:	State of Florida	Miami-Dade County
Percentage of Funding being provided	80%	20%
Amount of Funding	\$360,000	\$90,000
Total QTI Tax Refund Program Incentive	\$450,000	

Project Ice will create 90 new jobs that will have an average salary of \$52,396, in addition to retaining 196 employees. With the creation of the new jobs, this project will generate \$20,270,656 in direct and indirect wages over a five-year period.

ANALYSIS

This item seeks to approve Confidential Project Ice as a Qualified Target Industry, and approve the application for the incentive totaling \$450,000. This incentive is available for companies that create high wage jobs in targeted high value-added industries and may provide the company with a tax refund of up to \$3,000 per new job created. This program is currently funded by the State of Florida (80%) and Miami-Dade County (20%).

The company headquarters is confidential, and the applicant is being referred to as “Project Ice”. Project Ice applied for QTI on October 25, 2017. The proposed location within Miami-Dade County is in District 1, Commissioner Barbara J. Jordan’s District. Other locations under consideration for this project are in Canada. The general area of this activity is listed as “aerospace” and the proposed local business activity is the manufacturing of aircraft parts and auxiliary equipment. The proposed capital investment, which is not a condition of the award, is \$10,750,000 in new real property.

ADDITIONAL INFORMATION

The QTI program requires the creation of at least 10 new fulltime jobs at salary levels equal to or exceeding 115% of the State annual average wage, or \$41,516. For businesses paying 150% of the State average annual wage, add \$1,000 per job; for 200% of the State average annual wage, add \$2,000 per job. For companies that locate or expand within any of Miami-Dade County’s Enterprise Zones, this incentive is increased up to \$6,000 per new job created, and the minimum salary requirement may be waived.

The State of Florida finds that retaining and expanding existing businesses in the state, encouraging the creation of new businesses in the state, attracting new businesses from outside the state, and generally providing conditions favorable for the growth of target industries creates high-quality, high-wage employment opportunities for residents and strengthens the state’s economic foundation. Furthermore, incentives narrowly focused in application and scope tend to be more effective in achieving the state’s economic development goals. Higher-wage jobs produced with QTI reduce the state’s share of hidden costs, such as public assistance and subsidized health care associated with low-wage jobs.

The Florida State Legislature declared that it is the policy of the State of Florida to encourage the growth of higher-wage jobs and a diverse economic base by providing state tax refunds to qualified target industry businesses that originate or expand in the state or that relocate to the state.

Miami-Dade County Qualified Target Industry (QTI) Tax Refund Website:
<http://www.miamidade.gov/business/qualified-target-industry-tax-refund.asp>

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Item No. 4A
File No. 180267

Researcher: JFP

Reviewer: PGE

ORDINANCE RELATING TO THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST, THE PEOPLE'S TRANSPORTATION PLAN AND CHARTER COUNTY TRANSPORTATION SYSTEM SURTAX FUNDS; AMENDING SECTION 29-124 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, BY A TWO-THIRDS VOTE OF THE COMMISSION MEMBERSHIP; AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SYSTEM SURTAX FUNDS FOR ON-DEMAND TRANSPORTATION SERVICES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend Section 29-124 of the Miami-Dade County Code to authorize the use of Charter County Transportation System Surtax Funds for on-demand transportation services.

APPLICABLE LEGISLATION/POLICY

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

https://library.municode.com/fl/miami_section_29-124

Section 212.055(1), Florida Statutes - 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

Ordinance No. 02-116, adopted on July 9, 2002, imposes a one half of one percent Charter County Transit System Surtax authorized by Section 212.055(1), Florida Statutes on all transactions occurring in Miami-Dade County otherwise subject to the State tax imposed on sales, use, rentals, admissions and other transactions by Chapter 212, Florida Statutes; providing exceptions' providing limitations and procedures for administration and collection; providing for use of Surtax proceeds; granting Citizens; Independent Transportation Trust certain powers over the use and expenditure of Surtax proceeds.

<http://intra/gia/matter.asp?matter=022196&file=false&yearFolder=Y2002>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Esteban L. Bovo, District 13

This item has no procedural history.

FISCAL IMPACT

The fiscal impact of this item has not yet been published and is therefore unknown at this time.

ANALYSIS

Section 212.055 of the Florida Statutes provides that proceeds from the transportation sales surtax shall be applied to as many or as few of the uses enumerated in the statutes. One of the enumerated uses is for the development, maintenance and operation of on-demand services. The Florida Statutes define on-demand transportation services as transportation provided between flexible points of origin and destination selected by individual users with such service being provided at a time that is agreed

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upon by the user and the provider of the service and that is not fixed-schedule or fixed-route in nature. It is believed that if the Board approves this proposed ordinance to coordinate on-demand transportation services with existing transit services, solutions and mobility will be augmented.

Section 1. Section 29-124 of the code of Miami-Dade County would be amended to read as follows (~~words with strikethroughs will be deleted~~). Underlined language indicates the amendment proposed. Remaining provisions are now in effect and remain unchanged):

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

The surtax proceeds collected by the State and distributed hereunder shall be deposited in a special fund set aside from other County funds in the custody of the Finance Director of the County. Moneys in the special fund shall be expended for the transportation and transit projects (including operation and maintenance thereof) set forth in Exhibit 1 to this article (including those projects referenced in the ballot question presented to the electors to approve this levy) and the adopted Five Year Implementation Plan, subject to any amendments thereto made in accordance with the MPO process or made in accordance with the procedures specified in subsection (d) of this section.

Expenditure of surtax proceeds for contracts procured by or on behalf of Miami-Dade Transit or for transit-related procurements shall be subject to the following limitations:

(a) Surtax proceeds shall be applied to expand the Golden Passport Program to all persons (regardless of income level who are over the age of 65 or are drawing Social Security benefits) and to provide fare-free public transportation service on Metromover, including extensions.

(b) Surtax proceeds may only be expended for the transportation and transit purposes specified in Section 212.055(1)(d)1—4, Fla. Stats. (2010). The use of surtax proceeds for on-demand services as defined in section 212.055(1)(e), Florida Statutes, shall be limited to on-demand services where the origination or destination of the trip is a South Dade Transitway bus shelter or a Metrorail station and the trip is no greater than 5 miles in distance.<<

* * *

(h) Twenty percent of surtax proceeds shall be distributed annually to those cities existing as of November 5, 2002 that meet the following conditions:

(i) That continue to provide the same level of general fund support for transportation that is in their FY 2001-2002 budget in subsequent Fiscal Years. Any surtax proceeds received shall be applied to supplement, not replace a city's general fund support for transportation;

(ii) That apply 20 percent of any surtax proceeds received to transit uses in the nature of circulator buses, bus shelters, bus pullout bays, on-demand transportation services as defined in Section 212.055(1)(e), Florida Statutes>>, as may be amended from time to time (2010), or other transit-related infrastructure. The use of surtax proceeds for on-demand transportation services shall be limited to providing transportation >>services where the trip is no greater than 5 miles in distance and (1) where the origination or destination of the trip is solely within city boundaries; (2) where the origination of a trip is within city boundaries and the destination is the nearest Metrorail station or South Dade Transitway bus shelter; or (3) where the origination of a trip is the Metrorail station or South Dade Transitway bus shelter closest to the city boundary of the city where the intended destination of the trip is located. to Miami-Dade County residents whose household income do not exceed the standard threshold applied to determine eligibility for the low income, senior citizen's additional homestead exemption outlined in Section 196.075, Florida Statutes (2010), as amended from time to time and meet at least one of the following two criteria: (1) are aged 65 years or older or (2) have a disability, as defined in the Americans with Disabilities Act of 1990 (ADA). Notwithstanding any provision to the contrary, on demand transportation services as defined in Section

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~~212.055(1)(e), Florida Statutes (2010), and used herein, shall require 24 hour pre arranged service by recipients. No City may utilize surtax proceeds to provide on demand transportation services, as defined herein, for individuals receiving County sponsored Special Transportation Services.~~ Any city that cannot apply the 20 percent portion of surtax proceeds it receives as provided in this paragraph, may contract with the County for the County to apply such proceeds on a County project that enhances traffic mobility within that city and immediately adjacent areas. If the city cannot expend such proceeds in accordance with this paragraph and does not contract with the County as described in this paragraph, then such proceeds shall carry over and be added to the overall portion of surtax proceeds to be distributed to the cities in the ensuing year and shall be utilized solely for the transit uses enumerated in this subsection (ii);

* * *

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 5. This ordinance may only be amended or repealed by a two-thirds vote of the Board of County Commissioners. Any amendment or repeal of this ordinance shall further require a minimum of six weeks between first and second reading.

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Item No. 4C

File No. 180276

Researcher: JFP

Reviewer: PGE

ORDINANCE PERTAINING TO SMALL BUSINESS ENTERPRISE PROGRAMS; AMENDING SECTIONS 10-33.02, 2-10.4.01, 2-8.1.1.1.1, 2-8.1.1.1.2, 2-11.16, 2-8.1, 2-8.8, AND 2-8.9, AND 10-34 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO REQUIRE USE OF MIAMI-DADE COUNTY'S WEB-BASED SYSTEM FOR COUNTY CONTRACTS; PROVIDE FOR APPLICATION OF CERTAIN GOALS FOR PROJECTS WITH AN ESTIMATED VALUE EXCEEDING \$700,000.00; RENAMING AND AMENDING DUTIES OF THE MIAMI-DADE COUNTY ADVISORY BOARD RELATED TO THE SMALL BUSINESS ENTERPRISE PROGRAM; AMENDING DEFINITIONS, PROGRAM COMPONENTS, ENFORCEMENT, PENAL TIES, COUNTY RESPONSIBILITIES, AND OTHER RELEVANT SECTIONS; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend the Code of Miami-Dade County to require use of Miami-Dade County's web-based system for County contracts for Small Business Enterprise Programs.

APPLICABLE LEGISLATION/POLICY

Section 10-33.02 of the Code of Miami-Dade County governs the Miami-Dade County Small Business Enterprise Construction Services ("CSBE") Program

<https://library.municode.com/fl/miami> -

[dade county/codes/code of ordinances?nodeId=PTIICOOR_CH10CO_ARTIIBIPUPR_S10-33.02SMBUENCSEPR](https://library.municode.com/fl/miami/codes/code_of_ordinances?nodeId=PTIICOOR_CH10CO_ARTIIBIPUPR_S10-33.02SMBUENCSEPR)

Section 2-10.4.01 of the Code of Miami-Dade County governs the Small Business Enterprise Architecture and Engineering Program

<https://library.municode.com/fl/miami> -

[dade county/codes/code of ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4.01SMBUENARENPR](https://library.municode.com/fl/miami/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4.01SMBUENARENPR)

Section 2-8.1.1.1.1 of the Code of Miami-Dade County governs the Small Business Enterprise Services Program

<https://library.municode.com/fl/miami> -

[dade county/codes/code of ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1.1.1.1SMBUENSEPR](https://library.municode.com/fl/miami/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1.1.1.1SMBUENSEPR)

Section 2-8.1.1.1.2 of the Code of Miami-Dade County governs the Small Business Enterprise Goods Program

<https://library.municode.com/fl/miami> -

[dade county/codes/code of ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1.1.1.2SMBUENGOPR](https://library.municode.com/fl/miami/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1.1.1.2SMBUENGOPR)

Section 2-11.16 of the Code of Miami-Dade County governs County construction contracts

<https://library.municode.com/fl/miami> -

[dade county/codes/code of ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-11.16COCOCO](https://library.municode.com/fl/miami/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-11.16COCOCO)

Section 2-8.1 of the Code of Miami-Dade County governs contracts and purchases generally

<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/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

Section 2-8.8 of the Code of Miami-Dade County outlines fair subcontracting practices

<https://library.municode.com/fl/miami> -

[dade county/codes/code of ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.8FASUPR](https://library.municode.com/fl/miami/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.8FASUPR)

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[Section 2-8.9 of the Code of Miami-Dade County](#)

Section 10-34 of the Code of Miami-Dade County specifies and outlines the requirement of listing subcontractors in construction contracts in which a bidder may use a subcontractor involving expenditures of \$100,000 or more

https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH10CO_ARTIIBIPUPR_S10-34LISURE

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Audrey M. Edmonson, District 3

Department/Requester: None

This item has no procedural history.

FISCAL IMPACT

The fiscal impact of this item has not yet been published and is therefore unknown at this time.

ANALYSIS

This item proposes to amend the Code of Miami-Dade County to require use of Miami-Dade County's web-based system in County contracts for Small Business Enterprise Programs.

The following are proposed amendments to the Miami-Dade County Code (new language is underlined):

Section 10-33.02 - Miami-Dade County Small Business Enterprise Construction Services (CSBE) Program

- Adds *Certificate of Assurance* to definitions. Certificate of Assurance refers to the departmental form submitted with bid documents whereby the Bidder acknowledges: (i) Small Business Enterprise (SBE) measures apply to the project; and (ii) Bidder will submit its list of certified SBEs to satisfy the measures via Miami-Dade County's web-based system, within the specified time frame.
- Changes the definition of *Joint Venture* from "an association of two or more CSBEs" to "a business arrangement of two or more parties, in which at least one is a CSBE that agrees to pool its resources for the purpose of accomplishing a specific task."
- Adds *Make-up Plan* to definitions. Make-up Plan means a plan whereby a bidder submits via the County's web-based system its commitment that if awarded the contract, it will fulfill all or a portion of any pending Small Business Enterprise Construction Services makeup requirement and identify the certified CSBE firm(s) to be utilized to fulfill the make-up requirement that is in excess of any SBE goal(s) required on the project and the percentage, dollar value and description of the work that needs to be made up within the time frame specified by Small Business Development (SBD).
- Adds *Utilization Plan* to definitions. Utilization Plan means the plan whereby a Bidder submits via the County's web-based system its commitment that if awarded the contract, it will fulfill the SBE goal(s) required for the project and identify certified firms to fulfill goal(s) and percentages, dollar value, and description of the work to fulfill the SBE goal within the time frame specified by SBD. Subcontractor(s) listed will also be required to confirm their participation via the County's web-based system within the specified time frame. Bidders must enter into written subcontracts with the listed CSBE(s).
- Tasks the County Mayor or his designee rather than the County Manager or his designee with preparing administrative orders, implementing orders, bid, and contract documents implementing the Bonding and Financial Assistance Program, the Management and Technical Assistance Programs, the Mentor-Protege Program and other related programs addressed in the section. Replaces "County Manager" with "County Mayor" throughout the section.

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- Adds that a Small Business Enterprise Goods Program and Small Business Enterprise Services Program goal(s) may be applied to any project with an estimated value over \$700,000.00. The County Commission or Public Health Trust may establish subcontractor goals for any specialty and/or construction related trade or service portion of the work in a contract based on estimates made prior to bid advertisement of the quality, quantity and type of subcontracting opportunities provided by the contract, and of the availability of CSBEs to afford effective subcontracting competition therefor.
- Adds the requirement in bid documents for bidders to submit a Certificate of Assurance and a Utilization Plan in instances where a first tier subcontractor goal has been imposed. Where a second, third and fourth tier subcontractor goal has been imposed, the bid documents shall require bidders to include a commitment of the bidder to meet such goals in the aforementioned Certificate of Assurance.
- Specifies that contracts in excess of \$25 million which have subcontractor goals shall require the prime contractor during the term of the contract to make a quarterly presentation to the CSBE Advisory Board (*previously* the Review Committee) on his or her performance in meeting such goal.
- For Construction Manager-at-Risk contracts, the County Commission may establish, where appropriate and upon the recommendation of SBD (*previously* the Review Committee), first tier CSBE subcontractor goals applicable to the construction management portion thereof. Such goal shall not be applicable to the procurement of trade packages on the actual construction project. Bidders for CM-at-Risk contracts to which a first tier CSBE subcontractor goal has been established for construction management services shall submit the Certificate of Assurance (*previously* Schedule of Intent Affidavit) and follow the procedures and timing therefor applicable to contracts in general under the section.
- Where an overall CSBE subcontracting goal has been established for the actual construction portion of the work, the Construction Manager-at-Risk (CM-at-Risk) shall submit the Utilization Plan (rather than Schedule of Intent Affidavit) to the County at the time the Final Guaranteed Maximum Price is due identifying all CSBEs utilized to meet the overall goal, and the trade designation of work and percentage of the Final Guaranteed Maximum Price each will perform.
- Where a first tier CSBE subcontracting goal has been established, bidders to the CM-at-Risk for contracts as Primary Trade Contractors shall submit at the time of bid submission to the CM-at-Risk a Certificate of Assurance (*previously* Schedule of Intent Affidavit), on the bid submittal due date and a Utilization Plan within the time period specified by SBD, identifying all CSBEs to be utilized to meet such goal, the trade designation of the work and the percentage of the bid each identified CSBE will perform. Failure to submit the required Certificate of Assurance and Utilization Plan (*previously* Schedule of Intent Affidavit) within the required time frame may render the bidder non-compliant, or subject to sanctions or penalties as outlined in the contract or the Implementing (*previously* Administrative) Order.
- Creates a Community Small Business Enterprise Advisory Board or CSBE Advisory Board (*previously* Miami-Dade County Advisory Board) for the CSBE Program.
- Deletes the following language: Within one (1) year after inception of the CSBE program, the advisory board shall recommend to the County Commission the maximum length of time a CSBE may participate in the program.
- Deletes the requirement that the Small Business Development must publish at least every other week an updated list of CSBEs, identifying each listed CSBE based on each Standard Industry Classification (SIC) category or North American Industry Classification System (NAICS) code and each specialty trade the CSBE is certified in, and noting what contracting participation level the firm is classified in. The updating requirement has been removed but SBD must still maintain this database.
- A Make-up Plan (*previously* corresponding Schedule of Intent Affidavit) must be submitted as part of any bid or proposal for future contracts as part of the Utilization Plan submitted via the County's webbased system. The Make-up Plan (*previously* Schedule of Intent Affidavit) must identify all CSBEs to meet the first tier subcontractor goal and the trade designation of work each firm will perform in satisfaction of a make-up, in addition to any other goals that may be applicable. Failure to submit the required Make-up Plan (*previously* Schedule of Intent Affidavit) with the Utilization Plan (*previously* bids or proposals) for any future contracts shall result in the submittal being deemed non-compliant.

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- Changes to the contractual violations that may result in the imposition of the sanctions listed in the section are as follows:
 - Failure of the prime contractor to report payments to subcontractors via the County's web-based system upon notification of payment by the County, or failure of subcontractors to confirm payments upon notification by the prime contractor, within the specified time frame
 - Failure to maintain certification as a CSBE
 - Deviation from the Utilization Plan (*previously* schedule of participation) without prior approval from SBD;
 - Failure to enter into a written first tier subcontract with a CSBE after listing the firm on a Utilization Plan (*previously* schedule of intent affidavit).
 - Penalties for Utilization Plan (*previously* Schedule of Intent) violations remain the same.
 - Upon completion of a contract or after final payment on a contract SBD shall review the final reporting of payments to subcontractors (*previously* Monthly Utilization Report) and other project documents to include final payments and make a determination as to whether the bidder met the CSBE measure.

Section 2-10.4.01 – Small Business Enterprise Architecture and Engineering Program

- Adds *Certificate of Assurance* to definitions. Certificate of Assurance refers to the departmental form submitted with bid documents whereby the Bidder acknowledges: (i) Small Business Enterprise (SBE) measures apply to the project; and (ii) Bidder will submit its list of certified SBEs to satisfy the measures via Miami-Dade County's web-based system, within the specified time frame.
- *Continuing contract* shall mean the term "continuing contract" as defined in Section 2-10.4(1)(f): a contract for professional services entered into in accordance with all the procedures of Chapter 287, Florida Statutes, as amended, and this section, as amended, between departments and agencies of Miami-Dade County and a firm whereby the firm provides continuing professional services to Miami-Dade County for separate project assignments in which construction costs do not exceed the limit established by Chapter 287.055, Florida Statutes, as amended, or for separate study activities in which the fee for professional services does not exceed the limit established by Chapter 287.055, Florida Statutes, as amended, work of a specified nature as outlined in the contract required by Miami-Dade County with no time limitation except that the contract shall provide a termination clause. Firms seeking to provide professional services under continuing contracts for separate project assignments projects in which construction costs do not exceed the limit established by Section 287.055, Florida Statutes, as amended, or for separate study activities in which the fee for professional services does not exceed the limit established by Section 287.055, Florida Statutes, as amended, may be engaged and assigned work through means of an Equitable Distribution Pool established as provided in the Implementing Order which implements this Section.
- Changes the definition of *Joint Venture* from "an association of two or more CSBEs" to "a business arrangement of two or more parties, in which at least one is a CSBE that agrees to pool its resources for the purpose of accomplishing a specific task."
- Adds *Make-up Plan* to definitions. Make-up Plan means a plan whereby a bidder submits via the County's web-based system its commitment that if awarded the contract, it will fulfill all or a portion of any pending Small Business Enterprise Construction Services makeup requirement and identify the certified CSBE firm(s) to be utilized to fulfill the make-up requirement that is in excess of any SBE goal(s) required on the project and the percentage, dollar value and description of the work that needs to be made up within the time frame specified by Small Business Development (SBD).
- Adds *Mentor-Protégé Program* to definitions. Mentor-Protégé Program is a program whose purpose is to build effective working relationships between leaders of mature established companies and emerging small business enterprises in order for the latter to benefit from the knowledge and experience of the established mentor firms. The details of this program shall be provided in Implementing Order No. IO 3-32.
- Adds *Utilization Plan* to definitions. Utilization Plan means the plan whereby a Bidder submits via the County's web-based system its commitment that if awarded the contract, it will fulfill the SBE goal(s) required for the project and

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identify certified firms to fulfill goal(s) and percentages, dollar value, and description of the work to fulfill the SBE goal within the time frame specified by SBD. Subcontractor(s) listed will also be required to confirm their participation via the County's web-based system within the specified time frame. Bidders must enter into written subcontracts with the listed CSBE(s).

- Adds that a Small Business Enterprise Goods Program and Small Business Enterprise Services Program goal(s) may be applied to any project with an estimated value over \$700,000.00.
- Changes to the section on *subconsultant goals* are as follows: The County Commission, or Public Health Trust may establish subconsultant goals to be applied to a particular agreement based on estimates made prior to proposal advertisement of the quality, quantity and type of subconsulting opportunities provided by the agreement, and of the availability of first, second, and third tier CBE-A/Es to afford effective subconsulting competition therefor. After proposal advertisement, or other formal public notice, the established subconsultant goal may be reduced only with the approval of the County Commission or Public Health Trust.

Proposal documents shall require proposers to submit a Certificate of Assurance acknowledging all Small Business Enterprise goals assigned to the project and the submittal of a Utilization Plan via the County's web-based system within the time frame identified by SBD (previously Letter of Agreement or equivalent, for each subconsultant to be utilized in satisfaction of a subconsultant goal.) The Utilization Plan (previously Letter of Agreement) shall be submitted by the prime and the subconsultant and shall at a minimum state the type of work that the subconsultant will perform, the technical certification category, and the percentage that the amount of the fees payable to the subconsultant bears to the overall fees payable under the contract. Failure to submit the required Certificate of Assurance (previously Letter of Agreement or equivalent) at the time of proposal submission, and submit the Utilization Plan via the County's web-based system within the time frame specified by SBD, shall render the proposer non-compliant. A CBE-A/E firm may fulfill a subconsultant goal in only one (1) goal type per contract.

- The following language was deleted from the *subconsultant goals* provision: (Proposers may cure immaterial irregularities in the Letter of Agreement submitted not later than forty-eight (48) hours following written notification by the Department of Small Business Development. Immaterial irregularities shall be those items which, in the County's sole discretion, do not, affect either the assurance of agreement between the prime proposer and the subconsultant or the proposer's assurances to the County that the stated measure will be met. Immaterial irregularities include those correctable items specifically identified in the form approved by the Director of Small Business Development for purposes of verifying compliance. Failure of a proposer to cure the immaterial irregularities within the stated period following notification shall result in disqualification of the proposer for contract award.

Proposers who believe that they will fail to meet the specified subconsultant goal due to lack of available first and second tier CBE-A/Es, in order to remain eligible for award of the agreement, must notify SBD in writing at least fourteen (14) calendar days prior to proposal submitted date, advising SBD of the lack of available first and second tier CBE-A/Es and providing full documentation of their efforts to obtain the services of first and second tier CBE-A/Es to meet the goal.)

- The following language was added to the *sanctions for contractual violations* provision: The foregoing notwithstanding, the County Mayor shall include language in all prospective contracts containing a CBE-A/E measure which provides that, in addition to any other sanction for failure to fulfill the CBE-A/E measure requirements for such contract, the contractor's eligibility to receive any future County contract shall be conditioned upon the contractor making up the deficit in CBE-A/E participation in such future contract by having CBE-A/Es perform work equal to double the dollar value of the deficiency in the CBE-A/E measure in the prior contract. Contract language shall provide that in order to be eligible for future county contracts, a proposer who fails to meet an established CBE-A/E goal shall submit a CBE-A/E Make-up Plan for the approval of the Director. A Make-up Plan must be submitted as part of any proposal for future contracts as part of the Utilization Plan submitted via the County's web-based system. The Make-up Plan must identify all CBE-A/Es to meet the subconsultant goal and the work each firm will perform in satisfaction of a make-up, in addition to any other goals that may be applicable. Failure to submit the required Make-up Plan with the Utilization Plan for any future contracts shall result in the submittal being deemed non-compliant. Any proposer

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subject to an approved Make-up Plan that fails to comply with any of the material terms of that Make-up Plan, without good cause, shall be subject to an automatic suspension from proposing and/or otherwise participating on County contracts as a prime or subconsultant for a six (6) month period. A proposer that fails to comply with any of the material terms of a second Make-up Plan, without good cause, shall be subject to an automatic suspension from proposing and/or otherwise participating on County contracts as a prime or subconsultant for a one (1) year period. A proposer that fails to comply with any of the material terms of a third Make-up Plan, without good cause, may be subject to debarment and shall automatically be referred to the debarment committee. After serving a debarment for failure to satisfy a make-up plan for no good cause, the subject firm shall be deemed ineligible for proposing on County contracts with measures for one (1) additional year unless the County Mayor or designee determines that an emergency exists justifying such participation, and the Board of County Commissioners approves such decision. The foregoing obligation shall be in addition to any CBE-A/E measure otherwise applicable to the future contract.

- Some of the violations that may trigger the imposition of the sanctions listed in the section were amended as follows:
 - Failure to *(remove submit monthly utilization reports)* report payments to subconsultants or subcontractors via the County's web-based system, or failure of subconsultants or subcontractors to confirm payments upon notification by the prime contractor, within the specified time frame
 - Deviation from the Utilization Plan *(previously Letter of Agreement, or equivalent)* without prior approval from SBD
 - Failure to enter into a written subconsultant agreement with a CBE-A/E after listing the firm on a Utilization Plan *(previously Letter of Agreement or equivalent)*

Section 2-8.1.1.1.1 – Small Business Enterprise Services Program AND

Section 2-8.1.1.1.2 – Small Business Enterprise Goods Program

- Adds *Certificate of Assurance* to definitions. Certificate of Assurance refers to the departmental form submitted with bid documents whereby the Bidder acknowledges: (i) Small Business Enterprise (SBE) measures apply to the project; and (ii) Bidder will submit its list of certified SBEs to satisfy the measures via Miami-Dade County's web-based system, within the specified time frame.
- Changes the definition of *Joint Venture* from “an association of two or more persons, partnerships, corporations, or other business entities under a contractual agreement to conduct a specific business enterprise for a specified period with both sharing profits” to “a business arrangement of two or more parties, in which at least one is a CSBE that agrees to pool its resources for the purpose of accomplishing a specific task.”
- Adds *Make-up Plan* to definitions. Make-up Plan means a plan whereby a bidder submits via the County's web-based system its commitment that if awarded the contract, it will fulfill all or a portion of any pending Small Business Enterprise Construction Services makeup requirement and identify the certified CSBE firm(s) to be utilized to fulfill the make-up requirement that is in excess of any SBE goal(s) required on the project and the percentage, dollar value and description of the work that needs to be made up within the time frame specified by Small Business Development (SBD).
- Adds *Utilization Plan* to definitions. Utilization Plan means the plan whereby a Bidder submits via the County's web-based system its commitment that if awarded the contract, it will fulfill the SBE goal(s) required for the project and identify certified firms to fulfill goal(s) and percentages, dollar value, and description of the work to fulfill the SBE goal within the time frame specified by SBD. Subcontractor(s) listed will also be required to confirm their participation via the County's web-based system within the specified time frame. Bidders must enter into written subcontracts with the listed CSBE(s).
- Removes *Schedule of Intent Affidavit (SOI)* from definitions
- Under *subcontractor goals*, removes Schedule of Intent Affidavit language and replaces with Certificate of Assurance and Utilization Plan language.
- Adds the following language to *sanctions*: Contract language shall provide that in order to be eligible for future county contracts, a contractor who fails to meet an established SBE goal shall submit a SBE Make-up Plan for the approval

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of the Director. A Make-up Plan must be submitted as part of any bid or proposal for future contracts as part of the Utilization Plan submitted via the County's web-based system. The Make-up Plan must identify all SBEs to meet the subcontractor goal and the work each firm will perform in satisfaction of a make-up, in addition to any other goals that may be applicable. Failure to submit the required Make-up Plan with the Utilization Plan for any future contracts shall result in the submittal being deemed non-compliant. Any contractor subject to an approved Make-up Plan that fails to comply with any of the material terms of that Make-up Plan, without good cause, shall be subject to an automatic suspension from bidding and/or otherwise participating on County contracts as a prime or subcontractor for a six month period. A contractor that fails to comply with any of the material terms of a second Make-up Plan, without good cause, shall be subject to an automatic suspension from bidding and/or otherwise participating on County contracts as a prime or subcontractor for a one year period. A contractor that fails to comply with any of the material terms of a third Make-up Plan, without good cause, may be subject to debarment and shall automatically be referred to the debarment committee. After serving a debarment for failure to satisfy a make-up plan for no good cause, the subject firm shall be deemed ineligible for bidding on County contracts with measures for one additional year unless the County Mayor or designee determines that an emergency exists justifying such participation, and the Board of County Commissioners approves such decision. The foregoing obligation shall be in addition to any SBE measure otherwise applicable to the future contract.

Some of the contractual violations that may result in the imposition of the sanctions listed in Subsection (j) above include, but are not limited to, the following:

1. A SBE serving as a conduit for SBE work awarded to a firm as a SBE but which is being performed by a non-SBE firm;
2. a prime contractor not meeting SBE Services Program set-aside or subcontractor goal requirement;
3. not obtaining or retaining SBE certification while performing work designated for SBE firms.
4. failure of the prime contractor to report payments to subcontractors via the County's web-based system upon notification of payment by the County, or failure of subcontractors to confirm payments upon notification by the prime contractor, within the specified time frame;
5. failure to comply with SBE certification requirements, including not maintaining an actual place of business in Miami-Dade County, not reporting organizational and operational changes, providing inaccurate or false information, and other certification related violations;
6. failure to maintain certification as a SBE;
7. deviation from the Utilization Plan without prior approval from SBD;
8. termination of the SBE's contract without prior approval from SBD;
9. reduction of the scope of work of a SBE subcontractor agreement without prior approval from SBD;
10. modifications to the terms and/or prices of payment to a SBE without prior approval from SBD;
11. failure to enter into a written subcontract with a SBE after listing the firm on a Utilization Plan; and
12. failure to pay subcontractors promptly and in accordance with the administrative procedures under this section

Section 2-11.16 – County Construction Contracts

- Adds language requiring the contractor and each subcontractor under him or her to submit via the County's web-based system accurate written records. The contractor and each subcontractor shall, by the 10th of each month, submit to the County (or if requested, within the requested time frame) certified payroll showing the employer's payroll records for work performed in the previous month via the County's web-based system. Upon request by the County, the covered employer shall produce for inspection and copying its payroll records for any or all of its covered employees for the prior three-year period.
- SBD shall make a written compliance determination following any Compliance Meeting. A determination that the contractor or subcontractor has not complied with the requirements of this Section shall state the basis therefore and

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shall advise the contractor or subcontractor of its right to file a written request along with a nonrefundable filing fee to be established by implementing order, within thirty (30) days of issuance of the notice, with the County Mayor (previously Manager) within 30 calendar days to schedule an administrative hearing before a hearing officer to appeal the determination

- Upon timely receipt of a request for an administrative hearing before a hearing officer to appeal a determination of noncompliance, the County Mayor or designee shall appoint a hearing officer pursuant to section 8CC-2 of the Code of Miami-Dade County, Florida, and fix a time for an administrative hearing thereon. Such hearing officers may be paid a fee for their services, but shall not be deemed County officers or employees within the purview of sections 2-10.2, or 3-11.1 or otherwise.

Upon completion of the administrative hearing, the hearing officer shall transmit his/her findings of facts, conclusions and recommendations together with a transcript of all evidence taken before him/her and all exhibits received by him/her, to the Mayor or designee, who (i) may sustain, reverse or modify the hearing officer's recommendations and (ii) shall render a final decision, in writing. The determination of the Mayor may be reviewed by an appropriate court in the manner provided in the Florida Rules of Appellate Procedure. The prevailing party shall not incur any additional expenses, fees or penalties. The unsuccessful appellant shall be responsible for all additional fees, costs and penalties associated with the appeal.

Section 2-8.1 – Contracts and purchases generally,

Section 2-8.8 – Fair subcontracting practices, AND

Section 10-34 Listing of subcontractors required

- Adds language requiring the submittal of contract information to the County via its web-based system.

Section 2-8.9 – Living Wage Ordinance for County services contracts and County employees.

- Modifies deadlines for reporting payroll as follows:
 - Changes the reporting frequency to the County from every six months or otherwise at the County's request to "by the 10th of each month". The covered employer shall by the 10th of each month submit to the County (or if by request within the requested time frame certified payroll showing the employer's payroll records for each Covered Employee working on the contract(s) for covered services for the previous month (previously applicable payroll period) via the County's web-based system. Deletes the requirement of the Applicable Department to examine all payrolls for compliance within sixty days of receipt.

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**Item No. 4D
File No. 180298**

Researcher: SA Reviewer: PGE

ORDINANCE PERTAINING TO LEASES OF COUNTY PROPERTY FOR PRIVATE USE; AMENDING SECTION 2--1701 OF THE CODE OF MIAMI-DADE COUNTY; REQUIRING THAT CERTAIN COUNTY LESSEES UTILIZE THE COMMUNITY WORKFORCE PROGRAM WHEN ENGAGING IN CONSTRUCTION PROJECTS ABOVE A CERTAIN VALUE; PROVIDING EXCEPTIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should approve the proposed item to amend the County's Community Workforce Program (CWP) to expand the definition of a Capital Construction Contract to require certain County lessees to utilize the Program when engaging in construction project valued more than \$200,000.

APPLICABLE LEGISLATION/POLICY

Section 2-1701 of the County Code sets forth the CWP which requires capital construction projects and related work orders to include a local workforce goal to promote employment opportunities for residents of designated target areas.

http://miamidade.fl.elaws.us/code/coor_ptiii_ch2_artcxii_sec2-1701

Implementing Order No. 3-37 (Community Workforce Program) sets for the policies and procedures for implementing the CWP; the Implementing Order requires the review of Capital Construction Contracts equal to or greater than \$250,000 for public improvements located in Designated Target Areas (DTAs) to determine the appropriateness of applying a local workforce goal, i.e., that a minimum of 10% of the persons performing the construction trades work and labor under the contract be residents of DTAs.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-37.pdf>

Section 2-8.6.5 of the County Code governs purchases, sales and lease of real property.

[https://library.municode.com/fl/miami -
dade county/codes/code of ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.6.5PUSALEREPR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.6.5PUSALEREPR)

Administrative Order No. 8-4 gives the Board the authority to sell or lease or otherwise dispose of County-owned real property.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO8-4.pdf>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Barbara J. Jordan, District 1

This item has no procedural history.

FISCAL IMPACT

No Fiscal Impact Statement was included in the item.

ANALYSIS

The purpose of this proposed item is to seek the Board's approval to amend Section 2-1701 of the Miami Dade County Code to require that certain County lessees be subject to the CWP, where that lessee leases County-owned land in a DTA to conduct private development/economic activities. This amendment would specifically expand the current definition of a Capital

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Construction Contract under the CWP to include a construction contract valued more than \$200,000 whereby the County lessee offers goods or services for sale to the public. Currently, the threshold in the CWP for Capital Construction Contracts is equal to or greater than \$250,000. The proposed language is shown in the table below.

Current Definition	Proposed Amendments
The building and or improvement of a specific fixed asset as approved in the Capital Budget, or for the purpose of this Ordinance, open contract infrastructure work where the individual work orders are distributed throughout the County.	A Capital Construction Contract should be considered a construction if it is a County leased property that offers goods or services for sale to the public and the value of construction cost is more than \$200,000. A lease regarding aviation activities as defined in FAA Advisory Circular 150/5190-6 Appendix 1 Section 1.1(c)(January 4th, 2007) shall be exempt from the requirement of this section, but only with respect to those area of the leasehold used for directly supporting such activity, and only if no County funds are allocated to construction on the leasehold pursuant the Capital Budget, and the County otherwise does not fund construction on the leasehold either directly or through the issuance of rental credits.

The CWP provides job opportunities to local residents in underserved and underdeveloped neighborhoods. To achieve the program's goals, Capital Construction Projects and Work Orders are subject to a workforce goal. This goal, established by the County, requires contractors or subcontractors to hire 10% or more of their labor force from within the DTA. Furthermore, contractors or subcontractors can use people from nearby DTAs to meet the workforce goal only after they have proven with supporting documentation that the labor was not available from the respective DTA or that they did not have the required skills needed to perform the job requirements.

DTA is any geographic area of Miami-Dade County designated as an Empowerment/Enterprise Zone, a Targeted Urban Area (TUA), Community Development Block Grant (CDBG) Eligible Block Group or Focus Area. CDBG grants are established by the federal government to support projects that benefit low and moderate income individuals, integrated in a long range community strategy, leverage further private and public partnership, and enhance deteriorated residential and business districts. Empowerment/Enterprise Zone are areas in the County that have poor resources and are in need of business development. The County is trying to develop TUAs or Focus Areas with new businesses and job creation to remedy their need for economic development.

Attached is a link that shows the Enterprise Zones and Targeted Urban Areas throughout the County.
<http://www.miamidade.gov/business/economic-development-fund.asp>

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Item No. 4E

File No. 180299

Researcher: SA

Reviewer: PGE

ORDINANCE PERTAINING TO LEASES OF COUNTY PROPERTY FOR PRIVATE USE; CREATING SECTION 2-8.9.2 OF THE CODE OF MIAMI-DADE COUNTY; REQUIRING LABOR PEACE AGREEMENTS FOR CERTAIN TENANTS LEASING COUNTY FACILITIES; IMPOSING CERTAIN LEASE REQUIREMENTS; PROVIDING FOR WAIVER OF REQUIREMENTS UPON A VOTE OF THE BOARD; PROVIDING EXCEPTIONS; SUPERSEDING AND REPEALING RESOLUTION NO. R-148-07; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should approve the proposed ordinance that would require certain lessees of County facilities to execute a Labor Peace Agreement with labor unions seeking to represent its workforce.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-148-07, adopted by the Board on February 6, 2007, directs the County Mayor to include a Labor Peace requirement in all requests for proposals, requests for qualifications, bids and contracts for concession opportunities at the Miami International Airport (MIA).

<http://intra/gia/matter.asp?matter=062523&file=true&yearFolder=Y2006>

Administrative Order No. 8-4 gives the Board the authority to sell or lease or otherwise dispose of County-owned real property.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO8-4.pdf>

Section 2-8.6.5 of the County Code governs purchases, sales and lease of real property.

https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.6.5PUSALEREPR

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Barbara J. Jordan, District 1

This item has no procedural history.

FISCAL IMPACT

No Fiscal Impact Statement was included in the item.

ANALYSIS

The purpose of this proposed item is to seek the Board's approval to create Section 2-8.9.2 of the County Code which would require a Labor Peace Agreement to be executed by certain County lessees and labor unions desiring to represent such lessee's workforce. In addition, the ordinance would repeal Resolution R.-148-07, which required a Labor Peace agreement in all requests for proposals, requests for qualifications, bids and contracts for concession opportunities at Miami International Airport. The labor peace requirement for County lessees would apply to facilities such as a hotel restaurant, marina or other facilities offering goods or services for sale to the public. Cargo transportation services, maritime passenger cruise lines and maritime cargo lines are some of the County lessees that are exempted.

A labor peace agreement is an arrangement between a union and an employer under which one or both sides agree to waive certain right under federal law with regard to union organizing and related activity. The federal government originally

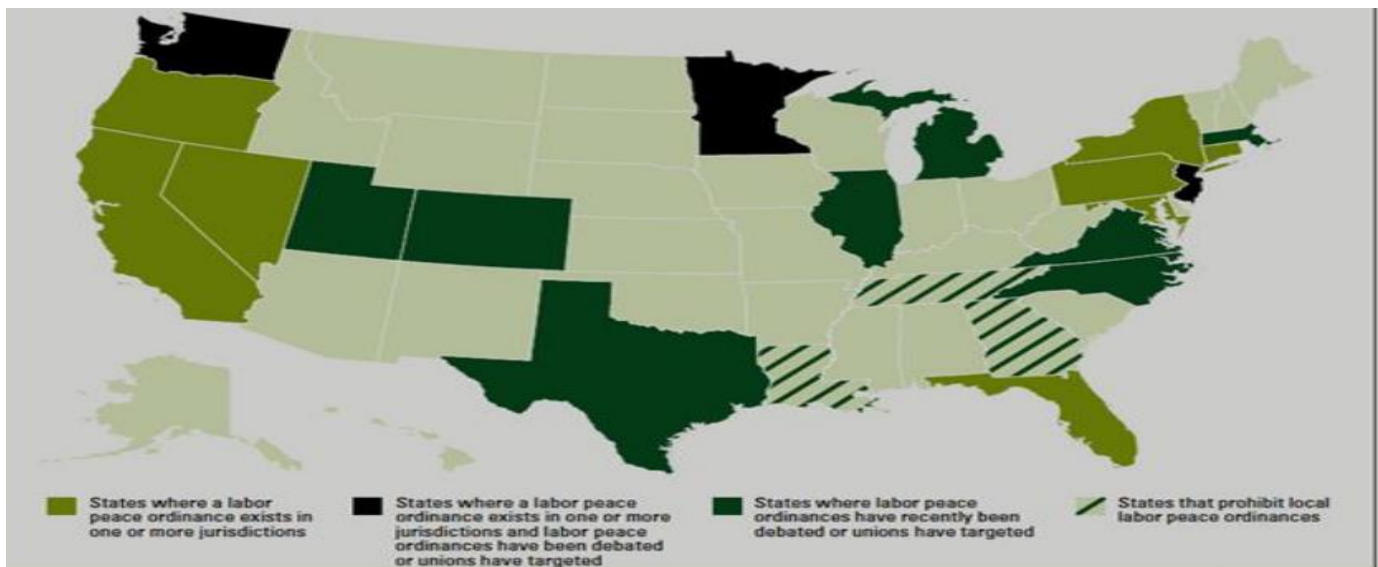
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established the rules relating to union organizing under the National Labor Relations Act (NLRA) in 1935. Under the NLRA, workers have the right to engage in concerted activity; the act also set the threshold for organizing and sets forth remedies for violations.

State and local government employees are exempt from coverage under the NLRA, but organizations of private sector workers can be influenced by state and local policies. The NLRA has a broad preemption authority. Due to this, state and local governments have to be careful when seeking to impact private sector union organizing. However, one way state and local governments may avoid such preemption by claiming “market participant” and that they are only seeking their own economic interest rather than directly regulating labor policy.

Labor peace agreements are established when a local government asserts a “proprietary interest” in a particular facility or development project usually as a result of financial assistance to a private sector employer. The local government will require the lessee to enter into a labor peace agreement. This will ensure that neither an employer nor its workforce will engage in labor disruptions as an incident to the organizing of that workforce or to negotiations between the workforce and employer. The County as a landlord has an interest in making sure that labor disruptions, such as strikes or lockouts, do not occur on County property. Labor peace ordinances have been passed in multiple jurisdictions nationwide and typically cover hotels, restaurants, casinos, other hospitality facilities, and airports.

Below is a map showing states where a labor peace ordinance exists.



https://www.uschamber.com/sites/default/files/documents/files/labor_peace_agreements_2013_09_12.pdf

The proposed item would require the following:

(1) County tenant who intends to or does offer goods or services for sale to the public pursuant to any lease of County owned land or property shall enter into a labor peace agreement with any labor union seeking to represent its workforce. The agreement should at a minimum preclude strikes, lock outs, pickets, and other actions which would disrupt the County location being rented.

(2) Prior to and as a precondition of the execution of the lease subject to this section the lessee shall provide the County with the following:

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- An affidavit signed by the renter and respective union, which indicates that a labor peace agreement meeting the requirements of this section is in effect.
- An affidavit from the renter after reasonable due diligence, concluding that there is no union seeking to represent the workforce. Allowing the County to terminate the lease in the event that the renter submitted an inaccurate affidavit or a union seeks to represent a renter's workforce and the property held by lease, renter, and union are unable to agree on the terms of a labor peace agreement. Furthermore, once an agreement is formed the County cannot inspect or reject the agreement unless procured by fraud or misrepresentation.

(3) The Board can waive the provisions of this section with a two-third vote of members present.

(4) This section does not apply to leases between the County and the following:

- Airlines offering passenger or cargo transportation services;
- Maritime passenger cruise lines;
- Maritime cargo lines;
- Lease appurtenant to any contract with contractor providing goods and services to the County;
- Any lease to an architect/engineer belonging to an ongoing County construction project;
- Lease to a federal entity;
- A lessee who is exempt from this requirement pursuant to federal or Florida Law.

ADDITIONAL INFORMATION

Louisiana was the first state to ban labor peace agreements in 2001. In March 2013, the Georgia legislature passed its own ban on labor peace agreements.

https://www.uschamber.com/sites/default/files/documents/files/labor_peace_agreements_2013_09_12.pdf

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**Item No. 4F
File No. 180300**

Researcher: SA Reviewer: PGE

ORDINANCE PERTAINING TO LEASES OF COUNTY PROPERTY FOR PRIVATE USE; AMENDING SECTION 2-8.9 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR PAYMENT OF LIVING WAGE TO CERTAIN HOURLY EMPLOYEES OF CERTAIN COUNTY LESSEES; PROVIDING EXCEPTIONS; SUPERSEDING AND REPEALING RESOLUTION NO. R-148-07; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should approve the proposed item to amend the Living Wage Ordinance for County service contracts to apply living wage requirements to certain hourly employees of certain County lessees.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-148-07, adopted by the Board on February 2, 2007, directs the County Mayor to include a Labor Peace requirement in all requests for proposals, requests for qualifications, bids and contracts for concession opportunities at the Miami International Airport (MIA).

<http://intra/gia/matter.asp?matter=062523&file=true&yearFolder=Y2006>

Administrative Order No. 8-4 gives the Board the authority to sell or lease or otherwise dispose of County-owned real property.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO8-4.pdf>

Administrative Order No. 3-30 requires that all service contractors performing covered services pay employees no less than the applicable hourly living wage rate, with or without benefits.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO3-30.pdf>

Ordinance No. 99-44, adopted by the Board on May 11, 1999, created Section 2-8.9 of the County Code, establishing a living wage requirement for County service contracts and for County employees.

<http://intra/gia/matter.asp?matter=991160&file=false&yearFolder=Y1999>

Section 2-8.6.5 of the County Code governs purchases, sales and lease of real property.

[https://library.municode.com/fl/miami -
dade county/codes/code of ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.6.5PUSALEREPR](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.6.5PUSALEREPR)

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Barbara J. Jordan, District 1

This item has no procedural history.

FISCAL IMPACT

No Fiscal Impact Statement was included with the item.

ANALYSIS

The purpose of this proposed item is to seek the Board's approval to amend the Living Wage Ordinance to require that certain County properties that are being leased to a lessee provide payment of living wage to certain hourly employees.

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Research Notes

The proposed ordinance would require the following:

Services of hourly employees of any lessee offering goods or services for sale to the public pursuant to any lease of County owned property, but only to the extent such employees are actually employed at the location of such lease. For purposes of this section, an employee shall be considered “actually employed” at such location if that employee spends more than half of their working hour’s onsite at the location of the lease, or if the employee must physically report to the location of the lease at the beginning or end of the working day or both.

This amendment carves out an exception for the following lease categories:

- *Airlines offering passenger or cargo transportation services;*
- *Maritime passenger cruise lines;*
- *Maritime cargo lines;*
- *Lease appurtenant to any contract with contractor providing goods and services to the County;*
- *Any lease to an architect/engineer belonging to an ongoing County construction project;*
- *Lease to a federal entity;*
- *A renter who is exempt from this requirement pursuant to federal or Florida Law.*

The Living Wage requirement was established by the Board on May 11, 1999. This requirement is for employees on County service contracts to allow individuals to support themselves and their families above the poverty line and with dignity. The County feels that employees making the State minimum wage are more likely to have financial difficulties and make use of governmental services. Therefore, County property should be used to promote business activities that drive broad based prosperity throughout all communities in the County.

The Living Wage applies to contracts valued greater than \$100,000 per year for the following services:

- *Food preparation and/ distribution;*
- *Security services;*
- *Routine maintenance service such as custodial, cleaning, refuse removal, repair, refinishing and recycling;*
- *Clerical or non-supervisory work;*
- *Transportation and parking services including airport and seaport services;*
- *Printing and reproduction service; and,*
- *Landscaping, lawn, and/ agricultural services.*

The current living wage for County contracts for covered services entered into before October 1, 2016 is \$13.20 per hour with qualifying health benefits valued at least \$1.91 per hour, otherwise \$15.11 per hour. There was an increase of 2.85% compared to the FY 2016/2017 rate.

Living wage for contracts for covered services entered into, extended (by exercise of option to renew or otherwise), amended, or modified on or after October 1, 2016 and all service contractors operating under permits for the Aviation departments is \$12.99 per hour with qualifying health benefits valued at least \$3.16 per hour, otherwise \$16.15 per hour. There was an increase of 4.06% compared to the FY 2016/2017 rate.

**BCC Meeting: February 21, 2018
Research Notes**

**Item No. 4H
File No. 180091**

Researcher: BM Reviewer: TD

ORDINANCE RELATING TO SEWAGE FLOW RATES; AMENDING SECTION 24-43.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO SEWAGE FLOWS FOR SANITARY SEWERS AND THE MAXIMUM ALLOWABLE SEPTIC TANK SEWAGE LOADING REQUIREMENTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should approve an ordinance amending Section 24-43.1 of the Code of Miami-Dade County, relating to sewage flows for sanitary sewers and maximum allowable septic tank sewage loading requirements.

APPLICABLE LEGISLATION/POLICY

Section 24-43.1 of the Code of Miami-Dade County - Liquid waste disposal and potable water supply systems – is intended to safeguard the public health safety, and welfare by regulating liquid waste storage, disposal and treatment methods other than sanitary sewers and any source of potable water supply.

https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH24ENPRBIBAENDEAQPACOARBIBAENENTRFUENENLAPR_ARTIIIWASOQU_DIV2WEPRDOWESYPOWAST_S24-43.1LIWADIPOWASUSY

Implementing Order 4-110, Schedule of Rates, Fees and Charges for Miami-Dade Water and Sewer Department, provides a list of rates for all use types. This IO became effective on 10/9/17.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO4-110.pdf>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Jean Monestime, District 2

Requester/Department: Regulatory and Economic Resources

This item has no procedural history.

FISCAL IMPACT

The proposed ordinance will not require additional funding.

The proposed increases and decreases to the unit flow rates; the proposed changes is estimated to reduce revenues from connection fees by approximately \$561,600. Since the flow rate has decreased, the capital expenditure from the Plant Expansion Funds is expected to decrease.

ANALYSIS

The proposed ordinance amends Section 24-43.1 of the Code of Miami-Dade County, relating to sewage flows for sanitary sewers and maximum allowable septic tank sewage loading requirements. The modification is made to more accurately reflect actual water usage and anticipated water demands, per the results of an examination of water meter data collected within WASD's service area. The code was last revised in 2011 in response to the Florida Building Code mandating use of water-conserving fixtures in new construction.

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Per the Social Equity statement included in the item, the proposed ordinance is not anticipated to have a specific social equity benefit or burden pursuant to Ordinance No. 15-83. Although the change in flow rates will benefit residential and commercial construction and new businesses, the anticipated benefit could not be determined.

The table below summarizes County Code Section 24-43.1 as is it currently read and the proposed amendments to the code. The left column includes the text of the code as it currently reads. The column with the heading ‘proposed amendments to the Code’ include the proposed changes to the Code. Modifications to the Code are either in **Bold** or were not included in the column, if they have been removed in the proposed amendments to Section 24-43.1.

Section 24-43.1 of the Code of Miami-Dade County as it currently reads:	Proposed amendment to Section 24-43.1 of the Code of Miami-Dade County:
<p>(5) The following table shall be utilized by the Director or the Director's designee to determine sewage flows for sanitary sewers and the maximum allowable septic tank sewage loading requirements set forth in this chapter. If the Director or the Director's designee receives competent factual data and information such as actual on-site measured sewage flows or actual metered water bills, or an engineering flow study which utilizes recognized standard practices of the engineering profession, is signed and sealed by an engineer licensed by the State of Florida, and approved by the Director or the Director's designee, the Director or the Director's designee may utilize this data and information to determine sewage flows for sanitary sewers and the maximum allowable septic tank sewage loading requirements set forth in this chapter in lieu of the table below. This table shall not be utilized for the sizing of septic tanks. Sizing of septic tanks shall be in accordance with Florida Statutes regarding septic tanks.</p> <p>Type of Land Use, Gallons Per Day (GPD)</p> <p><u>Residential Land Uses:</u></p> <p>Single-Family Residence:</p> <p style="padding-left: 40px;">Less than 3001 sq. ft: 220 gpd/unit</p> <p style="padding-left: 40px;">3001—5000 sq. ft: 320 gpd/unit</p> <p style="padding-left: 40px;">More than 5000 sq. ft: 550 gpd/unit</p> <p>Townhouse Residence: 180 gpd/unit</p> <p>Apartment: 150 gpd/unit</p>	<p>(5) The following table shall be utilized by the Director or the Director's designee to determine sewage flows for sanitary sewers and the maximum allowable septic tank sewage loading requirements set forth in this chapter. If the Director or the Director's designee receives competent factual data and information such as actual on-site measured sewage flows or actual metered water bills, or an engineering flow study which utilizes recognized standard practices of the engineering profession, is signed and sealed by an engineer licensed by the State of Florida, and approved by the Director or the Director's designee, the Director or the Director's designee may utilize this data and information to determine sewage flows for sanitary sewers and the maximum allowable septic tank sewage loading requirements set forth in this chapter in lieu of the table below. This table shall not be utilized for the sizing of septic tanks. Sizing of septic tanks shall be in accordance with Florida Statutes regarding septic tanks.</p> <p>Type of Land Use/Gallons Per Day (GPD)</p> <p><u>Residential Land Uses:</u></p> <p>Single-Family Residence:</p> <p style="padding-left: 40px;">Less than 3001 sq. ft.: 210 gpd/unit</p> <p style="padding-left: 40px;">3001—5000 sq. ft.: 310 gpd/unit</p> <p style="padding-left: 40px;">More than 5000 sq. ft.: 510 gpd/unit</p> <p>Townhouse Residence: 165 gpd/unit</p> <p>Apartment: 135 gpd/unit</p>

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Mobile Home Residence/Park: 180 gpd/unit

Duplex or Twin Home Residence: 180 gpd/unit

Commercial Land Uses:

Airport:

- (a) Common Area/Concourse: 5 gpd/100 sq. ft.
- (b) Retail: 10 gpd/100 sq. ft.
- (c) Food Service: See Restaurant use for allocation

Banquet Hall: 15 gpd/100 sq. ft.

With Kitchen: 50 gpd/100 sq. ft.

Bar or Cocktail Lounge: 20 gpd/100 sq. ft.

Barber Shop: 15 gpd/100 sq.ft.

Beauty Shop: 25 gpd/100 sq. ft.

Bowling Alley: 100 gpd/lane

Car Wash:

- (a) Manual Washing: 350 gpd/bay

Mobile Home Residence/Park: **160** gpd/unit

Duplex or Twin Home Residence: **150** gpd/unit

Residential Facility/Institution:

- (a) Congregate Living Facility (CLF): **75 gpd/bed**
- (b) Apartment Dormitory: **100 gpd/unit**
- (c) Fire Station: **10 gpd/100 sq. ft.**
- (d) Jail: **150 gpd/person**
- (e) Other: **100 gpd/person**

Commercial Land Uses:

Airport:

- (a) Common Area/Concourse Retail: **10** gpd/100 sq. ft.
- (b) Food Service: See Restaurant use for allocation

Bank: 10 gpd/100 sq. ft.

Banquet Hall **with or without kitchen:** 15 gpd/100 sq. ft.

Bar, **Cocktail Lounge, Nightclub, or Adult Entertainment:** 20 gpd/100 sq. ft.

Barber Shop: **10** gpd/100 sq.ft.

Beauty Shop: 25 gpd/100 sq. ft.

Big Box Retail: 2.5 gpd/100 sq. ft.

Bowling Alley: 100 gpd/lane

Car Wash:

- (a) Manual Washing: 350 gpd/bay

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<p>(b) Automated Washing: 5500 gpd/bay</p> <p>With recycle system: Based on system design and evaluation by the Department</p> <p>Coin Laundry: 145 gpd/washer</p> <p>Country Club: 15 gpd/100 sq. ft.</p> <p>With Kitchen: 50 gpd/100 sq. ft.</p> <p>Dentist's Office: 25 gpd/100 sq. ft.</p> <p>Food Preparation Outlets (Bakeries, Meat Markets, Commissaries, etc.): 35 gpd/100 sq. ft.</p> <p>Funeral Home: 10 gpd/100 sq. ft.</p> <p>Gas Station/Convenience store/Mini-Mart:</p> <p>(a) Without car wash: 450 gpd/unit</p> <p>(b) With single automated car wash: 1750 gpd/unit</p> <p>Fitness Center or Gym: 10 gpd/100 sq. ft.</p> <p>Hospital: 250 gpd/bed</p> <p>Hotel or Motel: 100 gpd/room</p> <p>House of Worship: 10 gpd/100 sq. ft.</p> <p><u>Industrial:</u></p> <p>(a) Warehouse/Spec. Bldg.: 1 gpd/100 sq. ft.</p> <p>(b) Self-service storage units: 1.5 gpd/100 sq. ft.</p> <p>(c) Industrial—Wet: 20 gpd/100 sq. ft.</p> <p>(d) Industrial—Dry: 2.5 gpd/100 sq. ft.</p>	<p>(b) Automated Washing: 5500 gpd/bay</p> <p>With recycle system: Based on system design and evaluation by the Department</p> <p>Coin Laundry: 110 gpd/washer</p> <p>Country Club with or without kitchen: 20 gpd/100 sq. ft.</p> <p>Dentist's Office: 25 gpd/100 sq. ft.</p> <p>Fitness Center or Gym: 10 gpd/100 sq. ft.</p> <p>Funeral Home: 5 gpd/100 sq. ft.</p> <p>Gas Station/Convenience store/Mini-Mart:</p> <p>(a) Without car wash: 450 gpd/unit</p> <p>(b) With single automated car wash: 1750 gpd/unit</p> <p>Additional single automated car wash: 1300 gpd/unit</p> <p>Hospital: 250 gpd/bed</p> <p>Hotel or Motel: 115 gpd/room</p> <p>House of Worship: 10 gpd/100 sq. ft.</p> <p><u>Industrial:</u></p> <p>Industrial use not discharging a process wastewater and not utilizing potable water for an industrial process (including but not limited to automotive repair, boat repair, carpentry, factory, machine shop, welding): 4 gpd/100 sq.ft.</p> <p>Industrial use discharging a process wastewater or utilizing potable water for industrial use: Based on system design and evaluation by the Department</p>	
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<p>Kennel: 15 gpd/cage</p> <p>Marina: 60 gpd/slip</p> <p>Motor Vehicle Service Station: 10 gpd/100 sq. ft.</p> <p>Nursing/Convalescent Home: 50 gpd/bed</p> <p>Office Building: 5 gpd/100 sq. ft.</p> <p>Other Residential Facility/Institution:</p> <p style="padding-left: 40px;">(a) Congregate Living Facility (CLF): 75 gpd/bed</p> <p style="padding-left: 40px;">(b) Jail: 150 gpd/person</p> <p style="padding-left: 40px;">(c) Other: 100 gpd/person</p> <p>Pet Grooming: 55 gpd/100 sq. ft.</p> <p>Physician's Office: 20 gpd/100 sq. ft.</p> <p>Public Park:</p> <p style="padding-left: 40px;">(a) With toilets only: 5 gpd/person</p> <p style="padding-left: 40px;">(b) With toilets and showers: 20 gpd/person</p> <p>Public Swimming Pool Facility: 30 gpd/person</p> <p>Restaurant:</p> <p style="padding-left: 40px;">(a) Full Service: 100 gpd/100 sq. ft.</p> <p style="padding-left: 40px;">(b) Fast Food: 50 gpd/100 sq. ft.</p> <p style="padding-left: 40px;">(c) Take Out: 100 gpd/100 sq. ft.</p> <p>Retail: 10 gpd/100 sq. ft.</p> <p>School:</p> <p style="padding-left: 40px;">(a) Day Care/Nursery (adults and children): 20 gpd/100 sq. ft.</p>	<p>Kennel: 15 gpd/100 sq. ft.</p> <p>Marina: 60 gpd/slip</p> <p>Nail Salon: 30 gpd/100 sq. ft.</p> <p>Nursing/Convalescent Home: 125 gpd/bed</p> <p>Office Building: 5 gpd/100 sq. ft.</p> <p>Pet Grooming: 20 gpd/100 sq. ft.</p> <p>Physician's Office: 20 gpd/100 sq. ft.</p> <p>Public Park:</p> <p style="padding-left: 40px;">(a) With toilets only: 5 gpd/person</p> <p style="padding-left: 40px;">(b) With toilets and showers: 20 gpd/person</p> <p>Public Swimming Pool Facility: 30 gpd/person</p> <p>Recreational vehicle (RV) Park (seasonal use): 150 gpd/space</p> <p>Restaurant:</p> <p style="padding-left: 40px;">(a) Fast Food: 65 gpd/100 sq. ft.</p> <p style="padding-left: 40px;">(b) Full Service: 100 gpd/100 sq. ft.</p> <p style="padding-left: 40px;">(c) Take Out: 100 gpd/100 sq. ft.</p> <p>Retail: 10 gpd/100 sq. ft.</p> <p>School:</p> <p style="padding-left: 40px;">(a) Day Care/Nursery (adults and children): 10 gpd/100 sq. ft.</p>	
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(b) Regular school: 12 gpd/100 sq. ft.

Shopping Center/Mall:

Shell/Common Area: 10 gpd/100 sq. ft.

Stadium, Ballpark, Racetrack, Fronton, Auditorium, etc.:
 3 gpd/seat

Theater:

(a) Indoor: 3 gpd/seat

(b) Outdoor: 5 gpd/space

(c) Drive-in: 5 gpd/space

Trailer or Tourist Park: 150 gpd/space

Veterinarian Office: 20 gpd/100 sq. ft.

(b) Regular school: 12 gpd/100 sq. ft.

Self-service storage units: 1.5 gpd/100 sq. ft.

Shopping Center/Mall:

Shell/Common Area: 10 gpd/100 sq. ft.

Spa: 20 gpd/100 sq. ft.

Sporting Facilities and Auditorium: 3 gpd/seat

Theater:

(a) Indoor: **1** gpd/seat

(b) Outdoor/**Drive in**: 5 gpd/space

Veterinarian Office: 20 gpd/100 sq. ft.

Warehouse/Speculation Bldg: 2 gpd/100 sq. ft.
Wholesale Food Preparation (including but not limited to meat markets and commissaries): 35 gpd/100 sq. ft.

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Research Notes**

Item No. 4I

File No. 180301

Researcher: NR

Reviewer: TD

ORDINANCE APPROVING, ADOPTING AND RATIFYING FISCAL YEAR 2016-17 END-OF-YEAR SUPPLEMENTAL BUDGET ADJUSTMENTS AND AMENDMENTS FOR VARIOUS COUNTY DEPARTMENTS AND FUNDS; AMENDING ORDINANCE NOS. 16-98, 16-100, AND 16-104 TO MAKE BUDGET ADJUSTMENTS AND CORRECT SCRIVENER'S ERRORS; RATIFYING AND APPROVING IMPLEMENTING ORDERS AND OTHER BOARD ACTIONS WHICH SET FEES, CHARGES AND ASSESSMENTS FOR FY 2016-17; APPROPRIATING GRANT, DONATION, AND CONTRIBUTION FUNDS FOR FY 2016-17; AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

This ordinance approves, adopts and ratifies FY 2016-17 end-of-year supplement budget adjustments and amendments; amends Ordinance Nos. 16-98, 16-100, and 16-104 to make budget adjustments and correct scrivener's errors; ratifies and approves implement orders and other Board action which set fees, charges and assessment for FY 2016-17; appropriates grant, donation and contributions funds for FY 2016-17.

APPLICABLE LEGISLATION/POLICY

Section 129.06 of the Florida Statutes - Execution and amendment of budget (1) Upon the final adoption of the budgets as provided in this chapter, the budgets so adopted must regulate expenditures of the county and each special district included within the county budget, and the itemized estimates of expenditures must have the effect of fixed appropriations and may not be amended, altered, or exceeded except as provided in this chapter.

Home Rule Charter Section 2.02 Responsibilities of the Mayor. The Mayor shall prepare and deliver a budgetary address annually to the people of the county.

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

Section 2-1799 (b) (2) of the Code of Miami-Dade County – Expenditures of the Contingency Reserve Funds.

<http://intra/gia/legistarfiles/MinMatters/Y2007/070515min.pdf>

PROCEDURAL HISTORY

Prime Sponsor: None

Requester: Office of Management and Budget

FISCAL IMPACT

The total value of all operating adjustments is \$115.221 million. The following briefly states the budget adjustments for the following departments, details of supplemental budget and budget amendments are stated in the item:

- Animal Services requires a supplemental budget in the amount of \$2.917 million to cover higher than anticipated expenditures; a supplemental budget in the Animal Service Trust Fund (\$72,000) and their grant fund (\$255,000) for expenditures associated with pet and medical supplies
- Board of County Commissioners requires a supplemental budget in the amount of \$5.964 million to reflect carryover from both FY 2015-16 and FY 2016-17
- Community Action and Human Services requires a supplemental budget in the amount of \$171,000 to cover repairs and maintenance costs

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- Corrections and Rehabilitation Services requires a supplemental budget in the amount of \$6.182 million to cover additional costs to comply with the Settlement and Consent Agreements with US Department of Justice
- Elections requires a budget amendment in the amount of \$375,000 for unanticipated information technology charges and Hurricane Irma expenditures
- Fire Rescue requires a supplemental budget in the amount of \$2.385 million to cover a prior year deficit created by the delay in the sale of helicopters and Hurricane Irma related expenditures in Fund SF 011 Subfunds 112, 118, and 122 ; \$344,000 for additional overtime expenses due to Hurricane Irma and other personnel costs Fund SF 011 Subfund 121,
- Homeless Trust requires a supplemental budget in the amount of \$448,000 for expenditures related to homeless services
- Information Technology requires a supplemental budget in the amount of \$15.937 million for expenses related to the consolidation of countywide information technology (IT) functions which includes the transfer of 101 full-time positions; \$9.385 million for higher volume of IT purchases for County departments procured through the IT consolidated contracts; and \$1.48 million for other pass-through expenses for County projects
- Parks, Recreation and Open Spaces requires an increase in General Fund support (\$9.028 million) due to revenue shortfalls, reduced reimbursements, Hurricane Irma related expenditures, and higher than anticipated expenditures; requires a supplemental budget in the amount of \$1.178 million in Fund GF 040.
- Miami-Dade Police Department (MDPD) requires:
 - Additional General Fund support for overtime expenditures associated with Hurricane Irma mobilization (\$9.406 million);
 - A supplemental budget in the amount of \$237,000 in the Municipal Police Services Account for overtime expenses that were mainly due to Hurricane Irma;
 - A supplemental budget in the amount of \$3.859 million for additional off-duty police services, and unbudgeted termination payments, unbudgeted payments for unused sick and overtime expenses related to services provided to the Seaport and Aviation departments. The overtime expenses were mainly due to Hurricane Irma related activities;
 - A supplemental budget in the amount of \$158,000 associated with the required disbursements of parking ticket surcharge revenues for municipalities and MDPD.
- Regulatory and Economic Resources requires a supplemental budget in the amount of \$2.324 million associated with the transfer of prior year fund balances into the Tree Trust Fund
- Solid Waste Management requires:
 - Additional General Fund support (\$4.617 million); a supplemental budget of \$20.618 million for higher than budgeted expenditures associated with mosquito control efforts;
 - A supplemental budget of \$6.1 million related to Hurricane Irma recovery expenses
- Transportation and Public Works requires a supplemental budget of \$1.325 million for additional personnel costs associated with permitting inspections and construction activities
- Vizcaya and Museum and Gardens requires a supplemental budget of \$9.741 million because it was not included in the County's FY2016-17 budget appropriation schedules. The actual transfer of operations did not occur until October 1, 2017 rather during FY 2016-17 as anticipated.
- County Public Hospital Sales Tax Fund – Public Health Trust requires a supplemental budget of \$9.769 million to reflect the transfer of higher than anticipated County Health Care Sales tax receipts
- Economic Development Fund – Beacon Council requires a supplemental budget of \$254,000 to reflect the transfer of higher than anticipated local business tax receipts
- Tourist Taxes – Convention Development Tax (CDT) performance was better than predicted by \$1.582 million at the close of FY 2016-17 and is to be allocated as follows:
 - \$500,000 to Fairchild Tropical Botanical Garden
 - \$550,000 to the Perez Art Museum Miami

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- \$532,000 will be deposited in the Shortfall Reserve called for in the ballpark financing
- Capital Budget
 - Total supplemental budget required is \$10.026 million for various projects that were not included in the FY 2016-17 Adopted Budget because they were either expected to be completed and/or closed in FY 2015-16 or exceeded budgeted appropriation.
 - Special Obligation Bond Series 2016A requires a supplemental budget of \$24.792 million for a capital grant to assist the Phillip and Patricia Frost Museum of Science
 - A budget supplement of \$7.602 million is required to reflect prior year carryover funds from financed vehicle purchases
- Debt Services; refer to details on handwritten page 5 of the agenda item

ANALYSIS

This ordinance is necessary because a supplemental budget is required by County and State law when expenditures exceed budgeted appropriations.

As stated in the Mayoral Memorandum:

- The revisions reflected in this item include adjustments needed to correct scrivener's errors, acknowledge additional revenues associated with higher than budgeted grant funds, prior year carryover funds, fund balance clean-up on closed accounts, and other revenues along, with the corresponding expenditures.
- Budget amendments to adjust appropriation authority for expenditures incurred in FY 2016-17 following Hurricane Irma. Federal Emergency Management Agency (FEMA) reimbursements will be processed in FY 2017-18.
- These budget amendments move appropriation authority from budgeted operating reserves, including the General Fund (GF) Contingency Reserve, and other departments as needed.
- To cover the budget amendments the Emergency Contingency Reserve is not utilized, which maintains a balance of \$48.345 million as of the end of FY 2016-17.

Input from OMB

The value of the GF reserves being used for this item is \$15.977 million of the total FY 2016-17 budgeted amount of \$22.828 million (70%) in FY 2016-2017. The reserves used for this item are detailed on handwritten page 16 of the agenda item and include the following Non -Departmental Reserves:

- Contingency Reserve
- Safety and Security Reserve
- Prior Year Encumbrance Reserve
- Tax Equalization Reserve
- Wage, Separation, and Energy Reserve

The amount to be reimbursed by FEMA in FY 2017-18 for Hurricane Irma FY 2016-17 expenditures is being determined by Finance as they are still working with departments to finalize all DAR information in order to get FEMA to start looking at all our costs. Hurricane Irma FY 2016-17 expenditures are \$25.873 million (22.5%) of the total value of all operating adjustments of \$115.221 million included in this item.

The use of FY 2016-17 Contingency Reserve and Operating Reserve do not affect FY 2017-18 Budget, as these reserves are re-appropriated every year as part of the budget. However, what is impacted is the carryover from FY 2016-17 into FY 2017-18. The FY 2016-17 Adopted budget included a budgeted carryover of \$53.420 million however what actually came into FY 2016-17 from fiscal year FY 2015-16 was \$50.678 million. In addition, after all expenditures post the estimated carryover that

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will remain going into FY 2017-18 is \$42.652 million which is \$9 million less than what was adopted in the FY 2017-18 Budget (\$51.3 million).

ADDITIONAL INFORMATION

Budget Amendment - A method by which an adopted expenditure authorization or limit is increased and could be authorized with a publication, a hearing or a re-certification of the budget which may increase or decrease appropriations within a fund but does not increase the fund's total budget; the BCC must approve the change by resolution.

<http://www.miamidade.gov/budget/library/fy2017-18/adopted/volume-1/complete.pdf>

A supplemental budget or budget supplement is when you are adding additional appropriation authority to a fund because the original budget was exceeded.

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**Item No. 5B
File No. 172914**

Researcher: SM Reviewer: TD

ORDINANCE GRANTING PETITION OF QUAIL ROOST REALTY MANAGEMENT, LLC, FOR ESTABLISHMENT OF A COMMUNITY DEVELOPMENT DISTRICT GENERALLY BOUNDED ON THE NORTH BY THEORETICAL SW 188 TERRACE, ON THE EAST BY BLACK CREEK CANAL (C-1W), ON THE SOUTH BY SW 192 STREET, AND ON THE WEST BY SW 137 AVENUE; CREATING AND ESTABLISHING QUAIL ROOST COMMUNITY DEVELOPMENT DISTRICT; PROVIDING FOR NAME, POWERS AND DUTIES; PROVIDING DESCRIPTION AND BOUNDARIES; PROVIDING INITIAL MEMBERS OF BOARD OF SUPERVISORS; ACCEPTING PROFERRED DECLARATION OF RESTRICTIVE COVENANTS; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should approve this Ordinance creating the Quail Roost Community Development District (CDD) in unincorporated Miami-Dade County pursuant to the authority granted by Miami-Dade County Home Rule Charter for the purposes set forth in Chapter 190 of the Florida statutes.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-413-05, adopted by the Board on April 5, 2005 is a Resolution requiring all real property within community development districts to be subject to declaration of restrictive covenant with respect to disclosure.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2005/050648.pdf>

Resolution No. R-883-06, which was adopted on July 18, 2006 is a Resolution related to amending restrictive covenant pertaining to community development districts.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2006/061716.pdf>

Chapter 190 of the Florida Statutes governs community development districts.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0190/0190.html

Section 1.01(A)(21) of the Miami-Dade County Home Rule Charter grants the Board of County Commissioners the authority to exercise all powers and privileges granted to municipalities and counties by the laws of this State.

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

Article VIII, Section 6(1) of the Florida Constitution provides for exclusive County Charter authority to establish all governmental units within Miami-Dade County and to provide for their government and prescribe their jurisdiction and powers.

<http://www.leg.state.fl.us/statutes/index.cfm?submenu=3>

PROCEDURAL HISTORY

Prime Sponsor: None

Requester/Department: Parks, Recreation and Open Spaces

The proposed ordinance was adopted on first reading and set for public hearing before the Board of County Commissioners on Wednesday, February 21, 2018

FISCAL IMPACT

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The creation of the Quail Roost CDD will have no fiscal impact to the County. CDD funding is derived from assessments levied against the properties within the CDD, which are secured by a lien against the properties and collected directly by the CDD or through the annual Combined Real Property tax bill pursuant to an Interlocal agreement with the County, as stated by the mayoral memo.

ANALYSIS

If this Ordinance receives Board approval it will grant a petition for the creation of the Quail Roost CDD which in turn will grant the CDD powers to levy taxes and special assessment and to enforce various charges to affecting property owners within the proposed district. The mayoral memo states that a Special Taxing District will be created to maintain the development's infrastructure, such as private roadways, private area storm drainage, and landscaping, should the CDD be dissolved or fail to fulfill its maintenance obligations.

A special Taxing District is a designated area where a majority of property owners agree to allow Miami-Dade County, through Chapter 18 of Miami-Dade Code, to levy a special property tax in exchange for a specific service. Special Taxing Districts gives communities the opportunity to make improvements in the public areas of their neighborhoods which could not be conveniently or equitably done otherwise. Improvements include: street lighting; security guard services; guardhouses; multipurpose maintenance and capital improvements/road maintenance.

The Miami-Dade County Special Taxing District Division is responsible for the management and operation of 1,068 active special taxing districts providing services to approximately 389,740 households in unincorporated and municipal neighborhoods throughout the County. <http://www.miamidade.gov/parks/special-taxing-districts.asp>

An application was filed on behalf of the Quail Roost CDD, from the Quail Roost Realty Management, LLC. They filed this application because of the desire to construct 85 single family units with associated roadway improvements, in addition to storm water management system. This is estimated to cost \$5.593 million, as stated by the mayoral memo. Community Infrastructure and ongoing operations are part of the Quail Roost CDD as it is to be used as a finance mechanism for the surrounding community.

According to the proposed Ordinance, the HOA or the Quail Roost CDD will be responsible for any or all cost related to improvements of the current existing private roads.

The proposed timetable for the construction of the district improvements are the following:

	Start Date	Completion
Storm Water Management System	October, 2017	April, 2018
Water Distribution System	October, 2017	April, 2018
Waste Water Collection System	October, 2017	April, 2018
Roadway Improvements	April, 2018	September, 2018

Estimated Cost of District Improvements	Costs
Storm Water Management System	\$461,000
Water Distribution System	\$1,282,000
Waste Water Collection System	\$1,564,000
Roadway Improvements	\$2,286,000
Total	\$5,593,000

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Research Notes

OCA sent the following questions to the Department Representative awaiting response:

1. Are the estimated Cost of District Improvements the responsibility of Quail Roost CDD, or HOA?
2. Will this impact the surrounding neighborhood in an adverse way, such as increased traffic etc.?
3. Will the County be responsible for any future unforeseen costs associated with this Item?
4. In the mayoral memo it states that CDD funding is derived from assessments levied against the properties within the CDD, how long will it actually take to receive funding from delinquent property owners, as it relates to the lien process?

ADDITIONAL INFORMATION

Quail Roost Realty Management has an Active status on Sunbiz.org and they were filed on 12/21/2012 with a principal address of 400 3RD AVENUE PENTHOUSE 1701 DENVER, CO 80203.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=>

[EntityName&directionType=](#)

[Initial&searchNameOrder=](#)

[QUAILROOSTREALTYMANAGEMENT%20M120000071570&aggregateId=forl-m12000007157-9c8b8094-71ae-4249-888c-](#)

[71f0a2ed884f&searchTerm=](#)

[Quail%20Roost%20Realty&listNameOrder=QUAILROOSTREALTYMANAGEMENT%20A060000015000](#)

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Research Notes

Item No. 5E

File No. 180210

Researcher: BM

Reviewer: TD

RESOLUTION APPROVING THE PLAN FOR THE MIAMI-DADE POLICE DEPARTMENT ACADEMY BUILDING TO BE LOCATED AT 9601 NW 58 STREET IN COMPLIANCE WITH SECTION 33-303 OF THE CODE OF MIAMI-DADE COUNTY

ISSUE/REQUESTED ACTION

Whether the Board should approve the plan for a new Academy Building for the Miami-Dade Police Department at 9601 NW 58th Street in compliance with Section 303 of the Code of Miami-Dade County.

APPLICABLE LEGISLATION/POLICY

Section 33-303 of the Code - Exclusive procedure for zoning in the unincorporated areas or where the County retains zoning jurisdiction in incorporated areas; exception for approval of governmental facilities.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIIICOR_CH33ZO_ARTXXXVIZOPR_S33-303EXPRZOUNARWHCOREZOJUINAREXAPGOFA

Resolution R-451-14, adopted by the Board on May 6, 2014, set the policy for the County directing the Mayor to require all infrastructure projects to consider potential impacts to the sea level rise during all project phases.

<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2014/R-451-14.pdf>

Ordinance No. 14-79, adopted by the Board on June 3, 2014, amended Section 2-1 of the County Code requiring that all agenda items related to planning, design and construction of County infrastructure include a statement that the impact of sea level rise has been considered.

<http://www.miamidade.gov/cob/library/Registry/Ordinances/Board-of-County-Commissioners/2014/14-79.pdf>

PROCEDURAL HISTORY

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

Requester/Department: Regulatory and Economic Resources

This item has no procedural history.

FISCAL IMPACT

If this resolution is approved by the Board, it will not have a fiscal impact to the County. The estimated project cost amount of \$3,456,986 will be funded by the Capital Outlay Reserve and Police Impact Fees.

ANALYSIS

The resolution approves a plan to construct a new Academy Building for the Miami-Dade Police Department. The new building will provide a training center for police cadets. The construction of the Academy Building is expected to commence in spring 2018 and to be mostly completed by August 201. The Site review Committee reviewed and approved the project in October 2017.

The Miami-Dade Public Safety Training institute is located on a 35-acre campus in the City of Doral. A vision of a multi-agency public safety training center that could meet the needs of local, state, and federal safety employees became a reality on

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May 18, 2009, when the Miami-Dade Police Department's Training Bureau was officially transformed into the Miami-Dade Public Safety Training Institute. Based on unified shared-training initiatives with Institute partners, the Institute now houses staff from all three partner agencies: Miami-Dade Police Department, Miami-Dade Corrections and Rehabilitation Department (MDCR), and the Federal Bureau of Investigation (FBI). The proposed Academy was designed to obtain a Silver LEED (Leadership in Energy and Environmental Design) Certification.

LEED is a rating system devised by the United States Green Building Council (USGBC) to evaluate the environmental performance of a building and encourage market transformation towards sustainable design. The system is credit-based, allowing projects to earn points for environmentally friendly actions taken during construction and use of a building. LEED was launched in an effort to develop a "consensus-based, market-driven rating system to accelerate the development and implementation of [green building](#) practices." The program is not rigidly structured; not every project must meet identical requirements to qualify. The LEED certifications levels are provided below:

- Certified 40 - 49 Points
- Silver 50 - 59 Points
- Gold 60 - 79 Points
- Platinum 80-110 Points

[OCA sent the following questions to the MDPD representative on February 16, 2018, pending response.](#)

1. The request is for a new Academy for training cadets, is the current facility not meeting the training capacity to train cadets; will the new training facility be used concurrently with the current facility or will it replace the current training facility; if so, what will happen to the current training facility?
2. Will increase in training capabilities from the new facility lead to upgrades at the law enforcement training locations like firing range or driving range?
3. When was the current training facility constructed and has the current facility reached its useful lifespan;
4. Will the new facility have the capacity to provide training for new cadet classes?
5. Capital Outlay Reserve and Police Impact fees will be used to fund this project, has this project been considered in the County's budget; what is the breakdown of the funding type between Capital Outlay and Police Impact Fees for this project? As there will be other municipal and state personnel training in the new facility, will said departments be required to pay any fees for use of the facility?

ADDITIONAL INFORMATION

Below are several links providing further details as it relates to the LEED certification:

<http://www.concretethinker.com/solutions/LEED-Certification.aspx>

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Item No. 5F

File No. 180026

Researcher: MF Reviewer: PGE

ORDINANCE RELATING TO ENVIRONMENTAL PROTECTION; AMENDING SECTION 24-5 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING CERTAIN DEFINITIONS AND MODIFYING OTHER DEFINITIONS; AMENDING SECTION 24-8; PROVIDING EXCEPTIONS TO THE DUTIES AND POWERS OF THE ENVIRONMENTAL QUALITY CONTROL BOARD ("EQCB"); AMENDING SECTION 24-11; PROVIDING THAT THE EQCB SHALL NOT TAKE ACTION THAT CONFLICTS WITH OR NULLIFIES FEDERAL, STATE OR COUNTY LAW OR CERTAIN BINDING AGREEMENTS; AMENDING SECTION 24-15 PLAN APPROVAL; CLARIFYING COVERAGE OF EXISTING FACILITIES AND SEWERAGE SYSTEMS TO INCLUDE ADDITIONAL CERTAIN WASTE DISPOSAL FACILITIES; AMENDING SECTION 24-15.3; PROVIDING THAT FATS, OILS AND GREASE ("FOG") CONTROL DEVICES SHALL BE INSTALLED IN ACCORDANCE WITH 24-42.6; AMENDING SECTION 24-18; REQUIRING OPERATING PERMITS FOR FOG GENERATORS DISCHARGING TO A SANITARY SEWER COLLECTION SYSTEM, OR TO AN ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM IN A WELLFIELD PROTECTION AREA; AMENDING SECTION 24-25; AMENDING SECTION 24-42.3; REQUIRING WRITTEN APPROVAL FROM THE DIRECTOR FOR ISSUANCE OF CERTIFICATES OF COMPLETION FOR SANITARY SEWER SYSTEM COLLECTION, TRANSMISSION AND TREATMENT CAPACITY, AND PROVIDING THAT NO NEW ADDITIONAL SEWAGE FLOWS SHALL BE AUTHORIZED WITHOUT CERTIFICATE OF COMPLETION OR OTHER APPROVALS PREVIOUSLY ENUMERATED; AMENDING SECTION 24-42.4 RELATING TO SANITARY SEWER DISCHARGE LIMITATIONS AND PRETREATMENT STANDARDS; INCLUDING OIL AND GREASE LIMITATIONS FOR FACILITIES CLASSIFIED AS FOG GENERATORS IN THE SANITARY SEWER DISCHARGE LIMITATIONS AND PRETREATMENT STANDARDS; CREATING SECTION 24-42.6, ESTABLISHING THE FATS, OILS AND GREASE CONTROL PROGRAM; PROHIBITING OR LIMITING THE DISPOSAL OF WASTEWATER, FOG AND FOOD WASTE INTO STORMWATER DRAINAGE SYSTEM, GROUNDWATER OR CERTAIN OTHER LOCATIONS; REQUIRING PERMITS, RECORD KEEPING, REPORTING TO THE DEPARTMENT, AND FACILITY STAFF TRAINING; SETTING MINIMUM REQUIREMENTS AND STANDARDS FOR THE DESIGN, OPERATION, MAINTENANCE AND REPAIR OF FOG CONTROL DEVICES FOR FOG GENERATING FACILITIES; PROVIDING FOR REVOCATION OF PERMITS FOR FAILURE TO COMPLY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should approve this item amending the following sections of the Code of Miami-Dade County:

- Section 24-5 providing definitions related to fats, oils and grease control;
- Section 24-8 relating to duties and powers of the Environmental Quality Control Board;
- Section 24-11 relating to the right to appeal;
- Section 24-15 and Section 24-15.3 relating to standards for plan preparation;
- Section 24-18 relating to operating permits
- Section 24-25 relating to referenced rules and regulations
- Section 24-42.3 relating to certification of sanitary sewer collection, transmission and treatment capacity
- Section 24-42.4 relating to sanitary sewer discharge limitations and pretreatment standards; and
- Adding Section 24-42.6 relating to Fats, Oils and Grease Control Program.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-393-13, adopted on May 21, 2013, authorizes the execution of the Consent Decree, effective December 6, 2013, between Miami-Dade County, the United States of America, the State of Florida, and the Florida Department of

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Environmental Protection (FDEP); provides for settlement of alleged violations of federal and State environmental laws relating to the County sewage system with an estimated cost of \$1.6 billion in capital improvements over a 15-year period, \$15 million for implementing maintenance and management programs, \$2 million for a supplemental environmental project to be funded in whole or in part using Building Better Communities General Obligation Bond funds, \$825,000.00 for monitoring by Florida Department of Environmental Protection, and \$978,100.00 for civil penalty.

<http://intra/gia/matter.asp?matter=130946&file=false&yearFolder=Y2013>

Florida Statutes, Chapter 403, Florida Air and Water Pollution Act.

<https://www.flsenate.gov/Laws/Statutes/2016/Chapter403/All>

Miami-Dade County Code, Section 24-5 – Definitions

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

Miami-Dade County Code, Section 24-8 – Environmental Quality Control Board.

<https://goo.gl/cKKiVe>

Miami-Dade County Code, Section 24-11 – Appeals from actions or decision of the Director of the Miami-Dade County Department of Environmental Resources Management.

<https://goo.gl/sBy2s5>

Miami Dade County Code, Section 24-15

<https://goo.gl/zLefsZ>

Miami-Dade County Code, Section 24-15.3

<https://goo.gl/kk23DT>

Miami-Dade County Code, Section 24-18

<https://goo.gl/Kf8QNF>

Miami-Dade County Code, Section 24-25

<https://goo.gl/4JACyp>

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Department of Regulatory and Economic Resources, Division of Environmental Resource Management (RER-DERM)

First assistant County Attorney Geri Bonzon-Keenan read the item into the record and stated that according to the Rules of Procedure, Agenda Item 4J on the Board's January 23, 2018 agenda for first reading should be scheduled for a public hearing at committee, and such public hearing should be held no sooner than six weeks after the first reading; and that municipalities should be notified of the public hearing at least four weeks prior to such hearing.

Commissioner Monestime made a motion to suspend the rules requiring committee review and the six week/four week requirement, so that the public hearing and second reading be held at the February 21, 2018, Board meeting.

The item was adopted on first reading at the Board's January 23, 2018 meeting, and set for public hearing and second reading before the Board on February 21, 2018.

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On January 25, 2018, the municipalities were notified of the public hearing to be held before the Board on February 21, 2018.

FISCAL IMPACT

This ordinance requires increased technical reviews and monitoring activities by RER-DERM, which will involve adding staff, including salary, fringe benefits and other operating expenses. These expenses will be paid by the operating permit fees and utility service fees as well as other proprietary revenues.

ANALYSIS

On January 13, 1994, a First Partial Consent Decree was entered by the United States District Court for the Southern District of Florida to resolve claims involving compliance with the Clean Water Act that were brought by the United States against the County. The First Partial Consent Decree required, among other things, construction of the 102-inch main force that conveys untreated sewage beneath Biscayne Bay from the mainland to the Central District Wastewater Treatment Plant. On September 12, 1995, a Second and Final Partial Consent Decree was entered into by the United States and the County to resolve all remaining issues in the case. The requirements of the First Partial Consent Decree and Second and Final Partial Consent Decree focused on providing additional capacity in the sewer collection system to prevent capacity-related sewage overflows.

However from 2008 to 2013 a number of failures of aging pipelines resulted in numerous sanitary sewer overflows. Additionally, the treatment standards were not met on several occasions at the wastewater treatment plants due to equipment failures. Moreover, the Environmental Protection Agency (EPA) conducted compliance evaluation inspections of the Central District Wastewater Treatment Plant and found several violations of the clean Water Act Permit

In order to address these compliance issues, on February 29, 2012, the United States, through the EPA and the Department of Justice, presented the County with a draft proposal for a new Consent Decree and advised the County that a complaint would be filed against it in federal court. On December 13, 2012, the United States, the State of Florida and the Florida Department of Environmental Protection filed a complaint against the County for violations of the Clean Water Act and other federal and state laws, regulations and permits.

On May 21, 2013, the Board approved Resolution No. R-393-13, which authorized the execution of the Consent Decree, effective December 6, 2013, between Miami-Dade County, the United States of America, the State of Florida, and the Florida Department of Environmental Protection, in order to comply with the Federal Clean Water Act, Chapter 403, Florida Statutes, and the Florida Administrative Code, with the goal of eliminating sanitary sewer overflows and prohibited bypasses. Paragraph 19(a) of the Consent Decree required that the County review, evaluate and revise its existing Grease Trap Ordinance and Fats, Oil and Grease Control Program and enact a new FOG ordinance in accordance with the new program. RER-DERM is consequently submitting for approval the proposed resolution. Below are the main substantive proposed amendments (words in red will be deleted. Words underscored constitute the amendment proposed).

Section 24-5 of the Code would provide the following definition of *Fats, Oils and Grease or FOG shall mean any substance such as vegetable or animal product used in, or a byproduct of, the cooking, food preparation, or cleaning process, that can cause or lead to corrosion, blockages, reduced flow, or interference with the sanitary sewer system when discharged alone or combined with other materials or waste. EPA Method 1664 referenced in Section 24-42.4 determines extractable materials including relatively non-volatile hydrocarbons, vegetable oils, animal fats, waxes, soaps, greases, and related materials which encompass FOG.*

Section 24-8 of the Code would provide that a Miami-Dade County Environmental Quality Control Board is hereby created and established ... (b) to hear and pass upon all applications for variances and extensions of time in the manner provided by Sections 24-13 and 24-14, except for compliance with the regulations set forth in Section 24-25, adoption of rules and

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regulations of the State of Florida Department of Environmental Protection, Florida Department of Health, or the United States Environmental Protection Agency or their successor departments and agencies, or applicable federal or state binding agreement. **Federal Pretreatment Regulations set forth in 40 CFR 403 as incorporated in this chapter.**

Section 24-11 of the Code relates to appeals from actions of the Director of RER, and would provide that ... the Environmental Quality Control Board may affirm, reverse or modify the action or decision appealed from provided that the Environmental Quality Control Board shall not take any action which conflicts with or nullifies any of the provisions of this chapter, or applicable federal or state law, or binding agreement between the County and any Federal or State Agency governing any applicable law

Section 24-15 of the Code would provide that it shall be unlawful for any person to make any enlargement, alteration or addition to any sewerage system including collection, conveyance, transmission or treatment or waste treatment facility or any industrial waste disposal facility, or commence the construction of any such systems or facilities **facility**, that will reasonably be expected to be a source of water pollution without first obtaining the prior written approval of the Director or the Director's designee.

Section 24-15.3 of the Code would now read (3) FOG control devices **Grease traps** shall be provided and installed in accordance with Section 24-42.6 the rules and regulations promulgated under the provisions of this chapter. **At a minimum, all grease traps discharging to publicly or privately-owned or operated sanitary sewer collection systems shall be provided with a sampling point on the effluent discharge side of the grease trap. Wastes containing sizable quantities of grease such as those produced by restaurants shall not be deemed suitable for disposal into tile drainfields.**

Section 24-18 of the Code would provide (18) **Any nonresidential facility, including, but not limited to, restaurants, bakeries, hotel and cafeteria kitchens, processing plants or such other nonresidential facilities discharging into a publicly or privately-owned or operated sanitary sewer collection system, if oil and grease can be introduced into a sewer by such nonresidential facility in quantities which have the potential to affect or hinder the operation of sewage collecting, transmission or treatment facilities.** FOG generator discharging to a utility or non-utility owned or operated sanitary sewer collection system, or to an onsite sewage treatment and disposal system located in a wellfield protection area of any utility or non-utility potable water supply well. Refer to Section 24-42.6(10) for FOG generator operating permit requirements;

Section 24-25 of the Code would delete **Chapter 64E-8 of the Florida Administrative Code**, and add Chapter 64E-6 of the Florida Administrative Code, and Chapter 64E-8 of the Florida Administrative Code.

Section 24-42.3 of the Code would provide (3) No new additional sewage flows shall be authorized for any sanitary sewer basin, sewage pump station, or system pursuant to Section 24-42.3 unless and until: (a) **(i) T [t]**he official responsible for issuing certificates of occupancy, certificates of use or equivalent municipal occupational licenses provides a monthly report that identifies projects that have been issued a certificate of occupancy, certificate of completion, certificate of use or an equivalent municipal occupational license that have also received a conditional or unconditional written approval.

To comply with the terms of the Consent Decree, the proposed ordinance adds Section 24-42.6 to the Code of Miami-Dade County to implement the regulatory aspects of the new FOG Control program, which is designed to ensure the proper treatment, control, handling, and disposal of fats, oils and grease. It would provide as followd:

(1) No person shall dispose of any wastewater, FOG or food waste, or cause, let, permit, suffer or allow disposal or discharge of any wastewater, FOG or food waste to be disposed or discharged into any stormwater drainage system, ground or groundwater, surface water, private street, public right of way, or any other location not approved by the Director or Director's designee.

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(3) No person shall dispose of any FOG, or cause, let, permit, suffer or allow disposal or discharge of any FOG into any onsite sewage treatment and disposal system, non-utility or utility sanitary sewer system in quantities which hinder the operation of any onsite sewage treatment and disposal system, sewage collection, transmission or treatment system, exceeds the Oil and Grease standard applicable to FOG generators in Section 24-42.4, or causes a sanitary nuisance.

(4) Existing FOG generators with a current FOG operating permit issued prior to the effective date of this section, not proposing to increase seating capacity, dining area or drive-thru capacity, nor proposing to make any other modification, any of which will increase the discharge of FOG, shall comply with the following:

(5) Existing FOG generators and FOG control device operators that discharge to a utility or non-utility owned or operated sanitary sewer system, without a valid FOG operating permit issued prior to the effective date of this section, shall comply with the following:

(6) Existing FOG generators and FOG control device operators that discharge to an onsite sewage treatment and disposal system located in a wellfield protection area of any utility potable water supply wells, without a valid FOG operating permit issued prior to the effective date of this section, shall comply with the following within one year of Department notification:

(7) Notwithstanding any provision of this Code, no county or municipal officer, agent, employee or board shall approve, grant or issue any building permit, certificate of occupancy, certificate of completion, certificate of use or municipal occupational license for a FOG generator or FOG control device operator until prior written approval of the Director or the Director's designee has been obtained. Furthermore, no person shall construct, utilize, operate, occupy or cause, allow, let, permit or suffer to be constructed, utilized, operated or occupied any FOG generator or FOG control device until prior written approval of the Director or the Director's designee has been obtained.

(9) FOG Control Device Sizing. Where required in Section 24-42.6, FOG control devices shall be sized for all intended users, facilities and tenants using one of the following criteria and approved by the Director or Director's designee:

(10) Operating Permits for FOG Generators and FOG Control Device Operators. No person shall operate, cause, let, permit, suffer or allow the operation of a FOG generating facility or FOG control devices serving FOG generators discharging to a utility or non-utility owned or operated sanitary sewer system or an onsite sewage treatment and disposal system located in a wellfield protection area of any utility potable water supply wells without a valid FOG operating permit issued by the Director or the Director's designee or in violation of any condition, limitation or restriction which is part of a FOG operating permit.

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Research Notes

Item No. 7A
File No. 172810

Researcher: MF Reviewer: PGE

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 of Miami-Dade County

- to provide authority to the Trust Executive Director to award contracts for goods and services up to a certain amount without Board approval;
- to provide reporting requirements to the Trust and the Board;
- to amend Section 29-124 by a two-thirds vote of the Commission membership;
- to revise the deadline by which the five-year implementation plan must be updated and presented to the Board;
- 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 Surtax Funds; and
- to update references.

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

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

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))

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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 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 Statutes 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

Ordinance No. 02-116, adopted on July 9, 2002, imposes a one half of one percent Charter County Transit System Surtax authorized by Section 212.055(1), Florida Statutes on all transactions occurring in Miami-Dade County otherwise subject to the State tax imposed on sales, use, rentals, admissions and other transactions by Chapter 212, Florida Statutes; providing exceptions' providing limitations and procedures for administration and collection; providing for use of Surtax proceeds; granting Citizens' Independent Transportation Trust certain powers over the use and expenditure of Surtax proceeds.

<http://intra/gia/matter.asp?matter=022196&file=false&yearFolder=Y2002>

Ordinance No. 02-117, adopted on July 11, 2002, creates a Citizens' Independent Transportation Trust with certain powers over the use and expenditure of proceeds of proposed Charter County Transit System Surtax; providing Trust membership.

<http://intra/gia/matter.asp?matter=022197&file=false&yearFolder=Y2002>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Sally A. Heyman, District 4

The proposed ordinance was adopted on first reading at the December 19, 2017 Board meeting, and scheduled for a public hearing before the Transportation and Public Works Committee (TPWC) on January 19, 2018.

On December 21, 2017, municipalities were notified of a public hearing scheduled before the TPWC on January 19, 2017.

The proposed ordinance was considered at the TPWC meeting on January 19, 2017 and was forwarded to the Board with a favorable recommendation. At that meeting, Mr. CharlesD. Scurr, Executive Director, Citizens' Independent Transportation Trust (CITT) noted the proposed ordinance would allow the Executive Director of the CITT to approve contracts for goods and services up to \$10,000 without Board approval, and would allow for municipal general fund appropriation to be calculated based on the averaged appropriation over a five-year period where a municipality's general fund support for Fiscal Year 2001-2002 was extraordinary as compared to the preceding years. He explained that when the Surtax was passed, the voters approved cities having to maintain the same level of general fund support for transportation that was included in the City's FY 2001-02 Budget. He stated that this method of calculation had worked well for almost all of the cities; however, several cities had an extraordinary "spike" in their FY 2001-2002 budget due to an extremely large one-time project. Mr. Scurr explained that 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 previous five years.

The proposed ordinance was deferred to no date certain by the Board at the February 6, 2018 meeting. At that meeting, Commissioner Sosa expressed concerns regarding the proposed ordinance, which would allow for municipal general fund

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appropriation to be calculated based on the averaged appropriation over a five-year period where a municipality's general fund support for Fiscal Year 2001-2002 was extraordinary as compared to the preceding years; and which would allow the Executive Director of the CITT to approve contracts for goods and services up to \$10,000 without Board approval. She said she believed that this could lower the municipal general fund appropriation. She also expressed concerns with allowing the CITT to approve contracts, as the CITT's main responsibility was to provide checks and balances with regard to the County's half penny tax expenditures.

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 of the Code to allow the Executive Director of the Citizens' Independent Transportation Trust (CITT) to approve contracts for goods and services up to \$10,000 without Board approval, providing quarterly reports regarding such contracts to the Trust and County Commission. Previous versions of the Ordinance included a provision for the Trust to approve small administrative support contracts. That provision was inadvertently eliminated.

The delegated authority will enable the CITT Director to approve administrative support contracts up to \$10,000, providing for a more efficient and effective process for these small contracts.

The ordinance also proposes to revise Section 29-124 of the County Code to amend 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 maintenance of effort (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. However, several cities 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 previous five years. This limited adjustment preserves the integrity of the MOE while recognizing an extraordinary circumstance.

The ordinance would further 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 1st 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.

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This ordinance proposes to amend 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) 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
<p>(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 I 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 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.</p>	<p>(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 I 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 annual report shall detail the progress on each project included in the Five Year Work Plan.</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-</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-</p>

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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.

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. 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.

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. The Board has delegated the County Mayor the authority to award competitive contracts for goods and services up to \$1,000,000. The County Mayor has delegated some of that authority to the ISD Director, authorizing the director to award competitive contracts for goods and services up to \$500,000. See IO 3-38.

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

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Item No. 8K1
File No. 180169

Researcher: AIP Reviewer: TD

RESOLUTION APPROVING AWARD OF A GROUND LEASE TO ATLANTIC PACIFIC COMMUNITIES, LLC, PURSUANT TO REQUEST FOR PROPOSAL NUMBER 2017-01, FOR THE PURPOSE OF DESIGNING AND BUILDING A MIXED-USE HOUSING AND COMMERCIAL TRANSIT-ORIENTED DEVELOPMENT KNOWN AS QUAIL ROOST TRANSIT VILLAGE WITH ANNUAL PAYMENTS BY ATLANTIC PACIFIC COMMUNITIES, LLC TO MIAMI-DADE COUNTY INCLUDING A GROUND LEASE PAYMENT OF \$1.00 ANNUALLY AND A BASE RENT PAYMENT IN THE TOTAL AMOUNT OF \$700,000.00; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SUCH GROUND LEASE AGREEMENT TO PROVIDE SITE CONTROL OF THE DEVELOPMENT WITH ATLANTIC PACIFIC COMMUNITIES, LLC, OR ITS SUBSIDIARIES, TO EXERCISE ANY CANCELLATION AND RENEWAL PROVISIONS, AND TO EXERCISE ALL OTHER RIGHTS CONTAINED THEREIN, AND TO CONSENT TO ATLANTIC PACIFIC COMMUNITIES, LLC EXECUTION OF ANY SUB-GROUND LEASES, AS MAY BE NECESSARY; REQUIRING THE BOARD'S APPROVALS OF LONG-TERM GROUND LEASE(S) AND OTHER AGREEMENTS; AND DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO SUBMIT A REPORT, IF NECESSARY

ISSUE/REQUESTED ACTION

Whether the Board should approve the request for a ground lease to Atlantic Pacific Communities, LLC to build a Transit-Oriented Development at Quail Roost.

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 (k) of the Miami-Dade County Code (*Unsolicited Proposals*)

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE

Ordinance No. 14-65 (*Reports for Studies Rules of Procedures*), which was adopted by the Board on July 1, 2014, which related to the rules of procedures, requiring reports to be prepared at the request of the Board.

<http://intra/gia/matter.asp?matter=141471&file=true&yearFolder=Y2014>

Resolution No. R-1151-16 (*Proposal by Atlantic Pacific Communities, LLC*) Adopted by the Board on December 6, 2016, which approved an unsolicited proposal by Atlantic Pacific Communities, LLC for the construction of a mixed use and transit-oriented development at Quail Roost.

<http://intra/gia/matter.asp?matter=162540&file=true&yearFolder=Y2016>

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>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Dennis C. Moss, District 9

Department/Requester: Public Housing and Community Development

2/12/18: This item went before the Housing and Social Services Committee, there was no discussion, and it was approved with a favorable recommendation, and waived onto the February 21, 2018 BCC meeting.

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FISCAL IMPACT

According to the mayoral memo, there is no fiscal impact to the County related to general funds. Furthermore, this item has no known impact to performance or compliance, as found in Resolution No. R-1151-16. Atlantic Pacific Communities, LLC will pay the County \$1 for every year for the rental of the land, and the lease term is for 75 years, so that would bring in \$75 total. In addition to this, Atlantic Pacific Communities, LLC will pay \$5,000 per unit, and there will be a total of 140 units, resulting in a total amount of \$700,000 to be paid to the County. OCA reached out to the Public Housing and Community Development (PHCD) Department to get an estimate of how many residents will live in the 140 units, as well as how many construction jobs this will create, and as of 2/15/18 has not received an answer.

Payment to the County is demonstrated in the table below:

Per Year/Unit	Total Years/Units in the Agreement	Total
\$1 per year	Total of 75 years	\$75
\$5,000 per unit	Total of 140 units	\$700,000

ANALYSIS

This item seeks to approve a lease agreement between the County and Atlantic Pacific Communities, LLC. The Ground lease term is for 75 years. The land will be used for a housing and park-and-ride mixed-use development project along the South Dade Transitway Corridor. Atlantic Pacific Communities was chosen as the winning bid in a competitive solicitation back in 2016, based on a point system.

The item mentions on handwritten page 12 (Ground Lease) that the land consists of approximately 2.88 acres of land, “East parcel” (Folio No. 30-6006-001-0140) OR 2.46 acres of land “west parcel” (Folio Nos. 30-6005-001-0290 & 30-6005-001-0292). Furthermore, as per handwritten page 42 (Exhibit A), all 3 land folios (east and west parcels) are listed under the “Legal Description of the Land”, so they appear to be under one Ground Lease.

However, the item also states that both the east and west parcels will be leased under separate ground leases, however it appears that all 3 land folios are being leased under the same ground less, as per, handwritten page 12, “Ground Lease”.

OCA reached out to the Public Housing and Community Development Department (PHCD) to clarify on the total amount of land being leased in this resolution, to which the department responded:

The land that would be subject to a ground lease, if item 8K1 is approved by the Board of County Commissioners, is owned by Public Housing and Community Development (5.3 acres). See page 42, Exhibit A of Item 8K1 for legal descriptions.

This is part of a larger county owned site known as the Quail Roost Drive Site (totaling 8.4 acres). A brief description of the folios that comprise the Quail Roost Drive site follows below:

Public Housing and Community Development (5.3 acres)

- 30-6005-001-0140: 2.88 acres of vacant land located west of Homestead Avenue and north of SW 184th Street/Eureka Drive
- 30-6005-001-0290: 2.02 acres of land with a 14,024 square foot industrial building and paved parking lot and entrance/exit road located east of Homestead Avenue and north of SW 184th Street/Eureka Drive

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- 30-6005-001-0292: 0.44 acre of vacant land located north of the industrial building and south of the Miami-Dade Transit parcels

Department of Transportation and Public Works (3.1 acres)

- 30-6005-001-0291: 2.34 acres of vacant land located at the southeast corner of SW 184th Street/Eureka Drive and Homestead Avenue
- 30-6005-001-0090: 0.83 acre of vacant land located south of SW 184th Street/Eureka Drive and west of the South Miami-Dade Transitway

ADDITIONAL INFORMATION

According to the Florida Department of State website (Sunbiz), Atlantic Pacific Communities, LLC is a foreign limited liability company that has been active since September 18, 2013. A corporate filing is called a foreign filing when an existing corporate entity files in a state other than the state they originally filed in. This does not necessarily mean that they are from outside the United States. According to Corporation Wiki.com, and data from the Texas Department of State, Atlantic Pacific Communities, LLC is also active in the state of Texas.

Sunbiz Link to Atlantic Pacific Communities, LLC: (shortened URL): <https://goo.gl/2Z8sP9>

Corporation Wiki Link to Atlantic Pacific Communities, LLC: <https://www.corporationwiki.com/p/2dxqyg/atlantic-pacific-communities-llc>

WAIVED ITEMS

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**Item No. TBD
File No. 180179**

Researcher: SA Reviewer: PGE

RESOLUTION APPROVING POLICY WITH RESPECT TO DISTRIBUTION OF COMPLIMENTARY TICKETS FOR 2018 MIAMI OPEN TENNIS TOURNAMENT SPONSORSHIP BENEFITS PACKAGE AND 2018 MIAMI MARLINS BASEBALL SEASON; AND AUTHORIZING COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXERCISE ALL RIGHTS CONFERRED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve a policy to receive and distribute complimentary tickets for the 2018 Miami Open tennis tournament and 2018 Miami Marlins baseball season.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-891-86, adopted by the Board in 1986, approved a license agreement between the County and International Players Championships, Inc. (IPC) for the annual tennis tournament to be held at Crandon Park Tennis Center and was thereafter amended twice via Resolution No. R-712-88 and Resolution No. R-1187-90. Links to the cited resolutions are not available online.

Resolution No. R-318-09, adopted by the Board on March 23, 2009, approved agreements for the development and construction of the Marlins Ballpark, including a stipulation whereby the Marlins Stadium Operator LLC will provide complimentary baseball tickets to the County for public or charity use.

<http://intra/gia/matter.asp?matter=091009&file=false&yearFolder=Y2009>

Resolution No. R-207-16, adopted by the Board on March 8, 2016, approved the distribution of complimentary tickets in 2016 for the Miami Open tennis tournament and Marlins baseball season. Furthermore, an agreement in the amount of \$102,000 was approved between the County and the International Players, Inc.

<http://intra/gia/matter.asp?matter=160282&file=true&yearFolder=Y2016>

Resolution No. R-1219-17, adopted by the Board on December 19, 2017, approved a contract termination agreement between International Players Championship, LLC, IMG Worldwide and the County.

<http://intra/gia/matter.asp?matter=172896&file=false&yearFolder=Y2017>

Resolution No. R-39-17, adopted by the Board on January 24, 2017, approved the distribution of complimentary tickets for the 2017 Miami Open tennis tournament and Miami Marlins baseball season.

<http://intra/gia/matter.asp?matter=162705&file=true&yearFolder=Y2016>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Barbara J. Jordan, District 1

Department/Requester: Parks, Recreation and Open Spaces Department

This item was forwarded to the Board with a favorable recommendation following a public hearing by the PCAC at its February 14, 2018 meeting and was waived to the February 21, 2018 Board meeting.

FISCAL IMPACT

There is no fiscal impact since the Miami Marlins and Miami Open are providing the complimentary tickets to the County, as stated in the mayoral memo.

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ANALYSIS

The purpose of this proposed item is to seek the Board's approval regarding the ticket distribution agreement for the 2018 Miami Open tennis tournament with the International Players Championship, Inc. (ICP) and the Miami Marlins baseball season with the Marlins Stadium Operator, LLC.

This item would fall within the parameters set out in the "Guidelines and Recommendations Regarding 'Public Benefits Clauses in Certain Government Contracts' report" that was approved on March 1, 2012 by the Miami Dade Commission on Ethics and Public Trust. The purpose of this report stemmed from an investigation involving a grant dispute between the City of Miami Beach and the New World Symphony (NWS).

The initial complaint was brought by a former Miami Beach Mayor and also a Member of the Board of Trustees at the NWS. The allegation was that City of Miami Beach was refusing to pay the NWS funds due under a Grant-in-Aid Agreement unless the NWS provided complimentary tickets. Although the investigation did not determine any violation of criminal laws, it did expose flaws in policies, which have resulted in unwarranted and inappropriate benefits for elected and appointed officials. It was recommended that elected officials be entirely removed from the process involving distribution of complimentary tickets. It was also recommended that all local government entities that have contractual relationships wherein the municipality receives "public benefits" should adopt a policy or procedure that insulates elected and appointed officials from involvement in the distribution process of the benefits, and limits their receipts of complimentary tickets to occasions when there is public purpose served by their attendance.

The Addendum that followed in March 29, 2012, specifically clarified what was considered a "Public Purpose and Public Benefits".

Below is a list of allowable individuals that can be hosted for Public Purpose and other permissible uses of Public Benefits:

Business leader to promote economic development.

Community leaders that provide service to an organization.

Public leaders from the state or federal government entity or other countries.

Youth groups or students who have been recipients of an awards.

Elderly, disabled, and low income residents within the County.

Employees being recognized for job related achievement.

An employee performing a certain function at the event such as, giving a speech, ribbon cutting ceremony, introducing organizers, participants or dignitaries and to receive an award or another special recognition.

Distribute the tickets to the County residents based on a first come, first served basis or by lottery.

Sell tickets to the public and the proceeds would go to the general funds or a specifically-designated public purpose.

If approved by the County the tickets could be returned to the donor in exchange for monetary value. allocations

The 2018 Miami Open tennis tournament will be hosted this year by Itau and take place at Crandon Park Tennis Center for two weeks beginning March 19, 2018 till April 1, 2018. Itau is the largest Latin America privately owned bank, with approximately 94,000 employees and operations in 19 countries throughout the United States, Asia and Europe. Itau's relationship with the sport goes back to the 1970s, when Itau first sponsored the Itau Tennis Cup in Brazil in 1970 and it has been a sponsor of the Miami Open for the last six years. In 2017, there were over 300,000 guests that attended the tournaments for the ninth consecutive year in Miami.

<http://miamiopen.com/press-release>

From 2012 to 2016, the Board approved a Resolution to receive funding in the amount of \$102,000 instead of the County receiving courtside boxes or tickets to attend the tennis tournaments. However, in 2017 the ICP provided the County with

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courtside box seats, tickets, and passes and will continue to do the same for the 2018 tennis tournament, if approved by the Board.

The County allotment consists of:

38 courtside box seats for 24 sessions or 92 tickets;
24 inner circle reserved seat tickets or 876 tickets;
Up to 200 reserved seats to be used for session one through eight;
16 VIP tennis center in site parking passes;
32 VIP parking passes for parking lot 3 at Crandon Park.

The Marlins Park was built in 2012 and is a baseball park located in Miami, Florida and current home to the Miami Marlins, the city's Major League baseball team. The season will begin on March 29, 2018 and last till September 30, 2018. Under Resolution No. R-318-09, the County and the Marlins Stadium Operator, LLC agreed on the amount of complimentary tickets that would be given to the County every year. In 2017, the Board approved the County to receive 16 tickets for each home game, 8 tickets for the first home game, and 16 tickets for one exhibition game, totaling 664 tickets a year. The same amount of complimentary tickets would be provided this year if the Board approves the proposed Resolution.

<http://intra/gia/legistarfiles/Matters/Y2016/162705.pdf>

<https://www.mlb.com/marlins/schedule/2018-03>

It is recommended that the 2018 complementary tickets provided to the County by the Miami Open and Miami Marlins be distributed through a random lottery process similar to the one used in 2017 and include the Mayor and Commissioners that choose to participate. The Commissioners and Mayor should also advise the Clerk of the Board in writing as to his/her participation in the lottery and the organizations/departments to which they want tickets distributed. The Clerk of the Board will then distribute the tickets.

ADDITIONAL INFORMATION

The International Players Championships, Inc. is inactive on the Sunbiz.org website. However, on May 6, 2014 there was a Certificate of Conversion for Florida Profit Corporation into Other Business Entity filed. Due to this change the corporation changed its name to International Players Championships, LLC, and is currently active on Sunbiz.org.

<https://goo.gl/y8U6x9>

[http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=](http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=INTERNATIONALPLAYERSCHAMPIONSH%20M140000031760&aggregateId=forl-m14000003176-b2cb85a4-076f-4079-b663-92b7e9b29064&searchTerm=International%20Players%20Championships%2C%20INC&listNameOrder=INTERNATIONALPLAYERSCHAMPIONSH%20G359100)

[EntityName&directionType=Initial&searchNameOrder=](http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=INTERNATIONALPLAYERSCHAMPIONSH%20M140000031760&aggregateId=forl-m14000003176-b2cb85a4-076f-4079-b663-92b7e9b29064&searchTerm=International%20Players%20Championships%2C%20INC&listNameOrder=INTERNATIONALPLAYERSCHAMPIONSH%20G359100)

[INTERNATIONALPLAYERSCHAMPIONSH%20M140000031760&aggregateId=forl-m14000003176-b2cb85a4-076f-](http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=INTERNATIONALPLAYERSCHAMPIONSH%20M140000031760&aggregateId=forl-m14000003176-b2cb85a4-076f-4079-b663-92b7e9b29064&searchTerm=International%20Players%20Championships%2C%20INC&listNameOrder=INTERNATIONALPLAYERSCHAMPIONSH%20G359100)

[4079-b663-92b7e9b29064&searchTerm=](http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=INTERNATIONALPLAYERSCHAMPIONSH%20M140000031760&aggregateId=forl-m14000003176-b2cb85a4-076f-4079-b663-92b7e9b29064&searchTerm=International%20Players%20Championships%2C%20INC&listNameOrder=INTERNATIONALPLAYERSCHAMPIONSH%20G359100)

[International%20Players%20Championships%2C%20INC&listNameOrder=](http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=INTERNATIONALPLAYERSCHAMPIONSH%20M140000031760&aggregateId=forl-m14000003176-b2cb85a4-076f-4079-b663-92b7e9b29064&searchTerm=International%20Players%20Championships%2C%20INC&listNameOrder=INTERNATIONALPLAYERSCHAMPIONSH%20G359100)

[INTERNATIONALPLAYERSCHAMPIONSH%20G359100](http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=INTERNATIONALPLAYERSCHAMPIONSH%20M140000031760&aggregateId=forl-m14000003176-b2cb85a4-076f-4079-b663-92b7e9b29064&searchTerm=International%20Players%20Championships%2C%20INC&listNameOrder=INTERNATIONALPLAYERSCHAMPIONSH%20G359100)

The Marlins Stadium Operator LLC, is a Foreign Limited Liability business incorporated in Florida on January 22, 2009. The corporation is currently listed as active on Sunbiz.org.

<http://www.companies-florida.com/marlins-stadium-operator-llc-1wp5k/>

<https://goo.gl/G65ddN>

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Item No. TBD
File No. 180242

Researcher: JFP Reviewer: PGE

RESOLUTION APPROVING CONTINUATION OF SPENDING AUTHORITIES BEYOND MARCH 7, 2018 FOR AN ADDITIONAL YEAR FOR WORK ORDERS RELATED TO THE STRATEGIC MIAMI AREA RAPID TRANSIT PLAN (SMART) PLAN THROUGH THREE EXISTING PROFESSIONAL SERVICES CONTRACTS FOR DEPARTMENT OF TRANSPORTATION. AND PUBLIC WORKS - CONTRACT NO. CIP142-1-TR15-PE1 WITH WSP USA, INC., FORMALLY KNOWN AS PARSONS BRINCKERHOFF, INC., CONTRACT NO. CIP142-I -TPW16- PE1(1) WITH PARSONS TRANSPORTATION GROUP, INC., AND CONTRACT NO. CIP142-I-TPW16-PE1(2) WITH AECOM TECHNICAL SERVICES, INC. - TO COMPLETE ALL NATIONAL ENVIRONMENTAL POLICY ACT STUDIES FOR THE SMART PLAN

ISSUE/REQUESTED ACTION

Whether the Board should approve a continuation of spending authorities beyond the originally authorized period of one year to allow three professional engineering companies, WSP USA, Inc.—formally known as Parsons Brinkerhoff, Inc), Parsons Transportation Group, Inc., and AECOM Technical Services—to complete environmental studies related to the Department of Transportation and Public Works’ Capital Improvement Plan.

APPLICABLE LEGISLATION/POLICY

Section 2-8.3 of the County Code relates to competitive processes and tasks the County Mayor or his designee with reviewing the response to the solicitation and recommending the appropriate action to the County Commission.

[https://library.municode.com/fl/miami -
dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.3MARE](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.3MARE)

Resolution No. R-256-17 adopted on March 7, 2017, approved the professional services agreement for WSP USA, Inc., formally known as Parsons Brinkerhoff, Inc., to deliver engineering services to the Department of Transportation and Public Works for an amount not to exceed \$11 million.

<http://intra/gia/matter.asp?matter=170692&file=false&yearFolder=Y2017>

Resolution No. R-257-17 adopted on March 7, 2017 approved the professional services agreement for Parsons Transportation Group, Inc. to deliver engineering services for the Department of Transportation and Public Works for the amount of \$11 million.

<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2017/R-257-17.pdf>

Resolution No. R-258-17 adopted on March 7, 2017 approved the professional services agreement for AECOM Technical Services, Inc. to deliver engineering services to the Department of Transportation and Public Works for the amount of \$11 million

<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2017/R-258-17.pdf>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Transportation and Public Works

This item went before the Transportation and Public Works Committee on February 15, 2018 and was forwarded to the Board with a favorable recommendation. The Department of Transportation and Public Works requested at committee to waive the item to the February 21, 2018 Board meeting.

FISCAL IMPACT

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The extension of the spending authority will have no fiscal impact since the maximum spending authority of \$11,000,000 for each of the professional service contracts is to remain the same despite the modified completion period. Charter County Transportation Surtax Funds are used for this purpose.

ANALYSIS

The three professional services agreements, with WSP USA, Inc. (formally known as Parsons Brinkerhoff, Inc), Parsons Transportation Group, Inc., and AECOM Technical Services, were approved on March 7, 2017 by the Board for one year for the purpose of completing an environmental study on the Department of Transportation and Public Works' transit Capital Improvement Plan. In order to comply with the one year deadline, the County proposed to the Federal Transit Administration that abbreviated studies be performed with a Class of Action of Categorical Exclusion, which requires the lowest level of environmental documentation and can be completed in one year. Working with FTA revealed that any rail mode alternative as part of the County's Strategic Miami Area Rapid Transit (SMART) Plan will trigger the highest level of environment documentation, thus invoking the need for additional time to complete the National Environmental Policy Act studies.

Studies for three of the six SMART Plan rapid transit corridors are underway.

- The South Corridor, also known as the South Dade Transitway
- The East-West Corridor
- The Beach Corridor

RAPID TRANSIT CORRIDORS		
CORRIDORS LISTED IN ALPHABETICAL ORDER	FROM	TO
Beach Corridor	Midtown Miami	Miami Beach Convention Center
East-West Corridor	Miami Intermodal Center	Florida International University
Kendall Corridor	Dadeland area Metrorail Stations	Krome Avenue
North Corridor	Martin L. King, Jr. Metrorail Station	NW 215 th Street
Northeast Corridor	Downtown Miami	City of Aventura
South Dade Transitway	Dadeland South Metrorail Station	SW 344th Street Transit Terminal (Florida City)

ADDITIONAL INFORMATION

Links to the engineering company websites with which DTPW has professional service contracts:

WSP USA, Inc. <http://www.wsp-pb.com/en/WSP-USA/>

Parsons Transportation Group, Inc. <https://www.parsons.com/>

AECOM Technical Services <http://www.aecom.com/services/technical-services/>

BCC Meeting: February 21, 2018
Research Notes

The SMART Plan

The Strategic Miami Area Rapid Transit Plan (SMART) was developed by Miami-Dade County and the Planning Organization (TPO) and adopted by the TPO Governing Board on April 21, 2016. The SMART Plan is a comprehensive plan which advances six rapid transit corridors to the Project Development and Environment (PD&E) study phase to determine the costs and potential sources of funding for the project.

The Transportation Trust has committed to work collaboratively with the County, the municipalities, the transportation partners, the community and the private sector to develop a funding strategy to use People's Transportation Plans funds to implement the projects in the SMART Plan.

All six corridors are now in or about to begin the Project Development & Environment (PD&E) Phase. Funding for the PD&E Phase is confirmed, with the Trust providing major financial support for three corridors. FDOT is funding the other three corridors.

<http://www.miamidade.gov/citt/smart-plan.asp>

**BCC Meeting: February 21, 2018
Research Notes**

**Item No. 14A1
File No. 180252**

Researcher: JFP Reviewer: PGE

RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE TOWN OF MIAMI LAKES AND MIAMI-DADE COUNTY, PURSUANT TO SECTION 2-10 OF THE CODE OF MIAMI-DADE COUNTY, FOR TRAFFIC SIGNAL MODERNIZATION ALONG NW 154 STREET FROM NW 77 AVENUE TO NW 87 AVENUE; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME, SUBJECT TO THE SATISFACTION OF CERTAIN CONDITIONS; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO RECORD THE INTERLOCAL AGREEMENT AND PROVIDE A COPY OR SUCH RECORDED DOCUMENT TO THE CLERK OF THE BOARD WITHIN 30 DAYS OF EXECUTION

ISSUE/REQUESTED ACTION

Whether the Board should approve the Interlocal Agreement between the Town of Miami Lakes and the County for traffic signal modernization along NW 154th Street from NW 77th Avenue to NW 87th Avenue.

APPLICABLE LEGISLATION/POLICY

Section 2-10 of the Code of Miami-Dade County governs County contracts with municipalities. Such contracts shall be entered into subject to ratification by the County Commission and no such contract shall extend for a period longer than one year without the express authorization of the Commission.

https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10SAATBODUFI

Resolution No. R-658-17, adopted by the Board on July 6, 2017, grants a contract to upgrade traffic signals with new technologies at 300 intersections. The proposed resolution seeks to allow the Town of Miami Lakes to implement the same technology along NW 154th Street from NW 77th Avenue to NW 87th Avenue.

<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2017/R-658-17.pdf>

Town of Miami Lakes Resolution No. 17-1434, adopted by the Town Council on March 7, 2017, awards the contract for closed circuit television and adaptive signal control technology to Econolite/Aegis and Express Supply, Inc. while waiving the Town's competitive procurement process.

http://www.miamilakes-fl.gov/index.php?option=com_docman&view=download&alias=1350-ordinance-12-142&category_slug=2012-1&Itemid=287

Section 768.28 Florida Statutes addresses the waiver of governmental sovereign immunity in tort actions. In the agreement between the County and the Town of Miami Lakes, the Town agrees to indemnify the County to the extent of all the limitations included in the below statute from all claims and liabilities arising out of, because of or due to the breach of the agreement by the Town, its agents or employees.

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0700-0799/0768/Sections/0768.28.html

Chapter 164, Florida Statutes governs governmental disputes. The parties to the agreement are to resolve any disputes, controversies or claims between them arising out of the agreement in accordance with the below statute.

http://leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0164/0164ContentsIndex.html

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Transportation & Public Works

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Research Notes

This item went before the Transportation and Public Works Committee on February 15, 2018 and was forwarded to the Board with a favorable recommendation. The Director of the Department of Transportation and Public Works requested that this item be waived to the February 21, 2018 Board meeting.

FISCAL IMPACT

This item has no fiscal impact to the County. Per the agreement, the County has no financial obligation to fund the Town's procurement of the required equipment, materials, and services to implement the project. Any costs associated with installation assistance and future maintenance of the adaptive traffic signals fall within the Traffic Signals and Signs Division's purview and are a part of the Division's operating budget.

ANALYSIS

This resolution comes before the Board for approval of an Interlocal Agreement between the Town of Miami Lakes and the County to implement adaptive signal control technology at six traffic signals on Miami Lakes Drive, from NW 77th Avenue to NW 87th Avenue.

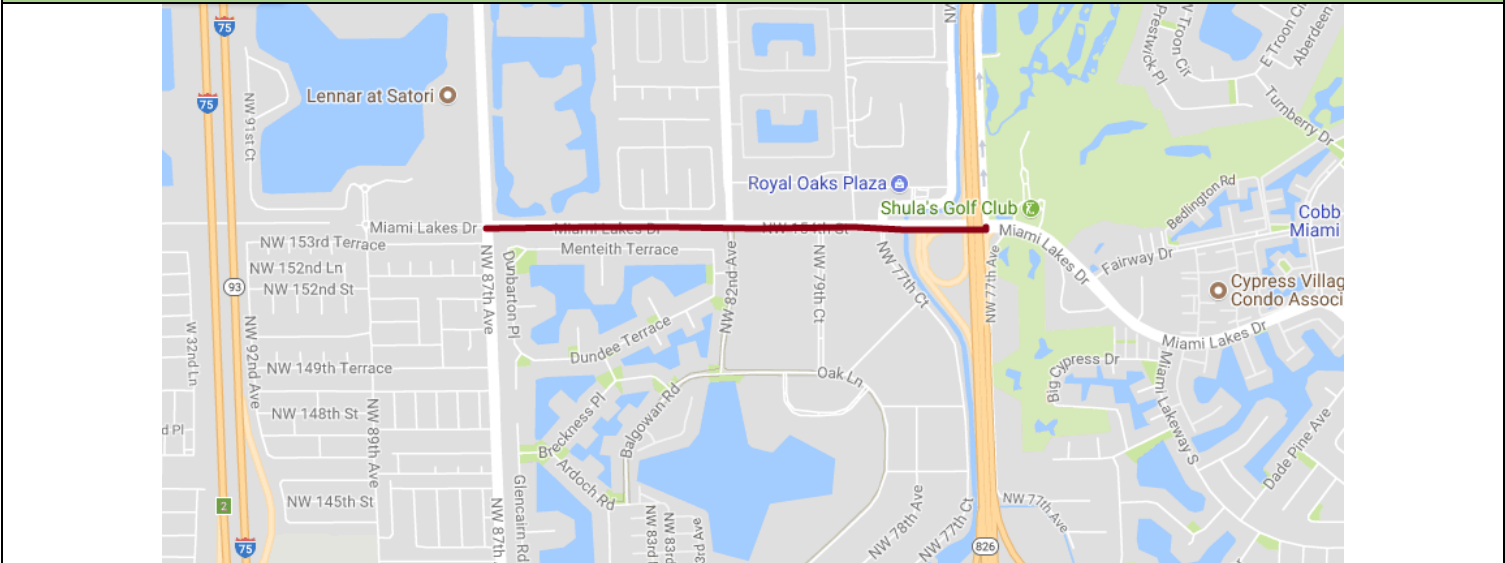
The Town of Miami Lakes cites traffic congestion as the most common concern of both Miami Lakes residents and businesses. The adaptive signal control technology utilizes sensors to adjust the timing of light changes to accommodate shifting traffic patterns, thus easing traffic congestion. After testing the technology for approximately one year and seeing congestion improvements along NW 36th Street, the County began installing 300 adaptive traffic signals along 10 corridors countywide in August 2017. As a result of the demonstrated success of adaptive signal control technology, the Town of Miami Lakes has decided to move forward with independent installation to expedite the implementation of adaptive signal technology in the municipality. The project entails the Town's purchase and installation of Caltran 2070LX controllers, video detection systems, and blue tooth traffic data collection devices to upgrade the six targeted traffic signals on Miami Lakes Drive.

This project would come at no cost to the County, as the Town is to procure all equipment, materials, and services required for the project per the Interlocal Agreement. The County is to assist the Town in the oversight of the project, with right to review and comment with respect to the design of the project and inspect construction, ensuring the Town's compliance with County standards and regulations. However, the County is released of responsibility in connection with the County's assistance to the Town under the agreement, including but not limited to any oversight or advice provided by the County related to project design or installation.

The Town of Miami Lakes is situated in the North West area of Miami-Dade County and it serves approximately 30,000 residents and 1,500 businesses. The map below highlights the impacted project area in red:

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Research Notes



ADDITIONAL INFORMATION

A similar item (180316) authorizing the execution of an Interlocal Agreement between the Village of Key Biscayne and Miami-Dade County for traffic signal modernization along Crandon Boulevard, also went before the Transportation and Public Works Committee on February 15, 2018 and was forwarded to the Board with a favorable recommendation.

<http://intra/gia/matter.asp?matter=180316&file=true&yearFolder=Y2018>