



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

Board of County Commissioners (BCC) Meeting

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

Thomas B. Davis, Esq.
Director, Policy and Legislation
Office of the Commission Auditor (OCA)
111 N.W. First Street, Suite 1030
Miami, FL 33128
(305) 375-2524

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Research Notes**

**Item No. 4A
File No. 180383**

Researcher: SA Reviewer: PGE

ORDINANCE RELATING TO RULES OF PROCEDURE OF THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING AN EXCEPTION FROM COMMITTEE CONSIDERATION FOR SELECTION AND APPOINTMENT OF PERSONS TO SERVE AS MEMBERS OF THE PUBLIC HEALTH TRUST BOARD OF TRUSTEES AND THE JACKSON HEALTH SYSTEM GENERAL OBLIGATION BOND CITIZENS' ADVISORY COMMITTEE; PROVIDING AN EXCEPTION FROM COMMITTEE CONSIDERATION FOR NON-IMPASSE PUBLIC HEALTH TRUST COLLECTIVE BARGAINING AGREEMENTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend section 2-1 of the Code that would allow an exception from committee consideration for selection and appointment of persons to serve as members of the Public Health Trust Board of Trustees and the Jackson Health System General Obligation Bond (GOB) Citizens Advisory Committee as well as an exception from committee consideration for non-impasse Public Health Trust Collective Bargaining Agreements.

APPLICABLE LEGISLATION/POLICY

Section 2-1 of the Code of Miami Dade County outlines the Rules of procedure of the County Commission.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE

Chapter 25A of the Code of Miami Dade County governs the Public Health Trust.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH25APUHETR

Chapter 2, Article CL of the Code of Miami Dade County governs the Jackson Health System General Obligation Bond Program.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTCLJAHESYGEOBBOPR

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Sally A. Hayman, District 4

This item has no procedural history.

FISCAL IMPACT

There is no fiscal impact for this item.

ANALYSIS

This ordinance proposes to amend Section 2-1 of the Code to provide an exception from committee consideration for the selection of individuals to serve as members of the Public Health Trust Board of Trustees and the Jackson Health System General Obligation Bond Citizens Advisory Committee. Furthermore, this proposed item also provides an exception from committee consideration for non-impasse Public Health Trust Collective Bargaining Agreements.

The Public Health Trust Liaison indicated that this item allows the selections and appointments to go straight to the Board for consideration and bypass the Public Safety and Health Committee. She stated this would make the process less lengthy given that the whole Board always has to vote when someone is trying to be appointed.

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The Public Health Trust Board of Trustees was created in 1973 by the Board as an independent governing body concerned with the County's most vital healthcare resource, Jackson Memorial Hospital. The Trustees establish policies that assure that Jackson Health System is responsive to community needs. They provide leadership for joint planning between Jackson Health System, the University of Miami Miller School of Medicine, Miami-Dade County and other private and community organizations.

In 2003, the Board amended Chapter 25A of the Miami-Dade County Code that governs the Public Health Trust. This amendment altered the composition and size of the Public Health Trust as well as the responsibilities for countywide health care.

<http://www.jacksonhealth.org/trust.asp#gref>

In 2014, the Board passed an ordinance that created the Jackson Health System GOB Citizens Advisory Committee that is responsible for advising the public and elected leaders regarding Jackson's GOB program. At the time, Jackson had direct oversight provided by the Public Health Trust Board of Trustees, which is itself subordinate to the Board under the Miami-Dade County Code. The Advisory Committee is able to enhance the work of the Board and Trust Board by publicly reviewing and discussing the following: The use of bond program funds in Jackson's capital program; The bond program's contribution to completion of Jackson's capital project is funded in whole or in part by the GOB; Performance and program achievement related to the bond program; Citizens outreach efforts relating to GOB-funded capital projects; and preparation of regular reports describing the progress of the bond program. Additionally, a member of the Advisory Committee needs to participate in monthly meetings of the Trust Board committee with jurisdiction over facilities and construction.

<http://jacksonhealth.org/library/notices/CAC%20Legislation.pdf>

Below is the proposed amendment to Section 2-1 of the Code. Specifically, Part 4: Committees under *Exceptions to Committee Requirement* by adding the following:

Current	Proposed
(2) Quasi-judicial items, special taxing districts, ordinances for first reading, consent agenda items, other than items related to certificates of transportation, district office fund allocations, special presentations, namings, renamings or codesignations of County roads, facilities or properties, approvals of namings, renamings or codesignations of federal, state or municipal roads, facilities or properties, citizens' presentations, bid protests, settlements, options to renew contracts, resolutions recommending the acceleration and deceleration of Building Better Communities General Obligation Bond Program funding of projects using unspent bond proceeds, including interest earnings and premium funds, notwithstanding Rule 4.01(d)(6), ordinances related to debt obligations, resolutions related to debt obligations, resolutions urging an entity or person to take stated action, resolutions taking a position or seeking direction from the Board on legislation or administrative action at the federal, state or local level, resolutions related to contract lobbyist conflict waiver requests and resolutions expressing intent shall be heard directly by the county commission, items awarding, granting, amending or relating to an award or grant of	(2) Quasi-judicial items, special taxing districts, ordinances for first reading, consent agenda items, other than items related to certificates of transportation, district office fund allocations, special presentations, namings, renamings or codesignations of County roads, facilities or properties, approvals of namings, renamings or codesignations of federal, state or municipal roads, facilities or properties, citizens' presentations, bid protests, settlements, options to renew contracts, <u>selection and appointment of persons to serve as members of the Public Health Trust Board of Trustees and the Jackson Health System General Obligation Bond Citizens' Advisory Committee, non-impasse Public Health Trust Collective Bargaining Agreements</u> resolutions recommending the acceleration and deceleration of Building Better Communities General Obligation Bond Program funding of projects using unspent bond proceeds, including interest earnings and premium funds, notwithstanding Rule 4.01(d)(6), ordinances related to debt obligations, resolutions related to debt obligations, resolutions urging an entity or person to take stated action, resolutions taking a position or seeking direction from the Board on legislation or

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Targeted Jobs Incentive Fund, Qualified Targeted Industry Business incentives, property or utility tax exemptions in enterprise zones, or Brownfield Economic Development Initiative Loan Funds or similar incentives and tax exemption programs; provided, however, any such item relating to an award of Community Redevelopment Agency funding or Community Development Block Grant funding or other funding administered by the Public Housing and Community Development department, or successor department, shall not be excepted from committee review by this subsection (j)(2). On such items, the public shall have the same rights to participate and be heard at the county commission as they would have received had the item been heard in committee.

administrative action at the federal, state or local level, resolutions related to contract lobbyist conflict waiver requests and resolutions expressing intent shall be heard directly by the county commission, items awarding, granting, amending or relating to an award or grant of Targeted Jobs Incentive Fund, Qualified Targeted Industry Business incentives, property or utility tax exemptions in enterprise zones, or Brownfield Economic Development Initiative Loan Funds or similar incentives and tax exemption programs; provided, however, any such item relating to an award of Community Redevelopment Agency funding or Community Development Block Grant funding or other funding administered by the Public Housing and Community Development department, or successor department, shall not be excepted from committee review by this subsection (j)(2). On such items, the public shall have the same rights to participate and be heard at the county commission as they would have received had the item been heard in committee.

ADDITIONAL INFORMATION

On October 3, 2017, the Board passed an ordinance that amended Sections 25A-3 and 25A-4 of the Code of Miami-Dade County. Section 25A-3 of the Code authorized that regular meetings of the Board of Trustees of the Public Health Trust be held at the main campus of Jackson Memorial Hospital or in the Commission chambers. 25A-4 of the Code stated that the trust shall present its annual recommendations for health care delivery for its designated facilities at the annual, joint meetings to be called by the Chairperson of the Board and be held between the Commission and the Trust in Commission chambers no later than July 1st of each year.

<http://intra/gia/legistarfiles/Matters/Y2017/171503.pdf>

http://miamidade.fl.elaws.us/code/coor_ptiii_ch25a_sec25a-3

A scrivener's error was found on the item: Chapter 2, **Article CXLIV** of the Code of Miami-Dade County should read Chapter 2, **Article CL** of the Code of Miami-Dade County.

https://library.municode.com/fl/miami_-

[_dade_county/codes/code_of_ordinances?nodeId=PTIIICOOR_CH2AD_ARTCLJAHESYGEOBBOPR](https://library.municode.com/fl/miami_-dade_county/codes/code_of_ordinances?nodeId=PTIIICOOR_CH2AD_ARTCLJAHESYGEOBBOPR)

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**Item No. 5A
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.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=129.06&URL=0100-0199/0129/Sections/0129.06.html

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

The foregoing proposed ordinance was adopted on first reading 2/21/18 BCC. The item was moved by Commissioner Moss that the Board's Rules of Procedures be waived to allow the foregoing proposed ordinance to be heard at the Board's meeting on March, 6, 2018. This motion was seconded by Commissioner Martinez, and upon being put to a vote, passed by a vote of 11-0.

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

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- 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
- 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:

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- \$500,000 to Fairchild Tropical Botanical Garden
- \$550,000 to the Perez Art Museum Miami
- \$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 will

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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. 180114

Researcher: SM Reviewer: TD

RESOLUTION GRANTING PETITION TO CLOSE A PORTION OF THE INTERSECTION OF NE 25 AVENUE AND NE 187 STREET (ROAD CLOSING PETITION NO. P-932)

ISSUE/REQUESTED ACTION

Whether the Board should approve this Resolution granting petition to close a portion of the Intersection of NE 25 Avenue and NE 187 Street.

APPLICABLE LEGISLATION/POLICY

Sections 336.09 of the Florida Statutes governs the closing and abandonment of roads and the authority to do so.

<https://www.flsenate.gov/Laws/Statutes/2011/336.09>

Sections 336.12 governs the closing and abandonment of roads; termination of easement; conveyance of fee.

<http://m.flsenate.gov/Statutes/336.12>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Sally A. Heyman, District 4

Requester/Department: Transportation and Public Works

Commissioner Sosa, from District 6, wondered if the name “road closure” could be replaced with the word easement, for future legislation. The Item was forwarded to BCC with a favorable recommendation on February 15, 2018 at the Transportation and Public Works Committee.

FISCAL IMPACT

Miami-Dade County Property appraiser’s office has estimated that the value of the right-of-way would be approximately \$17,240, therefore if the right-of-way is closed and vacated, the land will be charged to pay taxes which would bring in an estimated amount of \$308 per annum in additional property taxes. The fee for this road closing is \$3,684, as stated in the mayoral memo.

ANALYSIS

This Resolution, if approved by the Board will grant the petition to close a portion of the Intersection of NE 25 Avenue and NE 187 Street. Therefore if this Resolution receives approval, the portion of the right-of-way will be closed and the petitioner will relocate the sidewalk to the new right-of-way line. The current property owners wish to integrate this part of land into their properties.

This petition asks the Board of County Commissioners to vacate, abandon, discontinue and close the existing public street. The reason for this petition comes from the various property owners who reside adjoining the sidewalk, as stated in the mayoral memo, the sidewalk is built with an open space that lies between it and the property lines.

The adjoining property owners are West Aventura Developers, LLC and Florida Conference Association of Seventh-Day Adventists with respective addresses of 18651 NE 24 PL. Miami FL 33180 and 18701 NE 25 Ave, Miami FL 33180. The property owners will not be prevented from access to and from their property if this petition is granted. Per the agreement, the petitioner will relocate the sidewalk to the new right of way line in order to have the current sidewalk closed and vacated so it can be added to their adjoining properties.

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The improvement agreement states that the Miami-Dade County Department of Transportation and Public Works (TPWC) cannot recommend the closing of this road unless the current sidewalk is relocated in accordance with all applicable law and standards. The petitioner will be responsible all costs and expenses related to the relocation of the current sidewalk in addition to make sure that it complies with the County standards and all applicable laws. Within 60 days of approval the current sidewalk must be removed and the construction of the new one must occur.

Per the agreement, the County has the right to complete the construction of the new sidewalk if the petitioner fails or chooses not to make the improvements within the 60 days, or if they cannot make the proper arrangements to do so i.e. unable to pay etc. The County will have the right to recover all the costs from the improvements and place a lien on the petitioner's properties. As previously stated the removal of the existing sidewalk and the construction of the new sidewalk must occur within 60 days of written request to do so from TPWC, or prior to obtaining the certificate of occupancy of the new building, this will be subject to any and all applicable permitting requirements, as stated per the agreement.

OCA asked the DTPW department representative the following questions:

1. How was it concluded that the impact on traffic flow would not be adverse?; and
2. Is the County responsible for doing Quality Control of the new location of the road or is this a fee the owners will be responsible for?

Below are the responses from DTPW:

1. There is no impact to traffic flow because the road itself is not being affected, the only improvement being relocated is the Sidewalk.
2. The new sidewalk will be built under a permit and it will have to pass an inspection for approval.

ADDITIONAL INFORMATION

West Aventura Developers, LLC have an active status on Sunbiz.org and has a filing date of 05/15/2017 with a principal address of 19370 Collins Ave, CU 1 Sunny Isles Beach, FL 33160.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=WESTAVENTURADEVELOPERS%20L170000662310&aggregateId=fla-l17000066231-0adb2553-83b0-4fcd-b6a3-48fe2720fff9&searchTerm=west%20aventura%20developers%20llc&listNameOrder=WESTAVENTURADEVELOPERS%20L170000662310>

Florida Conference Association Of Seventh-Day Adventists has an active status on Sunbiz.org and has a filing date of 04/23/1962 with a principal address of 351 South State Road 434 Altamonte Springs, FL 32714.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=FLORIDACONFERENCEASSOCIATIONSE%207009231&aggregateId=domnp-700923-eb54d8c9-c6f9-4950-960d-b5a46b532468&searchTerm=Florida%20Conference%20Association%20of%20Seventh&listNameOrder=FLORIDACONFERENCEASSOCIATIONSE%207009230>

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**Item No. 7A
File No. 180053**

Researcher: SM

Reviewer: TD

ORDINANCE RELATING TO CONTRACTOR CERTIFICATES OF COMPETENCY; AMENDING SECTION 10-13 OF THE CODE OF MIAMI DADE COUNTY, FLORIDA; MODIFYING THE REQUIREMENTS FOR EXEMPTION FROM CONTINUING EDUCATION REQUIREMENTS FOR RENEWALS BY PERSONS WHO HAVE REACHED THE AGE OF 65 YEARS; MODIFYING THE CONDITION THAT THE PERSON HAS NEVER BEEN FOUND GUILTY OF CRIMINAL OR CIVIL VIOLATION OF LAWS GOVERNING THE CONTRACTING PROFESSION TO PROVIDE INSTEAD THAT THE PERSON NOT BE FOUND GUILTY OF SUCH VIOLATION DURING A CERTAIN PERIOD IMMEDIATELY PRECEDING THE APPLICATION FOR EXEMPTION; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether this Board should approve this Item which relates to contractor certificates of competency; amending Section 10-13 of the Code of Miami-Dade County.

APPLICABLE LEGISLATION/POLICY

Section 10-13 of the Code of Miami-Dade County governs certificates nontransferable; term; renewal; reactivation and status of certificates; conditions of renewal.

https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH10CO_ARTIINGE_S10-13CENOTERERESTCECORE

PROCEDURAL HISTORY

Prime Sponsor: Commissioners Bruno. Barreiro, District 5

The item was forwarded to BCC with a favorable recommendation following a public hearing by Government Operations Committee at the GOC meeting on February 13, 2018

FISCAL IMPACT

This Item which refers to the amendment of aforementioned Code Section, will not have a fiscal impact to the County since there will not be the need for an increase in additional staff or for future operational costs, as stated per the mayoral memo.

ANALYSIS

If this Item receives Board approval, the Section 10-13 of the Code of Miami-Dade County will be amended. The amendment will modify the requirements for exemption from continuing education requirements for renewals by persons who have reached the age of 65 or older who have maintained a clear contracting record over their entire career, as stated per the mayoral memo.

Below are the following proposed changes, they will be written in **Bold color**.

Original Ordinance	Proposed Amendment
Sec. 10-13 (b) Renewal, reactivation, reinstatement, and status of certificates. (8)-A qualifying agent who has reached the age of 65 may renew his/her certificate of competency at no cost and shall be excused from the continuing education requirement provided for in Section 10-13.1, provided	Sec. 10-13 (b) Renewal, reactivation, reinstatement, and status of certificates. (8)-A qualifying agent who has reached the age of 65 may renew his/her certificate of competency at no cost and shall be excused from the continuing education requirement provided for in Section 10-13.1, provided

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that the qualifying agent has held the certificate of competency for at least 20 years, and has never been found guilty by the Construction Trades Qualifying Board, Board of Rules and Appeals, or a Special Master Appeal Hearing Officer, of a criminal/civil violation pertaining to this Code or Florida Statute 489. The qualifying agent shall apply in person for the subject renewal.

that the qualifying agent has held the certificate of competency for at least 20 years, and has **not** been found guilty by the Construction Trades Qualifying Board, Board of Rules and Appeals, or a Special Master Appeal Hearing Officer, of a criminal/civil violation pertaining to this Code or Florida Statute 489. **During the 20 year period immediately preceding this application for exemption.** The qualifying agent shall apply in person for the subject renewal.

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Item No. 7C

File No. 180305 (180060) (172696)

Researcher: BM

Reviewer: TD

ORDINANCE RELATING TO CONFLICT OF INTEREST AND CODE OF ETHICS ORDINANCE; AMENDING SECTION 2-11.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING THAT CERTAIN PRINCIPALS OF CORPORATE ENTITIES SHALL NOT BE REQUIRED TO PAY ETHICS COURSE FEE; PROVIDING THAT CERTAIN REPRESENTATIVES OF NOT-FOR-PROFIT CORPORATIONS SHALL NOT BE REQUIRED TO PAY ETHICS COURSE FEE; MAKING TECHNICAL AND CONFORMING CHANGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should approve amending the County's Conflict of Interest and Code of Ethics Ordinance to provide that, upon request, principals of corporate entities and certain representatives of not-for-profit corporations who lobby solely on behalf of those entities without special compensation shall not be required to pay the Ethics Course fee.

APPLICABLE LEGISLATION/POLICY

Section 2-11.1 of the County Code sets forth the Conflict of Interest and Code of Ethics Ordinance.

Section 2-11.1(s) relates to the requirements and guidelines for lobbying the County. This subsection requires each lobbyist, within 60 days after registering as a lobbyist, to submit to the Clerk of the Board a certificate of completion of an ethics course offered by the Commission on Ethics and Public Trust. The fee for the course shall be \$100. The Executive Director of the Ethics Commission may waive the course requirement for a particular lobbyist when he or she determines that the lobbyist has taken an initial or refresher Ethics Course offered by a municipality which satisfied the County's requirements.

https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Daniella Levine Cava, District 8

This item was forwarded to the BCC with favorable recommendation on February 14, 2018 by the Public Safety and Health Committee.

This item was deferred at the January 18, 2018 meeting by the Public Safety and Health Committee.

The original item no. 172696 was adopted on first reading by Board on December 5, 2017 and Passed 11 – 0.

FISCAL IMPACT

If approved, representatives of business entities, both for-profit and nonprofit, who are lobbying on behalf of those entities, without special compensation or reimbursement for that appearance, shall not be required to pay the \$100 Ethics Course fee.

ANALYSIS

The proposed ordinance amends Section 2-11.1 of the Miami-Dade County Code, i.e., the Conflict of Interest and Code of Ethics Ordinance, to exempt principals of not-for-profit entities and certain representatives of nonprofit entities who lobby solely for such entities without special compensation from paying the Ethics Course fee. Under the Ethics Ordinance, principals of not-for-profit entities and certain representatives of nonprofit entities who lobby solely for such entities without special compensation are exempt from paying lobbyist registration fees. Note that the Ethics Course covers a review of the Conflict of Interest and Code of Ethics Ordinance, Florida Sunshine law and Florida Public Records law.

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The ordinance proposes an exemption to pay the fees for principals of not-for-profit corporations or entities. Not-for-profit organization depend on private contributions for their funding usually operate within tight fiscal constraints. Providing the exemption to the fee will alleviate the financial hardship that may be posed by such required course fees.

Substitute #1 differs from the original item in that the exemption from the Ethics Course fee requirement for principals is narrowed to apply only to principles of non-for-profit corporations or entities.

Substitute #2 differs from Substitute #1 in the following ways:

1. The exemption from the ethics course fee for not-for-profit corporations and entities has been limited to apply only to principals and representatives of 501(c)(3) not-for-profit corporations and entities;
2. The exemption from the ethics course fee has been modified to also include principals of Micro and Small Business Enterprises; and
3. Changes to the terminology and references to Micro and Small Business Enterprises have been made to conform with such references elsewhere in the Code.

The table below shows the proffered changes to Section 2-11.1 of the Miami-Dade County Code.

Section:	As it currently reads:	Proposed amendment:
2-11.1(s) <i>Lobbying</i>	(3)(b) Any person who only appears in his or her individual capacity for the purpose of self-representation without compensation or reimbursement, whether direct, indirect or contingent, to express support of or opposition to any item, shall not be required to register as a lobbyist. A principal of any corporation, partnership or other entity who appears as a lobbyist on behalf of that entity, without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item, shall register with the Clerk as required by this subsection, but shall not be required to pay any registration fees.	(3)(b) Any person who only appears in his or her individual capacity for the purpose of self-representation without compensation or reimbursement, whether direct, indirect or contingent, to express support of or opposition to any item, shall not be required to register as a lobbyist. A principal of any corporation, partnership or other entity who appears as a lobbyist on behalf of that entity, without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item, shall register with the Clerk as required by this subsection, but shall not be required to pay any registration fees.
Section:	As it currently reads:	Proposed amendment:
	(4) Any person who only appears as a representative of a not-for-profit corporation or entity (such as a charitable organization, or a trade association or trade union), without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item, shall register with the Clerk as required by this subsection, but, upon request, shall not be required to pay any registration fees. Any principal who only appears as a representative of a certified Micro Enterprise, as defined in Section 2-8.1.1.1.1 of the Code, as a representative of a certified Level I Community Small Business Enterprise, as	(4) Any principal of a 501(c)(3) not-for-profit corporation or entity or any person who only appears as a representative of a 501(c)(3) not-for-profit corporation or entity, without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item, shall register with the Clerk as required by this subsection, but, upon request, shall not be required to pay any registration fees or Ethics Course Fees. Any principal who only appears as a representative of a certified Micro Tier 1 or Tier 2 Small Business Enterprise, as defined in Section 2-8.1.1.1.1 or Section 2-8.1.1.1.2 of the Code, as a

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defined in Section 10-33.02 or as a representative of a certified Tier 1 Community Business Enterprise, as defined in Section 2-10.4.01, without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item, shall register with the Clerk as required by this subsection, but, upon request, shall not be required to pay any registration fees.

representative of a certified Level I Small Business Enterprise, as defined in Section 10-33.02 of the Code, or as a representative of a certified Tier 1 or Tier 2 small Business Enterprise Architecture & Engineering Firm, as defined in Section 2-10.4.01 of the Code, without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item, shall register with the Clerk as required by this subsection, but, upon request, shall not be required to pay any registration fees or Ethics Course fees.

ADDITIONAL INFORMATION

The first link below provides additional information from the Clerk of the Courts website as it relates to lobbying in Miami-Dade County, including online registration. The second link provides additional information from the Ethics Commission's website on ethics training.

<https://www8.miamidade.gov/Apps/COB/LobbyistOnline/home.aspx/Home.aspx>

<http://ethics.miamidade.gov/training.asp>

DEPARTMENT INPUT

The OCA posed the following questions to the Commission on Ethics, to which the following answers were provided:

1. As this is a request to waive the Ethics Training Fee for certain organizations, is there an estimate of how many organizations would be affected?
We need clarity on how the proposed ordinance reads right now. If it exempts ALL non-profits, it could conceivably affect hundreds of entities, including wealthy associations, such as the Latin Builders Association, Universities and Chambers of Commerce. If it is limited to 501 (c) (3) charities, it would be much fewer -- in the dozens. We are also unclear if Small Business Enterprises are included in the proposal. We understand there are approximately 1,500 SBE's registered with the County.
2. Are we aware if any other jurisdictions currently apply such an exemption?
We are unaware of any other jurisdictions that require ethics training for registered lobbyists, so they don't need to address the issue of exemptions.
3. Do national non-for-profit organization, like Charity Tracker, support recommendations like this one?
We cannot find any information from Charity Navigator on recommendations for fee waivers or discounts for charities.

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**Item No. 7D
File No. 180041**

Researcher: MF Reviewer: PGE

ORDINANCE RRELATING TO ENVIRONMENT PROTECTION; AMENDING SECTIONS 24-5 AND 24-18 OF THE CODE; CREATING DEFINITION FOR WELL STIMULATION, WHICH INCLUDES BUT IS NOT LIMITED TO FRACKING; REVISING ENVIRONMENTAL OPERATING PERMIT CRITERIA; PROHIBITING CERTAIN FACILITIES FROM CONDUCTING WELL STIMULATION OR THE RECEIPT, STORAGE, TREATMENT, DISCHARGE, OR DISPOSAL OF WASTE OR WASTEWATER GENERATED FROM WELL STIMULATION OR ANCILLARY OR ASSOCIATED ACTIVITIES; PROHIBITING THE ISSUANCE OF CERTAIN PERMITS

ISSUE/REQUESTED ACTION

Whether the Board should amend certain sections of the Miami-Dade County Code to create a definition for well stimulation, which includes fracking; revise environmental operating permit criteria; prohibit certain facilities from conducting well stimulation or the receipt, storage, treatment, discharge, or disposal of waste or wastewater generated from well stimulation; and prohibit the issuance of certain permits.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code, Section 24-5: Chapter 24 relates to environmental protection, Biscayne Bay and environs designated aquatic park and conservation area, the Biscayne Bay Environmental Enhancement Trust Fund, and the Environmentally Endangered Lands Program. Section 5 provides the definitions.

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

Miami-Dade County Code, Section 24-18: Chapter 24 relates to environmental protection, Biscayne Bay and environs designated aquatic park and conservation area, the Biscayne Bay Environmental Enhancement Trust Fund, and the Environmentally Endangered Lands Program. Section 18 relates to operating permits.

http://miamidade.fl.elaws.us/code/coor_ptiii_ch24_arti_div1_sec24-18

Senate Bill 462 regarding advanced well stimulation treatment; was last considered in the Senate on February 9, 2018; and will be considered by the Appropriations Subcommittee on the Environment and Natural Resources on February 14, 2018.

<https://www.flsenate.gov/Session/Bill/2018/00462>

Resolution No. R-1252-17 urges the Florida legislature to enact SB 462, HB 237, or similar legislation prohibiting advanced well stimulation techniques collectively known as “fracking” in the State of Florida.

<http://intra/gia/matter.asp?matter=172860&file=true&yearFolder=Y2017>

PROCEDURAL HISTORY

Prime Sponsor: Daniella Levine Cava, District 8

This proposed ordinance was adopted on first reading at the January 23, 2018 Board meeting.

The proposed ordinance was considered at the February 13, 2018 Government Operations Committee meeting.

Commissioner Levine Cava recalled that a few years ago, a company in Collier County was using “fracking” techniques and, even though the company’s operation was discontinued, the waste from that operation was trucked to Miami-Dade where it was disposed of in the County’s wastewater system. She stressed the importance of protecting the County from receiving toxic waste from fracking done elsewhere in Florida.

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Responding to Chairman Moss' question as to how toxic waste could be transported to the County, Mr. Lee Hefty, Regulatory and Economic Resources, Department of Environmental Resource Management, explained that some industrial waste treatment facilities in Miami-Dade County received waste and processed it before discharging it into the sewer system. He recalled that the material to which Commissioner Levine Cava referred was trucked in from the fracking site to one of the waste treatment facilities, and treated before it was discharged into the sewer system.

The proposed ordinance was forwarded by the Committee members to the BCC with a favorable recommendation.

FISCAL IMPACT

The implementation of this ordinance will not have a fiscal impact to Miami-Dade County as it will not result in additional staffing needs or future operational costs.

ANALYSIS

Hydraulic fracturing, also known as fracking, is a method of oil and natural gas extraction that involves injecting fluid into subterranean rock formations at high pressure. The proposed ordinance revises the County's criterion for issuance of environmental operating permits to explicitly prohibit well stimulation ("fracking") or the receipt, storage, treatment, discharge, or disposal of fracking waste or wastewater in Miami-Dade County. Drilling of oil wells is not conducted in the County; however, fracking waste generated elsewhere, such as neighboring counties, could potentially be transported into Miami-Dade County for disposal. The proposed ordinance would eliminate that possibility and potential contamination risks associated with fracking waste discharge/disposal.

The table below shows the proposed amendments to Sections 24-5 and 24-18 of the County Code.

Section 24-5 of the Code of Miami-Dade County as it currently reads:	Proposed amendment to Section 24-5 of the Code of Miami-Dade County:
<p><i>WTCS</i> shall mean Wastewater Collection and Transmission Systems, including all pipes, forces mains, gravity sewer lines, pump stations, manholes and appurtenances thereto, designed to collect and convey sewage (domestic, commercial and industrial) to a wastewater treatment plant.</p>	<p><i>WTCS</i> shall mean Wastewater Collection and Transmission Systems, including all pipes, forces mains, gravity sewer lines, pump stations, manholes and appurtenances thereto, designed to collect and convey sewage (domestic, commercial and industrial) to a wastewater treatment plant.</p>
<p><i>Wellfield</i> shall mean the surface and subsurface area surrounding a potable water supply well, through which water is likely to move toward and reach the potable water well.</p>	<p><u><i>Well Stimulation</i> shall mean a well intervention, exploration, operation, or maintenance procedure performed by injecting fluid, which may include additives, into a rock formation to increase the rate of production at an oil or gas well by increasing the flow of hydro-carbons from the formation into the wellbore. Well stimulation includes, but is not limited to, the processes known as hydraulic fracturing, acid fracturing, and cyclic steam injection, which are sometimes referred to as "fracking", as well as matrix acidizing and fracture acidizing. Well stimulation does not include routine well cleaning that does not affect the integrity of the well or the formation.</u></p>

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	<p><i>Wellfield</i> shall mean the surface and subsurface area surrounding a potable water supply well, through which water is likely to move toward and reach the potable water well.</p>	
Section 24-18 of the Code of Miami-Dade County as it currently reads:	Proposed amendment to Section 24-18 of the Code of Miami-Dade County:	
<p>(A) <i>Permit Required</i> No person shall operate, maintain or permit, cause, allow, let or suffer the operation or maintenance of a public water system, public sewerage system, location at which a site rehabilitation action has been completed in accordance with the provisions set forth in Section 24-44(2)(k)(ii) or any of the following facilities, all of which will reasonably be expected to be a source of air pollution, ground pollution or water pollution, without a valid operating permit issued by the Director or the Director's designee or in violation of any condition, limitation or restriction which is part of an operating permit:</p> <p>(1) Interim package sewage treatment plants;</p> <p>(2) Interim package water treatment plants;</p> <p>(3) Non-utility owned or operated sanitary sewer collection systems:</p> <p>(a) Which include a sanitary sewer pump station that receives sewage from a building drain and conveys sewage to a utility or non-utility; or</p> <p>(b) Which include a gravity collection system containing 1,000 or more feet of six (6) inch nominal size or larger pipe beyond the building drain(s).</p> <p>4) Facilities which generate, dispose of, store, use, discharge, handle or reclaim any liquid waste other than domestic sewage, any hazardous waste or any hazardous material (except factory prepackaged products intended primarily for domestic use or consumption), including, but not limited to, the following:</p> <p>(a) Industrial and agricultural waste reclaim systems; waste or product holding tanks; or waste or product spill prevention control systems;</p>	<p>(A) <i>Permit Required.</i> No person shall operate, maintain or permit, cause, allow, let or suffer the operation or maintenance of a public water system, public sewerage system, location at which a site rehabilitation action has been completed in accordance with the provisions set forth in Section 24-44(2)(k)(ii) or any of the following facilities, all of which will reasonably be expected to be a source of air pollution, ground pollution or water pollution, without a valid operating permit issued by the Director or the Director's designee or in violation of any condition, limitation or restriction which is part of an operating permit:</p> <p>(1) Interim package sewage treatment plants;</p> <p>(2) Interim package water treatment plants;</p> <p>(3) Non-utility owned or operated sanitary sewer collection systems:</p> <p>(a) Which include a sanitary sewer pump station that receives sewage from a building drain and conveys sewage to a utility or non-utility; or</p> <p>(b) Which include a gravity collection system containing 1,000 or more feet of six (6) inch nominal size or larger pipe beyond the building drain(s).</p> <p>(4) Facilities which generate, dispose of, store, use, discharge, handle or reclaim any liquid waste other than domestic sewage, any hazardous waste or any hazardous material (except factory prepackaged products intended primarily for domestic use or consumption), including, but not limited to, the following:</p> <p>(a) Industrial and agricultural waste reclaim systems; waste or product holding tanks; or waste or product spill prevention control systems;</p>	

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<p>(b) Industrial and agricultural waste pretreatment facilities;</p> <p>(c) Industrial and agricultural waste treatment facilities;</p> <p>(d) The following industrial and agricultural liquid waste facilities:</p> <p>(i) Aircraft, vehicle, construction equipment, and boat mechanical maintenance or repair facilities including, but not limited to, engine and electric motor maintenance and repair, and facilities which perform maintenance or repair of any component parts of aircraft, vehicles, boats, or construction equipment;</p> <p>(ii) Chemical manufacturing, packaging, repackaging, storage, or distribution facilities;</p> <p>(iii) Pest control facilities;</p> <p>(iv) Photographic processing facilities or laboratories;</p> <p>(v) Printing facilities;</p> <p>(vi) Paint manufacturing, distribution, and product testing; paint research laboratory facilities;</p> <p>(vii) Battery manufacturing; battery reclaiming facilities; battery refurbishing facilities;</p> <p>(viii) Hospitals;</p> <p>(ix) Medical, research or chemical laboratories;</p> <p>(x) Animal hospitals; animal clinics, and animal grooming facilities;</p> <p>(xi) Plastics manufacturing facilities;</p> <p>(xii) Anodizing facilities;</p>	<p>(b) Industrial and agricultural waste pretreatment facilities;</p> <p>(c) Industrial and agricultural waste treatment facilities;</p> <p>(d) The following industrial and agricultural liquid waste facilities:</p> <p>(i) Aircraft, vehicle, construction equipment, and boat mechanical maintenance or repair facilities including, but not limited to, engine and electric motor maintenance and repair, and facilities which perform maintenance or repair of any component parts of aircraft, vehicles, boats, or construction equipment;</p> <p>(ii) Chemical manufacturing, packaging, repackaging, storage, or distribution facilities;</p> <p>(iii) Pest control facilities;</p> <p>(iv) Photographic processing facilities or laboratories;</p> <p>(v) Printing facilities;</p> <p>(vi) Paint manufacturing, distribution, and product testing; paint research laboratory facilities;</p> <p>(vii) Battery manufacturing; battery reclaiming facilities; battery refurbishing facilities;</p> <p>(viii) Hospitals;</p> <p>(ix) Medical, research or chemical laboratories;</p> <p>(x) Animal hospitals; animal clinics, and animal grooming facilities;</p> <p>(xi) Plastics manufacturing facilities;</p> <p>(xii) Anodizing facilities;</p>	
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<p>(xiii) Silk screening and silk printing facilities;</p> <p>(xiv) Junk yards;</p> <p>(xv) Jewelry manufacturing and repair facilities;</p> <p>(xvi) Machine shops;</p> <p>(xvii) Construction contractor's facilities handling hazardous materials;</p> <p>(xviii) Funeral homes;</p> <p>(xix) Agricultural field packing facilities;</p> <p>(xx) Stationary agricultural packinghouses;</p> <p>(xxi) Aerial pesticide applicators (crop-dusters);</p> <p>(xxii) Dry cleaning facilities;</p> <p>(xxiii) Textile dyeing facilities;</p> <p>(xxiv) Vehicle paint and body shops;</p> <p>(xxv) Metal recycling facilities;</p> <p>(5) Notwithstanding any provision of this Code, nonresidential land uses which are served or will be served by a liquid waste storage, disposal or treatment method or those nonresidential land uses which use, generate, handle, dispose of, discharge or store hazardous materials, on any portion of the property within the Northwest Wellfield protection area or within the West Wellfield Interim protection area;</p> <p>(6) Notwithstanding any provision of this Code, nonresidential land uses which are served or will be served by any liquid waste storage, disposal or treatment method (other than public sanitary sewers) or those nonresidential land uses which use, generate, handle, dispose of, discharge or store hazardous materials, on any portion of the property within the maximum day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek</p>	<p>(xiii) Silk screening and silk printing facilities;</p> <p>(xiv) Junk yards;</p> <p>(xv) Jewelry manufacturing and repair facilities;</p> <p>(xvi) Machine shops;</p> <p>(xvii) Construction contractor's facilities handling hazardous materials;</p> <p>(xviii) Funeral homes;</p> <p>(xix) Agricultural field packing facilities;</p> <p>(xx) Stationary agricultural packinghouses;</p> <p>(xxi) Aerial pesticide applicators (crop-dusters);</p> <p>(xxii) Dry cleaning facilities;</p> <p>(xxiii) Textile dyeing facilities;</p> <p>(xxiv) Vehicle paint and body shops;</p> <p>(xxv) Metal recycling facilities;</p> <p>(5) Notwithstanding any provision of this Code, nonresidential land uses which are served or will be served by a liquid waste storage, disposal or treatment method or those nonresidential land uses which use, generate, handle, dispose of, discharge or store hazardous materials, on any portion of the property within the Northwest Wellfield protection area or within the West Wellfield Interim protection area;</p> <p>(6) Notwithstanding any provision of this Code, nonresidential land uses which are served or will be served by any liquid waste storage, disposal or treatment method (other than public sanitary sewers) or those nonresidential land uses which use, generate, handle, dispose of, discharge or store hazardous materials, on any portion of the property within the maximum day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek</p>
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<p>Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield, Hialeah Wellfield or within the outer protection zone of the South Miami Heights Wellfield Complex;</p> <p>(7) Resource recovery and management facilities;</p> <p>(8) Facilities that will reasonably be expected to be a source of air pollution; provided, however, the operation of heating equipment or comfort space heating within individual facility dwellings or multiple family dwellings of not more than four (4) units is exempt from the requirement of obtaining a permit pursuant to this section;</p> <p>(9) All commercial boat docking facilities. Operating permits shall be required for all such facilities no later than May 17, 1990;</p> <p>(10) All boat storage facilities contiguous to the tidal waters of Miami-Dade County with a total of ten (10) or more dry storage spaces. Operating permits shall be required for all such facilities no later than May 17, 1990;</p> <p>(11) All recreational boat docking facilities with a total of ten (10) or more boat slips, moorings, davit spaces, and vessel tieup spaces. Operating permits shall be required for all such facilities no later than May 17, 1990;</p> <p>(12) Underground storage facilities;</p> <p>(13) Aboveground storage facilities;</p> <p>(14) Loading facilities;</p> <p>(15) Balanced systems utilized by motor vehicle fuel service stations;</p> <p>(16) Vacuum assist systems utilized by motor vehicle fuel service stations;</p> <p>(17) Any facility which sells or distributes or which offers to sell or distribute any refrigerant or which</p>	<p>Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield, Hialeah Wellfield or within the outer protection zone of the South Miami Heights Wellfield Complex;</p> <p>(7) Resource recovery and management facilities;</p> <p>(8) Facilities that will reasonably be expected to be a source of air pollution; provided, however, the operation of heating equipment or comfort space heating within individual facility dwellings or multiple family dwellings of not more than four (4) units is exempt from the requirement of obtaining a permit pursuant to this section;</p> <p>(9) All commercial boat docking facilities. Operating permits shall be required for all such facilities no later than May 17, 1990;</p> <p>(10) All boat storage facilities contiguous to the tidal waters of Miami-Dade County with a total of ten (10) or more dry storage spaces. Operating permits shall be required for all such facilities no later than May 17, 1990;</p> <p>(11) All recreational boat docking facilities with a total of ten (10) or more boat slips, moorings, davit spaces, and vessel tieup spaces. Operating permits shall be required for all such facilities no later than May 17, 1990;</p> <p>(12) Underground storage facilities;</p> <p>(13) Aboveground storage facilities;</p> <p>(14) Loading facilities;</p> <p>(15) Balanced systems utilized by motor vehicle fuel service stations;</p> <p>(16) Vacuum assist systems utilized by motor vehicle fuel service stations;</p> <p>(17) Any facility which sells or distributes or which offers to sell or distribute any refrigerant or which</p>	
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recharges or causes, lets, allows, permits, or suffers the recharging of refrigerant into any refrigeration system;

(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.

(19) Locations at which a site rehabilitation action has been completed in accordance with the provisions set forth in Section 24-44 (2)(k)(ii).

The criterion for issuance of an operating permit pursuant to this section is compliance with Chapter 24, Miami-Dade County Code. Additionally, no resource recovery and management facility permit shall be granted without the written recommendation of approval of the Director of the Department of Solid Waste Management issued pursuant to the provisions of Chapter 15, Miami-Dade County Code. At the discretion of the Director or the Director's designee, conditions, limitations or restrictions may be required as part of the operating permit if said conditions, limitations and restrictions are consistent with the requirements of this chapter.

The Director or the Director's designee may deny the issuance of an operating permit if the public water system, public sewerage system or pollution source does not comply with the provisions of this chapter.

The Director or the Director's designee may suspend or revoke an operating permit if the public water system, public sewerage system or pollution source does not comply with the provisions of this chapter.

Such operating permits shall not be required for the aforesaid facilities, systems, and plants existing on the

recharges or causes, lets, allows, permits, or suffers the recharging of refrigerant into any refrigeration system;

(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.

(19) Locations at which a site rehabilitation action has been completed in accordance with the provisions set forth in Section 24-44 (2)(k)(ii).

B. Permit Criteria

(1) The criterion for issuance of an operating permit pursuant to this section is compliance with Chapter 24, Miami-Dade County Code. Additionally, no resource recovery and management facility permit shall be granted without the written recommendation of approval of the Director of the Department of Solid Waste Management issued pursuant to the provisions of Chapter 15, Miami-Dade County Code. At the discretion of the Director or the Director's designee, conditions, limitations or restrictions may be required as part of the operating permit if said conditions, limitations and restrictions are consistent with the requirements of this chapter.

(2) The Director or the Director's designee may deny the issuance of an operating permit if the public water system, public sewerage system or pollution source does not comply with the provisions of this chapter.

(3) The Director or the Director's designee may suspend or revoke an operating permit if the public water system, public sewerage system or pollution source does not comply with the provisions of this chapter.

(4) Such operating permits shall not be required for the aforesaid facilities, systems, and plants existing on the

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effective date of this section until one hundred twenty (120) days from the effective date of this section.

This section shall not be immediately applicable to air pollution sources with valid air pollution control operating permits on the effective date of this section. However, said air pollution sources shall comply with this section by obtaining the operating permit required by this section no later than one hundred eighty (180) days from the effective date of this section.

Notwithstanding anything in this chapter to the contrary, such operating permits shall not be required for underground storage facilities until ninety (90) days from the effective date of this paragraph.

All applications for permits issued pursuant to this section shall be on a form prescribed by the Director and accompanied by a fee which shall be established by administrative order of the County Manager and approved by the Board of County Commissioners.

(B) Disposition of Fees The permit fee payable hereunder shall be deposited in a separate County fund and shall be used exclusively by the Department to pay for the costs of the following environmental services to, and environmental regulation of, the aforesaid facilities, systems and plants:

- (1) Monitoring and evaluating purification and disposal systems of said sources.
- (2) Responding to and attempting to resolve citizen complaints against said sources.
- (3) Investigation, preparation, and prosecution of enforcement actions, pursuant to Chapter 24 of this Code, to protect the groundwater, surface water, drinking water, and air quality.
- (4) Ambient monitoring of groundwater, surface water, and air quality.
- (5) Special studies of groundwater, drinking water, surface water, and air quality when deemed necessary

effective date of this section until one hundred twenty (120) days from the effective date of this section.

(5) This section shall not be immediately applicable to air pollution sources with valid air pollution control operating permits on the effective date of this section. However, said air pollution sources shall comply with this section by obtaining the operating permit required by this section no later than one hundred eighty (180) days from the effective date of this section.

(6) Notwithstanding anything in this chapter to the contrary, such operating permits shall not be required for underground storage facilities until ninety (90) days from the effective date of this paragraph.

(7) All applications for permits issued pursuant to this section shall be on a form prescribed by the Director and accompanied by a fee which shall be established by administrative order of the County Manager and approved by the Board of County Commissioners.

(8) Facilities operating under the provisions of this chapter shall not conduct well stimulation activities and shall not receive, store, treat, discharge, or dispose of any waste or wastewater generated from well stimulation or any ancillary or associated activities.

(9) No permit shall be issued to allow well stimulation or the receipt, storage, treatment, discharge, or disposal of any waste or wastewater generated from well stimulation or any ancillary or associated activities.

(C) Disposition of Fees. The permit fee payable hereunder shall be deposited in a separate County fund and shall be used exclusively by the Department to pay for the costs of the following environmental services to, and environmental regulation of, the aforesaid facilities, systems and plants:

- (1) Monitoring and evaluating purification and disposal systems of said sources.
- (2) Responding to and attempting to resolve citizen complaints against said sources.

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<p>by the Director to protect the groundwater, surface water, drinking water, and air quality.</p> <p>(6) Air quality and water supply protection, planning, and programming.</p> <p>(7) Laboratory analyses of groundwater, surface water, drinking water, waste water, ambient air, air emissions, and other effluents affecting air or water quality.</p> <p>(8) Restoration of the air, water, property, animal life, aquatic life, and plant life to their condition prior to any violation of this chapter.</p> <p>(9) Prevention of any imminent threat of any violation of this chapter.</p> <p>No part of said fund shall be used for purposes other than the aforesaid.</p>	<p>(3) Investigation, preparation, and prosecution of enforcement actions, pursuant to Chapter 24 of this Code, to protect the groundwater, surface water, drinking water, and air quality.</p> <p>(4) Ambient monitoring of groundwater, surface water, and air quality.</p> <p>(5) Special studies of groundwater, drinking water, surface water, and air quality when deemed necessary by the Director to protect the groundwater, surface water, drinking water, and air quality.</p> <p>(6) Air quality and water supply protection, planning, and programming.</p> <p>(7) Laboratory analyses of groundwater, surface water, drinking water, waste water, ambient air, air emissions, and other effluents affecting air or water quality.</p> <p>(8) Restoration of the air, water, property, animal life, aquatic life, and plant life to their condition prior to any violation of this chapter.</p> <p>(9) Prevention of any imminent threat of any violation of this chapter.</p> <p>No part of said fund shall be used for purposes other than the aforesaid.</p>
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ADDITIONAL INFORMATION

Elected officials in dozens of municipalities and counties throughout Florida (e.g., Indian River, Martin and St. Lucie) have passed resolutions opposing hydraulic fracturing.

The Broward County Board of County Commissioners outlawed fracking on January 26, 2016. The new county law was prompted by a proposal for an exploratory oil well on Florida Everglades land in Broward. For more information, please refer to the following article entitled “Broward outlaws fracking”.

<http://www.sun-sentinel.com/local/broward/fl-broward-anti-fracking-20160125-story.html>

The oil and gas industry has been expanding consistently for decades due, in part, to the advances in technology in the processes of extracting, transporting and delivering the resources to consumers. One of the most controversial technological advances is hydraulic fracturing, also known as “fracking”. This extraction process combines often dangerous chemicals with large amounts of water and sand at high rates of pressure into rock formations to fracture surrounding material for the purpose of extracting oil and gas. Fracking is controversial because of the amount of natural resources needed to complete its process, and more notably

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because of the negative effects it can have on the air, water and soil in the areas where fracking has taken place. For more information, please refer to the following article entitled “What are the effects of fracking on the environment?”

<https://www.investopedia.com/ask/answers/011915/what-are-effects-fracking-environment.asp>

As of May 2017, Florida did not have wells stimulated by hydraulic fracturing primarily because Florida’s oil and gas formation did not require fracking technology to produce oil or gas. For more information, please refer to the following article entitled “Fracking in Florida”, which can be found on Ballotpedia.

https://ballotpedia.org/Fracking_in_Florida

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Item No. 7E

File No. 180123, Supp 1. 180275, Supp 2. 180290

Researcher: AIP Reviewer: TD

ORDINANCE RELATING TO INFILL HOUSING; CREATING SECTION 17-124.3 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; CREATING AN INFILL HOUSING INITIATIVE MULTIFAMILY HOMEOWNERSHIP DEMONSTRATION PROGRAM; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO DEVELOP AND IMPLEMENT GUIDELINES FOR THE PROGRAM AND TO IDENTIFY INFILL PARCELS SUITABLE FOR THE PROGRAM; REQUIRING RESTRICTIVE COVENANTS; PROVIDING SUNSET PROVISION; REQUIRING A REPORT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should approve the creation of a section in the Code, to create the Infill Housing Initiative Multifamily Homeownership Program, encouraging the sale of duplexes.

APPLICABLE LEGISLATION/POLICY

Section 125.379 of the Florida Statutes (*Disposition of County Property for Affordable Housing*) which allows for the sale of County properties that have been deemed affordable housing, and for the sale of land and property to be put unto county funds to be used towards affordable housing projects and developments.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0125/Sections/0125.379.html

Miami-Dade County Code Article VII Chapter 17 (Section 17-121 to 17-128) (*Infill Housing Initiative*):

[https://library.municode.com/FL/Miami -
Dade County/codes/Code_of_Ordinances?nodeId=PTIICOOR_CH17HO_ARTVIIIINHAIN](https://library.municode.com/FL/Miami_-_Dade_County/codes/Code_of_Ordinances?nodeId=PTIICOOR_CH17HO_ARTVIIIINHAIN)

Section 17-128.1 of the Miami-Dade County Code (*Reports to the Board of County Commissioners*) Relating to the reports the mayor or designee must provide to the Board of County Commissioners

[https://library.municode.com/fl/miami -
dade county/codes/code_of_ordinances?nodeId=PTIICOOR_CH17HO_ARTVIIIINHAIN_S17-128.1REBOCOCO](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH17HO_ARTVIIIINHAIN_S17-128.1REBOCOCO)

Implementing Order 3-44 (*Infill Housing Program Initiative*):

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-44.pdf>

PROCEDURAL HISTORY

Prime Sponsor: Vice Chairwoman Commissioner Audrey M. Edmonson, District 3

Department/Requester: None

1/23/18: Item was adopted on first reading and set for public hearing before the Housing and Social Services Committee (HSSC) on February 12, 2018.

2/12/18: At the HSSC meeting, the item was forwarded to the BCC with a favorable recommendation following a public hearing.

At the Housing and Social Services Committee meeting, no one from the public spoke on this item during the public hearing. Commissioner Edmonson said that while on a trip to New Jersey, she witnessed the same sort of initiative on housing being implemented, with duplexes of 2 or even 3 units. Commissioner Cava commended Commissioner Edmonson for a creative strategy and her leadership. Item was moved, seconded, and passed.

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FISCAL IMPACT

No fiscal impact has been determined.

ANALYSIS

This item seeks to create section 17-124.3 of the Miami-Dade County Code, and amend Section 17-128.1 of the code, to encourage the infill housing program to provide and encourage people to be first-time homeowners and landlords. This item recognizes the benefits of owning a duplex, which can allow homeowners to live in one unit, while renting out the other unit, and use this income to support their mortgage on the property. This ordinance would create the Infill Housing Initiative Multifamily Homeownership Demonstration Program, which would construct and rehabilitate and sell duplexes to individuals who qualify for the program. OCA contacted Broward County and Monroe County and found no similar program relating to duplexes.

As it currently reads	Proposed changes
	<p>Section 17-124.3. Infill Housing Initiative Multifamily Homeownership Demonstration Program.</p> <p>(a) Notwithstanding any contrary provision of this code, a demonstration program for multifamily homeownership is hereby created, subject to the terms and conditions of this section. The program shall be referred to in this section as the Infill Housing Initiative Multifamily Homeownership Program (hereinafter referred to as the “Program”).</p> <p>(1) The Program shall be limited to the construction or rehabilitation and sale of duplexes to qualified households found eligible to purchase such duplexes in accordance with section 17-124.1 and Implementing Order No. 3-44, as amended. For purpose of this section the term duplex shall mean a single building with two dwelling units with separate entrances and which meets the requirements of section 33-201.1.</p> <p>(2) The County Mayor or the County Mayor’s designee shall develop and implement guidelines for the Program, subject to the Board of County Commissioner’s approval. The County Mayor or the County Mayor’s designee shall also develop or shall request the Miami-Dade Housing Finance Authority to develop a first-time landlord course which each qualified household shall be required to attend prior to purchasing a duplex under the Program.</p> <p>(3) The County Mayor or the County Mayor’s designee shall identify those infill parcels which are suitable and zoned for the construction or rehabilitation of duplexes and shall make such properties available to qualified</p>

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	<p>developers through a competitive process as set forth in Implementing Order No. 3-44, as amended. The conveyance of such properties to qualified developers shall be subject to the approval of the Board of County Commissioners. Alternatively, the Board of County Commissioners may authorize the conveyance of infill parcels without a competitive process in accordance with Section 125.379, Florida Statutes, and the Program.</p> <p>(4) In accordance with section 17-124.1(d) and Implementing Order No. 3-44, as amended, each qualified household that purchases a duplex shall be required to record in the Public Records one or more restrictive covenant that requires that the dwelling unit in which the qualified household resides shall remain affordable during the term of the control period. Such restrictive covenant shall also authorize the qualified household to rent the other unit in the duplex to very-low, low or moderate income households.</p> <p>(b) All provisions of this article shall pertain to the Program.</p> <p>(c) This section shall sunset on June 30, 2019 unless extended by the Board of County Commissioners.</p>	
<p>Section 2. Section 17-128.1</p> <p>The County Mayor or the County Mayor's designee shall submit an annual report to the Miami-Dade Board of County Commissioners concerning compliance with the provisions of this article. This annual report shall include but not be limited to (i) a list of lots made available to qualified developers and private lots that were included in the Infill Housing Initiative Program, (ii) number of homes built and sold or rented to qualified households, (iv) a summary of the amount of liens released on County and private property and (v) legal actions taken against violators of this Article of the Code. The completed report required by this section shall be placed on an agenda of the Board pursuant to Ordinance No. 14-65.</p>	<p>Section 2. Section 17-128.1</p> <p>The County Mayor or the County Mayor's designee shall submit an annual report to the Miami-Dade Board of County Commissioners concerning compliance with the provisions of this article. This annual report shall include but not be limited to (i) a list of lots made available to qualified developers and private lots that were included in the Infill Housing Initiative Program, (ii) number of homes built and sold or rented to qualified households, (iv) a summary of the amount of liens released on County and private property and (v) legal actions taken against violators of this article. In addition to the before-mentioned report, the County Mayor or the County Mayor's designee shall also submit a report to the Board related to the Infill Housing Initiative Multifamily Homeownership Demonstration Program established pursuant to section 17-124.3. The Infill Housing Initiative Multifamily Homeownership Demonstration Program report shall include but not be limited to (i) the total number of duplexes constructed or rehabilitated and sold to qualified households; (ii) the location of and</p>	

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County Commission Districts in which such duplexes are located; (iii) a list of impediments, if any, that may delay or frustrate the implementation of the program; and (iv) a recommendation related to whether the Board should consider extending the sunset date of the program. The Infill Housing Initiative Multifamily Homeownership Demonstration Program report shall be submitted to the Board no later than February 28, 2019. The completed reports required by this section shall be placed on an agenda of the Board pursuant to Ordinance No. 14-65.

ADDITIONAL INFORMATION

The Miami-Dade County Infill Housing Initiative Program is located at 701 NW 1st CT, 16th Floor Miami, FL 33136. The purpose of the Infill Housing Program (Infill Program) is to increase the availability of affordable homes for very low-, low- and moderate-income persons and households, maintain a stock of affordable housing; redevelop urban neighborhoods by eliminating the blight of vacant, dilapidated or abandoned properties; equitably distribute homeownership opportunities within the Infill Target Areas, and generate payment of ad valorem taxes. The Infill Program shall encourage the sale or transfer of County-owned properties to Infill Developers. The Infill Developers shall be required to build affordable homes to be sold to very low, low- and moderate-income persons. Although the Infill Program is primarily designed to create affordable homeownership of single family homes, the County, under limited circumstances, at its sole discretion, may allow Infill Developers to rent these homes to qualified very low-, low-, or moderate-income families.

Developers experience, qualifications and other evaluation criteria are reviewed as part of the RFP solicitation process or as otherwise required for participation in the Infill Program. Minimum requirements include, but not be limited to the following:

- 1) Relevant experience, qualifications, past performance and length of time in business;
- 2) Relevant experience and qualifications of key personnel, including key personnel of subcontractors, which will be assigned to the project, number of employees, and experience and qualifications of subcontractors;
- 3) Past performance on similar housing projects;
- 4) Financial strength and ability to provide start-up operations.
- 5) Financial capacity to build the homes;
- 6) Sample Marketing plan and skills to reach out to Eligible Households;
- 7) Provide project budgets, architectural plans, project schedules, operation of property and meeting time schedules; proposed sales price consistent with program sales cap;
- 8) Specific key tasks necessary to concurrently develop multiple lots to complete on time and within budget;
- 9) Contracts (past and current) with the County and describe if developer met project goals, timelines, and within budget;
- 10) Payment of County real estate taxes, code compliance liens and other County fees when due.

The Developer submits the completed application, required documents, and fee(s) 60 days prior to the sale of an eligible home to a qualified first-time homebuyer. After the sale of the Infill home to a qualified first-time homebuyer, and after the Warrantee

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Deed and buyer's Restrictive Covenant is recorded, the Department will record the Release of County Liens and Citations. Only qualified County liens and citations may be released.

Link to Miami-Dade County Infill Housing Developer Requirements: <http://www.miamidade.gov/housing/infill-housing-developers.asp>

Guidelines for the Miami-Dade County Infill Housing Initiative Program:
<http://www.miamidade.gov/housing/library/guidelines/infill-housing.pdf>

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**Item No. 7F
File No. 172637**

Researcher: JFP Reviewer: SM

ORDINANCE RELATING TO BISCAYNE BAY ENVIRONMENTAL ENHANCEMENT TRUST FUND; AMENDING SECTION 24-40 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; ALLOWING FOR FUNDS FROM BISCAYNE BAY ENVIRONMENTAL ENHANCEMENT TRUST FUND TO BE USED FOR ARTIFICIAL REEFS AND MOORING BUOYS IN THE COASTAL WATERS OF MIAMI-DADE COUNTY BEYOND BISCAYNE BAY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend Section 24-40 of the Code of Miami-Dade County to increase the scope of the Biscayne Bay Environment Trust Fund, allowing funds to be used towards artificial reefs and mooring buoys in the coastal waters of Miami-Dade County beyond Biscayne Bay.

APPLICABLE LEGISLATION/POLICY

Section 24-40 of the Code of Miami-Dade County creates the Biscayne Bay Environmental Enhancement Trust Fund and specifies that the monies therein shall be disbursed only for the environmental enhancement of Biscayne Bay and its foreshore, as passed by the Board in Resolution R-1610-79.

[https://library.municode.com/fl/miami - dade county/codes/code_of_ordinances?nodeId=PTIIICOR_CH24ENPRBIBAENDEAQPACOARBIBAENENTRFUENENLAPR_ARTIINGE_DIV4TRFE_S24-40BIBAENENTRFU](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH24ENPRBIBAENDEAQPACOARBIBAENENTRFUENENLAPR_ARTIINGE_DIV4TRFE_S24-40BIBAENENTRFU)

PROCEDURAL HISTORY

Co-Prime Sponsors: Bruno A. Barreiro, District 5; Sally A. Heyman, District 4; Dennis C. Moss, District 9; Xavier L. Suarez, District 7; Daniella Levine-Cava, District 8, Rebeca Sosa, District 6

Department/Requester: Regulatory and Economic Resources

The Economic Development and Tourism Committee forwarded this item to the BCC with a favorable recommendation at its February 15, 2018 meeting.

FISCAL IMPACT

This item will not have a fiscal impact on Miami-Dade County as existing funds will simply be used for a wider purpose.

ANALYSIS

The proposed ordinance amends Section 24-40 of the Code of Miami-Dade County to allow funds from the Biscayne Bay Environment Trust Fund to be used towards artificial reefs and mooring buoys in the coastal waters of Miami-Dade County beyond Biscayne Bay. Use of the Trust Fund is constricted by the current definition of environmental enhancements: the restoration of natural and indigenous habitats through the establishment, restoration or improvement of biological communities *within* Biscayne Bay. Broadening the language to include the coastal waters of the County beyond Biscayne Bay would allow for environmental enhancement projects in other County marine waters.

The two programs whose pertinent activities seek to be funded in part by the Biscayne Bay Environment Trust Fund monies are the County's Artificial Reef Program and the Mooring Buoy Program. The main focus of the County's Artificial Reef Program is habitat restoration and enhancement. The construction of artificial reefs attracts and supports marine life, providing ecological benefits that extend far beyond the immediate area. In addition to aiding marine life, reefs in South Florida are critically important primarily due to the role they play in decreasing wave speed, thus protecting our coastal communities from the effects of storms, wave damage, and erosion. Miami-Dade County's Artificial Reef Program is currently funded through state and federal grants, permit or mitigation obligation, and private or corporate donations.

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The goal of the Mooring Buoy Program is to establish a system of mooring buoys for recreational vessels to protect natural and artificial reefs from damage caused by boat anchors. Funding is primarily needed to support the ongoing maintenance required for the buoys. Miami-Dade's Mooring Buoy Program is currently funded through private donations and collaboration with local schools, companies and non-governmental agencies.

Proposed Amendments to the Miami-Dade County Code:

Section 24-40 of the Code of Miami-Dade County as it currently reads:	Proposed amendment to Section 24-40 of the Code of Miami-Dade County:
<p>There is hereby created a Biscayne Bay Environmental Enhancement Trust Fund, the monies of which shall be disbursed only for the environmental enhancement of Biscayne Bay and its foreshore, consistent with the objectives adopted by this Board by Resolution R-1610-79, as may be amended from time to time; the prioritized list of projects adopted by this Board by Resolution R-1609-79, as may be amended from time to time; and with the forthcoming comprehensive Biscayne Bay management plan.</p>	<p>There is hereby created a Biscayne Bay Environmental Enhancement Trust Fund, the monies of which shall be disbursed only for the environmental enhancement of Biscayne Bay and its foreshore, consistent with the objectives adopted by this Board by Resolution R-1610-79, as may be amended from time to time; the prioritized list of projects adopted by this Board by Resolution R-1609-79, as may be amended from time to time; and with the forthcoming comprehensive Biscayne Bay management plan. >><u>Recognizing that certain environmental enhancement activities in the coastal waters of the County beyond Biscayne Bay have positive environmental benefits to Biscayne Bay, monies from the Biscayne Bay Environmental Enhancement Trust Fund may also be used for the following limited environmental enhancement activities in the coastal waters of the County beyond Biscayne Bay: installation, maintenance, or management of artificial reefs and mooring buoys.</u> <<</p>
<p>(1) Definitions:</p> <p>(a) Excess monies shall be defined as those monies which are necessary to enhance the particular area(s) of Biscayne Bay and the foreshore environmentally damaged or degraded, and which remain in the trust fund after all monies from a particular action, claim, assessment, grant, appropriation, allocation, permit condition or donation have been disbursed.</p> <p>(b) Environmental enhancement shall be defined as restoration or improvement of natural and indigenous habitats within Biscayne Bay or its foreshore through the establishment, restoration or improvement of biological communities in</p>	<p>(1) Definitions:</p> <p>(a) Excess monies shall be defined as those monies which are necessary to enhance the particular area(s) of Biscayne Bay >><u>or</u><< and the foreshore >><u>or coastal waters of the County beyond Biscayne Bay, which are</u><< environmentally damaged or degraded, and which remain in the trust fund after all monies from a particular action, claim, assessment, grant, appropriation, allocation, permit condition or donation have been disbursed.</p> <p>(b) Environmental enhancement shall be defined as restoration or improvement of natural and indigenous habitats within Biscayne Bay or its foreshore >><u>or the coastal waters of the County beyond Biscayne Bay</u><< through the</p>

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order to increase the net habitat value of the bay. Environmental enhancement may also be defined as those alterations in hydrodynamics, water and sedimentary chemistry that may be necessary to establish or reestablish natural and indigenous biotic communities within Biscayne Bay or its foreshore. Further, it is presumed that those enhancement activities contemplated by the forthcoming comprehensive Biscayne Bay management plan, the prioritized list of projects (except studies) as adopted by Resolution R-1609-79, as may be amended from time to time; and those projects consistent with the objectives adopted by Resolution R-1610-79, as may be amended from time to time; are for the environmental enhancement of Biscayne Bay and its foreshore and qualify for funding from this trust fund.

(c) Mitigation includes any of the following:

- (i) Avoiding the impact altogether by not taking a certain action or parts of an action;
- (ii) Minimizing impacts by limiting the degree or magnitude of the action or its implementation;
- (iii) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- (iv) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
- (v) Compensating for the impact by replacing or providing substitute resources or environments.

establishment, restoration or improvement of biological communities in order to increase the net habitat value of the bay. Environmental enhancement may also be defined as those alterations in hydrodynamics, water and sedimentary chemistry that may be necessary to establish or reestablish natural and indigenous biotic communities within Biscayne Bay or its foreshore >>or the coastal waters of the County beyond Biscayne Bay<< Further, it is presumed that those enhancement activities contemplated by the forthcoming comprehensive Biscayne Bay management plan, the prioritized list of projects (except studies) as adopted by Resolution R-1609-79, as may be amended from time to time; and those projects consistent with the objectives adopted by Resolution R-1610-79, as may be amended from time to time; are for the environmental enhancement of Biscayne Bay and its foreshore and qualify for funding from this trust fund. >>The activities in the coastal waters of the County beyond Biscayne Bay which qualify for funding from this trust fund shall be limited only to the installation, maintenance, or management of either artificial reefs or mooring buoys.<<

(c) Mitigation includes any of the following:

- (i) Avoiding the impact altogether by not taking a certain action or parts of an action;
- (ii) Minimizing impacts by limiting the degree or magnitude of the action or its implementation;
- (iii) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- (iv) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
- (v) Compensating for the impact by replacing or providing substitute resources or environments.

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<p>(2) Said trust fund shall be kept and maintained in trust by the Board of County Commissioners for the purposes set forth in this section in a separate and segregated fund of the County which shall not be commingled with other County funds until disbursed for an authorized purpose pursuant to this section.</p>	<p>(2) Said trust fund shall be kept and maintained in trust by the Board of County Commissioners for the purposes set forth in this section in a separate and segregated fund of the County which shall not be commingled with other County funds until disbursed for an authorized purpose pursuant to this section.</p>
<p>(3) Said trust fund shall consist of the following monies and shall be disbursed in accordance with the following requirements:</p>	<p>(3) Said trust fund shall consist of the following monies and shall be disbursed <u>>>in accordance with all provisions of this section and<<</u> in accordance with the following requirements:</p>
<p>(a) All monies available to or recovered by the County from enforcement and damage actions and claims against persons who have environmentally damaged or degraded Biscayne Bay and its foreshore:</p>	<p>(a) All monies available to or recovered by the County from enforcement and damage actions and claims against persons who have environmentally damaged or degraded Biscayne Bay <u>>>or<< and its foreshore >>or coastal waters of the County beyond Biscayne Bay<<</u>:</p>
<p>(i) Such monies shall be first disbursed for the environmental enhancement of the particular area(s) of Biscayne Bay and its foreshore damaged or degraded unless enhancement in the particular area(s) is clearly shown to be not possible. In the event of the latter, such monies shall be disbursed for environmental enhancement of other area(s) of Biscayne Bay and its foreshore.</p>	<p>(i) Such monies shall be first disbursed for the environmental enhancement of the particular area(s) of Biscayne Bay <u>>>or<< and its foreshore damaged or degraded unless enhancement in the particular area(s) is clearly shown to be not possible. In the event of the latter, such monies shall be disbursed for environmental enhancement of other area(s) of Biscayne Bay >>or<< and its foreshore >>or coastal waters of the County beyond Biscayne Bay<<</u>.</p>
<p>(ii) Any excess monies derived from such enforcement and damage actions and claims may be disbursed for environmental enhancement of other areas of Biscayne Bay and its foreshore as authorized and approved by resolution of the Board of County Commissioners.</p>	<p>(ii) Any excess monies derived from such enforcement and damage actions and claims may be disbursed for environmental enhancement of other areas of Biscayne Bay <u>>>or<< and its foreshore >>or coastal waters of the County beyond Biscayne Bay<<</u> as authorized and approved by resolution of the Board of County Commissioners.</p>
<p>(b) All monies available to and received by Miami-Dade County from environmental mitigation assessments from all private persons and all governmental bodies, units, agencies, authorities</p>	<p>(b) All monies available to and received by Miami-Dade County from environmental mitigation assessments from all private persons and all governmental bodies, units, agencies, authorities</p>

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<p>and departments, including, but not limited to, Miami-Dade County, for environmental damage or degradation to Biscayne Bay and its foreshore:</p> <p>(i) Such monies shall be disbursed for environmental enhancement of Biscayne Bay and its foreshore as authorized and approved by resolution of the Board of County Commissioners. However, if mitigation activities are specified as conditions of any permit, then said mitigation funds shall be used as required by the permit conditions, without the necessity of the Board of County Commissioners' approval, appropriation, or action of any kind.</p> <p>(c) All monies offered to and accepted by Miami-Dade County for the environmental enhancement of Biscayne Bay and its foreshore in the form of federal, State, and other governmental grants, allocations, and appropriations as well as foundation and private grants and donations:</p> <p>(i) Such monies shall be disbursed for the environmental enhancement of Biscayne Bay and its foreshore strictly in accordance with terms and conditions of the grant, allocation, appropriation, or donation and shall be earmarked accordingly.</p> <p>(ii) Any excess monies derived from such grant, allocation, appropriation, or donation shall be disbursed or allocated in accordance with the terms and conditions, if any, of such grant, allocation, appropriation, or donation. If no such terms or conditions attach to</p>	<p>and departments, including, but not limited to, Miami-Dade County, for environmental damage or degradation to Biscayne Bay >>or<< and its foreshore >><u>or coastal waters of the County beyond Biscayne Bay</u><<:</p> <p>(i) Such monies shall be disbursed for environmental enhancement of Biscayne Bay >><u>or</u><< and its foreshore >><u>or coastal waters of the County beyond Biscayne Bay</u><< as authorized and approved by resolution of the Board of County Commissioners. However, if mitigation activities are specified as conditions of any permit, then said mitigation funds shall be used as required by the permit conditions, without the necessity of the Board of County Commissioners' approval, appropriation, or action of any kind.</p> <p>(c) All monies offered to and accepted by Miami-Dade County for the environmental enhancement of Biscayne Bay >>or<< and foreshore >>, <u>or for the installation, maintenance, or management of artificial reefs and mooring buoys in the coastal waters of the County beyond Biscayne Bay,</u><< in the form of federal, State, and other governmental grants, allocations, and appropriations as well as foundation and private grants and donations:</p> <p>(i) Such monies shall be disbursed for the environmental enhancement of Biscayne Bay >><u>or</u><< and its foreshore >>or coastal waters of the County beyond Biscayne Bay<< strictly in accordance with terms and conditions of the grant, allocation, appropriation, or donation and shall be earmarked accordingly.</p> <p>(ii) Any excess monies derived from such grant, allocation, appropriation, or donation shall be disbursed or allocated in accordance with the terms and conditions, if any, of such grant, allocation, appropriation, or donation. If no such terms or conditions attach to</p>
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<p>such excess, then such excess, if any, shall be disbursed for the environmental enhancement of Biscayne Bay and its foreshore as authorized and approved by resolution of the Board of County Commissioners.</p>	<p>such excess, then such excess, if any, shall be disbursed for the environmental enhancement of Biscayne Bay >>or<< and its foreshore >>or coastal waters of the County beyond Biscayne Bay<< as authorized and approved by resolution of the Board of County Commissioners.</p>
<p>(4) Unless otherwise specified herein, no disbursements whatsoever shall be made from the Biscayne Bay Environmental Enhancement Trust Fund until and unless authorized and approved by resolution of the Board of County Commissioners. Prior to authorizing and approving said disbursements, the Board of County Commissioners shall receive and consider the recommendations of the County Manager. The County Manager, prior to making any such recommendations, shall receive and consider the recommendations of the Department pertaining to the proposed particular disbursement for environmental enhancement of Biscayne Bay and its foreshore. The Finance Director is hereby authorized to establish the Biscayne Bay Environmental Enhancement Trust Fund and to receive monies therefor in accordance with provisions of this section and shall disburse monies from said trust fund only upon authorization pursuant to resolution of the Board of County Commissioners.</p>	<p>(4) Unless otherwise specified herein, no disbursements whatsoever shall be made from the Biscayne Bay Environmental Enhancement Trust Fund until and unless authorized and approved by resolution of the Board of County Commissioners. Prior to authorizing and approving said disbursements, the Board of County Commissioners shall receive and consider the recommendations of the County >>Mayor<< Manager, The County >>Mayor<< Manager prior to making any such recommendations, shall receive and consider the recommendations of the Department pertaining to the proposed particular disbursement for environmental enhancement of Biscayne Bay >>or<< and its Foreshore >>or coastal waters of the County beyond Biscayne Bay<<. The Finance Director is hereby authorized to establish the Biscayne Bay Environmental Enhancement Trust Fund and to receive monies therefor in accordance with provisions of this section and shall disburse monies from said trust fund only upon authorization pursuant to resolution of the Board of County Commissioners.</p>
<p>(5) Unless otherwise restricted by the terms and conditions of a particular grant, gift, appropriation, allocation, or permit condition, all interest earned by the investment of all monies in the trust fund shall be disbursed by resolution of the Board of County Commissioners for any project authorized by the Board which will environmentally enhance Biscayne Bay and its foreshore. Trust fund moneys shall be invested only in accordance with the laws pertaining to the investment of County funds.</p>	<p>(5) Unless otherwise restricted by the terms and conditions of a particular grant, gift, appropriation, allocation, or permit condition, all interest earned by the investment of all monies in the trust fund shall be disbursed by resolution of the Board of County Commissioners for any project authorized by the Board which will environmentally enhance Biscayne Bay >>or<< and its foreshore >>or coastal waters of the County beyond Biscayne Bay, in accordance with this section<<. Trust fund moneys shall be invested only in accordance with the laws pertaining to the investment of County funds.</p>
<p>(6) No moneys or interest accrued in such trust fund shall be disbursed for environmental studies of Biscayne Bay or its foreshore unless required by the terms and</p>	<p>(6) No moneys or interest accrued in such trust fund shall be disbursed for environmental studies of Biscayne Bay or its foreshore >>or coastal waters of the County beyond Biscayne Bay<< unless required by the terms and</p>

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conditions of a particular grant, donation, appropriation, allocation, or permit condition.

(7) Decisions to grant or deny permits for any activities within Biscayne Bay or its foreshore shall be made without consideration of the existence of this trust fund. Each application for any permit must be evaluated independently of the existence of this fund or offers of donation of moneys thereto.

conditions of a particular grant, donation, appropriation, allocation, or permit condition.

(7) Decisions to grant or deny permits for any activities within Biscayne Bay or its foreshore >>or coastal waters of the County beyond Biscayne Bay<< shall be made without consideration of the existence of this trust fund. Each application for any permit must be evaluated independently of the existence of this fund or offers of donation of moneys thereto.

ADDITIONAL INFORMATION

County sites on the two programs:

<http://www.miamidade.gov/environment/adopt-a-buoy.asp>

<http://www.miamidade.gov/environment/reefs-artificial.asp>

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**Item No. 8A, 8A6
File No. 180146, 180448**

Researcher: SM Reviewer: TD

RESOLUTION APPROVING AWARD OF A MANAGEMENT AGREEMENT FOR THE OPERATION OF THE MIA HOTEL AND RELATED AMENITIES AT MIAMI INTERNATIONAL AIRPORT TO MCR INVESTORS LLC, FOR A TERM OF SEVEN YEARS, WITH THE ONE YEAR OPTION TO RENEW, AND FOR COUNTY PAYMENT OF A BASE MANAGEMENT FEE OF 2.5% OF NET SALES AND AN INCENTIVE MANAGEMENT FEE OF 2.2% OF NET OPERATING INCOME; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE SUCH AGREEMENT AND ENFORCE ALL TERMS THEREOF, INCLUSIVE OF EXTENSION PERIODS

ISSUE/REQUESTED ACTION

Whether the Board should approve an award of a management agreement for the operation of the MIA Hotel and related amenities at Miami International Airport to MCR Investors LLC (MCR), for a term of seven years, with the one year option to renew.

APPLICABLE LEGISLATION/POLICY

Code Section 2-8.3 of the Miami-Dade County Code requires the County Mayor to review responses to solicitations and to recommend the appropriate action to the County Commission. The recommendation shall be in writing, filed with the Clerk of the Board, and mailed to all participants no later than 10 days prior to any Commission meeting in which such recommendation is scheduled to be presented. The Board may waive the requirements of this section by a 2/3 vote of the County Commission.

https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.3MARE

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

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2012/120287.pdf>

PROCEDURAL HISTORY

Prime Sponsor: None

Requester/Department: Aviation Department

This Item was forwarded to BCC with a favorable recommendation as amended at the EDTC meeting on 02/15/2018.

FISCAL IMPACT

MCR Investors, LLC will receive a base management fee of 2.5 percent and an incentive management fee negotiated to 2.2 percent. The base management fee is calculated on net sales, and the incentive management fee is based on net operating income. Miami-Dade County is estimated to receive a net return of \$5.5 million to the Miami-Dade Aviation Department (MDAD) out of the annual gross revenues of \$14.5 million which is an estimated figure, as stated per the mayoral memo.

ANALYSIS

This Item was amended to replace the word "one" with the word "three" on the handwritten page 5 regarding options to renew both in the title and the body of the resolution, as stated in the mayoral memo. This Item, if approved by the Board, will award MCR Investors LLC, a non-exclusive management agreement for the operation of the MIA Hotel and related amenities.

On December 9, 2016, there was a request for qualifications (RFQ) that was advertised. This was done to solicit companies that were qualified to maintain and manage the MIA Hotel and the related amenities, as stated by the mayoral memo.

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The following were the top five ranked firms selected by the evaluation/selection committee with MCR Investors, LLC being the number one ranked firm.

Firm	Total Technical Points	Ranking
MCR Investors, LLC	4,625	1
Driftwood Hospitality Hotel Management II, LLC	4,477	2
Crescent Hotel Management Services, LLC	3,857	3
Hostmark Hospitality Group	3,754	4
Yotel Management Company Limited	2,301	5

The agreement states the terms to be seven years which may be extended at the sole discretion of MDAD for a maximum of three one- year extensions. Each extension shall be exercised by MDAD providing notice of the extension to MCR. If MDAD does not give the proper notice of extension, the agreement shall terminate accordingly. MCR has 30 days following the receipt of notice from MDAD to reject any extension by written notice to MDAD, and if that happens the agreement will terminate at the end of the term. The County may upon 30 days written notice to MCR, terminate the agreement after extension, and MCR may upon 90 days advance written notice to the County do the same., as per the Non-Exclusive Management Agreement for the operation of the Mia Hotel and Related Amenities.

The scope of services entail MCR being responsible for managing, operating and maintaining a well-appointed full service Hotel and related amenities in a first class manner 365 days a year. MCR must develop a marketing plan to submit along the annual budget which will analyze the competition in the surrounding airport area and develop an action plan by market segment to address sales by room type. The Market segment is a group of people who share one or more common characteristics, lumped together for marketing purposes. Each market segment is unique, and marketers use various criteria to create a target market for their product or service. The room breakdown shall be accompanied by a rate structure for seasonal room rack rate.

In the event of a Hurricane, MCR will assist/participate in providing guest rooms, meeting rooms and personnel as warranted in the event of said Hurricane, or mass migration, natural, or manmade disaster's preparedness, and/or response. Such costs are included in operation expenses.

Gross revenues which are generated from the operations of the facilities under the Agreement shall accrue to the County, this means all monies, paid or payable for transactions involving the Hotel, such as the rental of rooms, or sales of other services by MCR to third parties at the Hotel, any sales of movies through in-room televisions or through internet deliver, those are a few to mention, the agreements states more information.

As stated previously, the County shall pay to MCR as consideration for managing, operating and maintaining the Facilities and providing the services required as stated by the agreement, a Base Management Fee of 2.5 percent of sales, payable monthly, in addition to the Incentive Management Fee which is also payable on a monthly basis in the amount of 2.2 percent of the adjusted monthly Net Operating Income (NOI).

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

1. Were any of the firms considered locally based?
2. Does MCR have a local office?
3. Will Miami-Dade County see a positive economic impact based of this contract, such as jobs for residents of Miami-Dade County?

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The Department Representative responded with the following:

1. No company filed for nor qualified for Local Preference.
2. MCR is in Florida / Broward, but has no local office.
3. The MIA Hotel staff of 89 employees will be retained.

ADDITIONAL INFORMATION

According to MCR's website, they are the 7th largest hotel owner-operator in the United States with a 2.0 billion portfolio of 94 premium-branded hotels with over 11,200 rooms across 24 states and 67 cities. Established in 2006, the MCR Team has grown the firm's portfolio through a series of development projects and acquisitions.

MCR's primary focus is to drive value throughout its real estate portfolio, generate superior returns for its investors, and provide a professional, integrity-driven, merit-based working environment for its team members. MCR has consistently executed this business plan via:

- Opportunistic Acquisitions and Development
- Management Experience and High-Performance Team
- Industry Leading Relationships

<http://www.mcrdevelopment.com/hospitality-investment-opportunities.htm>

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**Item No. 8A1, 8A2
File No. 172642, 172643**

Researcher: JFP Reviewer: SM

RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT WITH **ENVIRONMENTAL SCIENCE ASSOCIATES CORPORATION** FOR AVIATION ACOUSTICAL AND LAND-USE COMPATIBILITY PLANNING SERVICES, PROJECT NO. E16-MDAD-10, IN AN AMOUNT NOT TO EXCEED \$501,250.00 FOR A TERM OF FIVE (5) YEARS; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE THE PROVISIONS THEREOF, INCLUDING THE TERMINATION PROVISIONS CONTAINED THEREIN

RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT WITH **LANDRUM & BROWN, INC.,** FOR AVIATION ACOUSTICAL AND LAND-USE COMPATIBILITY PLANNING SERVICES, PROJECT NO. E16-MDAD-10; IN AN AMOUNT NOT TO EXCEED \$501,250.00 FOR A TERM OF FIVE (5) YEARS; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE THE PROVISIONS THEREOF, INCLUDING THE TERMINATION PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve two (2) Professional Services Agreements (PSAs) under Project No. E-16- MDAD-10 for a term of five (5) years for aviation acoustical and land-use compatibility planning services for the Aviation Department.

Company	Amount	Location
1. Environmental Science Associates Corporation	\$501,250.00	Tampa, FL
2. Landrum and Brown, Inc.	\$501,250.00	Cincinnati, OH (Local office in Coral Gables)

APPLICABLE LEGISLATION/POLICY

Section 2-8.3 of the County Code - Whenever a competitive process is utilized for selection of a contractor, vendor, consultant, tenant or concessionaire, the County Mayor shall review the responses to the solicitation and recommend to the County Commission award or other appropriate action.

http://miamidade.fl.elaws.us/code/coor_ptiii_ch2_arti_sec2-8.3

Section 2-285 of the County Code governing authority as to contracts for the Aviation Department. The County Mayor may issue bid and proposal documents including addenda; receive, open, and review bids and proposals; issue notices to proceed after award; advertise, select committees for, and negotiate professional services agreement.

[https://library.municode.com/FL/Miami -
Dade County/codes/Code_of Ordinances?nodeId=PTIICOOR_CH2AD_ARTXXXIIIVDE_S2-
285COMAAUCOAVDE](https://library.municode.com/FL/Miami_-_Dade_County/codes/Code_of_Ordinances?nodeId=PTIICOOR_CH2AD_ARTXXXIIIVDE_S2-285COMAAUCOAVDE)

Chapter 287.055 of the Florida Statutes governing acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services; definitions; procedures; contingent fees prohibited; penalties.

[http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0200-
0299/0287/Sections/0287.055.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0287/Sections/0287.055.html)

Chapter 2-10.4 of the County Code governing acquisition of professional architectural, engineering, landscape architectural or land surveying and mapping services.

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http://miamidade.fl.elaws.us/code/coor_ptiii_ch2_arti_sec2-10.4

See also Administrative Order 3-39 - Standard process for construction of Capital improvements, acquisition of professional services, construction contracting, change orders and reporting.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/ao3-39.pdf>

Resolution No. R-187-12, adopted February 21, 2012, directing the County Mayor to include due diligence information in memoranda recommending certain contract awards. <http://intra/gia/legistarfiles/Matters/Y2012/120287.pdf>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Aviation Department

The Economic Development and Tourism Committee forwarded this item to the BCC with a favorable recommendation at its February 15, 2018 meeting, with Committee Chairwoman Rebeca Sosa noting that both items were in furtherance of FAA requirements.

FISCAL IMPACT

Funding source for both PSAs will be MDAD Operating Fund (Multi-Year) with a value of \$501,250 each.

ANALYSIS

These two items seek approval of PSAs under Project No. E-16-MDAD-10, each in an amount not to exceed \$501,250.00, for a term of five (5) years with Environmental Science Associates Corporation and Landrum and Brown, Inc. The scope of work in the agreement provides for the delivery of Aviation Acoustical and Land Use Compatibility Planning services for Miami International Airport and the five (5) County-owned auxiliary airports, namely Kendall-Tamiami Executive Airport, Opa-Locka Executive Airport West (OPF), Opa-Locka West, Homestead General Aviation Airport (X51) and Dade-Collier Training and Transition Airport (TNT).

Services will include, but not be limited to, studies such as:

- Federal Aviation Administration Federal Aviation Regulations (FAR) Part 150 noise compatibility,
- Aircraft noise monitoring,
- Airspace flight track management,
- Aircraft noise abatement, and
- Wildlife hazard management.

Other services include:

- Addressing airport/community land use compatibility issues,
- Environmental assessments,
- Environmental impact statements, and
- Noise modeling using the latest available FAA models.

Contract Measures: There are no contract measures applicable to this Agreement.

Service Order Procedures - There are no specific projects to be designated under this Agreement. The Consultant shall be issued Service Orders as the need for Services arises. The Service Order shall cover in detail the scope, time for completion and the compensation for the work to be accomplished. No Services under this Agreement shall be performed by the Consultant prior to the receipt of an appropriate Service Order.

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Compensation for Primary Services – Payments to the Consultant for primary Services and Reimbursable Expenses performed shall not exceed Five Hundred Thousand Dollars (\$500,000). The fee for services authorized in accordance with the agreement will be computed by one of the following three methods:

1. **Flat rate:** In accordance with the compensation schedule below:

Labor Category	Hourly Billing Rate
Principal	\$235
Project Manager	\$200
Managing Consultant	\$190
Senior Consultant	\$144
Consultant	\$120
Technical Specialist/Support	\$75

2. **Agreed Lump Sum:** The Consultant agrees to perform specifically described services for an agreed fixed dollar amount of compensation
3. **Not to Exceed:** The Consultant is compensated for the actual time of personnel engaged directly in performing services under this Agreement.

SELECTION PROCESS

On January 17, 2017, a Notice to Professional Consultants (NTPC) was issued under full and open competition to award the two (2) PSAs. On February 17, 2017, the Clerk of the Board received three (3) proposals and the two (2) top-ranked firms, Environmental Science Associates Corporation and Landrum & Brown, Inc. were found by the Selection Committee to have met the qualification requirements. None of the awarded firms are local.

OCA posed the following questions to MDAD, to which the department responded.

1. **There were no local firms that responded to the Notice to Professional Consultants. How was the bidding process conducted?** The solicitation was an open and competitive process conducted pursuant to Chapter 287.055 of the Florida Statutes and Chapter 2-10.4 of the Code both of which govern certification, selection and negotiation procedures.
2. **Does any of the awarded firms have a local office? If yes, how many Miami residents are employed by these firms in the local office?** Landrum and Brown has a local office in the Gables with two (2) employees
3. **Since both vendors (Landrum and Environmental Science) are non-local, how will they deliver the solicited services?** These companies are able to deliver their services:
 - a) By submitting the final Reports /Studies / Assessments for the individual specific service orders to the Project Manager.
 - b) Teleconferencing is used between the MDAD Project Manager and the Consultants
 - c) Depending on the scope of the work, a meeting maybe held before and during the work /study.
 - d) Majority of work, is shared by email except the final deliverables which is sent by Fed-Ex or UPS.
 - e) Depending on the type of Study, the consultant maybe required to provide presentations to groups such as for example: Homeowner's Associations; Elected Officials, Municipalities, Public Meetings and/or Aircraft Noise Abatement Advisory Board members.
Noise/Acoustical Consultant maybe required to conduct Noise Monitoring Studies within Miami- Dade Communities.

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4. **Is there a contract currently in place for these services? If so, who's the vendor and what's the term and value?** No. The last Professional Service Agreements expired on November 2016 and MDAD submitted a Consultant Selection Request under Category #23 for two (2) Aviation Acoustical and Land Use Compatibility Planning Services. The expired contracts (E11-MDAD-01) expired on November 14, 2016 (Resolution Nos. R-953-11 Landrum & Brown) and R-954-11 (Environmental Science Associates)
5. **What is the purpose of acquiring these services, is it life safety purposes?**
- a) This work is not considered Life Safety.
 - b) Companies performing this work must have the Miami-Dade County Technical Certification Category 23 which includes but it is not limited to:
 - I. In House aircraft noise modeling experience utilizing the latest Federal Aviation Administration (FAA) Integrated Noise Models;
 - II. Development of aircraft noise exposure maps.
 - III. Must be capable of performing acoustical testing (perform aircraft noise monitoring with specific aircraft noise test equipment).
 - IV. Must have the ability to provide sound insulation studies / programs.
 - V. Must be able to develop, perform, and manage FAA Part 150 noise compatibility studies and construction projects.
 - VI. Must be able to conduct aviation noise compatibility land-use studies.
 - VII. Must be able to manage public outreach programs for controversial airport and aviation related development projects.
 - VIII. Must be able to formulate, evaluate and recommend aircraft noise abatement procedures.
 - IX. Must be able to prepare FAA guided Environmental Impact Statements (EIS) and Environmental Assessments.
 - X. Ability to develop aircraft fleet mix and runway use studies.

Note: Companies engaged in this type of work must be current and be able to follow the FAA policy and procedures related to compliance with the National Environmental Policy Act (NEPA) and regulations issued by the Council on Environmental Quality (CEQ). NEPA & CEQ regulations establish a broad national policy to protect and enhance the quality of human environment, and require Federal agencies to develop programs and measures to meet national environmental goals.

The FAA primary mission is to provide the safest, most efficient aerospace system and the NEPA compliance and other environmental responsibilities are an integral component of this mission. The majority of FAA projects (airspace or infrastructure improvements) as a result of the applicant (MDAD) actions requires an Environmental Review in accordance with NEPA and these consultants are able to provide this highly technical and unique type of work.

Summary: Miami-Dade Aviation Department (the Airport Owner) accepts and receives funding from the Federal Aviation Administration (FAA) administered airport financial assistance programs and as a result the Airport Owner (MDAD) agrees to certain obligations (or assurances). These obligations require the airport owner to maintain and operate their facilities safely and efficiently and in accordance with specified conditions. Airport Development or Noise Compatibility Programs and Planning undertaken by the airport owner must meet all the terms and conditions and assurances of the grant agreement and shall remain in full force an effect throughout the useful life of the facilities developed or equipment acquired for the airport development or noise compatibility program/ projects.

All FAA decision making process for airport projects must consider the environmental, social, economic, and technical factors of a proposed action and those reasonable alternatives that meet the purpose and need. These Consultants are able to meet these qualifications and are able to produce all the technical reports that are required by the FAA for all projects that meet the threshold for an environmental review.

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ADDITIONAL INFORMATION

According to Sunbiz.org, the State of Florida, Department of State certifies that Environmental Science Associates Corporation is an Ohio corporation authorized to transact business in the State of Florida, qualified on August 20, 1984. According to Sunbiz.org, the State of Florida, Department of State certifies that Landrum & Brown, Inc., Corporation is a California corporation authorized to transact business in the State of Florida, qualified on March 20, 2000

Landrum and Brown, Inc., offers a full range of aviation planning and development disciplines and has provided consulting services to the Broward County Aviation Department (BCAD).

<https://www.landrum-brown.com/en/projects/fort-lauderdale-hollywood-international-airport/>

Environmental Science Associates Corporation specializes in all aspects of project planning, environmental analysis and assessment, and regulatory compliance.

<http://www.esassoc.com/about-us>

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**Item No. 8A3
File No. 180145**

Researcher: JFP Reviewer: SM

RESOLUTION APPROVING AWARD OF THE NONEXCLUSIVE LEASE AND CONCESSION AGREEMENT FOR PREMIUM COSMETICS CONCESSION SERVICES, RFP NO. MDAD-10-16, TO DUTY FREE AMERICAS BEAUTY, LLC, WITH PAYMENT OF THE GREATER OF A MINIMUM ANNUAL GUARANTEE OF \$1,670,770 OR 15 PERCENT OF GROSS REVENUES, FOR A SIX-YEAR TERM ENDING ON SEPTEMBER 13, 2024, WITH ONE (1) OPTION TO RENEW FOR A TWO (2) YEAR PERIOD; AND AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE RENEWAL AND TERMINATION PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve the award of a Lease and Concession Agreement to Duty Free Americas Beauty, LLC (DFAB) for premium cosmetic concession services at Miami International Airport (MIA), with DFAB paying the greater of a Minimum Annual Guarantee of \$1,670,770 or a percentage fee of 15 percent.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code Section 2-8.3 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

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

<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2012/R-187-12.pdf>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Aviation Department

The Economic Development and Tourism Committee forwarded this item to the BCC with a favorable recommendation at its February 15, 2018 meeting.

FISCAL IMPACT

This item involves a positive fiscal impact, as it is outlined in the agreement that DFAB will pay the Miami-Dade Aviation Department the greater of a Minimum Annual Guarantee of \$1,670,770, which includes the annual rent for the locations, exclusive of support spaces/storage, or a percentage fee of 15 percent.

ANALYSIS

The proposed Lease and Concession Agreement for a six year term ending on September 13, 2024 with one option to renew for a two year period (at the discretion of the Miami-Dade Aviation Department) is before the Board after the completion of the RFP and review process. DFAB was one of two proposers responding to a Request for Proposals (advertised by the County on February 6, 2017) seeking a qualified Concessionaire to sell premium cosmetics at MIA. The two proposers, DFAB and TRG LLC, were preliminarily reviewed at a pre-screening meeting held by the Selection Committee on June 1, 2017 and were then invited to participate in a Public Hearing for oral presentations, which took place on June 8, 2017. After evaluating the proposals and applying the formula for score calculation as defined in the RFP, the Selection Committee determined DFAB to be the

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highest-ranked proposer and thus seeks to award the Lease and Concession Agreement accordingly. There is no current concessionaire providing premium cosmetic services at Miami International Airport.

The Agreement provides for the following three locations in the MIA Terminal, 2nd Floor: 110 square feet near Gate D43, 870 square feet next to Gate D30, and 655 square feet next to D14. The contract measure applied is 20 percent Voluntary Airport Concession Disadvantaged Business Enterprise (ACDBE) participation, which was achieved via Siboney Wine and Spirits Merchants.

Pursuant to the Concession Agreement, DFAB agrees that it will finance, design and construct, manage, operate and maintain its three locations in furtherance of the purpose of establishing premium quality, state of the art, premium cosmetics concession as approved by the Department. Regarding ACDBE participation, the Concessionaire shall 1) maximize ACDBE by meeting or exceeding the ACDBE goal, 2) develop, implement, manage, and monitor a program to identify and include local/small/ACDBE businesses in the concession programs, 3) describe the extent and type of ACDBE program, and 4) submit an ACDBE business opportunities outreach program for concession opportunities, subject to the Department's approval.

DFAB is a registered Florida Limited Liability Company with the Florida Department of State, Division of Corporations, having the following principal address in Broward County (address has a typographical error in the mayoral memo):

6100 Hollywood Blvd., 7th Floor
Hollywood, FL 33024

While DFAB has no previous agreements with the County within the last five years, its parent company, Duty Free Americas, Inc. has held an agreement with the Miami-Dade Aviation Department for more than 10 years with no issues.

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**Item No. 8A4
File No. 180174**

Researcher: SM Reviewer: TD

RESOLUTION APPROVING THE AGREEMENT TO HOST THE 2018 AIRPORT COUNCIL INTERNATIONAL – LATIN AMERICAN-CARIBBEAN CONFERENCE TO BE HELD IN MIAMI NOVEMBER 10-14, 2018; AUTHORIZING THE EXPENDITURE IN AN AMOUNT NOT TO EXCEED \$75,000.00 IN AVIATION DEPARTMENT PROMOTIONAL FUNDS; WAIVING COMPETITIVE BID REQUIREMENTS OF SECTION 5.03(D) OF THE HOME RULE CHARTER, SECTION 2-8.1 OF THE MIAMI-DADE COUNTY CODE, AND IMPLEMENTING ORDER 3-38 BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT WITH RESPECT TO THE ACQUISITION OF GOODS AND SERVICES RELATING TO THIS EVENT; AND (II) WAIVE THE PROVISIONS OF RESOLUTION NO. R-130-06 REQUIRING A CONTRACT BE SIGNED BY A NON-GOVERNMENTAL ENTITY BEFORE SUBMISSION TO THE BOARD IN ORDER TO NEGOTIATE FINAL TERMS OF THE AGREEMENT IN ORDER TO PROCEED PLANNING IN A TIMELY MANNER

ISSUE/REQUESTED ACTION

Whether the Board should approve this Resolution approving the agreement to host the 2018 Airport Council International (ACI) - Latin American Caribbean Conference in Miami-Dade County.

APPLICABLE LEGISLATION/POLICY

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

https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE

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

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

Section 5.03(D) of the Home Rule Charter of Miami-Dade County governs contracts for public improvements and purchases of supplies, materials, and services other than professional shall be made whenever practicable on the basis of specifications and competitive bids.

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

Resolution No.R-130-06 adopted January 26, 2006 requiring the contract be signed by the non-governmental entity before submission to the Board in order to negotiate final terms of the Agreement to proceed with planning in a timely manner.

<http://www.miamidade.gov/govaction/matter.asp?matter=060239&file=false&yearFolder=Y2006>

PROCEDURAL HISTORY

Prime Sponsor: None

Requester/Department: Aviation Department

This Item was forwarded to BCC with a favorable recommendation at the EDTC meeting on February 15, 2018

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FISCAL IMPACT

Miami-Dade Aviation Department (MDAD) will be authorized to spend up to \$75,000 in Departmental promotional funds in addition to in-kind contributions such as staff time, if this Item receives Board approval. MDAD will fundraise through non-traditional ACI-LAC event sponsors to cover the cost, as stated by the mayoral memo.

ANALYSIS

If this Item received Board approval it will authorize MDAD to host and sponsor the ACI-Latin American Caribbean Conference in Miami-Dade County. ACI is an association for the world's airports. They are headquartered in Montreal, Canada. They operate as a non-profit organization, and have the purpose of promoting and advancing the various airports around the world. This Item also seeks to waive the requirements of Section 5.03 (D) of the Home Rule Charter, Section 2-8.1 of the Miami-Dade County and Implementing Order 3-38 which relates to bid procedures for the acquisition of goods and services. This is required for even services that need to be procured.

The agreement between the County and ACI states that the event will run from November 10th through November 14, 2018. The County is also responsible as part of their duties as host to provide for the transportation to and from airport and hotel to VIP delegates, ACI world Governing Board members, ACI-Latin American Caribbean board members, ACI-Latin American Caribbean Airport CEO's, ACI Regions Directors, and other VIP delegates.

The County will be responsible to organize, finance and implement a welcome dinner for 350 delegates including food and beverages, entertainment and networking, in addition to organizing, financing and implementing a dinner for ACI World Governing Board Members for 50 delegates.

The County will be responsible for co-financing the services of a Professional Conference Organizer, assigning a senior executive to act as a liaison with the ACI staff to coordinate overall activities, and to assign 305 staff members during the event to assist the onsite coordination of the event.

The County will be responsible to support the marketing of the event by participating in the promotion of the event; to coordinate with ACI sponsorships request in order to avoid duplication, to provide a courtesy gift to all delegates. More detail can be found in the agreement letter that's part of the mayoral memo.

The following questions were asked by OCA to the Aviation Department representative which are pending response:

1. Has MDAD ever hosted this event or a similar event and if so what was the final fiscal result?
2. Why should R-130-06 and IO 3-38 and Section 5.03D be waived and what is the consequence if they are not waived?
3. What are some of the non-traditional ACI-LAC sources and what is the fundraising target?
4. Will extra support staff and associated costs needed to host this event increase the expenditure past the \$75,000 mark?

The following are the Department representative's responses

1. Yes. Most recently in July 2017, MDAD hosted the Florida Airports Council (FAC) annual conference. Earlier that year, MDAD took a similar item to the BCC for approval. MDAD spent the amount approved.
2. The requirement to waive procurement rules (R-130-06, IO 3-38 & Section 5.03D) are necessary to procure and acquire all the event related services and items at the event location essential to making the conference a success within the constrained timeframe. The normal procurement process does not allow the necessary flexibility in time to expedite the purchasing of all materials, collateral, and other products needed prior to and

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during the conference. If these rules are not waived, the consequence will be that the host city airport (MDAD) will not be able to be a contributing host nor a partner of a major aviation industry event within its own county. This is the first time ACI-LAC has decided to host this conference in Miami-Dade in over 10 years as well as MDAD is the only U.S. airport allowed as a member of ACI-LAC.

3. MDAD will refer various industry stake holders to ACI-LAC who will solicit their sponsorship. Fund Raising target has not been determined.
4. No it will not.

ADDITIONAL INFORMATION

Information on ACI-Latin American Caribbean's website states the following, ACI-LAC is a regional office of Airports Council International, which represents the interests of airports operators for the Latin-American and Caribbean. Founded in 1991, the mission of ACI-LAC is to provide support for a secure, stable, efficient and environmentally compatible airport system. Currently, ACI-LAC has over 60 members operating more than 260 airports in 33 countries from the Latin-American and Caribbean region.

Their objectives are to maximize airports contribution to develop and maintain a safe and viable industry in a responsible and sustainable way. To promote cooperation among all aviation industry sectors and its stakeholders, as well as national and international governments and organizations. Influence on standards, politics and practices of international, regional or national level based on established politics which represents airports priorities and interests. Assist the aviation system development through the public awareness of the economic and social importance of air transport development. Provide leadership in airport operations and management through the development of technical global standard and/or recommended practices. Maximize cooperation and mutual cooperation among airports. Provide industry knowledge, advice and assistance to the members, as well as promote professional excellence in airport management and operation. Develop organizational capacity and ACI-LAC resources in order to serve the members in an efficient and effectively way.

<http://www.aci-lac.aero/About-ACI-LAC/Mission-and-Objectives>

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**Item No. 8A5
File No. 180181**

Researcher: SM Reviewer: TD

RESOLUTION APPROVING NON-EXCLUSIVE CONTRACT FOR THE MIAMI-DADE AVIATION DEPARTMENT, PAVEMENT REPAIRS CONTRACT, PROJECT NO. RM-6-18/20, TO GENERAL ASPHALT CO., INC. FOR A MAXIMUM AMOUNT OF \$19,267,353.26 INCLUDING THE INSPECTOR GENERAL ACCOUNT IN THE AMOUNT OF \$48,048.26, FOR A TERM OF THREE YEARS WITH THREE ONE YEAR OPTIONS TO RENEW, AND; AUTHORIZING COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME, AND TO EXERCISE THE TERMINATION AND EXTENSION PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve this Resolution approving the Non-Exclusive Contract for the Miami-Dade County Aviation Department (MDAD), pavement repairs contract, project No. RM-6-18/20, to General Asphalt Co., Inc. for a maximum amount of \$19,267,353.26 including the Inspector General account in the amount of \$48,048.26, for a term of three years with three one year options to renew.

APPLICABLE LEGISLATION/POLICY

Code Section 2-8.3 of Miami-Dade County requires the County Mayor to review responses to solicitations and to recommend the appropriate action to the County Commission. The recommendation shall be in writing, filed with the Clerk of the Board, and mailed to all participants no later than 10 days prior to any Commission meeting in which such recommendation is scheduled to be presented. The Board may waive the requirements of this section by a 2/3 vote of 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)

Code Section 2-11.16 of Miami-Dade County governs County construction contracts as it applies to competitively bid County contracts in excess of one hundred thousand dollars (\$100,000.00) for the construction, alteration, and/or repair, including painting or decorating, of public buildings or public works.

<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-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-11.16COCOCO)

Resolution R-187-12 adopted February 21, 2012 directs the County Mayor to include due diligence information in memoranda recommending certain contract awards.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2012/120287.pdf>

PROCEDURAL HISTORY

Prime Sponsor: None

Requester/Department: Aviation Department

This Item has no procedural history.

FISCAL IMPACT

The total maximum contract amount is \$19,267,353.26 as stated per the agreement, however it is subject to additions and deductions as may be provided further in the contract documents. Partial and final payments will be made as provided for in the contract documents. Any unspent amount remains the property of the owner.

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ANALYSIS

If this Item receives Board approval it will award the contract to General Asphalt CO, Inc. for pavement repairs, for a contract term of three years with three one year options to renew. The pavement repair will occur at Miami International Airport, Miami-Opa Loca, Miami Executive, Miami Homestead General Aviation, and Dade Collier Training and Transition Airports. This is important for the rehabilitation and reconstruction of the aforementioned airports. General Asphalt Company, Inc. is one of the largest heavy highway and civil contractors in South Florida within the private sector. They have operated in South Florida since their inception in the year 1966.

Per the contract agreement the initial term is for 1095 calendar days from the date of the first Task Order. MDAD can at their option extend this contract for up to three additional one-year periods in addition to the time stated in the contract.

The contract states that the duration of each project will be defined by each task order time as the project will begin from the date of issuance of the task order. There are restriction as to when the contractor can begin and complete work as it relates to Miami International Airport. For nighttime work the contractor will have a time frame between 11.00 P.M through 7.00 A.M. This could change depending on the direction of the Project Manager, or what is noted in the task order.

There are liquidated damages which will be enforced if there are non-excusable delays. Miami International Airport has per the contract agreement, established a maximum rate of \$2,000 per quarter hour for each nighttime operations task order. This will occur if there is a delay in the daily opening of the runway or taxiway to aircraft traffic beyond the time specified in the task order.

The liquidated damages for each non-nighttime operations task order are established at a maximum rate of \$1,000 per day for work at Miami International Airport and \$500 per day for all other airports, if there are non-excusable delays. This will be deducted from the task order amount for each calendar day of delay, as stated per the contract agreement.

As previously stated the total maximum contract amount is the following:

Total Unit and L.S Price Items (Item A) (Bid Form Schedule of Prices Nos. 1-63	\$15,469,305
Dedicated Allowance Account(Item B) (Three additional one-year option to renew periods at an amount not to exceed \$1,250,000 per term	\$3,750,000
Inspector General Audit Account (Item C) (1/4% of Total bid Item A plus Item B)	\$48,048.26
Total Maximum Contract Amount	\$19,267,353.26

OCA will forwarded the following question to the Department Representative pending response:

1. Will this contract provide more local employment in Miami-Dade County?

Below is the response from the Department:

1. Absolutely. Additional employment through the base contract and the SBE construction and Goods and Services participation. Additionally the contract includes a 10% CWP for all task orders issued.

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ADDITIONAL INFORMATION

The website of General Asphalt states that the company's two manufacturing plants help produce over 500,000 tons of asphalt per year consisting of hot mix, warm mix and cold patch asphalt required for our projects, but also available for sale to local paving companies. They operate in the public sector as well as the private from paving residential areas to airports.
<http://generalasphalt.com/services/private-sector/>

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**Item No. 8C1
File No. 180173**

Researcher: AIP Reviewer: TD

RESOLUTION APPROVING AND AUTHORIZING THE RECORDING OF A COVENANT RUNNING WITH THE LAND IN FAVOR OF THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR MAINTENANCE WITHIN THE RIGHT OF WAY AT THE ADRIENNE ARSHT CENTER FOR THE PERFORMING ARTS OF MIAMI-DADE COUNTY LOCATED AT, NEAR, OR IN THE VICINITY OF 1300 BISCAYNE BOULEVARD, MIAMI, FLORIDA; AND FURTHER AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE COVENANT DOCUMENTS, TO PERFORM ALL ACTIONS SET FORTH THEREIN, TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME, AND RECORD COVENANT

ISSUE/REQUESTED ACTION

Whether the Board should approve, and authorize the recording of a Covenant Running with the Land in favor of the Florida Department of Transportation

APPLICABLE LEGISLATION/POLICY

Resolution No. R-931-01 (*Roadway Maintenance Agreement for PAC*) adopted by the Board on July 26, 2001, which approved roadway maintenance agreements for the Performing Arts Center Project and an agreement between the performing Arts Center Trust, Inc. and Miami-Dade County.

<http://intra/gia/matter.asp?matter=011892&file=false&yearFolder=Y2001>

Resolution No. R-906-02 (*Performing arts Center Project*) adopted by the Board on July 23, 2002, which approved an amendment to the FDOT Joint Project agreement and highway maintenance agreement for the Performing Arts Center Project and an amendment to the agreement between the Performing Arts Center Trust, Inc. and Miami-Dade County defining additional maintenance responsibilities.

<http://intra/gia/matter.asp?matter=022178&file=false&yearFolder=Y2002>

Resolution No. R-974-09 (*Filing closing documents BCC Clerk*) adopted by the Board on July 21, 2009, which directs that any resolution authorizing the execution of instruments creating a County interest in real property shall require such instruments to be recorded in the public records of Miami-Dade County and attached by the Clerk of the Board to the authorizing resolution.

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

PROCEDURAL HISTORY

Prime Sponsor: Vice Chairwoman Commissioner Audrey M. Edmonson, District 3

Department/Requester: Department of Cultural Affairs

2/14/18: At the PCAC meeting, this item was forwarded to the BCC with a favorable recommendation.

FISCAL IMPACT

According to the mayoral memo, the recording of the Covenant Running with the Land required by FDOT has nominal recording fees. OCA reached out to the Department of Cultural Affairs and the Parks, Recreation and Open Spaces Department, to find out how much these fees would cost the County.

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Department responded that the total would be \$129. This is demonstrated in the table below:

Service Fee	# of Pages in FDOT Covenant	Total
\$10 for first page	15 pages \$10 + 14(\$8.50)	\$129
\$8.50 for each additional page		

Service Fee Schedule: http://www.miami-dadeclerk.com/service_fee_schedule.asp

ANALYSIS

This item seeks to approve and record a Covenant Running with the Land with the Florida Department of Transportation (FDOT) in order to repair and upgrade the storm water management system within the right-of-way adjacent to the Adrienne Arsht Center for Performing Arts, owned by Miami-Dade County. The right-of-way, will require work to be carried out on Biscayne Boulevard between NE 13 street and NE 14 street and on NE 13 street between Biscayne Boulevard and North Bayshore Drive.

Google Maps View of the Adrienne Arsht Center for Performing Arts: <https://goo.gl/maps/Eobi6aeGEG72>

ADDITIONAL INFORMATION

The Adrienne Arsht Center is located at 1300 Biscayne Blvd, Miami, FL 33132. This is located within County Commission District 3. The Arsht Center is owned by Miami-Dade County, but operated by the Performing Arts Center Trust, Inc., which is listed as an active entity on Sunbiz, the Florida Department of State Website. According to Sunbiz, Performing Arts Center Trust, Inc. is a Florida Not For Profit Corporation that filed on August 6, 1991.

Arsht Center Website: <http://www.arshtcenter.org/>

Profiles, grants, and more information on the Performing Arts Center Trust, Inc.:

-<https://www.guidestar.org/profile/65-0353695>

-<https://www.arts.gov/national/our-town/grantee/2014/performing-arts-center-trust-inc-aka-adrienne-arsht-center-performing>

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**Item No. 8F1
File No. 180191**

Researcher: MF Reviewer: PGE

RESOLUTION APPROVING TERMS OF AND AUTHORIZING THE EXECUTION BY COUNTY MAYOR, OR COUNTY MAYOR'S DESIGNEE, PURSUANT TO FLORIDA STATUTES SECTION 125.38, THE TERMS OF THE RETROACTIVE AGREEMENT FOR MODIFICATION BETWEEN MIAMI-DADE COUNTY AND THE STATE OF FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES, FOR PREMISES LOCATED AT THE DR. MARTIN LUTHER KING, JR. PLAZA 2525 NW 62 STREET, MIAMI, FLORIDA WITH AN ANNUAL RENTAL REVENUE TO THE COUNTY ESTIMATED AT \$135,885.89 FOR A ONE YEAR TERM; DECLARING SUCH PROPERTY SURPLUS; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT FOR MODIFICATION, TO EXERCISE ANY AND ALL RIGHTS CONFERRED THEREIN, TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME, AND TO PROVIDE AN EXECUTED COPY OF THE AGREEMENT FOR MODIFICATION TO THE PROPERTY APPRAISER'S OFFICE WITHIN 30 DAYS OF ITS EXECUTION

ISSUE/REQUESTED ACTION

Whether the Board should approve a retroactive agreement for modification of the lease agreement between Miami-Dade County and the State of Florida Department of Children of Families (DCF) for property located at the Dr. Martin Luther King, Jr. Plaza, 2525 NW 62 Street, extending the agreement currently in place for an additional one-year term at an increased annual rental rate of \$135,885.89.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-1111-14, adopted on December 16, 2014, authorizes the lease agreement currently in place between the County and DCF for property located at Dr. Martin Luther King, Jr. Plaza.

<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2014/R-1111-14.pdf>

Resolution No. R-333-15, adopted on April 21, 2015, establishes County policy to require disclosure of market value or market rental when authorizing the conveyance or lease of County-owned property.

<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2015/R-333-15.pdf>

Florida Statutes, Section 125.38, governs the sale of County property to United States, or state.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.38&URL=0100-0199/0125/Sections/0125.38.html

Resolution No. R-791-14, adopted on September 3, 2014, directs the Mayor or Mayor's designee to provide the Miami-Dade County Property Appraiser a copy of all leases and operating agreements involving County-owned property.

<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2014/R-791-14.pdf>

PROCEDURAL HISTORY

Prime Sponsor: Audrey M. Edmonson, District 3

Department/Requester: Internal Services

The proposed ordinance was considered at the February 13, 2018 Government Operations Committee meeting and was forwarded by the Committee members to the BCC without a recommendation.

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FISCAL IMPACT

The County would benefit financially from modification of the lease agreement as the tenant's annual rent would be increased by \$15,427.85, from \$120,458.04 to \$135,885.89 for an additional one-year term. The revenue pertains to the County's General Fund.

There is also a parking fee associated with the property, \$12,741.00 for 21 parking spaces, to be paid by the tenant through the Internal Services Department to the Department of Transportation and Public Works.

ANALYSIS

The proposed resolution amends a lease agreement between the County and DCF for property located at 2525 NW 62nd Street in District 3, Vice Chairwoman Audrey M. Edmonson's district. The modified agreement, specifying a rent increase of \$15,427.85, would retroactively commence January 1, 2018 and terminate December 31, 2018, modifying price terms and extending the period of the lease agreement currently in place by one year. All other terms are to remain the same. This modified agreement requires retroactive approval as the current lease has expired.

Under the terms of the agreement, the County is responsible for the cost of all utilities, janitorial, custodial services, and pest control used by DCF during the lease term. DCF is responsible for the installation and maintenance of telephone and data equipment, along with any other costs associated with phone and data service.

**Survey of Comparable Rental Values in the Surrounding Area of 2525 NW 62nd Street
Pursuant to Resolution No. R-333-15**

Address	Cost Per Square Foot (Annually)
2525 NW 62 nd Street (Subject Property)	\$29.33
1900 NW 36 th Street	\$25.53
64 NW 54 th Street	\$26.00

The comparable rental values demonstrate that the County would be receiving a larger rental income from DCF than seen in nearby comparable properties.

DCF has been a tenant at the Joseph Caleb Community Center since 1987, and relocated to the MLK Jr. Plaza location when DCF was displaced by construction at the Caleb Center in 2014. DCF intends to return to the Caleb Center location upon expiration of the extended lease agreement at the end of the year, as construction is expected to be completed by December 2018. The status of the Caleb Center construction is unclear from the mayoral memo, as are the actions that DCF plans to take if the Caleb Center space is not complete by the end of the extended lease term.

DCF provides services to Florida's most vulnerable families and works to rehabilitate parents and promote child welfare. The authorization of the retroactive lease of the approximate 4,633 square feet of space consisting of Suite 4132 located within the Dr. Martin Luther King, Jr. Plaza would aid DCF in carrying out its mission while the Caleb Center is undergoing construction.

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**Item No. 8F2
File No. 180110**

Researcher: SM Reviewer: TD

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$800,000.00 FOR CONTRACT NO. RFP-00199 FOR THE PURCHASE OF FINANCIAL AND P3 ADVISORY SERVICES FOR THE INTERNAL SERVICES DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should approve additional expenditure of \$800,000 under Contract No. RFP-00199, Financial and P3 Advisory Services, for KPMG, LLP to continue delivering financial and public-private partnership (P3) consulting services related to the development of a new civil and probate courthouse.

APPLICABLE LEGISLATION/POLICY

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

https://library.municode.com/fl/miami_midade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE

Master Procurement Implementing Order No. 3-38 sets forth the County's processes and procedures for the purchase of goods and services, including professional services.

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

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

<http://intra/gia/matter.asp?matter=120287&file=true&yearFolder=Y2012>

Resolution No. R-706-16, adopted by the Board on July 19, 2016, approved award of Contract No. 00199 to KPMG LLP for delivery of financial and public-private partnership advisory services in an amount not to exceed \$2,000,000 for an initial two-year term and, two, one-year options to renew.

<http://intra/gia/matter.asp?matter=161687&file=true&yearFolder=Y2016>

Resolution No. R-151-15, adopted by the Board on February 3, 2015, directed the County Mayor to prepare and issue a solicitation for the retention of a financial consultant to provide specialized financial services to support the County in its desire to explore P3 delivery methods for the design, construction, operation and maintenance of court and jail facilities. Under the resolution, a P3 solicitation shall consist of two steps, a Request for Qualifications followed by a Request for Proposals.

<http://intra/gia/matter.asp?matter=150167&file=true&yearFolder=Y2015>

Resolution No. R-26-18, adopted by the Board on January 23, 2018, authorized the use of Contract No. RFP-00199, Financial and P3 Advisory Services, for the Department of Transportation and Public Works' LED Roadway Lighting Development and Installation Project in an amount of up to \$150,000.

<http://intra/gia/matter.asp?matter=172456&file=true&yearFolder=Y2017>

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PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Internal Services

This Item was forwarded to BCC without a recommendation at the GOC meeting on February 13, 2018

FISCAL IMPACT

The Financial and P3 Advisory Services contract has an effective date of October 3, 2016 and expires on October 31, 2018, including a current allocation of \$1,350,000. However, the Blanket Purchase Order shows that \$1,000,000 was allocated to it, of which \$710,000 has been released, leaving a balance of \$290,000. This information was pulled from the Bid Tracking System on February 28, 2018.

This request for \$800,000, if approved, would result in a cumulative contract allocation of \$2,150,000. The mayoral memorandum does not explain how the requested increase in allocation was determined. As specified in the contract, the performance and payment for any work shall be expressly conditioned upon the execution of a Work Order by both parties. Accordingly, this modification request is based on a Work Order submitted by KPMG.

ANALYSIS

This item seeks Board approval for ISD to increase the allocation under the County's Financial and P3 Advisory Services contract by \$800,000 to support ongoing efforts to develop a new civil and probate courthouse.

Under the County's contract with KPMG, the firm is required to deliver financial advising and P3 consulting services associated with the acquisition of projects through the P3 delivery method. A P3 (i.e., public-private partnership) is a contractual arrangement between a public agency and a private sector entity through which the skills and assets of each sector are shared to deliver a service or facility that serves a public purpose for use by the general public. The specific services KPMG contracted to deliver relating to the County's efforts to develop court and jail facilities via P3 initiatives are: preparation of solicitation documents; production of market research; analysis of County assets; review of proposals received; formation of benchmarks; preparation of project cost comparisons/normalizations; analysis of financing options; and review and assessment of project risks. KPMG may also assist the County in any project negotiations and subsequent contract preparation as well as the presentation of recommendations to the County administration, the Mayor's Office and the Board on such projects.

This specific modification for \$800,000 will cover the costs of technical assistance related to the drafting of the Request for Proposals, the evaluation of proposals, negotiations with the recommended developer and achievement of financial close for the civil and probate courthouse project. Based on the current timeline for the project, the County will commence finalizing RFP documents and evaluating proposals during the summer and fall of 2018.

No entry for KPMG, LLP was found during a February 12, 2018 Sunbiz search (i.e., State of Florida, Division of Corporations website), indicating the firm has not filed the required documents for doing business in the state.

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**Item No. 8F3
File No. 180111**

Researcher: MF Reviewer: PGE

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$2,065,000.00 FOR CONTRACT NO. FB-00086 (GROUPS A-D) AND AN AMOUNT UP TO \$610,000 FOR PREQUALIFICATION POOL NO. FB-00086 (GROUPS E-F) FOR THE PURCHASE OF HELICOPTER PARTS, SERVICES, AND SUPPLIES FOR THE POLICE DEPARTMENT

ISSUE/REQUESTED ACTION

Whether the Board should authorize additional expenditure authority in the amount of 1) \$2,065,000 to Contract No. FB-00086, Helicopter Parts, Services and Supplies, and 2) \$610,000 to Pre-qualification Pool No. FB-00086, for the Miami-Dade Police Department to have sufficient funding to continue purchasing parts and supplies for its helicopters.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-99-15, which was adopted on February 3, 2015, approved the initial award of Contract No. FB-00086 for the purchase of goods and services needed to maintain County helicopters in the total amount not to exceed \$5,930,000.00 for various County departments.

<http://intra/gia/matter.asp?matter=142793&file=true&yearFolder=Y2014>

Section 2-8.1 of the Miami-Dade County Code requires formal sealed bids for purchases over \$250,000; describes the circumstances under which competitive bidding may be waived; establishes requirements for legacy purchases, designated purchases, and provides that procurement procedures shall be established via an Implementing Order.

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

[dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

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

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

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

<http://intra/gia/matter.asp?matter=120287&file=true&yearFolder=Y2012>

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Internal Services Department

This proposed resolution was considered at the Public Safety and Health Committee meeting held on February 14, 2018 and forwarded to the Board with a favorable recommendation. At the committee meeting, Chairwoman Heyman reiterated to the Procurement Director the importance of recognizing local vendors. She requested that the mayoral recommendation explain why a local vendor was not selected.

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FISCAL IMPACT

The contract has a current cumulative allocation of \$5,930,000. Per information found in the Bid Tracking System on March 2, 2018, \$5,007,267 has been released leaving a balance of \$922,732. The contract expires on February 28, 2020.

If the request for additional expenditure authority of \$2,675,000 is approved, the contract will have a modified cumulative value of \$8,605,000. The requested increase is based on the department's anticipated expenditures.

ANALYSIS

The County awarded this competitively-established contract for a five-year term with an allocation of \$5,930,000 through Resolution No. R-99-15 on Feb. 3, 2015. This contract has six groups: Groups A-D are contract awards and Groups E-F are prequalification pools. This contract is used for a variety of Aviation aircraft needs, including Airbus helicopter parts, Safran engine parts, component overhauls, subcontracted repairs (including engines), as well as purchase of non-Airbus components, aircraft consumables and pilot supplies.

The contract expires on February 28, 2020. It is anticipated that through the end of the contract the department will need to routinely replace numerous Airbus helicopter and Safran engine parts; complete and/or outsource sub-contracted work for minor component overhauls; and purchase non-Airbus components, aircraft consumables and pilot supplies. Consequently, the contract allocation should include sufficient funding for the above-mentioned items and services, as well as for unscheduled repairs. Additionally, since this contract may also be utilized for upgrades to the current avionics equipment, which is several generations old, the increase should be sufficient to meet these needs.

It is anticipated that the police expenditures will be divided as follows:

1. FY 10/01/17 – 09/30/18 - \$900,000.00
2. FY 10/01/18 – 09/30/19 - \$975,000.00
3. FY 10/01/19 – 02/28/20 - \$300,000.00 (Note: This is for the partial fiscal year that funds to the end of the contract term)
4. Reimbursement of Miami-Dade Fire Rescue \$500,000.00

Pursuant to Resolution No. R-187-12, due diligence was conducted in accordance with the Internal Services Department's Procurement Guidelines to determine contractor responsibility.

A search of the Miami-Dade County's list of Certified Small Businesses conducted on March 2, 2018, resulted in no small businesses listed under Commodity Code 03545-Equipment and Supplies, Helicopter.

ADDITIONAL INFORMATION

The table below provides information on the vendor's Sunbiz status.

<http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>

Vendor	Status	Date filed and registered	Registered agent
Airbus Helicopters, Inc.	Active status as a foreign profit corporation	11/5/2010	NRAI Services, Inc., 1200 South Pine Island Rd., Plantation, FL 33324
Aircon Fleet Management Corporation	Active status as a Florida profit corporation	8/30/2012	Noe Caballero, 12334 S.W. 131 st Ave., Miami, FL 33186

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Eastern Aero Marine, Inc.	Active status as a Florida profit corporation	9/15/1967	CT Corporation System, 1200 South Pine Island Rd., Plantation, FL 33324
Heliworks, LLC	Active status as a Limited Liability Company	7/9/2012	CT Corporation System, 1200 South Pine Island Rd., Plantation, FL 33324
Nampa Valley Helicopters, Inc.	Not currently registered	N/A	N/A
Professional Aviation Associates, Inc.	Not currently registered	N/A	N/A
Rotortech Services, Inc.	Active status as a Florida profit corporation	7/25/2003	Jeffrey Kneen, 126 Linda Lane, Palm Beach Shores, FL 33324
RSG Aviation, Inc.	Not currently registered		
Uniflight, LLC	Not currently registered		
Vector Aerospace Helicopter Services, Inc.	Not currently registered		

DEPARTMENT INPUT

The following questions were sent to the Internal Services Department, and are awaiting responses:

- 1) Please send us a list of the vendor's award group.
- 2) How many awards via spot market purchase have gone to the two local vendors since the inception of the pool, and for what amount?

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Research Notes**

**Item No. 8F4
File No. 180139**

Researcher: SM Reviewer: TD

RESOLUTION AUTHORIZING ADDITIONAL TIME OF FIVE YEARS AND EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$21,351,000.00 FOR PREQUALIFICATION POOL NO. 8446-5/17-1 FOR PURCHASE OF CONSTRUCTION EQUIPMENT RENTALS FOR VARIOUS COUNTY DEPARTMENTS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SOLICIT PRICING, AWARD CONTRACTS, EXERCISE ALL PROVISIONS OF THE SOLICITATION DOCUMENTS AND ANY RESULTING CONTRACTS PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38, AND ADD VENDORS TO THE POOL AT ANY TIME, SUBJECT TO RATIFICATION BY THE BOARD ON A BI-ANNUAL BASIS

ISSUE/REQUESTED ACTION

Whether the Board should approve a five-year extension of the County's prequalification pool for construction equipment rental in an amount of \$21,351,000.

APPLICABLE LEGISLATION/POLICY

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

https://library.municode.com/fl/miami_-

[_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE](https://library.municode.com/fl/miami_-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

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

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

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

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

Resolution No. R-228-08, adopted by the Board on March 4, 2008, established an award for the rental of light and heavy equipment and equipment operators in an amount of \$14,537,328.

<http://intra/gia/legistarfiles/MinMatters/Y2008/080315min.pdf>

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Internal Services

This item was forwarded to BCC without a recommendation at the GOC meeting February 13, 2018.

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FISCAL IMPACT

The pool is currently valued at \$38,968,000 for a 10-year term, cumulatively. The pool is currently in its option to renew term, which commenced on April 1, 2013 and expires on March 31, 2018 and is valued at \$23,468,000. Per information found in the Bid Tracking System on February 28, 2018, the Blanket Purchase Order for this pool for the current option term has an allocated amount of \$23,467,999, of which \$16,153,278 has been released, leaving a balance of \$7,314,721.

If the requested increase in spending of \$21,351,000 is approved, the modified allocation for this pool would be \$60,319,000, cumulatively.

ANALYSIS

This pool is used by multiple County departments to rent construction equipment and to contract equipment operator services. Note that the County's Living Wage Ordinance applies to equipment operator services. The item proposes extending the term of the pool by five years. Market Research conducted by ISD concluded that it was preferable to extend the pool for five years rather than to re-solicit it as doing so prevents unnecessary administrative expenses as the same bidders would prequalify.

The three departments requesting the largest allocations for the extension period are DTPW (\$5,520,000), RER (\$5,280,000) and WASD (\$5,200,000). There are 25 prequalified vendors, of which 14 have a local address. The Market Research claims there are over 100 vendors registered under this commodity code. However, a search of the SBD Trade Code List on February 12, 2018 revealed no registered firms under the commodity code for this solicitation – 98120 (rental or lease of construction equipment).

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Research Notes**

**Item No. 8F5
File No. 180183**

Researcher: MF Reviewer: PGE

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-00622 FOR PURCHASE OF LABORATORY TESTING AND SAMPLING SERVICES FOR THE WATER AND SEWER DEPARTMENT; AUTHORIZING EXPENDITURE AUTHORITY IN A TOTAL AMOUNT NOT TO EXCEED \$2,973,000.00 FOR THE FIVE-YEAR TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF AWARD, ISSUE THE APPROPRIATE PURCHASE ORDERS TO GIVE EFFECT TO SAME AND EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION AND EXTENSION PROVISIONS, PURSUANT TO SECTION 2-8.1 OF THE CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should approve a competitive contract award, Contract No. FB-00622, Laboratory Testing and Sampling Services, for the Water and Sewer Department in an amount of \$2,973,000 for a five-year term.

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the Miami-Dade County Code requires formal sealed bids for purchases over \$250,000; describes the circumstances under which competitive bidding may be waived; establishes requirements for legacy purchases, designated purchases, and provides that procurement procedures shall be established via an Implementing Order.

https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE

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

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

Implementing Order 2-13 sets forth guidelines and procedures regarding legal opinions with respect to County competitive processes.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO2-13.pdf>

Resolution R-1011-15, adopted on November 3, 2015, directs the County Mayor or County Mayor's designee to require that vendors provide addresses of all local branch offices and headquarters and the number and percentage of local residents such vendors employ.

<http://intra/gia/matter.asp?matter=152271&file=true&yearFolder=Y2015>

Resolution R-187-12, adopted on February 18, 2012, directs the County Mayor to include due diligence information in memoranda recommending certain contract awards.

<http://intra/gia/matter.asp?matter=120287&file=true&yearFolder=Y2012>

Resolution R-140-15, adopted on February 3, 2015, directs the County Mayor to conduct a full review, prior to re-procurement of replacement contracts for goods or services of the scopes of services or goods requested to ensure such contracts reflect the current needs of the County.

<http://intra/gia/matter.asp?matter=150090&file=true&yearFolder=Y2015>

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PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Internal Services Department

At the Infrastructure and Utilities Committee meeting held on February 13, 2018, the Committee forwarded this item to the BCC with a favorable recommendation.

FISCAL IMPACT

The fiscal impact for the five-year term is \$2,973,000. The current contract, 5869-0/18, is valued at \$4,335,000 for a five-year term and expires on May 31, 2018. The allocation in the recommended contract is lower than the current contract based on prior contract usage and future estimated quantities.

Per information found in the Bid Tracking System on March 2, 2018, \$4,335,000 has been allocated to the current contract's Blanket Purchase Order, of which \$1,372,981 has been released leaving a balance of \$2,962,019.

ANALYSIS

This resolution proffers approval of a competitive contract award for Laboratory Testing and Sampling Services for the Water and Sewer Department in the amount of \$2,973,000 for a five-year term. The current contract was established in order to provide laboratory and water sampling services. These services will be used to provide Environmental Protection Agency (EPA) certified testing of ground water, drinking water, and wastewater to ensure that they meet and maintain compliance with local, State and federal regulations.

The current contract expires on May 31, 2018 and there is no option to renew. The contract was split into seven different groups based on the type of testing that was needed, and award was made by group:

- (A) Generic Drinking Water;
- (B) Disinfection by Products;
- (C) Microbiology Specialized;
- (D) Radiological;
- (E) Generic Wastewater;
- (F) Whole Effluent Toxicity Testing; and
- (G) Specialized Test.

These services result in the reporting of precise data regarding metal, biological, microbiological, radiological, and chemical component levels. Water Sampling tests are important in order to ensure that the public is able to drink quality water free of biological or chemical contaminants without risk of contracting waterborne illnesses.

An invitation to Bid was issued under full and open competition. Six bids were received in response to the solicitation from Analytical Services, Inc., Environmental Associates, Ltd., Florida Spectrum, Environmental Services, Inc., TestAmerica Laboratories, Inc., and Shealy Consulting, LLC. The vendors recommended for award are: Eurofins Eaton Analytical, Inc., for Group G; Pace Analytical Services LLC for Groups B, D and E; Shealy Consulting, LLC for Group F; and Test America Laboratories Inc., for Group A.

A review of the County's SBE list of certified vendors conducted on March 2, 2018, resulted in zero SBE's under the Commodity Code 96169 – Testing and Monitoring Services, Air, Gas and Water. However, the Regulatory and Economic Department staff explained that the search needed to be done under the Commodity Code 96148 for laboratory and field testing. A review of the County's SBE list of certified vendors conducted on March 2, 2018 under the Commodity Code 96148

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resulted in the following SBEs: CES Consultants, EBS Engineering, GCES Engineering Services, LLC., Generation Electrical Services, Corp., Radise International, L.C., Spotlight Geophysical Services, LLC.

No bids were received for Group C and that group has been resolicited under contract number FB-00701, which is under evaluation. The value for the subject contract is estimated at \$341,000 for five years. The award of this solicitation is anticipated to be completed prior to the expiration date of May 31, 2018. The approval authority is under the Director's delegated authority.

The following outreach efforts were conducted to encourage competition and local firms' participation: market research, future solicitation posting, electronic mail solicitation notification through the National Institute of Governmental Purchasing, contacting other municipalities and internet searches. The Beacon Council and Greater Miami Chamber of Commerce websites were researched to target potential local vendors.

ADDITIONAL INFORMATION

Eurofins Eaton Analytical is one of the largest potable water focused commercial laboratories in the United States. This company is a full-service environmental testing operation certified in 50 states and territories under the Safe Drinking Water Act and/or the National Environmental Laboratory Accreditation Program. This company has been in the commercial laboratory business for nearly 50 years.

<https://www.eurofinsus.com/environment-testing/laboratories/eurofins-eaton-analytical/about-us/>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Eurofins Eaton Analytical, Inc., has an active status as a foreign profit Corporation and first filed and registered on 7/20/2012. Its principal address is 750 Royal Oaks Dr., Suite 100, Monrovia, CA 91016. Its registered agent is COGENCY GLOBAL, Inc., 115 North Calhoun St., Suite 4, Tallahassee, FL 32301.

<http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>

Pace Analytical Services, LLC, provides analytical services including environmental testing and sampling. Its laboratories utilize Environmental Protection Agency and other accepted test procedures and methods in accordance with both federal and state regulations. Pace also provides specialty analytical support for air toxics, aquatic toxicity, low-level mercury, radiochemistry, environmental forensics, and industrial hygiene.

<https://www.pacelabs.com/about-us/company-profile.html>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Pace Analytical Services, Inc., has an active status as a foreign limited liability company and first filed and registered on 12/23/2016. Its principal address is 1800 Elm Street SE, Minneapolis, MN 55414. Its registered agent is CT Corporation System, 1200 South Pine Island Road, Plantation, FL 33324.

<http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>

Shealy Consulting, LLC, provides aquatic toxicology services. It generates toxicity test results which are legally defensible and which may be used by clients for regulatory compliance. It provides a full array of services including industrial pre-treatment, stream and river sampling, treatability studies, and OSHA compliance auditing for wastewater laboratories.

<http://www.shealyconsulting.net/>

A search on Sunbiz.org found that this company is not currently actively registered in Florida.

<http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>

TestAmerica Laboratories, Inc., is one of leading environmental testing firms in the United States. Its operations include a nationwide network of over 80 locations delivering technical expertise and comprehensive analytical services.

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<http://www.testamericainc.com/about-us/>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), TestAmerica Laboratories, Inc., has an active status as a foreign profit Corporation and first filed and registered on 7/30/1998. Its principal address is 4101 Shuffel Street, North Canton, OH 44720. Its registered agent is Corporation Service Company, 1201 Hays Street, Tallahassee, FL 32301. <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>

DEPARTMENT INPUT

The Office of the Commission Auditor posed the following questions to the Internal Services Department, to which the following answers were received:

1. Why isn't RER on the replacement contract? What does RER intend to do, long-term, to satisfy its need for lab testing services? **RER only participates under Group (C) of which no bids were received.**
2. According to the Mayor's memorandum, no bids were received for Group C and that group will be resolicited. What will RER and WASD do to receive Group C services in the interim? **Group (C) has been resolicited under contract number FB-00701 of which is under evaluation. The value for the subject contract is estimated at \$341k for five years. The award of this solicitation is anticipated to be completed prior to the expiration date of 5/31/18. The approval authority is under the Director's delegated authority.**
3. The commodity code on the SBD Project Worksheet is 96148, and there are SBE vendors for that code. Why is there a different code in BTS (96169)? **Commodity code: 96148 it's for laboratory and field testing. In BTS Commodity code 96169 is for testing and monitoring services, air, gas and water. It is unknown why adpics only has available one commodity code which is 96148 and apparently it is what SBD utilizes.**

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Research Notes**

**Item No. 8F6
File No. 180189**

Researcher: BM Reviewer: TD

RESOLUTION AUTHORIZING ESTABLISHMENT OF PREQUALIFICATION POOL RTQ-00593 IN A TOTAL AMOUNT UP TO \$1,260,000.00 FOR THE PURCHASE OF STORAGE CONTAINERS FOR VARIOUS COUNTY DEPARTMENTS FOR AN INITIAL TERM OF FIVE YEARS AND ONE, FIVE-YEAR OPTION TO RENEW TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SOLICIT PRICING, AWARD CONTRACTS, EXERCISE ALL PROVISIONS OF THE SOLICITATION DOCUMENTS AND ANY RESULTING CONTRACTS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38, AND ADD VENDORS TO THE POOL AT ANY TIME, SUBJECT TO RATIFICATION BY THE BOARD ON A BI-ANNUAL BASIS

ISSUE/REQUESTED ACTION

Whether the Board should approve a resolution establishing a prequalification pool, RTQ-00593, Storage Containers (portable steel, refrigerated, freezer trailers, tri-door, and others) for multiple County departments at a value of \$630,000 for an initial five-year term.

APPLICABLE LEGISLATION/POLICY

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

[https://library.municode.com/fl/miami_-](https://library.municode.com/fl/miami_-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

[dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE](https://library.municode.com/fl/miami_-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

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

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

Resolution No. R-140-15, adopted by the Board on February 3, 2015, directs the County Mayor to conduct a full review, prior to reprourement of replacement contracts for goods and services of the scopes of services or goods requested to ensure such contracts reflect the current needs of the County and to include that information in contract award memoranda before the Board.

<http://intra/gia/matter.asp?matter=150090&file=true&yearFolder=Y2015>

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

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

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

2/13/18: Forwarded to BCC without a recommendation by Government Operations Committee; Passed 3 – 0.

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FISCAL IMPACT

The fiscal impact for the replacement Prequalification Pool RTQ-00593, Storage Containers, for the initial five-year term is \$630,000. The fiscal impact of the one, five-year option to renew is also \$630,000. The total fiscal impact of this item would be an estimated cumulative value of \$1,260,000.

Per information found in the Bid Tracking System on February 12, 2018, relating to the current prequalification pool RTQ-00353, the Water and Sewer Department has been allocated \$500,000 to the contract's Blanket Purchase Order, of which \$196,495 has been released leaving a balance of \$303,505. The Transportation and Public Works Department has been allocated \$75,000 to the contract's Blanket Purchase Order, none of which has been released leaving a balance of \$75,000.

ANALYSIS

The proposed Prequalification Pool RTQ-00593, Storage Containers, is a replacement prequalification pool for the current pool RTQ-00353 which expires on June 30, 2018 and is valued at \$575,000. The proposed pool would be for a five-year term with one, five-year option to renew. It provides various departments with temporary storage options for their tools and equipment during construction or infrastructure upgrades as well as temporary food storage. This is an open pool and will remain open, allowing qualified vendors to be added once they have completed the prequalification criteria.

One of the current approved vendors, Tropical Trailer Leasing, LLC., is recommended for the proposed prequalification pool. Newly recommended Mobile Mini, Inc., has also been recommended for inclusion to the proposed prequalification pool. These were the only two vendors to respond to the Request to Qualify.

A search of the Miami-Dade County Small Business Enterprise Certified Firms resulted in the following firms:

- AV UNIVERSAL IMPORT EXPORT, LLC
- TOTALPACK INC.

The table below provides a detail for the proposed allocation by department and funding source:

Department	Allocation	Funding Source
Corrections and Rehabilitation	\$30,000	General Fund
Regulatory and Economic Resources	\$25,000	Proprietary Funds
Transportation and Public Works	\$75,000	DTPW Operating
Water and Sewer Department	\$500,000	Proprietary Funds
Total:	\$630,000	

The Corrections and Rehabilitation Department and the Regulatory and Economic Resources Department are added to the proposed prequalification pool. The current prequalification pool includes only the transportation and Public Works and the Water and Sewer Department.

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ADDITIONAL INFORMATION

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Tropical Trailer Leasing, LLC., has an active status as a Florida Limited Liability Company and first filed and registered on 02/02/2002. The company is registered locally at the following address: 9475 NW 89 AVENUE, MIAMI, FL 33178.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=TROPICALTRAILERLEASING%20L050000110350&aggregateId=fla-l-105000011035-9bbd707a-7cee-491b-b697-f9b6bf6fa5f3&searchTerm=Tropical%20Trailer%20Leasing%2C%20LLC&listNameOrder=TROPICALTRAILERLEASING%204457940>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Mobile Mini, Inc., has an active status as a Foreign Profit Corporation, based out of Arizona, and first filed and registered on 02/25/2000. The company has a location at the following address: 5900 SW 202nd Ave, Pembroke Pines, FL 33332.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=MOBILEMINI%20F000000010330&aggregateId=forp-f00000001033-21b654b5-acb5-4870-850d-ce87ee47704b&searchTerm=Mobile%20Mini%2C%20Inc.&listNameOrder=MOBILEMINI%20F000000010330>

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Research Notes**

**Item No. 8F7
File No. 172932**

Researcher: BM Reviewer: TD

RESOLUTION APPROVING AWARD OF CONTRACT NOS. RFP-00572A AND RFP-00572B, POLYGRAPH EXAMINATION SERVICES, TO JUNEY & ASSOCIATES, INC. AND SLATTERY ASSOCIATES, INC. WITH AN ESTIMATED FISCAL IMPACT TO THE COUNTY IN A TOTAL AMOUNT UP TO \$1,242,000.00 FOR THE FIVE-YEAR TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION, RENEWAL AND EXTENSION PROVISIONS PURSUANT TO SECTION 2-8.1 OF THE CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should approve a five-year contract in the amount of \$1,242,000 for polygraph examination services for the Corrections and Rehabilitation, Police and Transportation and Public Works departments.

APPLICABLE LEGISLATION/POLICY

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

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

[dade county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE](https://library.municode.com/fl/miami/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

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

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

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

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

Resolution No. R-1011-15, adopted by the Board on November 3, 2015, directs the County Mayor to require that vendors provide addresses of all local branch offices and headquarters and the number and percentage of local residents such vendors employ and include that information in contract award memoranda before the Board.

<http://intra/gia/matter.asp?matter=152271&file=true&yearFolder=Y2015>

Resolution No. R-140-15, adopted by the Board on February 3, 2015, directs the County Mayor to conduct a full review, prior to reprocurement of replacement contracts for goods and services of the scopes of services or goods requested to ensure such contracts reflect the current needs of the County and to include that information in contract award memoranda before the Board.

<http://intra/gia/matter.asp?matter=150090&file=true&yearFolder=Y2015>

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Internal Services

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Research Notes**

The item was deferred at the request of the Administration at the January 17, 2018 GOC meeting.

This item was forwarded to BCC without a recommendation at the February 13, 2018 GOC meeting.

FISCAL IMPACT

The fiscal impact for the five-year term is \$1,242,000. It is unclear from the mayoral memorandum if this is a cumulative sum for both contracts or the sum for each individual award for polygraph examination services. The contract's Price Schedule for Journey and Associates, Inc. shows a flat rate per exam or appearance for testimony of \$109; this flat fee specifically applies to the following service types: (1) pre-employment polygraph examination; (2) repeat examination for pre-employment polygraph examination; and (3) specific area of inquiry polygraph examination. The flat rate per exam or appearance for testimony under the contract with Slattery Associates, Inc. is \$115.

The current contract (RFP831), originally valued at \$1,354,200, had an original expiration date of December 31, 2017 but was administratively extended through March 31, 2018. That value includes a prorated amount of \$27,583 and a modification valued at \$55,000, resulting in a current rounded value of \$1,437,000.

As of February 12, 2018, the Black Purchase Order for the current contract shows that \$1,436,318 was allocated to it, of which \$1,070,668 was released, leaving a balance of \$365,650.

ANALYSIS

This item is recommending the award of two contracts for polygraph examination services for a single five-year term. One contract is to Journey & Associates, Inc. (RFP-00572A), the highest-ranked proposer, and the other to Slattery Associates, Inc. (RFP-00572B), the second-highest ranked proposer. Assignments under the contract will be driven by a Work Order process, as the need arises, with the highest-ranked proposer receiving the first assignment. The second Work Order will be issued to the second highest-ranked proposer, and subsequent Work Orders will be issued on a rotational basis. The contract requires the vendors to be certified graduates of an American Polygraph Association (APA) accredited school and/or Certified Polygraphist by the Florida Polygraph Association. The polygraph examiners shall maintain active memberships in the APA, Florida Polygraph Association and/or American Association of Police Polygraphists for the duration of the contract.

Services under the contract include pre-employment polygraph examinations, specific area of inquiry polygraph examinations and re-examination of applicants with inconclusive results. The examinations will include pre-test questions, such as application background information, falsification of application, residency history, driving record, arrests/convictions, use of marijuana, theft from employers, excessive debt, gang and social media affiliations, and inmate association.

Only three vendors responded to the solicitation despite Market Research indicating there are over 25 members of the Florida Polygraph Association in Miami-Dade County. A search of the Small Business Enterprise Goods and Services Certified Firms List, as of February 12, 2018, under the trade code for polygraph testing services (99070) revealed that the following firms are certified:

- Journey & Associates, Inc.
- Integrity International Security
- Masdeu Five Corporation

BCC Meeting: March 6, 2018
Research Notes

ADDITIONAL INFORMATION

Note that the recommended vendors are the incumbents under the current contract, RFP 831. Both vendors are active under the Florida Department of State Division of Corporations. Journey & Associates is a professional investigative agency established in 1976, specializing in polygraph testing, insurance claims and a variety of corporate due diligence and security consulting services. See link to its website below.

<http://teamjai.com/>

Slattery Associates, Inc. provides polygraph testing services for private and government clients as well as examinations for criminal and civil cases. The firm's chief examiner has over 30 years of experience as a forensic and research polygraph examiner. See link to its website below.

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

**BCC Meeting: March 6, 2018
Research Notes**

**Item No. 8F8
File No. 180194**

Researcher: BM Reviewer: TD

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE THE FIVE-YEAR OPTION TO RENEW PERIOD UNDER PREQUALIFICATION POOL NO. 9176-1/23 FOR THE PURCHASE OF RECREATIONAL ITEMS FOR VARIOUS COUNTY DEPARTMENTS IN AN AMOUNT NOT TO EXCEED \$999,000.00; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SOLICIT PRICING, AWARD CONTRACTS, EXERCISE ALL PROVISIONS OF THE SOLICITATION DOCUMENTS AND ANY RESULTING CONTRACTS PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38, AND ADD VENDORS TO THE POOL AT ANY TIME, SUBJECT TO RATIFICATION BY THE BOARD ON A BI-ANNUAL BASIS

ISSUE/REQUESTED ACTION

Whether the Board should exercise the five-year option to renew period under Prequalification Pool No. 9176-1/23, Recreation Items, to allow the County to continue purchasing various recreational items. This would extend the prequalification pool until April 30, 2023 and increase the cumulative value to \$2,032,000.

APPLICABLE LEGISLATION/POLICY

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

[https://library.municode.com/fl/miami_-](https://library.municode.com/fl/miami_-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

[dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE](https://library.municode.com/fl/miami_-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

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

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

Resolution No. R-140-15, adopted by the Board on February 3, 2015, directs the County Mayor to conduct a full review, prior to reprourement of replacement contracts for goods and services of the scopes of services or goods requested to ensure such contracts reflect the current needs of the County and to include that information in contract award memoranda before the Board.

<http://intra/gia/matter.asp?matter=150090&file=true&yearFolder=Y2015>

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

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

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

2/13/18: Forwarded to BCC without a recommendation by Government Operations Committee; Passed 3 – 0.

**BCC Meeting: March 6, 2018
Research Notes**

FISCAL IMPACT

The existing cumulative allocation of Prequalification Pool No. 9176-1/23, Recreational Items, is \$1,032,283 and expires on April 30, 2018. This would extend the prequalification pool until April 30, 2023 and increase the cumulative value to \$2,032,000.

Per information found in the Bid Tracking System (BTS) on February 12, 2018, relating to the current prequalification pool No. 9176-1/23, \$1,032,283 has been allocated to the contract's Blanket Purchase Order, of which \$973,796 has been released leaving a balance of \$58,487.

ANALYSIS

If the proposed resolution is approved by the Board, it will exercise the one, five-year option to renew terms under Prequalification Pool No. 9176-1/23, Recreational Items, for several Departments until April 30, 2023 and increase the cumulative value to \$2,032,000. The current prequalification pool is in its initial term. The pool will be open so that other vendors that complete the prequalification criteria can be added to the pool. A search of the Miami-Dade County Small Business Enterprise Certified Firms resulted in one vendor (PRO-GROUNDS PRODUCTS, INC) under commodity code 99891 – Sale of Sporting Equipment.

The awarded vendors are to provide the Corrections and Rehabilitation, Fire Rescue, and Parks, Recreation, and Open Spaces Departments with items such as playing cards, dominos, board games, agility ladders, punching bags, and playground equipment. Of the additional allocation of \$999,000 for the five-year option to renew period Parks, Recreation, and Open Spaces is requesting \$894,000 to be funded from the General Fund. The Correction and Rehabilitation Department is requesting \$75,000 to be funded by the inmate Welfare Fund. The Fire Rescue Department is requesting \$30,000 to be funded by the Fire District. Below is list of awarded vendors per BTS as of February 12, 2018.

- 1 S & S WORLDWIDE INC
- 2 ADVANCED RECREATIONAL CONCEPTS LLC
- 3 USA SHADE & FABRIC STRUCTURES INC
- 4 D & J COMMERCE SOLUTIONS INC
- 5 BSN SPORTS INC
- 6 RECREATION SPORTS INC
- 7 PLAYCORE WISCONSIN INC
- 8 VARSITY BRANDS HOLDING CO., INC
- 9 ALPHA PLAYGROUND SERVICES INC
- 10 POWER SYSTEMS INC
- 11 ZIPP SPORTING GOODS INC
- 12 PYRAMID PAPER COMPANY
- 13 AGILE COURTS CONSTRUCTION COMPANY INC
- 14 FAST DRY CORP
- 15 BLISS PRODUCTS & SERVICES INC
- 16 REP SERVICES INC
- 17 LEADDEX CORP
- 18 PLAYMORE WEST INC
- 19 KOMPAN INC
- 20 MASARTI INTERNATIONAL ENTERPRISE LLC

**BCC Meeting: March 6, 2018
Research Notes**

**Item No. 8F9
File No. 180195**

Researcher: MF Reviewer: PGE

RESOLUTION AUTHORIZING A DESIGNATED PURCHASE PURSUANT TO SECTION 2-8.1(B)(3) OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; APPROVING THE EXERCISE BY THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE OF THE ONE, FIVE-YEAR OPTION TO RENEW PERIOD UNDER CONTRACT NO. SS9737-1/23 IN AN AGGREGATE AMOUNT OF UP TO \$140,000.00 FOR THE MIAMI-DADE POLICE DEPARTMENT FOR PURCHASE OF CELLEBRITE FORENSIC SYSTEM SERVICE AND MAINTENANCE SUPPORT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should approve a designated purchase and authorize the County Mayor to exercise the one, five-year option to renew term under Contract No. SS9737-1/23, in an aggregate amount of up to \$140,000, for the Miami-Dade Police Department to purchase Cellebrite Forensic System, Service and Maintenance, from Cellebrite, Inc.

APPLICABLE LEGISLATION/POLICY

Section 2-8.1(b)(3) of the County Code, Contracts and purchases generally relates to designated purchases. Designated Purchase shall mean a purchase within the scope of this section when the purchase through the use of formal sealed bids is not practicable, including, but not limited to: (i) sole source purchases, (ii) services where no competition exists such as public utility services, (iii) where purchases or rates are fixed by law or ordinance, (iv) unique professional or artistic services not governed by the Consultants' Competitive Negotiations Act, section 287.055, Florida Statutes, (v) purchases of goods and services necessary to address an emergency, or where additional formal competition would not be practicable, and (vi) solicitations where only a single proposer has responded to a competitive solicitation but such response contains material defects and the County still desires to enter into a contract with such proposer. The Board of County Commissioners shall adopt any resolution authorizing a Designated Purchase by a two-thirds vote of the members present. Any recommendation by the Mayor for the award of a Designated Purchase shall at a minimum: (i) provide a written explanation of why the purchase through formal sealed bids would not be practicable under the circumstances and is in the best interest of the County, (ii) provide a written explanation of the process followed resulting in the recommendation for a Designated Purchase, and (iii) provide a written description of any informal competition conducted and any and all efforts to obtain a valuation of the recommended purchase. The Board of County Commissioners shall adopt any resolution authorizing a Designated Purchase by a two-thirds vote of the members present.

https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE

Resolution No. R-1433-06, adopted by the Board on December 19, 2006, directed the County Mayor to develop an administrative process to review all contracts for procurement of goods and services for opportunities for small business enterprise participation prior to exercising an OTR.

<http://intra/gia/matter.asp?matter=063176&file=true&yearFolder=Y200>

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

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

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

<http://intra/gia/matter.asp?matter=120287&file=true&yearFolder=Y2012>

Resolution No. R-98-12, adopted on January 26, 2012, directs the County Mayor to negotiate better prices on all awarded contracts for the purchase of goods and services and prior to the exercise of any options-to-renew.

<http://intra/gia/matter.asp?matter=112444&file=true&yearFolder=Y2011>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

At the Public Safety and Health Committee meeting held on February 14, 2018, the Committee forwarded this item to the BCC with a favorable recommendation.

FISCAL IMPACT

Per information found in the Bid Tracking System on March 2, 2018, the contract has a current cumulative allocation of \$197,072, of which \$178,457 has been released leaving a balance of 18,615. The current contract expires on April 30, 2018.

If the one, five-year option to renew term is exercised, the contract will expire on March 17, 2023 and have an estimated cumulative value of \$338,000. The total value of the requested option to renew is \$139,960.

**One (1) Five (5) YEAR OPTION TO RENEW
(Recurring Fees, payable annually in advance)**

Quantity	Item Description	Item #	Unit Price	Extended Price
5	Year 6 – Logical & Physical software updates, live tech support, warranty and new cables	D-PHY	\$2,898.99	\$14,494.95
5	Year 7 – Logical & Physical software updates, live tech support, warranty and new cables	D-PHY	\$2,898.99	\$14,494.95
5	Year 8 – Logical & Physical software updates, live tech support, warranty and new cables	D-PHY	\$2,898.99	\$14,494.95
5	Year 9 – Logical & Physical software updates, live tech support, warranty and new cables	D-PHY	\$2,898.99	\$14,494.95
5	Year 10 – Logical & Physical software updates, live tech support, warranty and new cables	D-PHY	\$2,898.99	\$14,494.95
TOTAL				\$72,474.75

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Research Notes**

ANALYSIS

The contract was awarded under delegated authority to Cellebrite, Inc., in March 2013 for an initial five-year term with one, five-year option to renew term. The contract is in its initial term, which expires on April 30, 2018. The System provides criminal investigators and analysts with the capability to unlock complex mobile devices used during the commission of a crime, overcome encryption challenges, and recover data from heavily damaged mobile devices.

Prior to the decision to exercise the renewal term, market research was conducted to assess competitive factors such as pricing, quality, and product features. Staff determined that exercising the renewal term was in the County's best interest as no other vendor is capable of providing the required maintenance and support services for the System.

Pursuant to Resolution No. R-98-12, staff contacted the vendor to negotiate a reduction in pricing for the option to renew term. The vendor did not agree to change pricing nor the contract terms and conditions. Therefore, the option to renew term will be renewed in accordance with the established pricing under the contract, with the following conditions:

PURCHASE OF HARDWARE, SOFTWARE MAINTENANCE AND SUPPORT: YEAR ONE

Within 15 days of the date of the order, the vendor agrees to provide the following hardware, software, and maintenance support services to the Miami-Dade Police Department:

- Five complete Ultimate UFED Kits
- Ten 100 & 110 Cables
- First year logical and physical software updates, live tech support, warranty and new cables along with the user manual and charging tips documentation.

PURCHASE OF ON-GOING MAINTENANCE AND SUPPORT – YEARS TWO THROUGH FIVE WITH ONE FIVE YEAR OPTION TO RENEW

Vendor agrees to provide five years of logical and physical software updates, live tech support, warranty and new cables to be renewed annually. Additionally, the contract term will allow for an additional five year option to renew term to be renewed annually.

SUPPORT AND MAINTENANCE SERVICES

The vendor agrees to provide the County with the following support and maintenance services:

- Telephone Support. For the term of this Agreement, the vendor shall provide 24/7 telephone support;
- E-mail Support. For the term of this Agreement, the vendor shall provide support via e-mail;
- Subject Matter of Support Services. The subject matter of support services to help with installation or operation problems and alleged program errors. Installation services or other support services at the County's location are not a subject matter of this Maintenance Agreement;
- Payments. Any and all support and maintenance services under this Agreement shall be compensated for by means of an annual flat rate.

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Research Notes

ADDITIONAL INFORMATION

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Cellebrite, Inc., has an active status as a foreign profit corporation. It first filed and registered on 8/3/2017. Its principal address is 7 Campus Drive, Suite 210, Parsippany, NJ 07054. Its registered agent is Corporate Creations Network, Inc., 11380 Prosperity Farms Rd., #221E, Palm Beach Gardens, FL 33410.

<http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>

As of March 2, 2018 the OCA found the following Certified SBEs with the corresponding Commodity Code 68000 – Police, Prison and Security Access Equipment:

- Aaron Industrial Safety, Inc.
- All Distributors, Inc.
- C.S.T. Electrical Contractors, Inc.
- Cooper – General Corporation
- Federal Eastern International, Inc.
- Green-Energy-Products.com, LLC
- Innovative Incentives, Inc.
- Lavcor, LLC.
- Miami Partners, LLC.
- Onyx P.I., Inc.
- RPR Empire Corp.
- Safety Source International, Inc.
- The Tools Man, Inc.

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

**BCC Meeting: March 6, 2018
Research Notes**

**Item No. 8F10
File No. 180197**

Researcher: MF Reviewer: PGE

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$4,600,000.00 FOR CONTRACT NO. 060B2490021 FOR COMMERCIAL OFF-THE-SHELF SOFTWARE FOR THE INFORMATION TECHNOLOGY DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO COUNTY CODE SECTION 2-8.1 AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should authorize additional expenditure authority in a total amount up to \$4,400,000.00 for commercial off-the-shelf (COTS) software for the Information Technology Department (ITD).

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the Miami-Dade County Code requires formal sealed bids for purchases over \$250,000; describes the circumstances under which competitive bidding may be waived; establishes requirements for legacy purchases, designated purchases, and provides that procurement procedures shall be established via an Implementing Order.

https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE

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

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

Resolution No. R-1137-16 authorizing additional expenditure authority in a total amount up to \$4,600,000.00 for Contract No. 060B2490021 for commercial off-the-shelf software for the Information Technology Department. This resolution was adopted by the Board on December 6, 2016.

<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2016/R-1137-16.pdf>

PROCEDURAL HISTORY

Prime Sponsor: N/A

Requester/Department: Internal Services Department

At the Infrastructure and Utilities Committee meeting held on February 13, 2018, the Committee forwarded this item to the BCC with a favorable recommendation.

FISCAL IMPACT

The contract term expires on September 30, 2027. It was initially approved under delegated authority for \$990,000 in May 2016. It was modified by the Board for \$4,600,000.00 on December 6, 2016. It was modified under delegated authority twice, totaling \$500,000. The contract has an existing cumulative allocation of \$6,090,000.00; and if the proposed modification for \$4,400,000.00 is approved, the contract will be valued at \$10,490,000.00.

Per information found in the Bid Tracking System on March 2, 2018, \$6,090,000 has been allocated to the contract's Blanket Purchase Order, of which \$6,044,823 has been released leaving a balance of \$45,176.

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Research Notes

ANALYSIS

The department is requesting \$4,400,000.00 in additional expenditure authority in order to purchase commercial off-the-shelf (COTS) software, installation, training, and maintenance and support services required by various County departments to ensure that the County is able to capitalize on software standardization opportunities and to leverage the County's total software purchasing power to achieve optimal pricing.

Examples of products purchased under this pool include AutoDesk and AutoCAD architecture and engineering software for the Miami-Dade Parks and Recreation Department; Attunity Connect Renewal software for the Miami-Dade Police Department; Kofax Totalagility Support Renewal software for the Information Technology Department; Gerber Omega 6.0 software for the Department of Transportation and Public Works; MCM Technology Annual Support and Maintenance for the Miami-Dade Fire Rescue Department; as well as numerous other software products.

The requested increase in spending authority will fund the acquisition of the remaining software products and services needed through Fiscal Year 17-18, allowing ITD to closely manage the use of this contract, mitigate software compliance issues, optimize software standardization opportunities, and leverage the County's total software spending to reduce one-time and recurring costs. Additional modifications to this contract will be requested on an annual basis for subsequent fiscal years.

Market research was conducted for this contract, and identified two contracts from the State of Florida and the State of Maryland to purchase and maintain COTS software services. The State of Florida's COTS contract is awarded to specific vendors, with listed "discounts", but with no additional competition required. On the other hand, the COTS contract from the State of Maryland is much broader and flexible, and it allows for additional competition among top nationally recognized software resellers. ITD is, therefore, recommending that the County continue to access the State of Maryland contract to ensure continuity of services.

A review of the County's SBE list of certified vendors conducted on March 2, 2018, resulted in five SBE's under the Commodity Code 20554 (Software, Application): Laser Products, Inc., Network & Communication Services, Inc., Blue Star Linen Service & Products, the Ashvins Group, Inc., and Visual Data Solutions. However, the Internal Services Department staff explained that SBE preference does not apply as the department accessed another governmental entity contract (State of Maryland).

ADDITIONAL INFORMATION

When the previous modification was discussed at the Strategic Planning and Government Operations Committee meeting of November 10, 2016, Commissioner Sosa expressed her concern that all the pre-qualified vendors for this contract were non local vendors. Mr. Angel Petisco, Director, ITD, explained that that the contract was with the State of Virginia; however, local vendors were welcome to register and participate. Commissioner Sosa inquired about the marketing campaign to reach local vendors, and Ms. Tara Smith, Director, Internal Services Department (ISD), noted ISD was working with the Communication Department to formalize a more standard campaign to reach local businesses.

According to the Florida Department of State Division of Corporations website (Sunbiz.org), SHI International Corp., has an active status as a foreign profit corporation and first filed and registered on 8/2/2001. Its principal address is 290 Somerset, NJ 08873. Its registered agent is CT Corporation System, 1200 South Pine Island Rd., Plantation, FL 33324.

<http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Insight Public Sector, Inc., has an active status as a foreign profit corporation and first filed and registered on 7/8/1997. Its principal address is 6820 S. Harl Ave., Tempe, AZ 85283. Its registered agent is Corporation Service Company, 1201 Hays Street, Tallahassee, FL 32301.

<http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), CDW Government LLC., has an active status as a foreign limited liability company and first filed and registered on 1/5/2010. Its principal address is 200 N.

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Milwaukee Ave., Vernon Hills, IL 60061. Its registered agent is Corporation Service Company, 1201 Hays Street, Tallahassee, FL 32301.

<http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), CarahSoft Technology Corp., has an active status as a foreign profit corporation and first filed and registered on 1/5/2009. Its principal address is 1860 Michael Faraday Dr., Suite 100, Reston, VA 20190. Its registered agent is Corporation Service Company, 1201 Hays Street, Tallahassee, FL 32301.

<http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), DLT Solutions LLC., has an active status as a foreign limited liability company and first filed and registered on 12/2/2009. Its principal address is 2411 Dulles Corner Park, Suite 800, Herndon, VA 20171. Its registered agent is Corporation Service Company, 1201 Hays Street, Tallahassee, FL 32301.

<http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>

DEPARTMENT INPUT

The Office of the Commission Auditor posed the following questions to Internal Services Department, to which the following answers were received:

1. Under the commodity code (20554) found in BTS for this procurement, there are five certified SBEs; explain if these vendors were considered for delivery of the solicited products and services; **SBE preference does not apply as we have accessed another governmental entity contract (State of Maryland).**
2. Explain why En Pointe Technologies is listed as a prequalified vendor in the mayoral memorandum but is not seen in BTS as an awarded company; **En Pointe Technologies was added after the initial approval of accessing the contract. Apparently, it was not updated in BTS to reflect the vendor as being an awarded company.**
3. Forward a copy of the Market Research conducted for this modification request; and **See attached Market Research**
4. What are the specific planned departmental purchases for FY 2018, necessitating this modification? **See attached COTS product description and functions list provided for your review.**

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Research Notes**

**Item No. 8F11
File No. 180311**

Researcher: SA Reviewer: PGE

RESOLUTION AUTHORIZING AWARD OF A LEGACY CONTRACT FOR MAINTENANCE AND SUPPORT SERVICES FOR THE LIBRARY SELF-CHECKOUT SYSTEM FOR THE MIAMI-DADE PUBLIC LIBRARY SYSTEM, CONTRACT NO. L499-2/22, TO BIBLIOTHECA, LLC FOR AN INITIAL THREE-YEAR TERM PLUS ONE, TWO-YEAR OPTION TO RENEW IN A TOTAL AMOUNT NOT TO EXCEED \$739,400.00 AND APPROVING TERMS OF AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE CONTRACT AND TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should approve Legacy Contract No. L499-2/22, Library Self-Checkout System, to Bibliotheca, LLC, for the Miami-Dade County Library System for a three-year term in the amount of \$444,000 plus a two-year option to renew.

APPLICABLE LEGISLATION/POLICY

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

https://library.municode.com/fl/miami_miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE

Code 2-8.1(b) (2) Legacy Purchases shall mean the purchase of goods and services where competition is unavailable, impractical or constrained as a result of the need to continue to operate an existing County system which may not be replaced without substantial expenditure. The County Mayor shall include, in any Legacy Purchase award recommendation, a statement as to the need for such purchase and the provisions taken to reduce or eliminate the future need for Legacy Purchases for the particular good or service.

http://miamidade.fl.elaws.us/code/coor_ptiii_ch2_arti_sec2-8.1

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

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

Resolution No. R-187-12, adopted February 21, 2012, the Mayor is directed to include together with any recommendation for the award of any contract that exceeds one million dollars (\$1,000,000) a description of the due diligence investigation performed to determine the Contractor's responsibility, and to report to this Board in connection with those contracts any instance where such research revealed information which may adversely affect a finding of Contractor responsibility.

<http://intra/gia/matter.asp?matter=120287&file=true&yearFolder=Y2012>

Resolution No. R-1011-15, adopted November 3, 2015 directing the County Mayor or his designee to require that vendors provide addresses of all local branch offices and headquarters and the number and percentage of local residents such vendors employ.

<http://intra/gia/legistarfiles/Matters/Y2015/152271.pdf>

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Resolution No. R-140-15, adopted February 3, 2015 directing County mayor or his designee to conduct a full review, prior to re-procurement of replacement contracts for goods and services of the scope of services or goods requested to ensure such contracts reflect the current needs of the County.

<http://intra/gia/legistarfiles/Matters/Y2015/150090.pdf>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services

FISCAL IMPACT

If the proposed resolution is approved by the Board, the three-year term is valued at \$444,000. Should the one, two-year option to renew term period be exercised, the cumulative contract value would be \$739,400. The current contract expires on April 30 2018, and is currently valued at \$5,815,166. The allocation under the current contract is higher than the proposed contract since it included the purchase of the self-checkout system and the proposed allocation for the new contract is solely for maintenance and support services.

Per information found in the Bid Tracking System on March 2, 2018, \$794,083 has been allocated to the contract's Blanket Purchase Order for the current term, i.e., second option to renew, of which \$698,898 has been released, leaving a balance of \$ 95,185. However, the value of the current term is \$855,166, which reflects a six-month administrative extension totaling \$122,166 in prorated funds. The contract's original expiration date was October 17, 2017.

ANALYSIS

If approved by the Board, the proposed resolution would award the legacy contract to Bibliotheca, LLC for maintenance and support of the Library Self-Check Out System for a three-year term which would amount to \$444,000 and one, two-year option to renew for a cumulative value of \$739,400. The current contract is valued at \$5,815,166 for a term of 11 years and 6 months and it expires on April 30, 2018. The resolution proposes that the legacy contract be awarded to Bibliotheca, LLC because it is the proprietary owner and sole provider of maintenance and support of the current system. It may be in the County's best interest to approve the resolution, as it is more cost-effective for the County to continue with the current arrangement, as it may not be economically feasible to replace the system at this time. The availability of competition will be continually monitored so that need for the future legacy purchases will minimize when feasible.

As per the contract Bibliotheca, LLC, shall provide the County with following support and maintenance services for the Library Self-Checkout System:

- Provisions of know error corrections by delivery of available patches via electronic communication and for download via the Internet.
- Provisions of the available minor updates (bundling of several error corrections in one version) for download via the Internet.
- Provisions of available medium upgrades (version with additional/enhanced functions) for download via the Internet.
- Provisions of available major upgrade.
- Information via electronic communication (email) when new minor/medium/major updates are available.
- Repair or replacement of any System hardware or related.
- Telephone support, email support and subject matter of support service.

The reason this system was implemented was because the Miami Dade Public Library wanted to implement a commercial, off-the-shelf software package, with necessary hardware, for self-checkout of the library materials. The Library system wanted to move towards having banks of self-checkout machines in all of its facilities. These machines would permit library patrons with

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valid library cards to check out materials without having to interact with the library staff. These systems have established a self-service environment by having a user-friendly device that requires little or no staff intervention in order for the public to use it successfully. They have also implemented a solution that has seamless and full integration with Dynix Horizon system used by the Library. Also, it has allowed the library to acquire a product that is highly configurable within documented parameters to suit its needs without extensive software customization. Additionally, it is a product that with continued development and enhancement, could meet the rapid changing information environment.

https://www.miamidade.gov/DPMww/ProcurementNAS/pdf_files/RFP49912/RFP_499_Library_Self_Check_Out_System.pdf

A search of the County's Certified Small Business Enterprise firms (SBEs) as of March 2, 2018, under commodity code no. 52540 - BOOK SECURITY SYSTEMS, EQUIPMENT, AND SUPPLIES, had no vendors listed.

Bibliotheca, LLC, has dedicated research and development efforts to produce technology that allow libraries to focus on the important needs of their communities – literacy efforts, job search programs, community outreach. Their goal is to empower libraries to reinvent their offerings and to encourage lifelong learning today and well into the future.

The self-checkout software was developed to meet the specific needs of library users around the Country. There quick Connect software allows users to find out about library events and happenings via a digital billboard, apply for a library card, and pay for fees all at self-checkout. It integrates seamlessly with cloudLibrary™, there digital collection platform, enabling patrons to discover and borrow digital materials right from the kiosk. This system empowers libraries to showcase their physical and digital collections in one place.

<http://www.bibliotheca.com/3/index.php/en-us/downloads/brochures/english-brochures/1117-g-lbbr1172na-bibliotheca-solutions-overview-brochure/file>

ADDITIONAL INFORMATION

Bibliotheca, LLC, is a Limited Liability Company incorporated in Florida on May 11, 2009. The corporation is currently listed as active on the Florida Department of State Division of Corporations website (Sunbiz.org).

<https://goo.gl/aHVcv4>

In December 2016, the 3M Company assigned all of its rights and obligations under the Library Self-Checkout System contract with Miami Dade County to Bibliotheca, LLC, as per the terms and conditions of Article 19 of the contract.

https://www.miamidade.gov/DPMww/ProcurementNAS/pdf_files/RFP49922/Amendment_No._1_Fully_Executed.pdf

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**Item No. 8F12
File No. 180112**

Researcher: BM Reviewer: TD

RESOLUTION AUTHORIZING DESIGNATED PURCHASE PURSUANT TO SECTION 2-8.1(B)(3) OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; AUTHORIZING AWARD OF CONTRACT NO. SS9896-ME FOR THE PURCHASE OF LCMS 8060 LIQUID CHROMATOGRAPH TRIPLE MASS SPECTROMETER IN AN AMOUNT NOT TO EXCEED \$353,000 FOR THE MEDICAL EXAMINER DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION, RENEWAL AND EXTENSION PROVISIONS, PURSUANT TO SECTIN 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should approve a Designated Purchase with Shimadzu Scientific Instruments, Inc. (Shimadzu) for a one-time purchase of a LCMS 8060 Liquid Chromatograph Triple Mass Spectrometer for the Medical Examiner Department for an amount of \$353,000.

APPLICABLE LEGISLATION/POLICY

Section 2-8.1(b)(3) of the County Code, Contracts and purchases generally relates to designated purchases. Designated Purchase shall mean a purchase within the scope of this section when the purchase through the use of formal sealed bids is not practicable, including, but not limited to: (i) sole source purchases, (ii) services where no competition exists such as public utility services, (iii) where purchases or rates are fixed by law or ordinance, (iv) unique professional or artistic services not governed by the Consultants' Competitive Negotiations Act, section 287.055, Florida Statutes, (v) purchases of goods and services necessary to address an emergency, or where additional formal competition would not be practicable, and (vi) solicitations where only a single proposer has responded to a competitive solicitation but such response contains material defects and the County still desires to enter into a contract with such proposer. The Board of County Commissioners shall adopt any resolution authorizing a Designated Purchase by a two-thirds vote of the members present.

https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE

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

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

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

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

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

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

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PROCEDURAL HISTORY

Prime Sponsor: None

Requester/Department: Internal Services Department

02/14/18: Forwarded to BCC with a favorable recommendation by Public Safety and Health Committee; Passed 5-0.

FISCAL IMPACT

The fiscal impact is for a one-time purchase is \$353,000. The purchase of this item will be funded by the Paul Coverdell Forensic Science Improvement Grant Program federal grant of \$250,000. The remaining \$103,000 will be funded by General Funds.

ANALYSIS

This item is a designated purchase of a LCMS 8060 Liquid Chromatograph Triple Mass Spectrometer for the Medical Examiner Department for an amount of \$353,000.

The federal funding is for the purchase of LCMS 8060 Liquid Chromatograph Triple Mass Spectrometer. The purchase of a different model may result in the loss of grant funding. To determine cause of death efficiently, the Medical Examiner uses the equipment to help identify chemical compounds in postmortem samples such as contaminants, pesticides, or drug substances. An increase in new cases has surpassed the capacity of the department's resources.

The vendor, Shimadzu, has no employees within Miami-Dade County and is headquartered in Maryland. A search of the Miami-Dade County Small Business Enterprise Certified Firms list, as February 12, 2018, resulted in the following local vendor under Commodity Code 49500 - Laboratory and Field Equipment and Supplies: MEDICAL EQUIPMENT SOLUTIONS CORP.

ADDITIONAL INFORMATION

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Shimadzu Scientific Instruments, Inc., has an active status as a Foreign for Profit Corporation, headquartered in Maryland, and first filed and registered on 10/19/2006. The vendor only has a Registered Agent based out of St. Petersburg, Florida.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=SHIMADZUSCIENTIFICINSTRUMENTS%20F050000003090&aggregateId=forp-f05000000309-6c7c627e-3b8b-4626-b199-71bca16f846b&searchTerm=shimadzu%20scientific%20instrument&listNameOrder=SHIMADZUSCIENTIFICINSTRUMENTS%20F050000003090>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Medical Equipment Solutions, Corp., has an active status as a for Profit Corporation, headquartered in Maryland, and first filed and registered on 7/22/1998. The vendor has its principal address as 2536 SW 16th Terr. Miami, FL.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=MEDICALEQUIPMENTSOLUTIONS%20P980000652750&aggregateId=domp-p98000065275-2c12b645-f636-4082-a4c9-ffb6ff3490f3&searchTerm=MEDICAL%20EQUIPMENT%20SOLUTIONS%20CORP&listNameOrder=MEDICALEQUIPMENTSOLUTIONS%20P980000652750>

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Item No. 8F13

File No. 180453 (180196)

Researcher: BM

Reviewer: TD

RESOLUTION WAIVING FORMAL BID PROCEDURES PURSUANT TO SECTION 5.03(D) OF THE HOME RULE CHARTER AND SECTION 2-8.1(B)(1) OF THE CODE OF MIAMI-DADE COUNTY BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT AND AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN AN AMOUNT UP TO \$18,331,000.00 TO CONTRACT NO. BW7514-15/24-9 FOR THE PURCHASE OF UPGRADES TO THE UHF PUBLIC SAFETY RADIO SYSTEM FOR THE FIRE RESCUE DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION, RENEWAL AND EXTENSION PROVISIONS, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should approve a resolution waiving competitive bidding procedures for good and services, pursuant to Section 2-8.1 of the County Code, and approve a modification to Contract No. BW7514-15/24-9, 450 MHZ UHF Radio System Upgrade Project, by increasing expenditure authority by \$15,705,000 in order upgrade the Radio System for the Fire Rescue Department.

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the County Code, Contracts and purchases generally, relates to the bid requirement for certain purchases. Per the County Code, the Board of County Commissioners, upon written recommendation of the Mayor or Mayor's designee, may, by resolution adopted by two-thirds vote of the members present, waive competitive bidding when it finds this is to be in the best interest of the County.

Below is a link relating to Section 2-8.1 of the County Code:

https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE

Implementing Order 3-38, Master Procurement Implementing Order, establishes the roles and responsibilities of the Internal Services Department (ISD), methods of purchasing goods and services, and the authority to award contracts. Additional policies and procedures relating to the County's procurement processes are detailed in the ISD Procurement Guidelines, other A.O.s and the County Code.

Below is a link relating to Implementing Order 3-38:

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

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

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

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

Resolution No. R-457-04, adopted by the Board on April 2, 2004, established a five-year contract with Motorola, Inc., to provide the County with a new radio system infrastructure.

<http://intra/gia/legistarfiles/Matters/Y2004/041049.pdf>

Resolution No. R-1245-16, adopted by the Board on December 20, 2016, exercised the remaining 11, one-year options to renew.

<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2016/R-1245-16.pdf>

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Resolution No. R-391-17, relates to expansion of services under existing contracts with written justification of why competitive process is not feasible. This resolution was adopted by the Board on April 4, 2017.

The link below relates to Resolution No. R-391-17:

<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2017/R-391-17.pdf>

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

<http://intra/gia/matter.asp?matter=120287&file=true&yearFolder=Y2012>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

02/14/18: Forwarded to BCC with a favorable recommendation by the Public Safety and Health Committee. The item was amended to reduce the requested additional expenditure amount from \$18,331,000 to \$15,705,000.

FISCAL IMPACT

The \$15,705,000 additional expenditure allocation request is based on system upgrade needs. If the proposed resolution is approved by the Board, the cumulative contract value for Contract No. BW7514-15/24-9 will be \$88,885,000 and will expire on December 14, 2018. The previously requested additional expenditure was \$18,331,000.

The contract currently has an existing cumulative allocation of \$73,180,000 and expires on December 14, 2018. The requested allocation is based on cost of upgrades to address deficiencies identified on communication system. The additional expenditure is to be used by the Fire Rescue Department to purchase radio equipment, antennas, and ongoing maintenance and support services.

ANALYSIS

Contract No. BW7514-15/24 was approved by the Board on April 2, 2004, pursuant to Resolution No. R-457-04 for five years, with 15, one-year option to renew periods. The contract currently expires on December 14, 2018.

The proposed resolution recommends waiving the competitive bidding procedures established in order to ensure continuity of communication service for the Fire Rescue Department during emergency medical response, natural disasters, fire suppression, and other emergencies.

A search of the Miami-Dade County Small Business Enterprise Certified Firms list, as February 12, 2018, resulted in the following local vendors under Commodity Code 72515 - Communications Systems, Integrated (Includes Telephone, Clock, Intercom, etc.):

- COOPER - GENERAL CORPORATION
- GALACTIC TECHNOLOGY GROUP, LLC

ADDITIONAL INFORMATION

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Motorola Solutions, Inc., has an active status as a Foreign for Profit Corporation, headquartered in Illinois, and first filed and registered on 05/04/1973. The vendor only has a Registered Agent based out of Plantation, Florida.

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

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[Initial&searchNameOrder=MOTOROLASOLUTIONS%208300462&aggregateId=forp-830046-bf766eb1-d628-47d4-92b4-14d07673ca86&searchTerm=motorola%20solutions%2C%20inc.&listNameOrder=MOTOROLASOLUTIONS%208300462](http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=MOTOROLASOLUTIONS%208300462&aggregateId=forp-830046-bf766eb1-d628-47d4-92b4-14d07673ca86&searchTerm=motorola%20solutions%2C%20inc.&listNameOrder=MOTOROLASOLUTIONS%208300462)

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Cooper-General Corporation has an active status as a for Profit Corporation and first filed and registered on 10/19/1978. The principle address is registered as 2921 SW 132 Ave Miami, FL.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=COOPERGENERAL%205898061&aggregateId=domp-589806-2bb2a109-8cda-45af-809a-c31e46ec8028&searchTerm=COOPER%20-%20GENERAL%20CORPORATION&listNameOrder=COOPERGENERAL%205898061>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Galactic Technology Group, LLC has an inactive status as a Florida Limited Liability Company and first filed and registered on 1/03/2014. The principle address is registered as 18495 S Dixie Hwy #226 Miami, FL.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=GALACTICTECHNOLOGYGROUP%20L140000013680&aggregateId=fla1-114000001368-9bf37460-0a17-4921-b230-3e9398ac6a5d&searchTerm=gaLACTIC%20TECHNOLOGY%20GROUP&listNameOrder=GALACTICTECHNOLOGYGROUP%20L140000013680>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Galactic Technology Group, Inc., has an active status as a Florida for Profit Corporation and first filed and registered on 1/03/2014. The principle address is registered as 12271 SW 129th Court Miami, FL.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=GALACTICTECHNOLOGYGROUP%20P170000982400&aggregateId=domp-p17000098240-7e54cb98-8f7f-403a-917c-c43349bcecb9&searchTerm=gaLACTIC%20TECHNOLOGY%20GROUP&listNameOrder=GALACTICTECHNOLOGYGROUP%20L140000013680>

DEPARTMENT INPUT

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

1. Is the current awarded vendor, Motorola Solutions, Inc. the only company that can offer continuity of services for the County's radio system? **Yes**
2. Are there no vendors in Miami-Dade County that can provide these services? **No, at this time there are no local options.**

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**Item No. 8H1
File No. 180167**

Researcher: AIP Reviewer: TD

RESOLUTION APPROVING SOLAR LICENSE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND FLORIDA POWER & LIGHT COMPANY FOR INSTALLATION OF RENEWABLE ENERGY GENERATING EQUIPMENT WITHIN ZOO MIAMI, LOCATED AT 12400 SW 152 STREET; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE SOLAR LICENSE AGREEMENT AND TO EXERCISE ALL RIGHTS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve an agreement between the County and Florida Power & Light (FPL) to install a solar power generating shelter at Zoo Miami, which will generate power for the electricity grid.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-1431-08 (*Participation in "Cool Counties" Goals and Objectives*) which was adopted by the Board on December 16, 2008, which endorsed Miami-Dade County's participation in the U.S. Cool Counties Program and its goals and objectives including the climate stabilization declaration. This program includes the regional goals of reducing greenhouse gas (GHG) emissions to 80 percent of 2008 levels by 2050.

<http://intra/gia/matter.asp?matter=083495&file=true&yearFolder=Y2008>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Dennis C. Moss, District 9

Department/Requester: Parks, Recreation and Open Spaces

2/14/18: At the PCAC meeting, this item was forwarded to the BCC with a favorable recommendation.

FISCAL IMPACT

This resolution has no negative fiscal impact to the County. The installation and maintenance of the solar power generating shelter will be done by FPL, and Zoo Miami will be able to use the shelter to generate revenue during events. The estimated cost of the shelter, paid by FPL, is \$400,000.

According to Section 8 of the Attachment A: Solar License Agreement, there is a license fee that requires the licensee (FPL) to pay the licensor (County) the amount set forth in Exhibit E annually. Exhibit E states that the license fee shall be calculated based on the actual capacity of kilowatts of solar power installed by FPL, multiplied by eighteen dollars (\$18 per kilowatt generated). This will calculate the annual fee paid to the County.

According to the answers received from the department, FPL estimates that the shelter will produce about 56 kilowatts per year, resulting in approximately \$1,008 being paid to the County per year, for the 15-year term. This is demonstrated in the table below:

Estimated Kilowatts Generated	Formula for Calculating Payment	Total Payment to County
Approximately 56 Kilowatts per year	\$18 per kilowatt	\$1,008 per year (for the 15-year term)

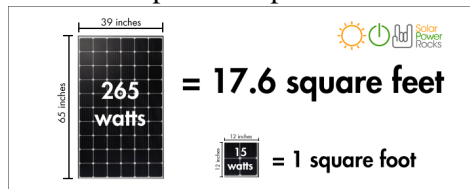
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ANALYSIS

Zoo Miami is located at 12400 SW 152 Street, in District 9. This item seeks to approve the installation of a 3,300 square foot steel picnic shelter with solar power generating equipment on its roof, at Zoo Miami, which can be used by Zoo Miami patrons for shade, as well as for revenue-generating events. The shelter will have solar panels on the roof, which will generate clean energy that will be put into the Electric grid. According to Attachment A: Solar License Agreement, section 11 under Terms and Conditions, the licensee (FPL) will be in charge of “operating and maintaining the equipment in good working order and in a safe, clean manner.”

According to research backed by several solar power companies, each 250 watt rated solar panel (averaging 5 x 3 feet) can produce about 30 kWh in an average month. This calculation is based off of 4 hours of full sun:

- 250 watts x 4 hours. That's 1 kWh (1,000 watts) in a day per 250-watt panel. If you multiply 1kWh per panel by 30 days in a month, you'll find that each 250 watt rated panel will produce about 30 kWh in an average month.

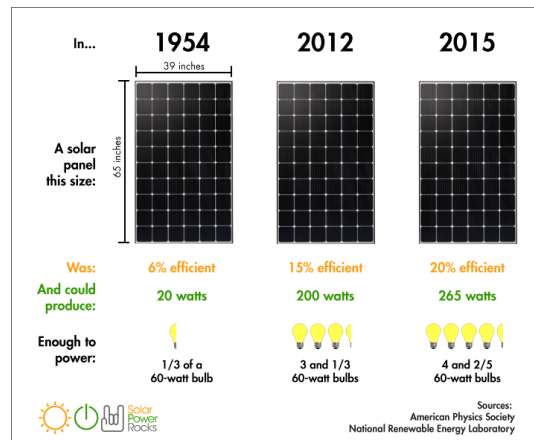


The amount of electricity a solar panel produces is not only proportional to the sun's intensity, but also depends on three factors: solar cell efficiency, solar panel size and the amount of sunlight directly hitting the panel. Each solar panel should have a number listed on the back identifying how much power will be made during peak conditions, also known as a max power rating. All solar panels are rated by the DC power produced in standard test conditions.

Typical solar panels produce between 250-325 watts of electricity based on the efficiency and size of what's installed. As an example, if you install 20 panels producing 250 watts, you may have an output of about 5 kilowatts (kW).

ADDITIONAL INFORMATION

Initially, solar power technology was using more energy than it was producing, but now the industry is set to “pay back” the energy by 2020. Therefore, it is now more efficient to use solar panels, even when taking into account all the materials and energy used to make, transport, and maintain it.



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The solar panel/technology industry, also known as the photovoltaic technology industry, has made strides in the efficiency of the technology and the durability of the panels, wires, and batteries, and so solar panels now make more energy than they take up, including the carbon/energy footprint from transporting the materials, manufacturing, and distribution and installation of the panels.

In an article from Popular Science, it is stated that the reason for these more energy efficient panels are that newer panels require less silicon, or waste less material in the manufacturing process. Researchers are also looking to replace silicon with more affordable elements, such as copper, zinc, tin and carbon.

It is important to note the difference between Kilowatts (KW) which is 1,000 Watts (W), and Kilowatt Hours (KWh). Watt is the unit of power whereas kilowatt-hour (kWh) is the unit of energy. Watt indicates the rate of using energy in J/s. If you have a Light bulb that has a rating of 100 watt, it means that the light bulb consumes 100 J per second. KWh is the unit of energy. A 100 watt light bulb when used for an hour will consume 100 Watt-hour of energy which is 0.1 kWh of energy. If you multiply the total energy usage kWh with charge per kWh (This should be on your electricity bill), you get your total Electricity cost.

Link to the Zoo Miami Website: <http://www.zoomiami.org/>

FPL Solar Energy Program: <https://www.fpl.com/clean-energy/solar.html>

Article on “Popular Science”: <https://www.popsci.com/science/article/2013-04/solar-panels-now-make-more-electricity-the-y-use>

Information on Solar Panel Output: <http://www.solarcity.com/residential/solar-energy-faqs/solar-energy-production>

Study published in “Environmental Science & Technology”, from Stanford University:
<https://pubs.acs.org/doi/abs/10.1021/es3038824>

Information on Units of energy vs. Units of power: <https://www.tipsandtricks-hq.com/the-differences-between-power-watts-and-energy-kilowatts-hour-kwh-393>

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**Item No. 8I2
File No. 180178**

Researcher: MF Reviewer: PGE

RESOLUTION APPROVING THE TERMS OF THE FIRST AMENDED MEMORANDUM OF UNDERSTANDING AND ADDENDUM FOR THE MONEY LAUNDERING TASK FORCE BETWEEN THE BROWARD SHERIFF'S OFFICE AND MIAMI-DADE COUNTY, THROUGH THE MIAMI-DADE POLICE DEPARTMENT AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE FIRST AMENDED MEMORANDUM OF UNDERSTANDING AND ADDENDUM FOR THE MONEY LAUNDERING TASK FORCE, AND EXERCISE THE MODIFICATION AND CANCELLATION PROVISIONS CONTAINED THEREIN AND TO EXERCISE ANY AND ALL PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should adopt a resolution supporting the County Mayor's action to execute the First Amended Memorandum of Understanding (MOU) for the Money Laundering Task Force (MLTF) between the County, through the Miami-Dade Police Department (MDPD), and the Broward Sheriff's Office (BSO) and Addendum.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-398-15, adopted by the Board on May 5, 2015, ratifies the execution of a Memorandum of Understanding between the Broward Sheriff's Office and Miami-Dade County, through the Miami-Dade Police Department, for the Workers' Compensation Fraud Task Force.

<http://intra/gia/matter.asp?matter=150344&file=true&yearFolder=Y2015>

PROCEDURAL HISTORY

Prime Sponsor: Sally A. Heyman, District 4

Department/Requester: Police Department

At the Public Safety and Health Committee meeting held on February 14, 2018, the Committee forwarded this item to the BCC with a favorable recommendation.

FISCAL IMPACT

There is no fiscal impact to the County.

ANALYSIS

During the course of their work, MDPD and the BSO collaborate to combat a variety of crimes in the South Florida community. This particular task force and agreement provide a mechanism to formalize the relationship between the BSO and MDPD to coordinate investigative efforts to combat money laundering, and in particular workers compensation in the case of MDPD. Money laundering is the generic term used to describe the process by which criminals disguise the original ownership and control of the proceeds of criminal conduct by making such proceeds appear to have derived from a legitimate source.

Workers' compensation fraud occurs when someone knowingly makes a false representation of a material fact to obtain or to deny workers' compensation benefits or to avoid responsibility under the law. Investigations for this crime in partnership with the BSO have been previously conducted under the Workers' Compensation Task Force, authorized by the Board in Resolution R-398-15. The BSO has determined that for purposes of streamlining investigations the workers' compensation fraud investigations will now be investigated jointly under the BSO Money Laundering Task Force.

The First Amended Money Laundering Task Force MOU formalizes relationships between and among the participating agencies in order to foster an efficient and cohesive unit capable of addressing money laundering activity within South Florida. It was entered into on the 1st day of June 2009 by and between the following agencies: Broward County Sheriff's Office; City of Coral

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Springs; City of Pembroke Pines; City of Hallandale; City of Hollywood; City of Miramar; City of Fort Lauderdale and City of Weston.

The mission of the MOU is to identify and target for prosecution, individuals and/or organizations involved in money laundering activity. The day-to-day operation and administrative control of the Task Force will be the responsibility of the Broward Sheriff's Office Task Force Supervisor. Responsibility for the conduct of the Task Force members will remain with the respective agency law enforcement heads. All Task Force investigations will be initiated in accordance with procedures established by the Broward State Attorney's Office or the United States Attorney General Guidelines on General Crimes and Racketeering Enterprise. The criteria for determining whether to prosecute a particular violation in state or federal court will focus upon achieving the greatest overall benefit to law enforcement and the public. The parties agree that 20 percent of all currency seized by the Task Force pursuant to this MOU and subsequently awarded to the Task Force will be deposited into the BSO Law Enforcement Trust Fund, and that the BSO will be designated a Fiscal Administrator of such funds.

The Addendum to the First Amended Money Laundering Task Force MOU specifies that MDPD law enforcement personnel assigned to the MLTF will only investigate or assist with investigations involving crimes associated with and in furtherance of workers' compensation premium fraud.

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Research Notes**

**Item No. 8K1
File No. 180198**

Researcher: SA Reviewer: PGE

RESOLUTION APPROVING THE PROPOSED FUNDING RECOMMENDATIONS FOR UP TO \$20,692,000.00 FOR THE FISCAL YEAR 2017 REQUEST FOR APPLICATIONS FOR THE DOCUMENTARY STAMP SURTAX PROGRAM AND STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AMENDMENTS, SHELL CONTRACTS, LOAN DOCUMENTS AND OTHER TRANSACTIONAL DOCUMENTS NECESSARY TO ACCOMPLISH THE PURPOSES SET FORTH HEREIN AND TO EXERCISE TERMINATION, WAIVER, ACCELERATION AND OTHER PROVISIONS SET FORTH THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve the FY 2017 Request for Applications (RFA) in an amount of up to \$20,692,000 for the Documentary Stamp Surtax Program (Surtax) and State Housing Initiatives Partnership Program (SHIP) to fund (1) multi-family rental housing development countywide; (2) multi-family housing development in the Brownsville Subdivision; (3) multi-family workforce rental development; (4) elderly housing development; and (5) public housing developments.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-343-15 (*Surtax Gap Funding Cap*), adopted by the Board on April 21, 2015, limits the proposed percentage of funding for Surtax with relation to the affordable housing development. Furthermore, it requires the Mayor or Mayor's designee to review the limitation on the total amount of Surtax and make recommendations to the Board each year as to whether the limitation should be revised.

<http://intra/gia/matter.asp?matter=151100&file=false&yearFolder=Y2015>

Resolution No. R-346-15 (*Establishing Maximum Development Cost Per Unit*), adopted by the Board on April 21, 2015, established a limit of \$225,000 for the construction, rehabilitation and obtain affordable housing. However, for new high rise construction buildings that are seven floors or more, the limit shall be \$250,000.00.

<http://intra/gia/matter.asp?matter=151090&file=false&yearFolder=Y2015>

Resolution No. R-630-13 (*Due Diligence in HCD Funding*), adopted by the Board on July 16, 2013, requires the Mayor or Mayor designee to take certain measures of protection before entering into contract negotiations or executed agreements between the County and agencies. These measures include reviewing the project budget, sources and use statement, certification as to past defaults on agreements with non-county funding sources and due diligence checks prior to recommending a commitment of Housing and Community Development Funds.

<http://intra/gia/matter.asp?matter=131512&file=false&yearFolder=Y2013>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Audrey M. Edmonson, District 3

Department/Requester: Public Housing and Community Development

This item was forwarded to the Board with a favorable recommendation by the Housing and Social Services Committee (HSSC) at its February 12, 2018 meeting. Below is a summary of the discussion held at HSSC regarding the item.

Commissioner Martinez stated that he did not understand why the Multi-Family Rental Countywide is receiving \$10,500,000 compared to the Elderly Housing Developments that is only receiving \$2,500,000 and felt that the funds were not distributed appropriately. The Commissioner stated that his office is constantly receiving phone calls from the elderly community regarding wanting to be placed in senior housing facilities. Furthermore, Commissioner Martinez and Edmonson stated if an amendment could be made so some of the Multi-Family Rental Countywide funds could be reallocated to the Elderly Housing Developments.

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Michael Liu, Director of the Miami-Dade County Public Housing and Community Department (PHCD), stated that the way the funds were allocated for senior housing is pursuant to a Board directive sponsored by Commissioner Sosa a couple years ago. He also stated that \$2,500,000 is a considerable percentage when you look at the overall demand and population and that the funds cannot be reallocated since this is a time-sensitive item and there is financing already in place for most of the projects. Furthermore, all these projects went through a scoring and competitive process and that all of the projects that are being recommended had to have base financing. Therefore, if there is some sort of retrospective adjustment to the allocations many of the projects would not move forward. The Director suggested that for the FY 2018 allocations he will make sure to address the Commissioners' concerns.

Commissioner Cava stated that there needs to be a discussion regarding what is the priority for housing since there is not a clear understanding of the overall need and that she requested legislation to do an analysis of what are the housing needs.

Commissioner Martinez ended the discussion by stating that this will continue happening if they do not address the issue and that the department should have never allocated the funds without the Board's input.

FISCAL IMPACT

PHCD indicated that \$36,877,339 was allocated for the Surtax/SHIP funding for FY 2016. The categories that the funds were allocated to are: Multi-Family Rental Countywide, Multi-Family Rental-Liberty City 2015 Surtax carryover, Multi-Family Rental-79th Street Corridor, Multi-Family Workforce Housing Developments, Small Developments, Small Developments-Liberty City 2015 Surtax carryover, Elderly Housing Developments, Public Housing Developments, Acquisition/Rehabilitation Countywide, Acquisition/ Rehabilitation Liberty City 2015 Surtax carryover funding, Acquisition/Rehabilitation West Little River and Homebuyer Counseling.

The item proposes using up to \$20,692,000 in Surtax and SHIP Program funds to support FY 2017 RFA projects. The table below shows the recommended allocation by project category.

Multi-Family Rental Countywide	Multi-Family Rental-Brownsville Subdivision	Multi-Family Workforce Developments	Elderly Housing Developments	Public Housing Developments
\$10,952,000	\$900,000	\$3,000,000	\$2,500,000	\$3,700,000

ANALYSIS

The County through the Department of Public Housing and Community Development solicited applications on May 31, 2017 under a Request for Application (RFA) to fund activities with Documentary Stamp Surtax (Surtax) and State Housing Initiatives Partnership (SHIP) program. This FY 2017 Surtax and SHIP RFA is seeking proposals to address high unmet needs of affordable housing.

Surtax provides affordable housing assistance to low and moderate-income Miami-Dade residents and is a state-funded program through the Miami-Dade County's discretionary documentary stamp tax. The program requires that at least 75% of the funds allocated to each successful agency are to benefit low-income families (those with income of 80% or less of the area median income (AMI) for Miami-Dade County). The remaining 25% are to be made available to moderate income families (those with income of up to 140% of the AMI).

<http://www.miamidade.gov/housing/documentary-stamp-surtax-program.asp>

<http://nlihc.org/rental-programs/catalog/miami-documentary-surtax-program>

The SHIP program is also a state program that provides funds to local governments as an incentive to create partnerships that produce and preserve affordable homeownership and multifamily housing. The program assists very low, low and moderate

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income families. The SHIP funds can be used for emergency repairs, new construction, rehabilitation, gap financing, mortgage buy-downs, acquisition of property for affordable housing, matching dollars for federal housing grants and programs.

A minimum of 65 percent of the funds must be spent on eligible homeownership activities; a minimum of 75 percent of funds must be spent on eligible construction activities; at least 30 percent of the funds must be reserved for very-low income households an additional 30 percent may be reserved for low income households and the remaining funds may be reserved for moderate-income households.

<http://www.miamidade.gov/housing/ship-program.asp>

When the RFA application was issued it stated it was addressing areas that need affordable housing and would target multi-family rental housing, small developments, elderly and workforce housing, public housing, homeownership, acquisition/rehabilitation and homebuyer counseling. The Departments FY 2017 for Surtax and SHIP RFA estimated \$37,638,447.00 in available funding. On June 30, 2017, the department received 22 applications that met the 12-step minimum threshold requirements and gap financing for the developments. Following this review, the Department forwarded the applications to the Mayor's Office so they could be rated by the Evaluation/Selection committee and out of the 22 applications, 8 were chosen. Furthermore, the FY 2017 Surtax and SHIP proposed funding recommendation was for up to \$20,692,000.

Gap Finance Funds fill the GAP between existing financing commitments to a project and the overall Development Cost of the housing project. Development Cost of the project means the total cost of completing the entire project, from acquisition to issuance of a certificate of occupancy, including but not limited to the cost for acquisition, design and planning, zoning and variances, financing costs, legal costs, construction, permitting, hard costs and development soft costs.

[https://www.miamidade.gov/housing/library/guide lines/rfa2017/2017-surtax-ship-housing-development-rfa-final.pdf](https://www.miamidade.gov/housing/library/guide%20lines/rfa2017/2017-surtax-ship-housing-development-rfa-final.pdf)

The table below shows the 8 developers that were scored and are currently all active vendors on the Florida Department of State Division of Corporations website (Sunbiz.org).

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Developer	Category	Development Type	Commission District
Related Urban Development Group, LLC	Multi-Family Rental Countywide	New construction Multi Family units	7
Related Urban Development Group, LLC	Multi-Family Rental Countywide	Multi-Family Units	5
Coral Bay Cove, LLC	Multi-Family Rental Countywide	New Construction of residential units, buildings Garden Style Development	9
Centennial Management Corp	Multi-Family Rental Countywide	Acquisition and rehabilitation Garden Style Rentals	13
Regatta Place Associates , LLC	Multi-Family Rental Brownsville Subdivision	Garden Style Community	3
Centennial Management Corp	Multi-Family Rental Workforce development	Acquisition development and construction of new construction garden style housing rental	8
Atlantic Pacific Communities	Elderly Housing Development	Second phase of Northside Transit Village Development Located on North side Metrorail Station	2
Related Urban Development Group RUDG, LLC	Public Housing Development	New construction Multi Family units	5

ADDITIONAL INFORMATION

Related Urban Development Group RUDG, LLC, is a Limited Liability Company incorporated in Florida on April 23, 2009. The corporation is currently listed as active on the Florida Department of State Division of Corporations website (Sunbiz.org)
<https://goo.gl/DJU1ij>

Coral Bay Cove, LLC, is a Limited Liability Company incorporated in Florida on January 9, 2015. The corporation is currently listed as active on the Florida Department of State Division of Corporations website (Sunbiz.org)
<https://goo.gl/iAenHp>

Centennial Management Corp, is a Profit Corporation incorporated in Florida on January 18, 2001. The corporation is currently listed as active on the Florida Department of State Division of Corporations website (Sunbiz.org)
<https://goo.gl/xxZxHo>

Regatta Place Associates, LTD, is a Limited Partnership incorporated in Florida on October 28, 2013. The corporation is currently listed as active on the Florida Department of State Division of Corporations website (Sunbiz.org)
<https://goo.gl/BGR5r5>

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Centennial Management Corp. is a Profit Corporation incorporated in Florida on January 18, 2001. The corporation is currently listed as active on the Florida Department of State Division of Corporations website (Sunbiz.org)

<https://goo.gl/djrN4P>

Atlantic Pacific Communities, is a Limited Partnership incorporated in Florida on September 20, 2013. The corporation is currently listed as active on the Florida Department of State Division of Corporations website (Sunbiz.org)

<https://goo.gl/rBamgu>

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Research Notes**

**Item No. 8K2
File No. 180162**

Researcher: SA Reviewer: PGE

RESOLUTION APPROVING THE PROPOSED FUNDING RECOMMENDATION FOR UP TO \$3,668,000.00 FOR THE FISCAL YEAR 2017 REQUEST FOR APPLICATIONS FOR THE DOCUMENTARY STAMP SURTAX PROGRAM AND STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM FOR THE PINNACLE HOUSING GROUP, LLC'S AND VERBENA, LLC'S MULTI-FAMILY COUNTYWIDE RENTAL DEVELOPMENT; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AMENDMENTS, SHELL CONTRACTS, LOAN DOCUMENTS AND OTHER TRANSACTIONAL DOCUMENTS NECESSARY TO ACCOMPLISH THE PURPOSES SET FORTH HEREIN AND TO EXERCISE TERMINATION, WAIVER, ACCELERATION AND OTHER PROVISIONS SET FORTH THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve the proposed funding recommendation of up to \$3,668,000 for Fiscal Year (FY) 2017 Request for Applications (RFA) for the Documentary Stamp Surtax Program (Surtax) and State Housing Initiatives Partnership Program (SHIP) to Verbena, LLC and Pinnacle Housing Groups, LLC to support Multi-Family Rental developments.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-343-15 (*Surtax Gap Funding Cap*), adopted by the Board on April 21, 2015, limits the proposed percentage of funding for Surtax with relation to the affordable housing development. Furthermore, it requires the Mayor or Mayor's designee to review the limitation on the total amount of Surtax and make recommendations to the Board each year as to whether the limitation should be revised.

<http://intra/gia/matter.asp?matter=151100&file=false&yearFolder=Y2015>

Resolution No. R-346-15 (*Establishing Maximum Development Cost Per Unit*), adopted by the Board on April 21, 2015, established a limit of \$225,000 for the construction, rehabilitation and obtain affordable housing. However, for new high rise construction buildings that are seven floors or more, the limit shall be \$250,000.00.

<http://intra/gia/matter.asp?matter=151090&file=false&yearFolder=Y2015>

Resolution No. R-630-13 (*Due Diligence in HCD Funding*), adopted by the Board on July 16, 2013, requires the Mayor or Mayor designee to take certain measures of protection before entering into contract negotiations or executed agreements between the County and Agencies. These measures include reviewing the project budget, sources and use statement, certification as to past defaults on agreements with non-county funding sources and due diligence checks prior to recommending a commitment of Housing and Community Development Funds.

<http://intra/gia/matter.asp?matter=131512&file=false&yearFolder=Y2013>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Dennis Moss, District 9

Department/Requester: Public Housing and Community Development

This item was forwarded to the Board with a favorable recommendation by the Housing and Social Service Committee at its February 12, 2018 meeting without discussion.

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FISCAL IMPACT

The proposed funding is for up to \$3,668,000 for the Fiscal Year 2017 RFA for the Documentary Stamp Surtax Program and State Housing Initiatives Partnership Program to Pinnacle Housing Group, LLC and Verbena, LLC for a multi-family rental development.

ANALYSIS

The purpose of this proposed item is to seek the Board's approval for up to \$3,668,000.00 for FY 2017 RFA for Surtax and SHIP Programs to Verbena, LLC and Pinnacle Housing Group, LLC (PHG) to support the new construction of two midrise residential buildings totaling 110 affordable rental units SW of the intersection of SW 282 Street and South Dixie Highway in District 9.

Surtax provides affordable housing assistance to low and moderate-income Miami-Dade residents and is a state-funded program through the Miami-Dade County discretionary documentary stamp tax. The program requires that at least 75% of the funds allocated to each successful agency are to benefit low-income families (those with income of 80% or less of the area median income (AMI) for Miami-Dade County). The remaining 25% are to be made available to moderate income families (those with income of up to 140% of the AMI).

<http://www.miamidade.gov/housing/documentary-stamp-surtax-program.asp>

<http://nlhc.org/rental-programs/catalog/miami-documentary-surtax-program>

The SHIP program provides funds to local governments as an incentive to create partnerships that produce and preserve affordable homeownership and multifamily housing. The program was designed to serve very low, low and moderate income families. The SHIP funds can be used for emergency repairs, new construction, rehabilitation, down payment and closing cost assistance, impact fees, construction and gap financing.

<http://www.miamidade.gov/housing/ship-program.asp>

On May 31, 2017, the County through the Department of Public Housing and Community Development (PHCD) solicited applications under a Request for Application (RFA) process to fund activities with Documentary Stamp Surtax (Surtax) and State Housing Initiatives Partnership (SHIP) program.

On June 30, 2017, the RFA process was closed and 8 out of the 22 applications that were received met the 12-step minimum threshold requirement. The Department forwarded these applications to the Mayor's Office so they could be rated by the Evaluation/Selection committee. From this information, the Mayor's Office provided the FY 2017 Surtax/SHIP with the 8 applicants and recommended the funding of \$20,692,000. The funding would focus on new construction of Multi-Family Rentals Countywide, Multi-Family Rentals in the Brownsville Subdivision, Multi-Family Workforce, Elderly Housing, and Public Housing Developments. Furthermore, within the recommended funding, the 4 applicants for the Multi-Family Rental countywide developments had \$14,260,000 available in funding. However, the applicants only used \$10,592,000 for Multi-Family Rentals Countywide which left \$3,668,000 available to use for the Verbena/Pinnacle Housing Groups, LLC (PHG).

Verbena/Pinnacle Housing Groups, LLC (PHG) was not one of the organizations recommended because of the Deferred Prosecution Agreement entered between DAXC, LLC that no longer exists or is affiliated to Pinnacle Housing Group and the United States. DAXC, LLC was improperly increasing construction costs of four affordable housing projects that were funded by Florida Housing Finance Corporation (FHFC).

FHFC filed an administrative complaint against DAXC, LLC and on August 23, 2017, FHFC and PHS entered into a settlement agreement. The agreement was approved on September 22, 2017 by the Board of Directors of the Florida Housing Finance Corporation.

Verbena/Pinnacle Housing Groups, LLC (PHG) was not forwarded by the Public Housing and Community Department to the County Mayor's Office to be rated and reviewed since they did not meet the Due Diligence requirements pursuant to Resolution

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No. R-630-13. However, after the department met with PHG and there was discussion and further information was provided, the Mayor's Evaluation /Selection Committee met again and scored the application (86.4) and recommended funding in the amount of \$3,668,000.00.

Directives from the Mayor to PHG were implemented and accepted so IT could participate in the FY 2017 Surtax/SHIP RFA process. Below is a list of the Negotiated Terms:

PHG agreed to pay the County \$320,000 for inflated costs associated with one of the Deferred Prosecution Agreements. The funds would be deposited into the Surtax program account as program income.

PHG developer's fee was reduced from 16 percent or \$3,843,906.00 to 12 percent or \$2,835,751.00.

PHG general contractor fee was reduced from 14 percent or \$2,206,326.00 to 11 percent or \$1,798,141.00.

PHG stated it would provide Miami Dade County through Fiscal Years 2018/2019 the same reduction of developer and general contractor fees that it agreed with FHFC.

PHG agreed \$3,668,000.00 would be the maximum Surtax award for the Verbena project.

ADDITIONAL INFORMATION

Verbena LLC, is a Limited Liability Company Incorporated in Florida on September 18, 2013. The corporation is currently listed as active on the Florida Department of State Division of Corporations website (Sunbiz.org)

<https://goo.gl/H3cjlL>

Pinnacle Housing Group LLC, is a Limited Liability Company Incorporated in Florida on October 17, 2001. The corporation is currently listed as active on the Florida Department of State Division of Corporations website (Sunbiz.org)

<https://goo.gl/aUadfU>

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Research Notes**

**Item No. 8L1
File No. 180171**

Researcher: BM Reviewer: TD

RESOLUTION APPROVING A BILL OF SALE FROM MIAMI-DADE COUNTY TO FLORIDA FISH AND WILDLIFE COMMISSION TO TRANSFER OWNERSHIP OF THE GOVERNMENT CUT RANGE FRONT LIGHT STRUCTURE, LOCATED OFFSHORE OF MIAMI BEACH IN THE GOVERNMENT CUT INLET, FOR CONSIDERATION OF \$1.00; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE BILL OF SALE FOR AND ON BEHALF OF THE COUNTY; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE U.S. COAST GUARD PRIVATE AIDS TO NAVIGATION APPLICATION; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ANY ACTIONS NECESSARY TO EFFECTUATE THE TRANSFER OF OWNERSHIP

ISSUE/REQUESTED ACTION

Whether the Board should approve a Bill of Sale between Miami-Dade County and the Florida Fish and Wildlife Conservation Commission and authorize the Mayor or Mayor's designee to execute the Bill of Sale and execute the U.S. Coast Guard Private Aids to Navigation Application to transfer ownership from Miami-Dade County to the Florida Fish and Wildlife Conservation Commission of the Government Cut Range Front Light Structure (Bent Range Marker), located offshore of Miami Beach in Government Cut Inlet.

APPLICABLE LEGISLATION/POLICY

On December 2, 2014, the Board passed Resolution No. R-1027-14 authorizing the Mayor to negotiate and execute an agreement with the Coast Guard for the County to accept the donation of the Bent Range Marker from the Coast Guard. The resolution also authorized the Mayor to execute an agreement between the County and the Bob Lewis Billfish Challenge, Inc., which provided the funding mechanism for the operation and maintenance of this marker.

<http://intra/gia/matter.asp?matter=142636&file=true&yearFolder=Y2014>

14 USC 83 provides that no person, or public body, or instrumentality, excluding the armed services, shall establish, erect, or maintain any aid to maritime navigation in or adjacent to the waters subject to the jurisdiction of the United States, its territories or possessions ... without first obtaining authority to do so from the Coast Guard in accordance with applicable regulations.

<http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title14-section83&num=0&edition=prelim>

33 CFR 66.01-5 provides that to establish and maintain, discontinue, change, or transfer ownership of a private aid to navigation, you must apply to the Commander of the Coast Guard District in which the aid is or will be located.

<https://www.law.cornell.edu/cfr/text/33/66.01-5>

PROCEDURAL HISTORY

Prime Sponsor: Bruno A. Barreiro, District 5

Department/Requester: Regulatory and Economic Resources Department

2/13/18: Forwarded to BCC with a favorable recommendation by Infrastructure and Utilities Committee; Passed 4 – 0.

FISCAL IMPACT

There will be no negative fiscal impact to the County. The transfer of ownership from Miami-Dade county to Florida Fish and Wildlife Commission will be done in consideration of the sum of \$1. With transfer of the Bent Range Marker, the Florida Fish and Wildlife Conservation Commission would assume all duties, responsibilities and obligations for the operation and maintenance of the structure and all costs that may be incurred as a result of ownership.

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ANALYSIS

Miami-Dade County enjoys a strong commercial and recreational fishing industry that contributes millions of dollars annually to the local economy. The Bent Range Marker served as a navigational aid for ships entering the Port of Miami and is used by recreational and commercial fishermen. In 2014, the U.S. Coast Guard scheduled the removal of the old navigational marker and several others that guide large ships into the Port of Miami and replace them with tall, thin poles. Unlike the old structures, the new ones do not provide as much habitat for bait fish. Recreational anglers and charter boat operators complained that the removal of the “bent range” would create a potential safety hazard during the sailfish season. Consequently, they contacted Miami-Dade County to urge it to assume jurisdiction over the structure.

On December 2, 2014, the Board passed Resolution No. R-1027-14 authorizing the Mayor to negotiate and execute an agreement with the Coast Guard for the County to accept the donation of the Bent Range Marker from the Coast Guard. The Florida Fish and Wildlife Conservation Commission has requested to assume ownership of the Bent Range Marker from the County in order to maintain the light and signs associated with the marker for the public benefit of recreational fishermen.

The Florida Fish and Wildlife Conservation Commission will assume all duties, responsibilities and obligations for the operation, maintenance and upkeep of the Bent Range Marker and for compliance with all conditions of the USCG Private Aid to Navigation permit, including:

- Conducting all maintenance necessary for the Bent Range Marker to remain in proper operating condition at all times;
- Obtain all required legal and regulatory authorizations;
- Reporting promptly any discrepancy, if the Bent Range Marker does not display the characteristics as per the approved USCG permit application;
- Holding the USCG harmless with respect to any claim or claims that may result from the alleged negligence in maintenance or operation of the Bent Range Marker;
- Obtaining prior approval from the USCG of any change in ownership of the Bent Range Marker;
- Recovering promptly any expanded or dislodged batteries from the Bent Range Marker then properly recycling or disposing of those batteries;
- Properly demolishing and removing the Bent Range Marker structure in coordination with the USCG beforehand; and
- Being responsible for all costs that may be incurred as a result of ownership of the Bent Range Marker.

ADDITIONAL INFORMATION

The Florida Fish and Wildlife Conservation Commission is a Florida Government agency founded in 1999 and headquartered in Tallahassee. It manages and regulates the state’s fish and wildlife resources, and enforces related laws. Officers are managers, researchers, support personnel, and perform law enforcement in the course of their duties.

<http://myfwc.com/>

https://en.wikipedia.org/wiki/Florida_Fish_and_Wildlife_Conservation_Commission

A September 14, 2014 Miami Herald article on the efforts to save the Bent Range Marker entitled “State supports keeping ‘bent range’ marker, popular Miami bait spot”.

<http://www.miamiherald.com/sports/outdoors/article2103552.html>

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**Item No. 8L2
File No. 180155**

Researcher: JFP Reviewer: SM

RESOLUTION APPROVING TELEVISION, FILM AND ENTERTAINMENT PRODUCTION INCENTIVES PROGRAM GRANT AGREEMENT BETWEEN MIAMI-DADE COUNTY AND JOEY DEDIO PRODUCTIONS, LLC. FOR A PILOT FOR A TELEVISION SERIES, "TIO PAPI" IN THE AMOUNT OF \$100,000.00; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AND ENFORCE SAME AND EXERCISE THE RIGHTS AND PROVISIONS THEREIN, INCLUDING TERMINATION

ISSUE/REQUESTED ACTION

Whether the Board should approve an application submitted to the TV, Film and Entertainment Production Incentives Program by Joey Dedio Productions, LLC for a grant of \$100,000 to help fund the local filming of a television series pilot, "Tio Papi".

APPLICABLE LEGISLATION/POLICY

Resolution No. R-783-17, adopted by the Board on July 18, 2017, creates the TV, Film and Entertainment Production Incentives Program with the intent of awarding grants to incentivize production in Miami-Dade County in the absence of a state incentive. <https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2017/R-783-17.pdf>

Section 2-8.9 of the Code of Miami-Dade County codifies the Living Wage Ordinance for County service contracts and County employees. Each project supported by the Miami-Dade County TV, Film and Entertainment Production Incentive Program must pay qualified Miami-Dade County residents hired a minimum of the Living Wage as defined in this section.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.9LIWAORCOSECOEM

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Sally A. Heyman, District 4

Department/Requester: Regulatory and Economic Resources

The Economic Development and Tourism Committee forwarded this item to the BCC with a favorable recommendation at its February 15, 2018 meeting. Commissioner Sally A. Heyman assumed sponsorship of the item.

FISCAL IMPACT

The grant application of Joey Dedio Productions, LLC to the TV, Film and Entertainment Production Incentives Program is for the maximum award amount of \$100,000, which would come from the Countywide General Fund. The total project budget is \$1,074,802.

The total expected local expenditure during the 20 production days is projected at \$1 million. The project will also employ over 50 Miami-Dade County residents, amassing to 80% of the entire cast and crew.

ANALYSIS

Joey Dedio Productions, LLC applied for a grant of \$100,000 to help fund the local filming of a television series pilot, "Tio Papi", in Miami-Dade County. The grant is through the TV, Film and Entertainment Production Incentives Program established by the Board in July 2017 to incentivize local production of TV, film and entertainment projects, filling the void of an expired state incentive program that was not renewed by the Florida State Legislature in 2016.

The local expenditures resulting from the filming of this television pilot in Miami-Dade County are expected to be \$1 million—10 times the grant amount. 100% of the television show pilot will be filmed in Miami-Dade County, if the grant application is

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approved. While wanting to film in Miami given that the story is set in Miami, Joey Dedio Productions, LLC will have to consider Atlanta, GA due to its offered tax incentives if this grant is ultimately not approved.

“Tio Papi”, based on the HBO television movie of the same name, is expected to meet all of the grant requirements as listed below, given the information provided in its application.

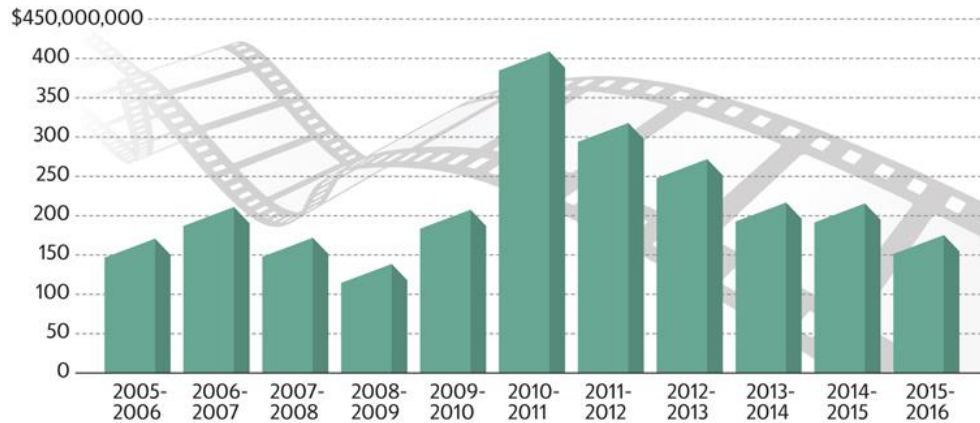
- The project must be a production, defined as a theatrical or direct-to-video motion picture; a made-for-television motion picture; visual effects or digital animation sequences produced in conjunction with a motion picture; a commercial; an industrial or educational film; a documentary film; a television pilot program; a presentation for a television pilot program; a television series, including, but not limited to, a drama, a comedy, a soap opera, a telenovela or a miniseries production; or a Digital Media Project by the entertainment industry, with some exceptions (weather or market program; sporting event or sporting broadcast; gala; production that solicits funds; home shopping program; political program; political documentary; political advertising; gambling-related project or production; concert production; local, regional, or Internet-distributed-only news show or sports news or sports recap show; pornographic production; or any production deemed obscene under Florida law.
- The production project must spend a minimum of \$1,000,000 in Miami-Dade County on qualifying payroll and qualifying expenses. Qualifying payroll is defined as payment of salary to Miami-Dade County residents for work performed from the first day of pre-production to the last day of post-production (“Duration of Project”). Additionally, each project can include qualifying ancillary expenditures from businesses that are located within the Miami-Dade County boundaries.
- The maximum grant amount that will be awarded per production project is \$100,000.
- Each project is required to hire a minimum of 50 main cast and crew (employees) that are Miami-Dade County residents. The employment of the 50 main cast and crew is for the duration of the project: from commencement of principal photography until the wrap of principal photography. Additionally, productions that have a cast and crew of 110 personnel or more will be required to have at least 60 percent of the total cast and crew (employees), excluding extras/background talent, be Miami-Dade County residents.

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ADDITIONAL INFORMATION

The Florida Entertainment Incentive program was launched in 2010 with a pool of \$296 million in tax credits for film, TV and video productions for eligible projects which had 60% of the cast and crew based in Florida. The funding was depleted in three years due to extensive interest in the program. Funding was not replenished in subsequent years.

**Direct Spending of Permitted Productions on Public Properties in Miami-Dade County,
City of Miami, and City of Miami Beach by Year**



Source: Miami-Dade County Film & Entertainment Office

In the absence of an incentive program, notable TV, film and entertainment projects set in Florida have been produced elsewhere, namely Georgia, Louisiana, California, and other states where tax incentives exist for the industry, with some states offering as much as 30% in tax credits.

Links detailing the County's Film Incentive Program:

<http://www.miamidade.gov/releases/2017-07-18-rer-filmiami-incident-program.asp>

<http://www.filmiami.org/>

**BCC Meeting: March 6, 2018
Research Notes**

Item No. 8L3
File No. 180113

Researcher: JFP Reviewer: SM

RESOLUTION AUTHORIZING HISTORIC PRESERVATION AD VALOREM TAX EXEMPTION FOR THE REHABILITATION OF 239 SARTO AVENUE, CORAL GABLES, FLORIDA, PURSUANT TO FLORIDA STATUTES SECTION 196.1997 AND SECTION 16A-18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; DIRECTING THE MAYOR OR DESIGNEE TO EXECUTE AND RECORD COVENANT; AND AUTHORIZING MAYOR OR DESIGNEE TO EXERCISE PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should authorize the ad valorem tax exemption for the property located at 239 Sarto Avenue, Coral Gables, Florida, pursuant to the provisions of Florida Statutes 196.1997 and Section 16A-18 of the Code of Miami-Dade County, as the property is of architectural significance and is a local historic site.

APPLICABLE LEGISLATION/POLICY

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

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=196.1997&URL=0100-0199/0196/Sections/0196.1997.html

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

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

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

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH16AHIPR

Resolution No. R-974-09, adopted by the Board on July 21, 2009, directs that any resolution authorizing the execution of instruments creating a County interest in real property shall require such instruments to be recorded in the public records of Miami-Dade County.

<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2009/R-974-09.pdf>

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PROCEDURAL HISTORY

Prime Sponsor: Commissioner Rebeca Sosa, District 6

Department/Requester: Regulatory and Economic Resources

This item was forwarded to the BCC by the Government Operations Committee on February 13, 2018 without a recommendation at Commissioner Jean Monestime's request and upon consensus of the committee.

FISCAL IMPACT

Based on the Property Appraiser's calculation using the ad valorem tax exemption methodology, the estimated tax exemption for one year for this property is \$411. The annual amount of ad valorem taxes to be exempted for the ten-year period is determined by applying countywide operating millage against the taxable value of the qualifying improvements of the property. However, the annual value of the tax exemption during the ten-year period may fluctuate based on adjustments to either the countywide operating millage or the Property Appraiser's taxable value of the qualifying improvements to the property. Countywide operating ad valorem property taxes will still be assessed and collected on the remaining taxable value that did not qualify for the exemption. Following the ten-year incentive period, the County will begin to assess and collect the countywide operating millage on the full value of the property, inclusive of the previous exempt improvements.

ANALYSIS

The property that is the focus of this resolution is a historic single-family residence located at 239 Sarto Avenue, Coral Gables. Originally constructed in 1941, it was designed by local prominent architect H. George Fink. It has been deemed to be of architectural and historic significance, earning the designation as a local historic landmark by the City of Coral Gables in 2014. The Miami-Dade County Historic Preservation Board recommended the 239 Sarto Avenue property for receipt of the historic preservation ad valorem tax exemption in its November 15, 2017 resolution.

Restoration work completed on the property by the current owners, Robert and Ilene Kobert, includes:

- installation of historically appropriate windows and shutters;
- restoration of the screen porch and decorative wrought iron panels;
- restoration of architectural detailing, such as cornice moldings;
- refinishing of the interior, including doors, moldings, trim, fireplace mantle, oak floors, and door hardware;
- replacement of interior fixtures and cabinetry with historically appropriate materials;
- installation of landscape improvements; and
- construction of a rear bedroom addition.

The application indicates that the amount spent by the property owner on the total renovation was \$340,000, of which \$200,000 was attributed to work on this historic structure. The Property Appraiser's office determined that the taxable value of the qualifying improvements was \$88,002.

Although the property is located within Commission District 6, represented by Commissioner Rebeca Sosa, the impact of the tax exemption is countywide. The tax exemption would run for 10 years beginning on January 1st of the year that the Property Appraiser prepares and signs the revenue implication form, which for this property began on January 1, 2016 and would end on December 31, 2025.

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ADDITIONAL INFORMATION

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

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

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

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

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Research Notes**

**Item No. 8N1
File No. 180150**

Researcher: SM Reviewer: TD

RESOLUTION DESIGNATING A PORTION OF MIAMI-DADE COUNTY-OWNED PROPERTY AS PUBLIC ROAD RIGHT-OF-WAY FOR SW 76 STREET IN SECTION 31, TOWNSHIP 54 SOUTH, RANGE 40 EAST AND DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME

ISSUE/REQUESTED ACTION

Whether the Board should approve this Resolution designating a portion of Miami-Dade County owned property as public road right-of-way for SW 76 street in section 31, Township 54 South, and Range 40 East.

APPLICABLE LEGISLATION/POLICY

Sections 336.09 of the Florida Statutes governs the closing and abandonment of roads and the authority to do so.

<https://www.flsenate.gov/Laws/Statutes/2011/336.09>

Sections 336.12 governs the closing and abandonment of roads; termination of easement; conveyance of fee.

<http://m.flsenate.gov/Statutes/336.12>

Section 33.134 of the Miami-Dade Code governs the right-of-way plan as it relates to the minimum width of streets and ways.

[https://library.municode.com/fl/miami -
_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33ZO_ARTVIIIIRI-WPLMIWI_S33-134PEVAWISTSE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33ZO_ARTVIIIIRI-WPLMIWI_S33-134PEVAWISTSE)

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Javier D. Souto, District 10

Requester/Department: Transportation and Public Works

This Item was forwarded to BCC with a favorable recommendation at the TPWC meeting on February 15, 2018

FISCAL IMPACT

The fee for maintenance is \$240.43 per year. The Department of Transportation and Public Works (DTPW) is maintaining an existing road in the subject parcel, therefore there is no additional impact to the DTPW, as stated per the mayoral memo.

ANALYSIS

If this Item receives Board approval, the portion of Miami-Dade County owned property will be designated as public road right-of-way for SW 76 street in section 31, Township 54 South, and Range 40 East. The Department of Regulatory and Economic Resources' Land Development Division received a waiver of plat (plot of land) from Miami-Dade Police Department (MDPD). The parent tract for this designation is located east of SW 117 Avenue and south of SW 76 Street. The mentioned property is under the jurisdiction of MDPD. The requested designation is a condition for the waiver of plat approval, as stated by the mayoral memo.

The mayoral memo has an attachment exhibit A, which describes the strip of land. Robayna and Associates Inc., Engineers-Planners-Surveyors are the surveyors, they are a local firm located at 5723 NW 158 Street, Miami Lakes, FL 33014.

The square footage of the County-owned property is 30,929.28 square feet approximately 0.7 acres more or less.

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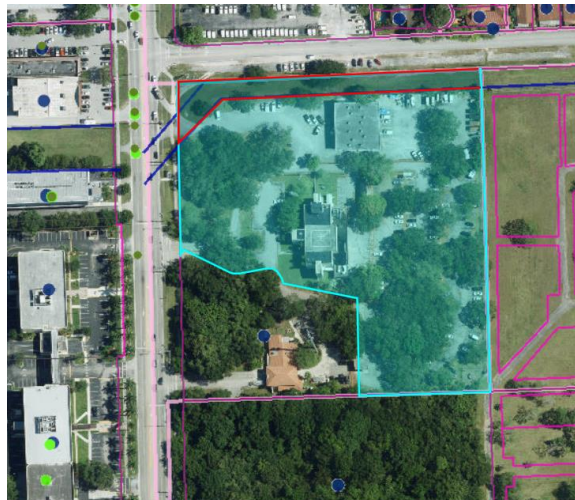
A right-of-way is a type of easement granted or reserved over the land for transportation purposes, this can be for a highway, public footpath, rail transport, canal, as well as electrical transmission lines, oil and gas pipelines.

OCA asked the DTPW department representative the following questions and is awaiting response:

3. Is there any construction associated with this Item such as road improvements etc.?
4. Will this affect traffic in the mentioned area (SW76 Street, in Section 31, Township 54 South, Range 40 East)?
5. Will the community be adversely affected?

The DTPW department representative responded the following:

There is no construction associated with this item, also there is no impact to traffic since the existing road is not affected by this dedication, see below the portion outlined in red. The estimated annual maintenance cost will be approximately about \$240. There is no impact to the community since this is only a change in use, from County Property to Right of Way. This action came about as a requirement from Land Development since Miami Dade County Police Department submitted a waiver of plat to that division of RER for their property located in this area see green shaded area below.



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Research Notes**

**Item No. 8N2
File No. 180200**

Researcher: JFP Reviewer: SM

RESOLUTION DECLARING SURPLUS CERTAIN COUNTY-OWNED PROPERTY LOCATED ALONG THE WESTERLY BOUNDARY OF STATE ROAD 5 / US-1; WAIVING ADMINISTRATIVE ORDER 8-4 AS IT RELATES TO REVIEW BY THE PLANNING ADVISORY BOARD; AUTHORIZING THE CONVEYANCE OF THE PROPERTY TO THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR TRANSPORTATION RELATED IMPROVEMENTS TO STATE ROAD 5 / US 1 IN ACCORDANCE WITH FLORIDA STATUTE SECTION 125.38, FOR NO MONETARY CONSIDERATION, SUBJECT TO A REVERTER AND ENTRY INTO AN AGREEMENT FOR THE RECONSTRUCTION OF ANY AFFECTED COUNTY ASSETS; APPROVING THE COUNTY DEED NECESSARY TO EFFECT THE CONVEYANCE AND AUTHORIZING THE CHAIRPERSON OR VICE CHAIRPERSON OF THE BOARD TO EXECUTE SAME ON BEHALF OF THE COUNTY; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO ACCOMPLISH THE CONVEYANCE OF SAID PROPERTY; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO RECORD THE INSTRUMENT(S) OF CONVEYANCE AND THE CLERK OF THE BOARD TO STORE SAME; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO ENTER INTO AN AGREEMENT AT NO COST TO THE COUNTY WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE RECONSTRUCTION OF ANY COUNTY ASSETS AFFECTED BY THE RECONSTRUCTION OF STATE ROAD 5 / US 1

ISSUE/REQUESTED ACTION

Whether the Board should declare certain County-owned property located along the westerly boundary of State Road 5/US-1 surplus and convey the property, at no-cost, to the Florida Department of Transportation (FDOT) for transportation related improvements along State Road 5/US-1.

APPLICABLE LEGISLATION/POLICY

Section 125.38, Florida Statutes governs the sale of County property to United States, or state.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.38&URL=0100-0199/0125/Sections/0125.38.html

Resolution No. R-974-09, adopted by the Board on July 21, 2009, prescribes that all resolutions creating a County interest in real property shall require recording of those instruments in the public records of Miami-Dade County, and directs the Clerk of the Board to attach and permanently store a recorded copy of the instrument together with the resolution.

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

Administrative Order No. 8-4 ordered May 5, 1981, requires review by the Planning Advisory Board of any sale or lease of County real property. The proposed resolution requests waiver of this requirement.

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

PROCEDURAL HISTORY

Prime Sponsor: Xavier L. Suarez, District 7

Department/Requester: Transportation and Public Works

This item was forwarded to the BCC with a favorable recommendation by the Transportation and Public Works Committee at its February 15, 2018 meeting.

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FISCAL IMPACT

The fiscal impact of the conveyance of parcel 100 (a portion of land between US1 and the Douglas Road Metrorail Station) to FDOT is a one-time payment of \$10 from FDOT as consideration to the County. In addition, this land is appraised at \$118,110.00. FDOT's project cost for items to be constructed within the conveyed parcel, including the modification to the Douglas Road pedestrian bridge, is \$897,021.21. The overall project construction costs is estimated at \$4.3 million.

As part of the agreement, FDOT is to provide for the reconstruction of any affected County assets located on the conveyed property at no cost to the County.

ANALYSIS

This resolution proposes to convey a County parcel located between US-1 and the Douglas Road Metrorail Station to FDOT for transportation related improvements to South Dixie Highway within the project limits of SE 37th Avenue/Douglas Road to Ponce de Leon Boulevard. This donation of County-owned property is necessary for FDOT to proceed with its project of realigning and straightening South Dixie Highway north and south of Douglas Road with the goal of addressing the crashes and fatalities at that intersection. Should FDOT neglect to utilize the parcel for transportation related improvements, the parcel will revert to County ownership.

FDOT's improvements to South Dixie Highway will impact the Douglas Road pedestrian bridge, requiring modification of the existing northwest support structure and a new elevator machine room. Per the terms of the agreement, FDOT and the County shall cooperate in the design review process of the pedestrian bridge transit improvements. FDOT will oversee and have final decision authority related to the pedestrian bridge transit improvements as well as provide maintenance during construction. Upon completion of the project, however, the County will own, inspect and maintain the pedestrian bridge in perpetuity.

Project Details:

SR 5/US1/South Dixie Highway from Ponce de Leon Boulevard to SW 37 Avenue

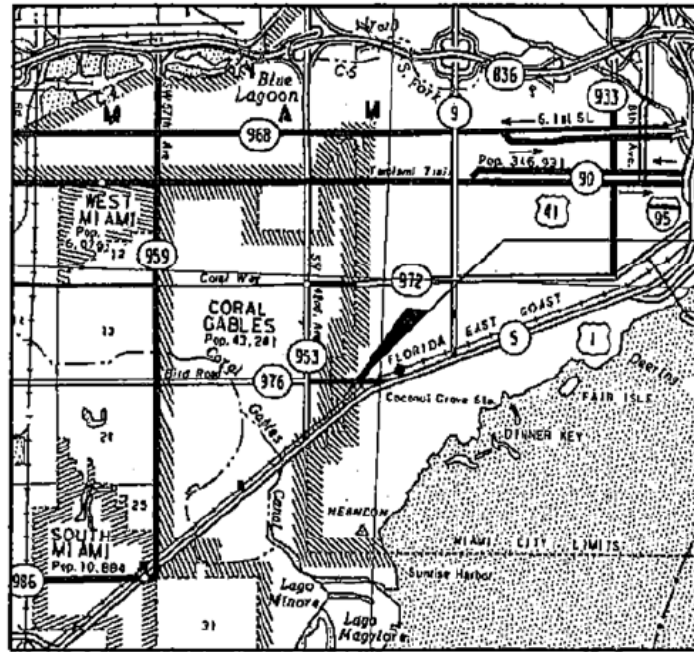
- Realigning the roadway and reducing curves
- Improving the pedestrian overpass
- Improving pedestrian accessibility
- Installing new sidewalks on the east and west side of SR 5
- Removing a mid-block crosswalk and installing a signalized pedestrian crosswalk at the Ponce de Leon Boulevard intersection
- Improving irrigation to reduce wet pavement
- Modifying traffic signal systems and mast arms
- Installing new roadway lighting in both travel directions

The proposed resolution would also waive Administration Order No. 8-4 as it relates to review by the Planning Advisory Board before action is taken on any proposed sale or lease of County-owned real property. The inclusion of this provision renounces the requirement of obtaining a recommendation from the Planning Advisory Board to indicate whether such proposal is in the public interest.

The link below indicates the location of the Douglas Road Metrorail Station:

<https://www.google.com/maps/place/Douglas+Road+Station/@25.7313522,-80.2597802,16z/data=!4m5!3m4!1s0x88d9b7ea0f5a70f5:0xb750b6471fb79a2!8m2!3d25.7328071!4d-80.2548212>

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PROJECT
LOCATION



N.T.S.

(VICINITY MAP)

DTPW INPUT

Questions posed to the Department of Transportation & Public Works and corresponding responses from the department:

1. What's the status of the FDOT project referenced in the mayoral memo and what are the specific planned improvements for the surplus property to enhance safety;

FDOT is awaiting BCC approval in order to move forward with the Certification of the Right of Way so the agency can let the project proceed with construction. It is critical at the moment that this item make it to the last February BCC agenda. FDOT will lose the funding for the project if it suffers any further delay.

FDOT will construct a sidewalk to curtail pedestrian traffic within the surplus area which is a safety feature. Presently, sidewalk is missing.

2. Given that the mayoral memorandum indicates that the donation of County property to FDOT is for the purpose of road improvements to US1 at the Douglas Road intersection in order to lessen crashes in the area, how many automobile crashes have occurred at the intersection of Douglas Road and US1 over the last three years and how many fatalities have resulted from those crashes;

Based on the crash data, the volume of crashes are very high. Based on the crash analysis prepared by P & A as part of the Safety Technical Memorandum completed in April 2012, a review of three years (2008-2010), indicates 270 crashes along SR 5/US 1 in that area. 113 and 110 happened in the north bound and south bound lane, respectively. The remaining 47 happened at Douglas Road intersection.

A total of four (4) fatalities reported in 2009 and 2011.

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We can assume more crashes took place up to present time since the last report but that will have to be confirmed via the police department.

3. What's the anticipated completion date for this project, including the bridge modifications; and

The FDOT fact sheet reflects spring 2018. Therefore, they are extremely behind. In other words, they may have to push the construction start date out but FDOT cannot until it has all the documents sent to the Tallahassee office including the Certification of the Right of Way. Note: The Plans set is 100% complete.

4. What notice has been provided to the surrounding community of the planned improvements and how will the improvements impact traffic mobility, including pedestrian mobility across the bridge?

FDOT held several Public Notice Meetings with the general public prior to the plans becoming 100% completion. The project will be done in phases. A Maintenance of Traffic (MOT), which is crafted to control traffic crossing US 1 and intersections within the project limits, was approved. Whenever the pedestrian bridge undergoes construction, pedestrians will be directed to use the signalized intersection crosswalks at the intersection of Douglas Road.

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**Item No. 8N3
File No. 180152**

Researcher: AIP Reviewer: TD

RESOLUTION APPROVING A RIGHTS-OF-WAY AND POLE ATTACHMENT AGREEMENT BETWEEN MIAMI-DADE COUNTY AND MOBILITIE, LLC IN THE AMOUNT OF \$1,500.00 PER SITE FOR EACH COUNTY POLE FOR WHICH MOBILITIE HAS SUBMITTED AN APPLICATION TO THE COUNTY PRIOR TO SEPTEMBER 1, 2017, AND AN ANNUAL FEE IN THE AMOUNT OF \$150.00 FOR EACH COUNTY POLE TO WHICH MOBILITIE ATTACHES SMALL WIRELESS FACILITIES THEREAFTER, FOR THE INSTALLATION OF COMMUNICATIONS INFRASTRUCTURE WITHIN THE PUBLIC RIGHTS-OF-WAY, AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND EXERCISE ALL PROVISIONS CONTAINED THEREIN

ISSUE/ ISSUE/REQUESTED ACTION

Whether the Board should approve a Rights-of-Way and Pole Attachment Agreement between the County and Mobilitie, LLC for the installation of communications infrastructure within the public rights-of-way.

APPLICABLE LEGISLATION/POLICY

Section 337.401 of the Florida Statutes (*Use of right-of-way for utilities subject to regulation; permit; fees*) authorizes local governmental entities having jurisdiction and control of public roads or publicly owned rail corridors to prescribe and enforce reasonable rules or regulations with reference to the placing and maintaining across, on, or within the right-of-way limits of any road or publicly owned rail corridors under their respective jurisdictions any electric transmission, voice, telegraph, data or other communications services lines or wireless facilities; pole lines; poles; railways; ditches; sewers; water, heat, or gas mains; pipelines; fences; gasoline tanks and pumps.

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0300-0399/0337/Sections/0337.401.html

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Transportation and Public Works

2/15/18: At the TPWC meeting, this item was forwarded to the BCC with a favorable recommendation.

FISCAL IMPACT

This item creates a positive fiscal impact as Mobilitie, LLC will pay the County \$150 annually for each County Pole it attaches Small Wireless Facilities to. For each County Pole Mobilitie submitted an application for prior to September 1, 2017, Mobilitie shall pay for the first calendar year only an alternate fee of \$1,500 per site in lieu of the annual fee that otherwise would be applicable to such small wireless facility. County Poles to which Mobilitie attaches small wireless facilities will be subject to a standard annual fee thereafter. The agenda item is unclear as to how many total County Poles the agreement includes, and what the total payment to the County would be.

ANALYSIS

This item seeks to approve an agreement between Miami-Dade County and Mobilitie, LLC through which Mobilitie would access certain portions of the public rights-of-way within the County's boundaries to provide communications services. More specifically, Mobilitie may use the rights-of-way to install, maintain, operate, repair, modify, replace and/or remove small wireless facilities from time to time. The term of the agreement is for 10 years and it shall automatically renew for four additional five year periods thereafter, unless Mobilitie notifies the County in writing of its intent to not renew at least 90 days prior to the end of the then current term. Under the agreement, Mobilitie shall pay the County \$1,500 per site for each County pole for which Mobilitie has submitted an application to the County prior to September 1, 2017 and an annual fee in the amount of \$150 for each County pole to which Mobilitie attaches small wireless facilities thereafter for the installation of communications

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infrastructure within the public rights-of-way. Under the agreement, Mobilitie is responsible for maintaining the infrastructure at each pole, including upgrading all the lighting fixtures to LED lighting.

Florida State Statutes 337.401 (10), defines “Small wireless facility” as a wireless facility that meets the following qualifications:

- a. Each antenna associated with the facility is located inside an enclosure of no more than 6 cubic feet in volume or, in the case of antennas that have exposed elements, each antenna and all of its exposed elements could fit within an enclosure of no more than 6 cubic feet in volume; and

- b. All other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cutoff switches, vertical cable runs for the connection of power and other services, and utility poles or other support structures.

Florida State Statutes 337.401 (12), defines “Wireless Facility” as equipment at a fixed location which enables wireless communications between user equipment and a communications network, including radio transceivers, antennas, wires, coaxial or fiber-optic cable or other cables, regular and backup power supplies, and comparable equipment, regardless of technological configuration, and equipment associated with wireless communications.

ADDITIONAL INFORMATION

According to the Florida Department of State website, Sunbiz, Mobilitie, LLC is a Foreign Limited Liability Company (foreign meaning, out of state, not from another country), with a principal address located in the state of California. It filed on November, 17, 2015 and is currently an active business entity.

Mobilitie, LLC offers complete wireless infrastructure solutions to include funding, designing, building, operating and maintaining neutral host outdoor and indoor DAS networks, Small Cells, Wi-Fi networks and communication towers. Its current headquarters is in Newport Beach, CA and it has international offices in Panama City, Panama; Tokyo, Japan; and London, UK.

Sunbiz Mobilitie, LLC Link (URL shortened): <https://goo.gl/TuCpQ2>

Mobilitie, LLC Website: <http://www.mobilitie.com/>

On January 23, 2018, the Board adopted a resolution authorizing approval of a utility structure permitting agreement between Mobilitie, LLC and the County for the purpose of providing a dedicated plans review staffer in the amount of \$70,000 in the first year to primarily process Mobilitie permits.

<http://intra/gia/matter.asp?matter=172741&file=true&yearFolder=Y2017>

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**Item No. 8N4
File No. 180242**

Researcher: JFP Reviewer: SM

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

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.

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FISCAL IMPACT

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)

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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/>

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>

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Research Notes**

**Item No. 801
File No. 180134**

Researcher: BM Reviewer: TD

RESOLUTION APPROVING THE CERTIFICATION OF FINANCIAL RESPONSIBILITY PURSUANT TO RULE 62-528.435(9) OF THE FLORIDA ADMINISTRATIVE CODE FOR THE OPERATION OF TWO CLASS I UNDERGROUND INJECTION WELLS AND ONE RELATED MONITORING WELL AND FOR THE CONSTRUCTION OF SEVEN ADDITIONAL CLASS I UNDERGROUND INJECTION WELLS AND FOUR RELATED MONITORING WELLS AT MIAMI-DADE COUNTY'S CENTRAL DISTRICT WASTEWATER TREATMENT PLANT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE THE PROVISIONS CONTAINED

ISSUE/REQUESTED ACTION

Whether the Board should approve the Certification of Financial Responsibility as required by Rule 62-528.435(9) of the Florida Administrative Code for Underground Injection Wells and Related monitoring wells at the County's Central District Wastewater Treatment Plant.

APPLICABLE LEGISLATION/POLICY

Rule 62-528.435(9) of the Florida Administrative Code provides that upon determination by the Florida Department of Environmental Protection (FDEP) that a well poses a threat to waters of the State or within one year of determining that a well has been abandoned, the department shall order the well plugged, unless otherwise provided for in a consent order... Any applicant for an underground injection control permit shall be required to submit a plan for plugging and abandonment, which shall address post-closure monitoring of the injection operation... The permit shall require the permittee to demonstrate and maintain financial responsibility and resources necessary in the form of performance bonds or other equivalent form of financial assurance.

<https://www.flrules.org/gateway/RuleNo.asp?ID=62-528.435>

Rule 62-528.435(9) of the Florida Administrative Code provides that upon determination by the Florida Department of Environmental Protection (FDEP) that a well poses a threat to waters of the State or within one year of determining that a well has been abandoned, the department shall order the well plugged, unless otherwise provided for in a consent order... Any applicant for an underground injection control permit shall be required to submit a plan for plugging and abandonment, which shall address post-closure monitoring of the injection operation... The permit shall require the permittee to demonstrate and maintain financial responsibility and resources necessary in the form of performance bonds or other equivalent form of financial assurance.

<https://www.flrules.org/gateway/RuleNo.asp?ID=62-528.435>

Legislative File No. 172474 regarding a presentation by Miami-Dade County's Water and Sewer Department on the Capital Improvement Program, Consent Decree, and Ocean Outfall.

<http://intra/gia/matter.asp?matter=172474&file=false&yearFolder=Y2017>

Florida Statutes, Section 403.086 relates to sewage disposal facilities as well as advanced and secondary waste treatment.

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0400-0499/0403/Sections/0403.086.html

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PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Water and Sewer Department

2/13/18: Forwarded to BCC with a favorable recommendation by Infrastructure and Utilities Committee; Passed 4 – 0.

FISCAL IMPACT

There is no fiscal impact related to Board approval of this Certification of Financial Responsibility. There will only be a fiscal impact if a well is plugged and abandoned. In the event the wells need to be plugged and abandoned, the estimated cost for all of the 14 wells would be \$3,697,645. The funding source for plugging and abandoning a well is sewer operations and maintenance revenue.

Below is a table summarizing the Injection and Monitoring Wells for the Central District Wastewater Treatment Plant:

Well Type	Current Plugging and Abandonment Cost Estimate
Injection Well IW-1	\$359,027
Injection Well IW-2	\$353,786
Injection Well IW-3	\$336,219
Injection Well IW-4	\$336,219
Injection Well IW-5	\$336,219
Injection Well IW-6	\$336,219
Injection Well IW-7	\$336,219
Injection Well IW-8	\$336,219
Injection Well IW-9	\$336,219
Monitoring Well DZMW-1	\$128,095
Monitoring Well DZMW-2	\$125,801
Monitoring Well DZMW-3	\$125,801
Monitoring Well DZMW-4	\$125,801
Monitoring Well DZMW-5	\$125,801
Total Current Plugging and Abandonment Cost Estimate:	\$3,697,645

ANALYSIS

The Central District Wastewater Treatment Plant is located in Virginia Key. The injection wells and monitoring wells are located in District 7, represented by Commissioner Xavier L. Suarez. The treated effluent is discharged via an ocean outfall located three miles off the coast. To comply with the State's Ocean Outfall Legislation, which mandates that all ocean outfalls statewide cease operations on December 31, 2025, the County has constructed two Class I injection wells and one monitoring well at the Central District Wastewater Treatment Plant. Much of the waste water has to be highly cleansed and re-purposed, and the Water and Sewer Department officials say that the only way to fully comply with the new law is to dispose of up to hundreds of millions of gallons of treated waste by shooting it into a cavernous, confined saltwater zone down below South Florida's drinking supply.

The Water and Sewer Department submitted to the Florida Department of Environmental Protection a Class I underground injection well construction permit application on November 18, 2017 to construct an additional seven injection wells and four monitoring wells as part of the Ocean Outfall Legislation Compliance Plan.

In 2008, the Florida Legislature approved and the Governor signed a law requiring all wastewater utilities in southeast Florida utilizing ocean outfalls for disposal of treated wastewater to reduce nutrient discharges by 2018, cease using the outfalls by 2025,

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and reuse 60% of the wastewater flows by 2025. Below are the documents available at the department's website regarding the preliminary compliance plan:

- Ocean Outfall Legislation Program Compliance Plan 2017
- Ocean Outfall Legislation Plan 2013
- Ocean Outfall Legislation Program Compliance Plan 2016
- Appendices
- Department presentation from the June 5 public meeting
- Ocean Outfall Legislation Compliance Plan Project

<http://www.miamidade.gov/water/ocean-outfall-legislation.asp>

Rule 62-528.435(9) of the Florida Administrative Code requires any applicant for an underground injection control permit to submit a plan for plugging and abandonment, which shall address post-closure monitoring of the injection operation. The permit process also requires the permittee to demonstrate and maintain financial responsibility and resources necessary in the form of performance bonds or other equivalent form of financial assurance.

ADDITIONAL INFORMATION

The Miami-Dade Water and Sewer Department owns and operates the Central District Wastewater Treatment Plant, which is engaged in wastewater treatment activities and is publicly owned. The first treatment facilities at the Virginia Key site became operational in 1956. Since that time numerous additions and modifications have been made to the plant, which utilizes a pure-oxygen activated treatment system for primary and secondary treatment of wastewater prior to disposal through an ocean outfall pipeline.

<https://productforums.google.com/forum/#!topic/gec-earth-browsing/e2GDC18ymXA>

The East Central Regional Water Reclamation Facility is licensed to function under specific guidelines by the State of Florida and the U.S. Environmental Protection Agency. Wastewater generated by residential users, businesses and industry is transported to the Water Reclamation Facility. The facility is designed to remove as much of the waste as possible so that the treated water will have minimal impact on the environment when it is returned.

<http://wpb.org/Departments/Public-Utilities/Our-Divisions/Wastewater-Treatment-Plant>

Miami Herald posted an article entitled "10,000-foot injection well could change how Miami flushes" on April 8, 2016. It states the fact that Miami-Dade County, pursuant to state law, has nine years to stop pumping treated waste into the ocean.

<http://www.miamiherald.com/news/local/community/miami-dade/article70629122.html>

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Research Notes**

**Item No. 802
File No. 180135**

Researcher: BM Reviewer: TD

RESOLUTION APPROVING THE CERTIFICATION OF FINANCIAL RESPONSIBILITY PURSUANT TO RULE 62-528.435(9) OF THE FLORIDA ADMINISTRATIVE CODE FOR THE OPERATION OF SEVENTEEN CLASS I UNDERGROUND INJECTION WELLS AND FOUR RELATED MONITORING WELLS AND FOR THE CONSTRUCTION OF THREE ADDITIONAL CLASS I UNDERGROUND INJECTION WELLS AND THREE RELATED MONITORING WELLS AT MIAMI-DADE COUNTY'S SOUTH DISTRICT WASTEWATER TREATMENT PLANT; AND AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXECUTE SAME FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve the Certification of Financial Responsibility as Required by Rule 62-528.435(9) of the Florida Administrative Code for Underground Injection Wells and Related monitoring wells at the County's South District Wastewater Treatment Plant.

APPLICABLE LEGISLATION/POLICY

Rule 62-528.435(9) of the Florida Administrative Code provides that upon determination by the Florida Department of Environmental Protection (FDEP) that a well poses a threat to waters of the State or within one year of determining that a well has been abandoned, the department shall order the well plugged, unless otherwise provided for in a consent order... Any applicant for an underground injection control permit shall be required to submit a plan for plugging and abandonment, which shall address post-closure monitoring of the injection operation... The permit shall require the permittee to demonstrate and maintain financial responsibility and resources necessary in the form of performance bonds or other equivalent form of financial assurance.

<https://www.flrules.org/gateway/RuleNo.asp?ID=62-528.435>

Legislative File No. 172474 regarding a presentation by Miami-Dade County's Water and Sewer Department on the Capital Improvement Program, Consent Decree, and Ocean Outfall.

<http://intra/gia/matter.asp?matter=172474&file=false&yearFolder=Y2017>

Florida Statutes, Section 403.086 relates to sewage disposal facilities as well as advanced and secondary waste treatment.

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0400-0499/0403/Sections/0403.086.html

PROCEDURAL HISTORY

Prime Sponsor:

Department/Requester: Water and Sewer Department

This item has no procedural history.

FISCAL IMPACT

There is no fiscal impact related to Board approval of this Certification of Financial Responsibility. There will only be a fiscal impact if a well is plugged and abandoned. In the event the wells need to be plugged and abandoned, the estimated total cost for all the wells would be \$7,174,195. The funding source for plugging and abandoning a well is sewer operations and maintenance revenue.

Below is a table summarizing the Injection and Monitoring Wells for the South District Wastewater Treatment Plant:

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Well Type	Current Plugging and Abandonment Cost Estimate
Injection Well IW-1	\$331,629
Injection Well IW-2	\$319,050
Injection Well IW-3	\$332,229
Injection Well IW-4	\$333,674
Injection Well IW-5	\$269,147
Injection Well IW-6	\$334,934
Injection Well IW-7	\$332,024
Injection Well IW-8	\$325,742
Injection Well IW-9	\$325,640
Injection Well IW-10	\$322,191
Injection Well IW-11	\$321,705
Injection Well IW-12	\$322,650
Injection Well IW-13	\$322,880
Injection Well IW-14	\$322,966
Injection Well IW-15	\$323,167
Injection Well IW-16	\$239,191
Injection Well IW-17	\$323,871
Injection Well IW-18	\$329,037
Injection Well IW-19	\$329,037
Injection Well IW-20	\$329,037
Monitoring Well CHI Upper and Lower	\$122,349
Monitoring Well FA-1 Upper Zone	\$100,976
Monitoring Well FA-3 Upper Zone	\$100,248
Monitoring Well FA-14 Upper Zone	\$120,615
Monitoring Well FA-17 Upper Zone	\$113,402

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Monitoring Well FA-18 Upper Zone	\$113,402
Monitoring Well FA-19 Upper Zone	\$115,402
Total Current Plugging and Abandonment Cost Estimate:	\$7,174,195

ANALYSIS

The South District Wastewater Treatment Plant is located at 8950 SW 232nd Street in Miami-Dade County, in District 8, represented by Commissioner Daniella Levine Cava. The treated effluent is discharged through 17 existing injection wells into an underground formation known as the Boulder Zone. The four existing monitoring wells are used to monitor the groundwater quality above the injection zone. Much of the waste water has to be highly cleansed and re-purposed, and the Water and Sewer Department officials say that the only way to fully comply with the new law is to dispose of up to hundreds of millions of gallons of treated waste by shooting it into a cavernous, confined saltwater zone down below South Florida's drinking supply. To comply with the State's Ocean Outfall Legislation, which mandates that all ocean outfalls statewide cease operations on December 31, 2025, the County will construct an additional three injection wells and three monitoring wells at the South District Wastewater Treatment Plant.

In 2008, the Florida Legislature approved and the Governor signed a law requiring all wastewater utilities in southeast Florida utilizing ocean outfalls for disposal of treated wastewater to reduce nutrient discharges by 2018, cease using the outfalls by 2025, and reuse 60% of the wastewater flows by 2025. Below are the documents available at the department's website regarding the preliminary compliance plan:

- Ocean Outfall Legislation Program Compliance Plan 2017
- Ocean Outfall Legislation Plan 2013
- Ocean Outfall Legislation Program Compliance Plan 2016
- Appendices
- Department presentation from the June 5 public meeting
- Ocean Outfall Legislation Compliance Plan Project

<http://www.miamidade.gov/water/ocean-outfall-legislation.asp>

The Water and Sewer Department submitted to the Florida Department of Environmental Protection a Class I underground injection well construction permit application on October 3, 2017 to construct the additional three injection wells and three monitoring wells as part of the Ocean Outfall Legislation Compliance Plan.

Rule 62-528.435 (9) of the Florida Administrative Code requires any applicant for an underground injection control permit to submit a plan for plugging and abandonment, which shall address post-closure monitoring of the injection operation. The permit process also requires the permittee to demonstrate and maintain financial responsibility and resources necessary in the form of performance bonds or other equivalent form of financial assurance.

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ADDITIONAL INFORMATION

The East Central Regional Water Reclamation Facility is licensed to function under specific guidelines by the State of Florida and the U.S. Environmental Protection Agency. Wastewater generated by residential users, businesses and industry is transported to the Water Reclamation Facility. The facility is designed to remove as much of the waste as possible so that the treated water will have minimal impact on the environment when it is returned.

<http://wpb.org/Departments/Public-Utilities/Our-Divisions/Wastewater-Treatment-Plant>

Miami Herald posted an article entitled “10,000-foot injection well could change how Miami flushes” on April 8, 2016. It states the fact that Miami-Dade County, pursuant to state law, has nine years to stop pumping treated waste into the ocean.

<http://www.miamiherald.com/news/local/community/miami-dade/article70629122.html>

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Research Notes**

**Item No. 10A1
File No. 180074**

Researcher: JFP Reviewer: SM

RESOLUTION APPROVING THE FY 2018-23 UPDATE OF THE FIVE YEAR PEOPLE'S TRANSPORTATION PLAN (PTP) IMPLEMENTATION PLAN (Citizens' Independent Transportation Trust)

ISSUE/REQUESTED ACTION

Whether the Board should approve the sixth annual (2018-23) update of the five year People's Transportation Plan (PTP), Implementation Plan.

APPLICABLE LEGISLATION/POLICY

Ordinance 02-116, adopted by the Board on July 9, 2002, governs the activities of the Citizens' Independent Transportation Trust and establishes the Five-Year Implementation Plan.

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

Section 29-124 of the County Code specifies that the Five-Year Implementation Plan and any proposed deletion, material change or addition of a County project shall be initially reviewed by the Citizens' Independent Transportation Trust which shall forward a recommendation thereon to the County Commission.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-124SPFUCRUSSUPRROCIINTRTR

Citizens' Independent Transportation Trust (CITT) Resolution No. R-17-063, approved by the CITT on November 16, 2017, forwards the update of the five year PTP Implementation Plan to the Board with a favorable recommendation. Link not available.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Citizens' Independent Transportation Trust

This item went before the Transportation and Public Works Committee on February 15, 2018 and was forwarded to the Board with a favorable recommendation following a public hearing wherein the director of the Citizens' Independent Transportation Trust provided input.

FISCAL IMPACT

Given that this item is for the approval of the Five-Year Implementation Plan of the People's Transportation Plan (PTP), there is no direct fiscal impact for this action. The projected revenue impact of the programs included in the Implementation Plan is estimated at \$10-12 million annually.

ANALYSIS

Pursuant to Ordinance 02-116, the CITT, in consultation with the Mayor, shall recommend to the Board a Five-Year Implementation Plan that includes a detailed scope of work, schedule, and budget for each project in the PTP. The Implementation Plan shall be consistent with the following:

- Federal requirements for the Transportation Planning Organization (TPO), Transportation Improvement Program and Long Range Transportation Plan.
- The Plan shall be updated annually.
- The Board shall not delete, materially change or add any project to the Plan except in accordance with the procedures set forth in the Ordinance.

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- The Plan shall be initially reviewed by the Trust, which shall forward a recommendation thereon to the Board.

The PTP came to fruition in November 2002 when Miami-Dade County voters approved the half-penny transportation surtax, initially amounting to \$476 million for public works projects—\$309 million for major highway and road improvements, and \$167 million for neighborhood improvements.

The Five-Year Implementation Plan presents status on the scope, cost and timing of the initiatives both completed and in progress. Below is a list of new projects proposed by the Department of Transportation and Public Works, approved by the Citizens' Independent Transportation Trust for PTP surtax funding, and outlined in the Plan along with the associated costs.

Project Name	Expenditures through 9/30/17	Projected Expenditures for FY 2018	Estimated Remaining Balance to Complete	Scheduled Implementation Date
Park-and-Ride Lot Expansion at South Miami-Dade Transitway and SW 152nd Street	\$0	\$210,000 (\$105,000 PTP)	\$4.3M (\$4.14M PTP)	FY 2022
NW 12th Street Improvements	\$82,000	\$962,000	\$9.701M	FY 2022
Dolphin Station Park and Ride (HEFT at NW 12th Street)	\$10.110M	\$3.319M	\$0	FY 2018
Palmetto Intermodal Terminal	\$0	\$0	\$11.641	TBD
Parking Garages Overhaul	\$0	\$3.2M	\$12.8M	FY 2022
AC Unit Substations	\$0	\$3M	\$12M	FY 2021
Metromover Brickell Loop (Guideway) Painting	\$0	\$1M	\$3.76M	FY 2022
Metromover Inner Loop (Guideway) Painting	\$120,000	\$5.428M	\$2.91M	FY 2022
Metromover Omni Loop (Guideway) Painting	\$120,000	\$5.428M	\$2.91M	FY 2022
Metrorail Fiber Optic and Capacity Augmentation	\$4.704M	\$2.796M	\$0	FY 2018
Metrorail Escalators Replacement & Elevators Refurbishment	\$0	\$3.6M	\$14.4M	FY 2022
Metrorail Stations Refurbishment	\$869,000	\$10.851M	\$23.280M	FY 2019
Metrorail Traction Power Switchgear Equipment	\$0	\$2M	\$500,000	FY 2019
Tri-Rail Station Traction Power Sub-Station	\$0	\$6M	\$6M	FY 2019
Metromover Comprehensive Wayside Overhaul	\$6.319M FTA	\$16.917M (\$11.149M PTP)	\$82.953M (\$66.478M PTP)	FY 2020

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Disaster Recovery Control Center (at Palmetto Yard)	\$0	\$7.23M	\$2.625M	FY 2019
Underfloor Rail Wheel Truing Machine	\$2.625M	\$4.375M	\$0	FY 2018
Acoustical Barrier	\$0	\$4.106M	\$44.64M	Beyond 2023
Green Line Rail Components Renewal	\$0	\$6.0M	\$74M	Beyond 2023
Track and Guideway 10-15 Yr. Rail Service Equipment Replacement	\$2.515M	\$2.0M	\$3.753M	FY 2019
Metrorail Maintenance Vehicle Lift	\$5.4M	\$0	\$0	FY 20108
East-West Corridor TOD Plan	\$240,000	\$960,000	\$0	October 2018
Strategic Miami Area Rapid Transit (SMART) Plan Bus Express Rapid Transit (BERT) Network	\$0	\$2M	\$0	FY 2018
NW 12th Street Roadway Improvements	\$0	\$902,000	\$9.715M	December 2021
Transportation Planning Organization (TPO) Project Implementation Plan	\$1.8M	\$1.2M	\$0	FY 2020

Projects with Increased Delays (further delays than reported in FY 2016-21 Five-Year Plan Update):

- **Park-and-Ride Lot for SW 344 Street at Transitway** - the estimated completion date has changed to Fiscal Year 2020 versus FY 2015-16 shown in FY 2016-21 Five-Year Plan Update.
- **TOS Replacement** - estimated completion date is August 2017, changed from FY 2015-16 shown in the FY 2016-21 Five-Year Plan Update
- **Widen NW 37 Avenue (NW 79 Street to NW North River Drive)** - the estimated completion date has changed to September 2021, changed from October 2019 shown in FY 2016-21 Five-Year Plan Update
- **Widen SW 137 Avenue (Homestead Extension of Florida's Turnpike to U.S. 1)** - estimated completion date has changed to FY 2019, changed from June 2018 shown in FY 2016-21 Five-Year Plan Update
- **NW 74 Street (Phase 2 - NW 107 Avenue to NW 114 Avenue)** - the estimated completion date has changed to September 2016, changed from May 2016 shown in FY 2016-21 Five-Year Plan Update

ADDITIONAL INFORMATION

Links to County sites on CITT and People's Transportation Plan:

<http://www.miamidade.gov/citt/>

<http://www.miamidade.gov/publicworks/peoples-transportation.asp>

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Research Notes**

**Item No. 10A2
File No. 180363**

Researcher: NR Reviewer: TD

RESOLUTION APPROVING THE ISSUANCE BY THE MIAMI-DADE COUNTY EDUCATIONAL FACILITIES AUTHORITY OF ITS REVENUE BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT-TO-EXCEED \$250,000,000.00, EXCLUSIVE OF EXPECTED NOT-TO-EXCEED \$35,000,000.00 OF ORIGINAL ISSUE PREMIUM, TO FINANCE AND REFINANCE, INCLUDING THROUGH REIMBURSEMENT, CAPITAL PROJECTS ON BEHALF OF THE UNIVERSITY OF MIAMI FOR PURPOSES OF SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED

ISSUE/REQUESTED ACTION

Whether the Board should adopt this Resolution approving the issuance of revenue bonds, by the Miami-Dade County Educational Facilities Authority (Authority), in an aggregate principal amount not to exceed \$250 million (Series 2018 Bonds) on behalf of the University of Miami (the University).

APPLICABLE LEGISLATION/POLICY

Pursuant to Ordinance No. 69-72, the Board created the Authority pursuant to Chapter 243, Part I, Florida Statutes, as amended, and empowered it to issue tax-exempt revenue bonds for the purpose of making loans to secondary educational institutions such as the University in order to provide financing for qualified educational facilities.

<http://intra/gia/matter.asp?matter=180363&file=true&yearFolder=Y2018>

Chapter 243, Florida Statutes – Higher Educational Facilities Authorities Law. The Educational Facilities Authority shall be governed by Chapter 69-345 and Chapter 243, Part II of the Florida Statute and Article XXIX of the Code of Miami-Dade County, Florida.

<http://leg.state.fl.us/statutes/index>

PROCEDURAL HISTORY

Prime Sponsor: None

Requester: Educational Facilities Authority

FISCAL IMPACT

The issuance of the Series 2018 Bonds will have no financial or fiscal impact on the County since the principal and interest shall not constitute a debt, liability or a general obligation of the Authority or the County. The interest and principal on the Series 2018 Bonds shall be paid solely from the revenues of the University.

ANALYSIS

The item approves the issuance of educational facilities revenue bonds by the Authority on behalf of the University after a public hearing in an aggregate principal amount not to exceed \$250 million as required by Section 147(f) of Internal Revenue Code of 1986, as amended.

Section 147(f) of the Internal Revenue Code of 1986 (TEFRA) requires that the Board approve the issuance of educational facilities revenue bonds after a public hearing has been held either by the Authority or the Board itself. The public hearing was held on February 14, 2018 by the Authority as allowed by the Board subject to review and ratification by the Board.

This item seeks the Board to approve the issuance of Series 2018 for the purposes of:

a) financing or refinancing, including through reimbursement, all or a part of the costs of :

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- (i) the acquisition, construction, and equipping of a new Student Housing Village (Village, the Village is part of phase I of a multi-phase housing master plan and will add approximately 1,100 beds on the University's Coral Gables Campus;
- (ii) the acquisition, construction, and equipping of a new Proton Therapy facility and system, on the University's Medical Campus; and
- (iii) the acquisition, construction and equipping of certain other educational, research, medical, healthcare, athletic, housing, parking and other facilities, on
 - (A) the University's Coral Gables Campus;
 - (B) the University's Medical Campus; and
 - (C) the University's Rosenstiel School of Marine and Atmospheric Science Campus
- (b) paying certain capitalized interest on the Series 2018 Bonds; and
- (c) paying the costs of issuance of the Series 2018 Bonds.

Questions to the Educational Facilities Authority (OCA pending response)

1. Has the Authority provided financing to the University in the past? If so, how much and when?
2. Has the Authority provide financing to other institutions of higher learning in the past? If so, which institutions, when, and how much.
3. Has any institution defaulted on Bond issuance in the past?

ADDITIONAL INFORMATION

The Authority was established on October 1, 1969, and issues tax exempt revenue bonds on behalf of institutions of higher learning for the purpose of providing additional means to assist the County's youth in achieving the required level of learning and development of their intellectual and mental capacities.

<http://www.miamidade.gov/finance>

The University is an active 501(c)(3) not-for-profit Florida corporation.

<http://search.sunbiz.org>

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Research Notes**

Item No. 11A7

File No. 180455 (180093)

Researcher: MF Reviewer: PGE

RESOLUTION APPROVING PURSUANT TO SECTION 125.045, FLORIDA STATUTES, LEASE AND DEVELOPMENT AGREEMENT (“AGREEMENT”) BETWEEN COUNTY AND 13 PISTA, LLC (“DEVELOPER”), FOR LEASE OF APPROXIMATELY 140 ACRES, POTENTIALLY INCREASED BY 10-15 ADDITIONAL ACRES, OF COUNTY LAND AT 20000 NW 47TH AVENUE FOR INITIAL TERM OF 30 YEARS FOR RENT OF NO LESS THAN \$33,382,655.07, AND FOR DEVELOPMENT OF COMMUNITY CENTER, POTENTIALLY THREE FACILITIES TO BE LEASED TO NON-PROFIT AGENCIES, AND NORTH DADE GOVERNMENT CENTER, WHICH GOVERNMENT CENTER WILL BE FUNDED USING \$7,500,000.00 OF BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS; ESTABLISHING LANDMARK TRUST FUND FOR DEPOSIT OF RENTS FROM DEVELOPER; WAIVING COMPETITIVE BIDDING BY A TWO-THIRDS VOTE PURSUANT TO SECTION 5.03 (D) OF HOME RULE CHARTER AND SECTION 2-8.1 OF THE COUNTY CODE TO SELECT DEVELOPER AS THE DEVELOPER OF GOVERNMENT CENTER, COMMUNITY CENTER, AND POTENTIALLY THREE OTHER FACILITIES; WAIVING SECTION 2-10.4.2 OF COUNTY CODE, ADMINISTRATIVE ORDER 8-4 AND RESOLUTION NO. R-130-06; DECLARING SURPLUS APPROXIMATELY 12 ACRES OF COUNTY-OWNED PROPERTY AT 11025 S.W. 84TH STREET AND 16345 N.W. 25TH AVENUE, AND APPROVING, PURSUANT TO 125.38, FLORIDA STATUTES, LEASE OF SAID PROPERTY WITH AN INITIAL 5-YEAR TERM TO HIS HOUSE, INC., THE CENTER FOR FAMILY AND CHILD ENRICHMENT, INC., AND THE ASSOCIATION FOR RETARDED CITIZENS, SOUTH FLORIDA, INC., ALL FLORIDA NON-PROFIT CORPORATIONS AND ALL FOR INITIAL TERMS OF 5 YEARS EACH; AUTHORIZING COUNTY MAYOR OR MAYOR’S DESIGNEE TO EXECUTE AGREEMENT

ISSUE/REQUESTED ACTION

Whether the Board should approve a Lease and Development Agreement (Agreement) between the County and 13 Pista, LLC (Developer), for: (1) lease of approximately 140 acres, potentially increased by 10-15 additional acres, of County land located at 20000 N.W. 47th Ave (demised property); (2) creation by Developer of no less than 220 permanent new jobs at the demised property; (3) rent for an initial term of 30 years at no less than \$33,382,655.07, with two additional 30-year options to extend the lease; (4) development and construction, at the sole cost of the developer, of a 16,000 square foot community center at the Landmark Property and three new facilities for the nonprofits; (5) development and construction of a North Dade Government Center at the Landmark Property to be built using \$7,500,000 of the Bond Program’s Project No. 323 funds; (6) establishment of the Landmark Trust Fund for deposit of rents from the developer; (7) waive competitive bidding by a two-thirds vote to select the Developer as the developer of the Government Center, the Community Center and potentially three other facilities; (8) declare surplus approximately 12 acres of County-owned property located at 11025 S.W. 84th Street and 16345 N.W. 25th Avenue; and (9) approve the lease of the above properties to His House, Inc., the Center for Family and Child Enrichment, Inc., and the Association for Retarded Citizens, South Florida, Inc., all Florida non-profit corporations for initial terms of five years each.

APPLICABLE LEGISLATION/POLICY

Section 125.045, Florida Statutes, declares that it is necessary and in the public interest to facilitate the growth and creation of business enterprises in the counties of the State.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0125/Sections/0125.045.html

Section 125.38, Florida Statutes, provides that if ... any corporation or other organization not for profit which may be organized for the purposes of promoting community interest and welfare, should desire any real or personal property that may be owned by any county of this state or by its board of county commissioners ... then the state or any political subdivision or agency thereof ... may apply to the board of county commissioners for a conveyance or lease of such property.

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http://leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0125/Sections/0125.38.html

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

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

Section 2-8.1 of the Miami-Dade County Code requires formal sealed bids for purchases over \$250,000; describes the circumstances under which competitive bidding may be waived; establishes requirements for legacy purchases, designated purchases, and provides that procurement procedures shall be established via an Implementing Order.

https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE

Section 2-10.4.2 of County Code pertains to the Community Business Enterprise Program for architectural, landscape, engineering, surveying and mapping professional services.

<http://www.miamidade.gov/smallbusiness/library/reports/cbe-code.pdf>

Administrative Order 8-4 provides that the authority to sell, lease or otherwise dispose of County-owned real property lies solely with the Board of County Commissioners.

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

Resolution No. R-784-05 authorized the acceptance of a Quit Claim Deed for 185.20 acres of land and improvements located on the N.W. quadrant of N.W. 47th Ave., and N.W. 199th St.; authorized the Mayor to execute the release of deed restriction on the entire property; and authorized the execution of an interim management agreement with the State of Florida, Agency for Disabled Persons.

<http://intra/gia/matter.asp?matter=051884&file=true&yearFolder=Y2005>

Resolution No. R-130-06 amended Resolution No. R-1198-05 to clarify that proposed agenda items seeking approval of a contract or conveyance and authority to execute same shall not be placed on any committee or commission agenda unless the underlying contract or conveyance is completely negotiated, in final form, and executed by all non-County parties.

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

Resolution No. R-454-17 approved the designation of land located at 20000 N.W. 47th Ave., commonly known as the “Landmark” Property, as the site for the North Dade Government Center, and approved the allocation of \$7,500,000.00 of Building Better Communities General Bond Funds Project No. 323 – “North Dade Government Center” for the development of the North Dade Government Center at such site.

<http://intra/gia/matter.asp?matter=170846&file=true&yearFolder=Y2017>

Miami-Dade County Code, Section 2-8.6.5 provides that prior to the County’s entering into any contract, agreement or lease relating to the purchase, sale or leasing of real property by, or to the County, all individuals, corporations, partnerships, joint ventures or other legal entities having any interest of any kind in the property to be purchases, sold or leased, shall file with the County a document identifying the extent of its ownership interest in the subject real property.

http://miamidade.fl.elaws.us/code/coord_ptiii_ch2_arti_sec2-8.6.5

Resolution No. R-333-15 adopted on April 21, 2015, establishes County policy to require disclosure of market value or market rental in legislative items authorizing the conveyance or lease of County-owned property to promote public disclosure and fiscal responsibility.

<http://intra/gia/matter.asp?matter=150446&file=true&yearFolder=Y2015>

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PROCEDURAL HISTORY

Prime Sponsor: Barbara J. Jordan, District 1

The proposed resolution was considered at the February 13, 2018 GOC meeting and was forwarded to the Board with a favorable recommendation, as amended.

During the Reasonable Opportunity for the Public to be Heard portion of the meeting, a number of members of the public appeared in favor of the proposed resolution. Mr. Ron Frazier, a member of the development team, noted one of his responsibilities would be to assist in the selection of Black architects and engineers for the design of the community facilities, and ensuring that Black sub-contractors participated in the project. He said he would also coordinate with the County's Small Business Development Department to ensure that the Developer was in compliance with the County's policies. Mr. Frazier expressed the belief that the proposed project would bring a considerable amount of economic benefits to the North Dade area and Miami Gardens.

Commissioner Jordan noted over the years she was approached by a number of developers regarding the Landmark property; and she had always attached the condition that the non-profit organizations operating on the property would be re-located. She provided a historical background to the project.

Mr. Al Dotson, attorney with Bilzin Sumberg law firm, said it was his pleasure to be representing the Developer. He noted this project would not only favorably impact economic development in the community, it would also have a favorable social impact. He presented the Developer and emphasized that he was also a philanthropist who was interested in transforming the community. Mr. Dotson described the proposed project in a PowerPoint presentation, and noted it would have an economic impact of \$224 million for the community. He stated that the Developer and his team held seven public meetings with the residents of the community to present the proposed project and solicit their input.

Commissioner Suarez expressed his support for the proposed resolution; however he stressed the importance of the County having the ability to stop the lease if the developer did not fulfill his obligations.

Commissioner Sosa expressed reservations regarding the process that was followed for the selection of the Developer. She also said she was concerned that the lease could potentially be for 90 years. She inquired whether there would be a reverter clause, and what remedies would be available to the County if the Developer decided to abandon the project.

Mr. Lee Solomon, Regulatory and Economic Resources Department, noted the Developer approached the County about this unique project. He indicated that the Developer qualified under Section 125.045, Florida Statutes, which declared that it was in the public interest to facilitate the growth and creation of business enterprises in the counties of the State. Mr. Solomon noted this would be a 30-year lease with potentially two additional 30-year options to extend the lease. He confirmed that the County would keep ownership of the land.

Assistant County Attorney Monica Rizzo, noted the Developer was required to use and develop the property for the purposes set forth in the lease agreement, which was to develop the Race Track and the ancillary facilities. She stated that if the Developer did not respect the clauses of the lease agreement, the County would provide an opportunity to cure; however, if the Developer still failed to fulfill his obligations, the County would be able to terminate the agreement. Assistant County Attorney Rizzo said that pursuant to the contract, the Developer was required to create and maintain 220 jobs. She noted if the Developer decided to abandon the project or failed to develop the property as required by the lease, the property would revert to the County, which could sue the Developer for damages for breach of the lease agreement.

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Commissioner Sosa inquired whether the Developer was required to begin the project with the facilities for the not-for-profit organizations or the government center. She asked what amount of money the County was investing, and what amount of money the Developer would be investing. Commissioner Sosa said she was concerned that the County was sending the wrong message, and letting companies know that they could present a project of this magnitude to the County and that the contract would be awarded without competitive bidding. She inquired whether the precision driving could not be done at the Homestead Speedway Track.

Assistant County Attorney Rizzo indicated that the Developer was required to begin with the facilities for the not-for-profit organizations.

Mr. Solomon clarified that the County would not use public funds in the development of the property and the other facilities; and Assistant County Attorney Rizzo clarified that the County would be investing \$7,500,000.00 of the General Obligation Bond Program's funds for the construction of the County-owned and operated North Dade Government Center.

Mr. Solomon indicated that the Developer was not proposing to build a race track but rather a demonstration track. He indicated that the property had been appraised by the Property Appraiser's Office at \$18 million.

Commissioner Suarez stated that he would prefer to sell this type of property that the County was not using at the best price in a competitive process. He inquired whether the County or the Developer would be exercising the option to renew.

Assistant County Attorney Rizzo indicated that the Developer would be able to exercise the option to renew provided that he was not materially in breach of the provisions of the lease agreement.

Responding to Chairman Moss' question regarding the guarantees that the Developer would fulfill his commitments, Assistant County Attorney Rizzo noted the Developer had made contractual commitments; and before construction commenced the Developer was required to obtain payment and performance bonds, in accordance with Florida Statutes.

Pursuant to Commissioner Jordan's question regarding the other economic development projects that had been done by the County, Mr. Solomon referred to the Naeem Khan project on the Miami River, the American Dream Mega Mall project, the soccer stadium, and the Federal Express project.

The Committee members forwarded this item to the BCC with a favorable recommendation, with the following Committee amendments:

On typed page 10, in Section 2 of the "Now Therefore" section, change "substantially in the form attached hereto" to "generally in the form attached hereto". On typed page 11, replace Section 7 of the "Now Therefore" section with the following: "This Board delegates the authority to the County Mayor to negotiate and finalize the terms of the Agreement provided: (a) said terms and conditions are no less favorable, financially or otherwise, to the County as those terms contained in the Agreement attached to this Resolution; (b) the economic development and job hiring conditions and penalties for failure to meet the economic development and job hiring conditions remain the same as those in the attached Agreement; and (c) no policies of this Board are violated or modified in the final terms of the Agreement. A copy of the final, executed Agreement shall be filed along with this Resolution by the Clerk of the Board."

Commissioner Jordan requested that the proposed resolution be waived to the March 6, 2018 Board of County Commissioners' meeting.

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FISCAL IMPACT

According to this Agreement, the County will not use public funds in the development of the property and the other facilities, with the exception of the \$7,500,000.00 in General Obligation Bond funds, which will be used for the construction of the North Dade Government Center.

The Landmark Trust Fund will be created to be used to deposit all of the rents received from the Developer from lease years 2-30. The funds on deposit in the Landmark Trust Fund will be used exclusively for the operation and maintenance of the community Center to be located at the Landmark Property.

The Developer has agreed and is obligated to (i) pay rent to the County in no less than the amount of \$33,382.655.07 over the 30-year initial rental term, which rent will increase if additional acres are added to the property and (ii) pay \$140,000.00 to the Miami-Dade Fire Rescue Department to assist with renovations to its Fire Station located adjacent to the property. The Developer will lease the property for an initial term of 30 years with two additional 30-year options to extend the lease.

Rent for the 140 acres is to commence on the effective date and shall be no less than the following: \$171,826.26 for the first year. Starting in the eleventh year, the annual rent escalates from \$1,229,817.33 at the rate of approximately 2 percent per year until the 30th year when the annual rent is \$1,938,198.04. Commencing with the 31st year and at each 15th year thereafter, the rent will be recalculated by multiplying the then fair market value of the land established by a Member of the Appraisal Institute Appraiser chosen by the County by the then prevailing interest rate of the 30-year US Treasury Note plus 2 percent.

The Kendall Property will be leased to His House, Inc., for an initial term of 5 years, at an annual rental rate of \$870,000 for the first years which amounts to \$8.70 per square foot.

A portion of the PHCD Property will be leased to the Association of Retarded citizens, South Florida, Inc., for an initial term of 5 years, at an annual rental rate of \$84,500.00 for the first year, which amounts to \$8.45 per square foot.

A portion of the PHCD Property will be leased to the Center for Family and Child Enrichment, Inc., for an initial term of 5 years, at an annual rental rate of \$94,830.00 for the first year, which amounts to \$8.70 per square foot.

ANALYSIS

On June 21, 2005, the Board approved Resolution No. R-784-05 for the purpose of purchasing approximately 185 acres of land located at 20000 N.W. 47th Avenue, Miami, from the State of Florida. This property is commonly known as the Landmark property. There were two social service agencies occupying the site: His House, providing foster care services; and the Association for Retarded Citizens, providing training to severely disabled adults and children. In addition, this property also housed Miami-Dade Fire Rescue (MDFR) Station 51, and had an additional approximately 150 acres of land which could accommodate further development.

From June 2012 until January 2016, the County worked with Miami Ocean Studios (MOS), which was proposing to build a motion picture studio, office, hotel and retail complex at the Landmark. However, this proposal did not materialize, and in January 2014, Mr. Carlos De Narvaez Steuer approached the County with an automobile-centric project that he wished to develop at the Landmark. In January, 2016, staff communicated with Mr. De Narvaez Steuer that MOS was no longer seeking the use of the property and that the County could entertain a proposal from him.

Since then, County staff has negotiated with 13 Pista, LLC (the entity designated by Mr. De Narvaez Steuer) the Agreement for the lease of the Landmark property with the following Phase I minimum development requirements:

- on- and off-site publicly owned infrastructure;
- payment to MDRF for improvements to the Fire Station and infrastructure roadways and equipment;

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- on- and off-site improvement for the relocation of three community-based organizations (His House, Inc., the Center for Family and Child Enrichment, Inc., and the Association for Retarded Citizens, Inc.)
 - a new Community Center;
 - a public cycling track and other community recreation or meeting facilities;
 - a driving course of approximately 2 miles in length;
 - a fully integrated Pit Lane Clubhouse;
 - vehicle maintenance inspection facilities and facilities for public vocational instruction;
 - a paddock area;
 - vehicle storage facilities; and
 - public retail and restaurant space.
- The Phase II minimum development shall consist of:
- a public hotel of at least 50 rooms
 - hospitality facilities including a restaurant, bar, and spa;
 - an expansion of the vehicle storage area; and
 - approximately 12000 additional square feet of public retail space.

For Drivers Club Miami, Mr. De Narvaez Steuer has partnered with the leading experts in the industry, including UK-based Driven International, the leading driving course designer; Aaron Weiss, who has previously managed similar facilities in the United States; and the world's premier purveyor of classic-car shows and events. This proposed project by 13 Pista, LLC, is anticipated to have long-term substantial economic, employment and fiscal impacts when completed.

The three social service, non-profit agencies, His House, Inc., the Association of Retarded Citizens, South Florida, Inc. (ARC), and the Center for Family and Child Enrichment, Inc. (CFCE) currently are tenants within buildings on land adjacent to the property to be leased to the Developer. In exchange for the lease of the property to the Developer, the Developer will pay for and design, develop and construct new facilities to be leased by the three non-profits.

The facilities to be leased to the non-profits will be (i) owned by the Community Action and Human Services Department on property known at the Kendall Complex located at 11025 S.W. 84th Street; and (ii) owned by the County's Public Housing and Community Development Department (PHCD) on property located at 16345 N.W. 25th Ave, Miami Gardens. For this purpose, approximately 7 acres of land at the Kendall Property and approximately 5 acres of land at the PHCD Property will be declared as County surplus property.

However, the Developer also has the option of offering to the non-profits, and if they accept, of building such new facilities on non-County property located with Miami-Dade County.

Upon relocation of the three non-profits, the County will lease that additional land to the Developer, such land will constitute part of the property to be leased by the Developer, and the Developer will thereafter pay rent to the County for such additional land based on acreage.

The Board approved, via Resolution No. R-454-17, the designation of the Landmark property as the site for the development of the North Dade Government Center and approved the allocation of \$7,500,000.00 for this purpose at this location. Section 125.045(3) of the Florida Statutes provides that it "constitutes a public purpose to expend public funds for economic development activities, including leasing or conveying real property ... to private enterprises for the expansion of businesses existing in the community or the attraction of new businesses to the community".

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It is in the best interest of the County to waive competitive bidding to select the Developer to develop the Community Center, the North Dade Government Center and the new facilities on the Kendall property and the PHCD property, because, with the exception of the Government Center, the Developer is designing and constructing these facilities at no cost to the County, and will be donating them to the County once construction is completed. With regard to the Government Center, it will be more efficient and cost effective if the developer building all the other facilities on the project is also tasked with building the Government Center.

ADDITIONAL INFORMATION

13 Pista LLC is a Delaware limited liability company which has one member, Skylé Assets, S.A. Skylé Assets, S.A. is a company incorporated in the British Virgin Islands with one shareholder, Quirihue, S.A., owning all of its shares; and has Mr. Carlos De Narvaez Steuer, an Argentina-based real estate developer, as its sole director. Quirihue, S.A., is a company incorporated in Uruguay and all of its shares are owned by Mr. De Narvaez Steuer, who was recently ranked by Forbes magazine as the number-two developer in Argentina.

According to the Florida Department of State Division of Corporations website (Sunbiz.org), 13 Pista, LLC, has an active status as a Foreign Limited Liability Company and first filed and registered on 01/19/2017. The principal address is registered as 21500 Biscayne Blvd, Suite 401, Aventura, FL 33180.

<http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>

His House Children's Home is a private non-profit, faith-based organization dedicated to restoring the lives of children from newborn to 18 years of age. For over 28 years, His House has brought stability to the lives of over 14,000 foster children.

<https://www.hhch.org/about-us/>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), His House, Inc., has an active status as a not-for-profit corporation. It first filed and registered on 2/28/1989. Its principal address is 20000 N.W. 47th Ave., Hector Building 2, Opa-Locka, FL 33055. Its registered agent is Anon, Elizabeth, 20000 N.W. 47th Ave., Hector Building 2, Opa-Locka, FL 33055.

<http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>

The Association of Retarded Citizens, South Florida, Inc., has for mission to ensure the rights of all persons with developmental disabilities through on-going advocacy, and to provide specialized programs and services to help individuals lead meaningful and fulfilling lives.

https://www.volunteermatch.org/search/org49016.jsp#more_info_tab

A search for the Association of Retarded Citizens, South Florida, Inc., in the Florida Department of State Division of Corporations website (Sunbiz.org), revealed that the organization is not currently registered.

<http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>

The Center for Family and Child Enrichment, Inc., is Miami Garden's largest child welfare agency, serving more than 5000 children and families annually. It serves children in foster care. It also provides behavioral and prevention services, such as counselling and case management for run-away, truant and ungovernable youth.

<https://www.cfcecares.org/>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), the Center for Family and Child Enrichment, Inc., has an active status as a not-for-profit corporation. It first filed and registered on 3/18/1977, and was reinstated on 12/11/1984. Its principal address is 1825 N.W. 167th Street, Suite 102, Miami Gardens, FL 33056. Its registered agent is Ms. Delores Dunn, 1825 N.W. 167th Street, Suite 102, Miami Gardens, FL 33169.

<http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>

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Research Notes**

**Item No. 11A11
File No. 180256**

Researcher: SM

Reviewer: TD

RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE MIAMI-DADE EXPRESSWAY AUTHORITY PROVIDING FOR MIAMI-DADE EXPRESSWAY AUTHORITY'S ASSUMPTION OF THE FINANCING, DESIGN AND CONSTRUCTION OBLIGATIONS FOR ROADWAY IMPROVEMENTS ALONG NW 82 AVENUE BETWEEN NW 12 STREET AND NW 7 STREET AND TRANSFERRING TEMPORARY CONTROL OVER THE CONSTRUCTION SITE AND PORTIONS OF THE RIGHT OF WAY TO THE MIAMI-DADE EXPRESSWAY AUTHORITY UNTIL ACCEPTANCE OF THE CONSTRUCTION WORK AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT

ISSUE/REQUESTED ACTION

Whether the Board should approve this Resolution approving an Interlocal Agreement between Miami-Dade County and the Miami-Dade Expressway authority providing for Miami-Dade Expressway (MDX) authority's assumption of the financing, design and construction obligations for roadway improvements along NW 82 Avenue between NW 12 street and NW 7 street.

APPLICABLE LEGISLATION/POLICY

Section 768.28 of the Florida Statutes governs waiver of sovereign immunity in tort actions; recovery limits; limitation on attorney fees; statute of limitations; exclusions; indemnification; risk management programs.

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

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Rebeca Sosa, District 6

This Item was forwarded to BCC with a favorable recommendation at the TPWC meeting on February 15, 2018

FISCAL IMPACT

Per the contract Agreement, MDX is solely responsible for the project costs and expenses that include but not limited to, the design, construction, engineering and inspection services, utility relocation costs, survey, geotechnical, and contamination remediation. The contract further states that MDX project costs could include if required, MDX staff and general engineering consultant staff costs, auditing costs and any other cost or expense arising from such project, with the exception of the requested work.

ANALYSIS

This Item if approved, will allow MDX to take temporary control over the construction site and portions of the right-of-way to complete the project on time and within budget. This project is meant to improve traffic flow and reduce the amount of traffic that is currently within this area.

The contract agreement states that the County will have full responsibility for the operation and maintenance of the Project Improvements as a limited access right of way line of SR836 within the County's right of way after completion and final acceptance of the project. It further states that MDX is responsible to keep the area/areas which are being utilized by MDX in an appropriate and safe state of maintenance and repair.

If this Item receives Board approval, it will allow MXD sole control and responsibility for the procurement, award and administration of the project. This will be in accordance with MDX policies and procedures, as stated in the Contract agreement.

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The agreement further states that MDX will at its own expense design and construct the certain improvements to NW 82nd Avenue between NW 12th street and NW 7th street as part of the MDX project that pertains to the Improvements of SR 836 interchange. MDX per the agreement, will assume the responsibility for the management and finances as it relates to the construction of certain roadway improvements for portions of NW 82nd Avenue between NW 7th street and NW 12th street.

OCA has the following questions which it has sent out to the Department representative, pending response:

1. What is the Fiscal Impact to the County as it relates to this project?
2. What is the estimated contract start date and end date?
3. This project states it will improve traffic, but will the construction related to this project create more traffic?
4. Will the surrounding area be adversely affected with the construction, such as dust, noise, etc.?
5. Will this project provide job opportunities for local vendors/employment seekers?

ADDITIONAL INFORMATION

MDX has begun construction of the SR 836/Dolphin Expressway Interchange Improvements at NW 87th Avenue in the Doral/Fontainebleau area. The project will complete system-to-system connections between SR 836 and the Palmetto Expressway and provide increased capacity to meet future traffic needs along SR 836. The main purpose of the project is to improve traffic operations and safety of the SR 836 and NW 87th Avenue Interchange by reconstructing the entrance and exit ramps and widening NW 12th Street between NW 87th and NW 82nd Avenues. A significant improvement will be the addition of a new flyover entrance ramp that will provide a direct connection from westbound NW 12th Street to westbound SR 836. The new entrance ramp will substantially reduce congestion at the intersection of NW 87th Avenue and NW 12th Street. The project also includes the construction of sound barriers, signing and pavement markings, lighting, drainage, utility coordination, Intelligent Transportation System (ITS) infrastructure and landscaping. Throughout 2017 the construction of the SR 836/Dolphin Expressway interchange at NW 87th Avenue continued as scheduled. Several improvements are expected to open in early 2018 including a new bridge and exit ramp from eastbound SR 836 providing direct access to SR 826/Palmetto Expressway. New drainage and a new sidewalk construction along NW 12th Street will also be completed in early 2018. Construction of the new flyover ramp to westbound SR 836 from NW 12th Street is now underway and the structure is beginning to take shape, as stated by the MDX website.

<https://www.mdxway.com/projects/current/mdx-sr-836-interchange-improvements-at-87th-avenue>

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Research Notes**

**Item No. 11A15
File No. 180206**

Researcher: SA Reviewer: PGE

RESOLUTION DIRECTING THE COUNTY MAYOR OR MAYOR’S DESIGNEE TO IMPLEMENT, AT THE RONALD REAGAN EQUESTRIAN CENTER AT TROPICAL PARK, A “COWGIRL AND COWBOY” PILOT PROGRAM TO TEACH YOUTH TO RIDE AND CARE FOR HORSES AND A “POLO SCHOOL” PILOT PROGRAM TO TEACH YOUTH HOW TO PLAY POLO, TO IDENTIFY, COORDINATE, AND CONTRACT AS NECESSARY, WITH COMMUNITY-BASED ORGANIZATIONS OR OTHER YOUTH RECREATION PROVIDERS WITH WHICH TO PARTNER TO IMPLEMENT THE PILOT PROGRAMS AND, TO THE EXTENT NECESSARY, IDENTIFY FUNDING SOURCES AND AMOUNTS NEEDED TO IMPLEMENT SUCH PILOT PROGRAM; FURTHER DIRECTING THE COUNTY MAYOR OR MAYOR’S DESIGNEE TO PREPARE AND SUBMIT A WRITTEN REPORT ON THE STATUS OF THE PILOT PROGRAMS BACK TO THIS BOARD WITHIN 30 DAYS

ISSUE/REQUESTED ACTION

The proposed item by the Board directs the Mayor or Mayor’s Designee to (1) implement a pilot program titled “Cowgirl and Cowboy” at the Ronald Reagan Equestrian Center in Tropical Park; (2) coordinate with community-based organizations or other youth recreation providers regarding the implementation of the “Cowgirl and Cowboy” pilot program and a youth “Polo School” pilot program; (3) identify funding sources needed to implement the programs; and (4) prepare and submit a written report to the Board within 30 days on the pilot programs.

APPLICABLE LEGISLATION/POLICY

Ordinance No. 14-65, adopted by the Board on July 1, 2014, requires that reports prepared at the request of the Board be presented to the Board.

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

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Javier D. Souto, District 10

This item was forwarded to the Board with a favorable recommendation by the Parks and Cultural Affairs Committee at its February 14, 2018 meeting without discussion.

FISCAL IMPACT

Currently, there are no funds allocated for this program. The item directs the County Mayor or Mayor’s designee to identify funding sources and amounts needed to establish the pilot programs.

ANALYSIS

The purpose of this proposed item is for the Mayor or Mayor’s Designee to establish a youth “Cowgirl and Cowboy” pilot program at the Ronald Reagan Equestrian Center at Tropical Park for one year. The item also proposes implementing a youth Polo School pilot program. Currently, Tropical Park offers other recreational programs for children such as soccer, baseball, tennis and dance classes but there have been many individuals in the community who have voiced that they would like to see such a program established. According to the PROS, this center is seen as an ideal location for children to learn how to ride horses, care for them and also learn to play polo given the amenities already in place and would be structured to not conflict with any other recreational activity that the park offers at the same time. PROS also stated that the criteria for children to participate in this program is still being developed but should be similar to the age requirement the County currently has in place for the summer programs that is between the ages of 6-17.

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The Ronald Reagan Equestrian Center currently is used to host about 36 shows every year since it has 3 state-of-the-art show arenas covered by a 200 x 275 standing steel roof, 267 stalls available for the competitors, two grass courses, and can also seat about 1,000 individuals. <http://www.miamidade.gov/parks/tropical.asp>

Below is a list of the some of the Equestrian Centers throughout South Florida:

Miami Equestrian Club
Coconut Palm Equestrian
Miami International Riding Club
Jesse Williams Ranch
White Stars Farm
Urban Riding Academy
Gold Stirrup
Sport Horse Stables
Paso Fino 305 Riding Academy

The Mayor or Mayor's Designee is responsible for implementing the pilot programs and allocating the funds necessary to implement them. Furthermore, within 30 days of the pilot program being established, the Board has requested that a written report be submitted to it regarding the status of the programs.

ADDITIONAL INFORMATION

Broward County does not have a Cowboy and Cowgirl program. However, there are four Equestrian Facilities throughout its County parks that offer different horseback riding options for children and adults. The Tradewinds Park stables offer private trail rides, pony rides, and horse camps in the summer and during school breaks for children that are between the ages of 9 and 16. At Tree Tops, park riders bring their own horses, as they do to ride the equestrian trails in Long Key Natural Area & Nature that has approximately one and a half miles of trails. Vista View Park offers individuals to ride horses in the 2.1-mile horse trail loops available around the park that connects to the trails that have been established throughout the Town of Davie as well.

<http://www.broward.org/Parks/ThingsToDo/Pages/Horses.aspx>

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**Item No. 11A21
File No. 180457**

Researcher: NR Reviewer: TD

RESOLUTION APPROVING ALLOCATION, SUBJECT TO RECAPTURE, OF UP TO \$5,000,000.00 FROM BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NO. 124 - "ECONOMIC DEVELOPMENT FUND" TO FUND THE CONSTRUCTION OF A NEW BOMBARDIER SERVICE CENTER TO BE LOCATED AT MIAMI-OPA LOCKA EXECUTIVE AIRPORT; WAIVING BOND PROGRAM ADMINISTRATIVE RULE REQUIRING PROJECT 124 FUNDS TO BE ALLOCATED IN MINIMUM AMOUNT OF \$10,000,000.00

ISSUE/REQUESTED ACTION

Whether the Board should waive, for the Bombardier Service Center Project, the requirement in the Bond Program's Administrative Rules that each Project 124 allocation be a minimum of \$10,000,000.00 and approve an allocation, subject to the availability of Recaptured Funds, of up to \$5,000,000.00 from Project 124 to fund the Bombardier Service Center Project.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-914-04, the Public Infrastructure Resolution, lists projects eligible for funding from the Building Better Communities General Obligation Bond Program (GOB) by project number, municipal project location, commission district, project description, street address, and project funding allocation.

<http://intra/gia/matter.asp>

Resolution No. R-123-15, dated February 3, 2015, set policy for the County related to Building Better Communities General Obligation Bond Program Project No. 124 – Economic Development Fund.

<http://intra/gia/legistarfiles/MinMatters/Y2015/150088min.pdf>

PROCEDURAL HISTORY

Prime Sponsor: Barbara Jordan

Requester: None

FISCAL IMPACT

The Board wishes to prioritize and approve an allocation of up to \$5,000,000 to receive any Project 124 Recaptured Funds for the Bombardier Service Center Project to be next in line to receive Recaptured Funds.

Project 124 has a total of \$75 million allocated to multiple projects. This resolution, if passed, will place Bombardier on a waiting list (next in line) for any funds recapture (unused from previously allocated \$75 million) when funds becomes available.

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ANALYSIS

This item seeks to approve allocation, subject to recapture, of up to \$5 million from GOB Project No. 124 – Economic Development Fund to fund the construction of a new Bombardier Service Center, and to waive Bond Program Administrative Rule requiring Project 124 Funds to be allocated in minimum amount of \$10 million.

This item places Bombardier's request for \$5 million on a waiting list (next in line) for any funds recaptured. The following three projects are already on the waiting list, subject to recapture, from Building Better Communities General Obligation Bond Program Project No.124 (Economic Development Fund):

- University of Miami Life and Science and Technology Park (\$10 million);
- NKMIA LLC to fund Naeem Khan Project (\$1.5 million); and
- Redland Farm Life Culinary (\$1.5 million)

The resolution, if approved, states the Bombardier Service Center Project shall be next in line to receive any Project 124 Recaptured Funds

It is important to note that Administrative Rules that each Project 124 allocation be a minimum of \$10,000,000 has previously been waived. Two of the three Projects on the waiting list had their allocation amount waived. The process to achieve the waiver is through the approval by the Board of this Resolution.

The goal of Project 124 is to encourage private sector development through public infrastructure investments that will create jobs and cause economic development which will have long term benefits to the community.

Additionally, this Board has previously allocated the entire Project 124 funds to other infrastructure projects, subject to the negotiation by the County Mayor in accordance with Resolution No. R-123-15, of a Grant Agreement or Interlocal Agreement for each of those other infrastructure projects to be presented to this Board for approval.

This item states that:

- In the event that the County Mayor is unable to successfully negotiate a Grant Agreement or Interlocal Agreement and/or this Board does not approve the award of the Project 124 funds to one or more of the proposed Project 124 grant recipients to whom the Project 124 funds have been allocated, such funds will be recaptured and be available for re-allocation to other eligible Project 124 projects (Recaptured Funds)
- In the event that Recaptured Funds become available for re-allocation, this Board wishes to prioritize and approve an allocation of up to \$5 million from Project 124 to fund the Bombardier Service Center Project in accordance with the administrative rules of the Bond Program such that the Bombardier Service Center Project shall be next in line to receive any Project 124 Recaptured Funds

Learjet, Inc., operating as a subsidiary of Bombardier Inc., prepared and submitted an application for Project 124 funding to fund public infrastructure costs associated with the construction of a new Bombardier Service Center to be located at the Miami-Opa Locka Executive Airport.

According to Learjet, Inc. February 22, 2018 application:

- Its business includes manufacturing, experimental flight testing and aircraft maintenance, carried out in five service centers. One facility is currently located at the Fort Lauderdale International Airport in Broward County.

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- Its lease at the Fort Lauderdale International Airport will expire in 2020, and the company must decide by the end of April 2018 whether to renew the agreement with Broward County or relocate to the city of Opa Locka in Miami-Dade County.
- As part of a significant growth strategy, the preferred option is to sign a lease agreement with AA Acquisitions at Opa Locka Executive Airport to relocate the service center.
- This would represent a Bombardier investment of over \$75,000,000 to develop an approximately 200,000+ square foot, state-of-the-art service center, with roughly \$15,000,000 dedicated to public infrastructure developments and improvements alone.
- This new service center will support the large U.S. fleet and serve as a gateway to the Latin America market.
- Learjet is committed to creating approximately 150 full-time, direct jobs and more than 50 indirect jobs in Miami-Dade by year 2020.
- Learjet economic impact analysis indicates the overall development will create 200 to 300 permanent, full-time, new jobs with average salaries of over \$70,000.00 per year, plus benefits, by the year 2025.
- Today, Opa Locka Executive Airport fixed-based operators house approximately 50 Bombardier business aircraft. In light of the planned size of development, we anticipate an increase in the number of operators utilizing Opa Locka Executive Airport as a base of operations, as owners will have the ability to store and service their aircraft in one location.
- Our relocation will also lead to the development of an aviation cluster at Opa Locka Executive Airport, as key sub-tier suppliers (including interior fabrication, aircraft cleaners, etc.) establish themselves locally.
- Our expansion will benefit the community and create new job opportunities.

Input from the County Attorney

Learjet, Inc. can chose to go forward with relocating to Opa Locka without the assurance they will get the grant for \$5 million. The \$5 million is on a reimbursement basis; therefore, if and when funds become available Learjet, Inc. will be reimbursed. It is expected that Learjet, Inc. would relocate to Miami Dade County because it would be economically better for them.

Further, Learjet is promising to have new jobs created in Miami-Dade County as stated in their application.

According to Learjet, Inc. they are committed to create approximately 150 full-time, direct jobs and more than 50 indirect jobs in Miami-Dade by year 2020. Further, Learjet economic impact analysis indicates the overall development will create 200 to 300 permanent, full-time, new jobs by the year 2025.

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**Item No. 11A23
File No. 172602**

Researcher: AIP Reviewer: TD

RESOLUTION DECLARING SURPLUS COUNTY-OWNED PROPERTY LOCATED AT 400 NE 8TH STREET, MIAMI, FL (COMMONLY KNOWN AS PARCEL B), APPROVING MEMORANDUM OF UNDERSTANDING ("MOU") BETWEEN MIAMI-DADE COUNTY AND CUBAN EXILE HISTORY MUSEUM, INC. ("CEHM"), A FLORIDA NOT-FOR-PROFIT CORPORATION, SETTING FORTH MILESTONES FOR THE DEVELOPMENT OF A CUBAN EXILE HISTORY MUSEUM ("MUSEUM") ON PARCEL B, AND APPROVING PURSUANT TO FLORIDA STATUTES SECTION 125.38, TERMS OF THE LEASE AGREEMENT BETWEEN THE COUNTY AND CEHM, FOR A 55-YEAR TERM, PLUS ONE 20-YEAR OPTION TO RENEW, FOR THE PURPOSE OF CONSTRUCTING AND OPERATING THE MUSEUM ON PARCEL B AT AN ANNUAL RENT OF \$1.00; AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXECUTE THE MOU, AND, SUBJECT TO THE SATISFACTION OF THE MILESTONES AND TERMS IN THE MOU, TO EXECUTE THE LEASE AGREEMENT AND TO EXERCISE ANY AND ALL RIGHTS CONFERRED THEREIN; DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO PROVIDE AN EXECUTED COPY OF THE LEASE AGREEMENT TO THE PROPERTY APPRAISER'S OFFICE WITHIN 30 DAYS OF ITS EXECUTION AND TO REPORT TO THE BOARD ON SAME

ISSUE/ ISSUE/REQUESTED ACTION

Whether the Board should declare the County-Owned "Parcel B" as surplus, and approve an MOU between Miami-Dade County and Cuban Exile History Museum, Inc., and approve a lease agreement between the County and the Museum.

APPLICABLE LEGISLATION/POLICY

Florida Statutes Section 125.38 (*County Organization and Intergovernmental Relations - Sale of county property to United States, or state*): <http://goo.gl/i688Df>

Section 2-8.6.5 of the Miami-Dade County Code (*Purchase, Sale, Lease of Real Property*)

http://miamidade.fl.elaws.us/code/coor_ptiii_ch2_arti_sec2-8.6.5

Resolution No. R-1118-03 (*Second Amendment to Tri-Party Agreement & American Airlines*), adopted by the Board on October 7, 2003, which approved an amendment to the agreement between the County, City of Miami, Bayside Center Limited Partnership, Miami Heat, LTD. And Basketball Properties, LTD. In regards to returning the rights to develop Parcel B to the County: <http://intra/gia/matter.asp?matter=032877&file=false&yearFolder=Y2003>

Resolution No. R-1446-03 (*Composite Amendment 8 to American Airlines Arena Agreement*), adopted by the Board on December 16, 2003, which approved composite amendment eight to the agreement between the County, City of Miami, Bayside Center Limited Partnership, Miami Heat, LTD. And Basketball Properties, LTD. In regards to returning the rights to develop Parcel B to the County: <http://intra/gia/matter.asp?matter=033472&file=true&yearFolder=Y2003>

Resolution No. R-922-13 (*Cuban Exile Museum*), adopted by the Board on November 5, 2013, which directed the County Mayor or designee to update conceptual study analyzing development of Cuban Exile History Museum at Parcel B of FEC property and to expand such study to include other potential sites:

<http://intra/gia/matter.asp?matter=131610&file=false&yearFolder=Y2013>

Resolution No. R-687-14 (*Parcel B Cuban B*), adopted by the Board on July 17, 2014, which directed the County Mayor or designee to negotiate with Cuban Exile History Museum, Inc. regarding possible development of a Cuban Exile History Museum on Parcel B of FEC property in consultation with the operator of The American Airlines Arena, subject to subsequent Board consideration and approval:

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<http://intra/gia/matter.asp?matter=141898&file=false&yearFolder=Y2014>

Resolution No. R-333-15 (Market Value or Market Rental in Legislative Items), adopted by the Board on April 21, 2-15, which established a County policy to require disclosure of market-value or market rental in legislative items authorizing conveyance or lease of County-owned property to promote public disclosure and fiscal responsibility.

<http://intra/gia/matter.asp?matter=150446&file=true&yearFolder=Y2015>

Ordinance No. 14-65 (Reports for Studies Rules of Procedures), adopted by the Board on July 1, 2014, which amended section 2-1 of the County Code to require that reports prepared at the request of the Board be presented to the Board and reports prepared at the request of a committee be presented to that committee.

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

PROCEDURAL HISTORY

Prime Sponsor: Chairman Commissioner Esteban L. Bovo, Jr., District 13

Department/Requester: None

This item has no procedural history.

FISCAL IMPACT

Below is a table that demonstrates the amount of money that the Cuban Exile history Museum, Inc., will pay to the County, in its initial term, and during the option to renew, if approved:

Amount of Years, Terms in Lease Agreement	Lease Rate	Total
55-year term	\$1 per year paid to the County	\$55.00
20-year, option to renew		\$20.00
Total (With option to Renew Term)		\$75.00

The construction of the museum project is estimated to cost a total of \$77,000,000. This is of no cost to the County, as stated in Section 5(b) of the MOU (handwritten page 18).

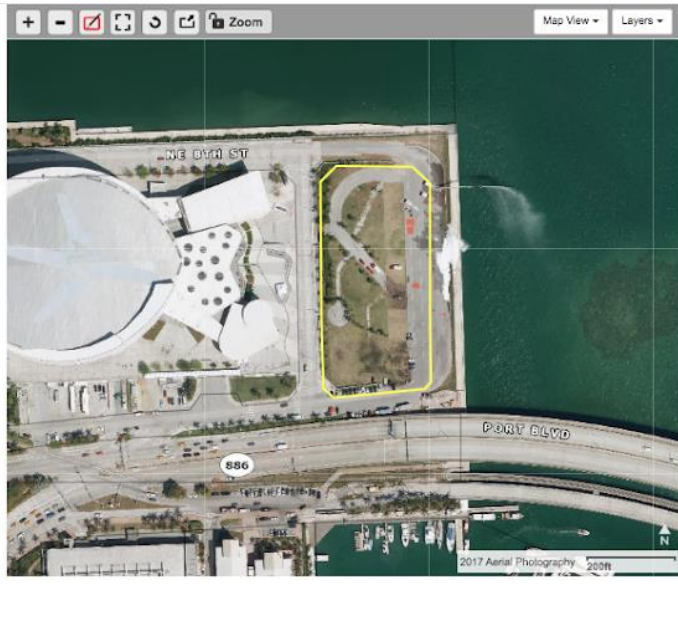
ANALYSIS

Cuban Exile history Museum, Inc. seeks to construct and operate a museum on the County-owned land known as "Parcel B". This item seeks to declare "Parcel B" as surplus, approve a Memorandum of Understanding (MOU) between the County and Cuban Exile History Museum, Inc., and approve a lease agreement of the land for a 55-year term, plus one 20-year option to renew. The MOU shall begin the first day of the month following the approval by the Board, and will automatically terminate in 48 months, or on the date the parties enter into the approved Ground Lease Agreement.

The property is a vacant parcel of land, commonly known as "Parcel B". Parcel B is located at 400 N.E. 8th street, Miami, Florida, adjacent to the American Airlines Arena. The land is 120,485 Sq. Ft. (2.77 acres) in size, and has a market value of \$12,076,299.00 as of 2017, according to the Property Appraiser's website. An appraisal in 2014 set the approximate fair market annual rent of Parcel B as \$720,000.

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PROPERTY INFORMATION ⓘ	
Folio: 01-3231-055-0020	
Sub-Division: MARITIME ARENA	
Property Address 400 NE 8 ST Miami, FL 33132-0000	
Owner MIAMI-DADE COUNTY GSA R/E MGMT	
Mailing Address 111 NW 1 ST STE 2450 MIAMI, FL 33128-1929	
PA Primary Zone 8002 PARKS & RECREATION	
Primary Land Use 8066 VACANT GOVERNMENTAL : EXTRA FEA OTHER THAN PARKING	
Beds / Baths / Half	0 / 0 / 0
Floors	0
Living Units	0
Actual Area	0
Living Area	0
Adjusted Area	0
Lot Size	120,485 Sq.Ft.
Year Built	0



Link to Property Appraiser's "Property Search" Website: <http://www.miamidade.gov/propertysearch/#/>

In 2007, the Board directed the County Manager to prepare a conceptual study analyzing development of the "Bay of Pigs Museum and Library" at Parcel B based upon a preliminary design of the Project prepared by Chisholm Architects. The conceptual study was to include at a minimum a section addressing the following: the feasibility of underground parking; the provision of public open space; development of a baywalk; and options to mitigate any material impact to operation of the Arena arising from development of Parcel B. The conceptual study prepared by the County Manager was presented to the Board at the May 6, 2008 BCC meeting.

Since this time, Parcel B still remains undeveloped, but during those years (since the 2008 Conceptual Study), many of the Project's original proponents have gradually evolved its scope and content, in a series of "substantive, detailed and prolonged discussions" with Miami-Dade County and other officials, to a much broader, more inclusive and sustainable "Cuban Exile History Museum".

Then in 2013, the Board approved Resolution No. R-922-13, which directed the Mayor or designee to update a conceptual study analyzing the development of a Cuban Exile History Museum at Parcel B. This study that was conducted also assessed whether the development of a Cuban exile History Museum at Parcel B would materially impact the operation of the American Airlines Arena.

The architect contracted by the Museum is R.E. Chisholm Architects, Inc., which is a Florida Profit Corporation that is active with the State of Florida and filed on April 28, 1989. A complete 100% of the architectural drawings, and construction plans have been prepared by the architect, as stated in Section 7(b)-4-iii, handwritten page 19 of the MOU. R.E. Chisholm Architects, Inc., is located at 782 NW 42nd Ave, Suite #650 Miami, FL 33126.

Sunbiz Link to Chisholm Architects, Inc. (URL shortened): <https://goo.gl/hzDV21>

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ADDITIONAL INFORMATION

According to the Florida Department of State website, Sunbiz, Cuban Exile History Museum, Inc., is an active Florida Not For Profit Corporation which filed with the State of Florida on March 28, 2011. The company has a local address of 175 S.W. 7th St. Suite 1109, Miami, FL, 33130. The Cuban Exile History Museum is a proposed museum that if approved, will be built next to the American Airlines Area in downtown Miami. Once built the 2.7 acre property will include approximately 80,000 square feet of total building space with approximately 50,000 square feet of exhibit space.

The main plaza level will include the main entry/foyer, gift shop, and a 200-seat eating space overlooking the main plaza and bay. The second level will encompass the main exhibit areas and will embrace old world Cuba and modern day Miami and a state of the art 300 seat theatre. The museum will begin on the third level taking advantage of the prime views of the Miami waterway. The third level will house an historical interactive research library, conference center, boardroom and multi-purpose area opening to a rooftop garden overlooking the bay, and an intimate art gallery will showcase exile artists.

Link to Sunbiz (URL shortened): <https://goo.gl/zScWvy>

Cuban Exile History Museum Website: <http://cehmuseum.com/information/>