



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

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

April 10, 2018  
9:30 A.M.  
Commission Chambers

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Office of the Commission Auditor (OCA)  
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**BCC Meeting: April 10, 2018  
Research Notes**

**Item No.4A  
File No. 180778**

**Researcher: MF Reviewer: PGE**

ORDINANCE RELATING TO ZONING; AMENDING SECTION 33-253 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING AUTOMOBILE STORAGE AS A PERMITTED USE IN THE BU-2 (SPECIAL BUSINESS) DISTRICT UNDER CERTAIN CONDITIONS FOR AUTOMOBILE DEALERS OR VEHICLE RETAIL SHOWROOMS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**ISSUE/REQUESTED ACTION**

Whether the Board amend Section 33-253 of the Code of Miami-Dade County (Zoning) to authorize automobile storage as a permitted use in the BU-2 (Special Business) District under certain conditions for automobile dealers or vehicle retail showrooms.

**APPLICABLE LEGISLATION/POLICY**

Miami-Dade County Code, Section 33-253, provides the uses permitted in a BU-2 Special Business District.

[http://miamidade.fl.elaws.us/code/coor\\_ptiii\\_ch33\\_artxxvi\\_sec33-253](http://miamidade.fl.elaws.us/code/coor_ptiii_ch33_artxxvi_sec33-253)

Miami-Dade County Code, Section 33-124(h)(2), states that “Off-street parking shall be provided in accordance with the following minimum standards (h) Commercial (2) Auto dealership showrooms, garage and gas station bay areas, and similar uses shall be provided three (3) parking spaces for the first twenty-five hundred (2,500) square feet of floor area, ..., and one (1) parking space for each additional five hundred (500) square feet of gross floor area, ..., plus three (3) parking spaces for each five thousand (5,000) square feet, ..., of open lot area.”

[http://miamidade.fl.elaws.us/code/coor\\_ptiii\\_ch33\\_artvii\\_sec33-124](http://miamidade.fl.elaws.us/code/coor_ptiii_ch33_artvii_sec33-124)

**PROCEDURAL HISTORY**

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

This proposed ordinance is on first reading.

**FISCAL IMPACT**

There is no Fiscal Impact Statement attached to the proposed ordinance.

**ANALYSIS**

Currently, only large scale commercial and office facilities, which serve the needs of large urban areas, are permitted in the BU-2 Special Business Districts. The Zoning Code does not currently allow the storage of automobiles off-site in the BU-2 District.

The proposed ordinance seeks to amend Section 33-253 of the Code of Miami-Dade County to authorize automobile storage as a permitted use in the BU-2 (Special Business) District under certain conditions for automobile dealers or vehicle retail showrooms. Automobile storage of new vehicles will be allowed for an automobile dealer that does not operate a sales facility on the same site, subject to the following conditions:

- (a) That such use shall be ancillary to another allowable use under this article;
- (b) That such use shall be on a site of at least 40 net acres;
- (c) That the automobile storage must occur only within a parking garage;
- (d) That the parking spaces used for the automobile storage shall not be required spaces for the remaining uses on the property;
- (e) That no independent additional parking spaces pursuant to Section 33-124(h)(2) will be required as parking for the on-site automobile storage; and
- (f) That such use shall obtain a Certificate of Use, and that the Certificate of Use shall be renewed annually for as long as such use operate.

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The following table compares the current language of Section 33-253 of the Code of Miami-Dade County to the proposed amendment (words ~~[[double brackete4d]]~~ shall be deleted. Words underscored and >>double arrowed<< constitute the proposed amendment):

Section 33-253 (Current Language)	Section 33-253 (Proposed Amendment)
<p>No land, body of water and/or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, reconstructed, moved, occupied or maintained for any purpose in any BU-2 District except for one (1) or more of the following uses:</p> <p>* * *</p>	<p>No land, body of water and/or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, reconstructed, moved, occupied or maintained for any purpose in any BU-2 District except for one (1) or more of the following uses:</p> <p>* * *</p> <p><u>&gt;&gt;(3) Automobile storage of new vehicles for an automobile dealer that does not operate a sales facility on the same site, subject to the following conditions:</u></p> <p><u>(a) That such use shall be ancillary to another allowable use under this article.</u></p> <p><u>(b) That such use shall be on a site of at least 40 net acres.</u></p> <p><u>(c) That the automobile storage must occur only within a parking garage.</u></p> <p><u>(d) That the parking spaces used for the automobile storage shall not be required spaces for the remaining uses on the property, as calculated by Chapter 33, or as part of the required parking pursuant to the zoning resolution(s) governing the Property.</u></p> <p><u>(e) That no independent additional parking spaces pursuant to Section 33-124(h)(2) will be required as parking for the on-site automobile storage.</u></p> <p><u>(f) That such use shall obtain a Certificate of Use, and that the Certificate of Use shall be renewed annually for as long as such use operate.</u></p>
<p>(2.04) Brewery (not farm related), subject to the following conditions:</p> <p>(a) The manufacture of malt liquors, such as beer and ale, shall be limited to 10,000 kegs per year as a micro-</p>	<p><u>(4)&lt;&lt; [[2.04]] Brewery (not farm related), subject to the following conditions:</u></p> <p>(a) The manufacture of malt liquors, such as beer and ale, shall be limited to 10,000 kegs per year as a micro-</p>

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brewery.

(b) The brewery may have a restaurant as an accessory use, and the restaurant may also have an accessory cocktail lounge-bar use, subject to the requirements of Article X of this chapter.

(c) Off-street parking for industrial, retail, restaurant, and other allowable uses shall be provided as otherwise required in this Code.

(2.05) Commuter Colleges/Universities.

(2.1) Hospitals (other than animal hospitals), subject to the following conditions:

\* \* \*

(2.2) Hotel and motel uses, subject to all provisions of the RU-4A District pertaining to such uses.

(3) Liquor package stores.

(4) Major department stores.

(5) Marinas for the following purposes only: Commercial boat piers or slips for docking purposes; yacht or boat storage, for laying up, but not for repairs or overhaul; and boats carrying passengers on excursion, sightseeing, pleasure or fishing trips.

(5.1) Movie and television studios with indoor sound stages/studios.

(5.2) Movie and television studios with outdoor lots/backlots after public hearing.

(6) Night clubs located no closer than five hundred (500) feet of any RU or EU District, if approved at a public hearing.

(7) Office parks.

(8) Pubs and bars.

brewery.

(b) The brewery may have a restaurant as an accessory use, and the restaurant may also have an accessory cocktail lounge-bar use, subject to the requirements of Article X of this chapter.

(c) Off-street parking for industrial, retail, restaurant, and other allowable uses shall be provided as otherwise required in this Code.

>>(5)<< [[2.05]] Commuter Colleges/Universities.

>>(6)<< [[2.1]] Hospitals (other than animal hospitals), subject to the following conditions:

\* \* \*

>>(7)<< [[2.2]] Hotel and motel uses, subject to all provisions of the RU-4A District pertaining to such uses.

>>(8)<< [[3]] Liquor package stores.

>>(9)<< [[4]] Major department stores.

5) Marinas for the following purposes only: Commercial boat piers or slips for docking purposes; yacht or boat storage, for laying up, but not for repairs or overhaul; and boats carrying passengers on excursion, sightseeing, pleasure or fishing trips.

>>(10)<< [[5.1]] Movie and television studios with indoor sound stages/studios.

>>(11)<< [[5.2]] Movie and television studios with outdoor lots/backlots after public hearing.

>>(12)<< [[6]] Night clubs located no closer than five hundred (500) feet of any RU or EU District, if approved at a public hearing.

>>(13)<< [[7]] Office parks.

>>(14)<< [[8]] Pubs and bars.

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<p>(9) Regional shopping centers.</p> <p>(9.5) Vehicle Retail Showroom, provided that:</p> <p style="padding-left: 40px;">(1) No on-site vehicle storage/stock beyond the showroom is; and</p> <p>(2) No more than six (6) vehicles on site to be used for test drives purposes; and</p> <p>(3) No test drive shall be conducted on residential local streets (fifty-foot wide rights-of-way); and</p> <p>(4) No new, purchased vehicle deliveries at showroom are allowed.</p> <p>(10) Warehouse, membership.</p>	<p>&gt;&gt;(15)&lt;&lt; [[9]] Regional shopping centers.</p> <p>&gt;&gt;(16)&lt;&lt;[[9.5]] Vehicle Retail Showroom, provided that:</p> <p style="padding-left: 40px;">(1) &gt;&gt;On-site vehicle storage/stock beyond the showroom shall only be allowed in accordance with subsection 2.01 above&lt;&lt; [[No on-site vehicle storage/stock beyond the showroom is allowed]]; and</p> <p>(2) No more than six (6) vehicles on site to be used for test drives purposes; and</p> <p>(3) No test drive shall be conducted on residential local streets (fifty-foot wide rights-of-way); and</p> <p>(4) No new, purchased vehicle deliveries at showroom are allowed.</p> <p>&gt;&gt;(17)&lt;&lt; [[10]] Warehouse, membership.</p>
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**Item No.4B  
File No. 180764**

**Researcher: MF   Reviewer: PGE**

ORDINANCE RELATING TO ZONING; AMENDING SECTION 33-349 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING MIAMI INTERNATIONAL AIRPORT (WILCOX FIELD) ZONING REGULATIONS TO PROVIDE AN EXCEPTION TO THE PROHIBITION ON APPLICATIONS FOR VARIANCES FROM HEIGHT LIMITATIONS WHERE THE PROPOSED STRUCTURE OR USE MEETS FEDERAL STANDARDS AND HAS BEEN APPROVED BY THE FEDERAL AVIATION ADMINISTRATION; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**ISSUE/REQUESTED ACTION**

Whether the Board should amend Section 33-349 of the Code of Miami-Dade County to revise Miami International Airport (Wilcox Field) Zoning Regulations to provide an exception to the prohibition on applications for variances from height limitations where the proposed structure or use meets federal standards and has been approved by the Federal Aviation Administration (FAA).

**APPLICABLE LEGISLATION/POLICY**

Miami-Dade County Code, Section 33-342, sets forth a procedure for variances and exceptions to the Zoning Regulations.

[http://miamidade.fl.elaws.us/code/coor\\_ptiii\\_ch33\\_artxxxvii\\_sec33-342](http://miamidade.fl.elaws.us/code/coor_ptiii_ch33_artxxxvii_sec33-342)

Miami-Dade County Code, Section 33-349 governs airspace approvals, and provides that “No permanent structure may be erected, constructed, located or otherwise established within the MIA Airport Zoning Area unless it has been issued an appropriate development permit(s) by Miami-Dade County or the municipality in which it is located. Except as provided for hereunder, no development permit for any structure or tree (whether permanent or temporary, natural or man-made) to be erected, planted, located or otherwise established, within the MIA Airport Zoning Area shall be issued by the county or any municipality unless such development permit has been approved in writing by MDAD and meets the review criteria created pursuant to this article.”

[http://miamidade.fl.elaws.us/code/coor\\_ptiii\\_ch33\\_artxxxvii\\_sec33-349](http://miamidade.fl.elaws.us/code/coor_ptiii_ch33_artxxxvii_sec33-349)

Code of Federal Regulations, Title 14, Part 77, establishes the requirements to provide notice to the FAA of certain proposed construction, or the alteration of existing structures; and the standards used to determine obstructions to air navigation, and navigational and communication facilities.

<https://www.law.cornell.edu/cfr/text/14/part-77>

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Rebeca Sosa, District 6**

This proposed ordinance is on first reading. It requires municipal notification.

**FISCAL IMPACT**

There is no Fiscal Impact Statement attached to the proposed ordinance.

**ANALYSIS**

Section 33-349 of the Code of Miami-Dade County prohibits variances from airport zoning height limitations. However, in some instances, the height regulations in the Code are more restrictive than applicable federal standards and regulations.

The proposed ordinance would amend Section 33-349 of the Code to permit applications for variances from the height limitations in limited circumstances where the proposed structure or use complies with federal height and airspace standards and regulations and has been approved by the FAA. In such circumstances, the applicant would still be required to demonstrate that the requested

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variance is otherwise consistent with all other requirements of the Code and that it does not compromise aviation safety or airport viability.

According to Section 33-342(4) of the Code, “[a]pproval of variances, when not specifically prohibited by this article, shall be limited to those cases in which it is duly found that a literal application or enforcement of the regulations would result in unnecessary hardship and the relief granted would not be contrary to the public interest but granting thereof would do substantial justice and be in accordance with the intent and purpose of this article.”

Section 33-342 of the Code further provides that “[t]he intent and purpose of this article is to promote the health, safety and general welfare of the inhabitants of Miami-Dade County, Florida, by preventing creation of an airport hazard or of a hazard to air navigation, thereby protecting the lives and property of users of Miami International Airport and of occupants of land in its vicinity and preventing destruction or impairment of the utility of the airport and the public investment therein.”

Section 33-342(5) of the Code states that [i]n determining whether the standard set forth in paragraph (4) has been met, the following factors pertaining to the public interest shall be considered:

- (a) the nature of the terrain and height of existing structures;
- (b) public and private interest and investments;
- (c) the character of flying operations and planned future development of Miami International Airport;
- (d) federal airways as designated by the Federal Aviation Administration;
- (e) whether the construction of the proposed structure would cause an increase in the minimum descent altitude or the decision height at Miami International Airport; technological advances;
- (f) the safety of persons on the ground and in the air;
- (g) land use density;
- (h) safe and efficient use of navigable airspace; and
- (i) the cumulative effects on navigable airspace of all existing structures, proposed structures identified in the Comprehensive Development Master Plan, and all other known proposed structures and uses in the area.

In certain limited circumstances it may be economically beneficial for the County to permit applications for variances from the height limitations in limited circumstances. It is thus proposed to amend Section 33-349 of the Code, as follows: (Words [[double bracketed]]) shall be deleted. Words underscored and >>double arrowed<< constitute the proposed amendment):

Section 33-349 (current language)	Section 33-349 (proposed amendment)
No permanent structure may be erected, constructed, located or otherwise established within the MIA Airport Zoning Area unless it has been issued an appropriate development permit(s) by Miami-Dade County or the municipality in which it is located. Except as provided for hereunder, no development permit for any structure or tree (whether permanent or temporary, natural or man-made) to be erected, planted, located or otherwise established, within the MIA Airport Zoning Area shall be issued by the county or any municipality unless such development permit has been approved in writing by MDAD and meets the review criteria created pursuant to this article.	No permanent structure may be erected, constructed, located or otherwise established within the MIA Airport Zoning Area unless it has been issued an appropriate development permit(s) by Miami-Dade County or the municipality in which it is located. Except as provided for hereunder, no development permit for any structure or tree (whether permanent or temporary, natural or man-made) to be erected, planted, located or otherwise established, within the MIA Airport Zoning Area shall be issued by the county or any municipality unless such development permit has been approved in writing by MDAD and meets the review criteria created pursuant to this article.



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In order to comply with Federal Aviation Regulations, the Director of the Miami-Dade Aviation Department shall have the right to order structure or tree heights to be lower than the height limitations established in this article. For the sake of aviation safety and airport viability, there shall be no variances from or exceptions to the height zoning limitations of this article.

The Director of the Miami-Dade Aviation Department or designee is authorized to appeal or otherwise legally contest decisions of a municipality granting development permits that are subject to compliance with this article, for failure to comply with the airport height zoning standards of this article.

Applicant shall pay any applicable review fees to MDAD for its reviews performed in accordance with this article. Review shall not commence until the appropriate fees are paid to MDAD.

\* \* \*

\* \* \*

In order to comply with Federal Aviation Regulations, the Director of the Miami-Dade Aviation Department shall have the right to order structure or tree heights to be lower than the height limitations established in this article. For the sake of aviation safety and airport viability, there shall be no variances from or exceptions to the height zoning limitations of this article >>, except that a variance may be applied for pursuant to section 33-342 where the proposed structure or use meets applicable federal standards and regulations and has been approved by the Federal Aviation Administration<<.

The Director of the Miami-Dade Aviation Department or designee is authorized to appeal or otherwise legally contest decisions of a municipality granting development permits that are subject to compliance with this article, for failure to comply with the airport height zoning standards of this article.

Applicant shall pay any applicable review fees to MDAD for its reviews performed in accordance with this article. Review shall not commence until the appropriate fees are paid to MDAD.

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**Item No. 4C  
File No. 180572**

**Researcher: JFP   Reviewer: TD**

ORDINANCE EXTENDING AMNESTY PERIOD CREATED BY ORDINANCE NO. 11-64, AS SUBSEQUENTLY AMENDED, FOR AN ADDITIONAL YEAR COMMENCING JULY 12, 2018; PROVIDING FOR A LIMITED EXCEPTION FROM CIVIL PENALTIES AND LIENS FOR BUILDING CODE VIOLATIONS UPON A HOMEOWNER'S COMPLIANCE WITH THE BUILDING CODE; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the extension of the Amnesty Period it created in Ordinance No. 11-64, which provides for a limited exception from civil penalties for building code violations upon a homeowner's compliance with the building code. The original ordinance was previously amended to allow for extensions, with the most recent extension expiring July 12, 2018. If approved, this Ordinance would extend the Amnesty Period for an additional year, commencing July 12, 2018.

**APPLICABLE LEGISLATION/POLICY**

Ordinance No. 11-64 is the original ordinance creating the Amnesty Period authorizing a limited exception from civil penalties and liens for building code violations upon a homeowner's compliance with the building code.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2011/111577.pdf>

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Rebeca Sosa, District 6**

**Department/Requester: None**

This item has no procedural history.

**FISCAL IMPACT**

While the Fiscal Impact Statement has not yet been published, therefore leaving the fiscal impact unknown at this time, previous ordinances extending the Amnesty Period stated that a fiscal impact will continue to occur as a result of the practice of waiving penalties and liens previously assessed by Miami-Dade County. The extent of the fiscal impact on the County as a result of the extension will depend on the number of property owners with outstanding violations who elect to take advantage of the amnesty period and correct the violations during that time.

**ANALYSIS**

The proposed Ordinance extends the Amnesty Period, which allows the County to waive civil penalties and liens assessed for building code violations provided certain conditions are met by the property owner, for an additional year (through July 12, 2019).

The Amnesty Period was enacted by the Board in 2011 with the intent to encourage compliance with the Building Code while being mindful of the economic crisis that plagued the County, and nation, at the time, and the potential financial hardships that homeowners can incur as a result of County-assessed fine and penalties related to building code violations. As of July 31, 2017, more than 3,700 property owners had taken advantage of the amnesty period.

The Amnesty Period was subsequently extended and modified through Ordinance Nos. 12-06, 12-59, 13-61, 14-66, 15-34, 16-133, and 17-77. It applies to work performed without permits or on expired permits. Work without permits can lead to faulty installations, causing fires, flood damage and other hazards. As stated in the Mayor's Social Equity Statement during consideration of last year's amnesty extension ordinance, safety is part of the rationale in extending the Amnesty Period, as it can benefit purchasers of distressed homes with multiple violations that are seeking to bring such homes into compliance, in turn improving the safety and values of surrounding properties. As of July 31, 2017, more than 3,700 property owners had taken advantage of the amnesty period.

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Several counties and municipalities have similar amnesty programs, with Broward County and the City of Plantation having programs where relief in the form of reduction in the value of the code enforcement lien against the property is granted in exchange for bringing the property into code compliance. The City of Plantation's Code Amnesty Program commenced on May 1, 2017 and ends on November 15, 2018, and is applicable to code liens received prior to December 31, 2016. Broward County's program does not have an end term.

<http://www.broward.org/Planning/FormsPublications/Documents/LienAmnestyBMSD.pdf>

According to the Miami-Dade County website, the following conditions apply to be able to participate in the program:

- This Amnesty only applies to primary owners of a residential property and does not apply to properties owned by financial institutions or commercial/industrial properties.
- This program does not apply in the event that the County has commenced a civil action to collect on the civil penalties or to foreclose a lien.
- A permit is issued to bring the structure into compliance with the Building Code within the Amnesty Period.
- The structure is brought into compliance with the Building Code within the period provided in the Building Code for completion of the work under the permit obtained within the Amnesty Period.
- All direct costs of the Regulatory and Economic Resources Department related to prior enforcement in connection with the structure, as documented by the Department shall be satisfied in full (These may include inspections, photographs, researches, recordation and enforcement recovery fee).

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

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**Item No.4D  
File No. 180573**

**Researcher: SM    Reviewer: PGE**

ORDINANCE RELATING TO THE RULES OF PROCEDURE OF THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING THAT THE 4-DAY RULE DOES NOT APPLY TO CERTAIN ITEMS THAT BOTH URGE THE CODESIGNATION OF A ROAD AND APPROVE A CODESIGNATION OF THE SAME OR AN ADJACENT SEGMENT OF THE ROAD; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**ISSUE/REQUESTED ACTION**

Whether the Board should approve this Ordinance relating to the rules of procedure of the Board of County Commissioners; amending Section 2-1 of the County Code.

**APPLICABLE LEGISLATION/POLICY**

Section 334.071, Florida Statutes governs legislative designation of transportation facilities, where it mentions that the designation of a transportation facility contained in an act of the Legislature is for honorary or memorial purposes or to distinguish a particular facility, and unless specifically provided for, shall not be construed to require any action by a local government or private party regarding the changing of any street signs, mailing address, or 911 emergency telephone number system listing.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0300-0399/0334/Sections/0334.071.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0300-0399/0334/Sections/0334.071.html)

Section 2-1 of the Miami-Dade County Code governs the Rules of procedure of the County Commission where it mentions but not limited to election, term, term limitation, and removal.

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

Rule 5.05 (a) of the rules of procedure of the Miami-Dade County Board of County Commissioner pertains to resolutions approving naming, renaming or co-designations of federal, state or municipal roads, facilities or properties.

<https://www.miamidade.gov/cob/library/guidelines/rules-of-procedure.pdf>

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Rebeca Sosa, District 6**

**This Item does not have procedural history.**

**FISCAL IMPACT**

N/A

**ANALYSIS**

This Ordinance pertains to the amending of Code Section 2-1 of the Code of Miami-Dade County. The proposed Ordinance will amend the rules of procedure so that Resolutions which both urge the codesignation of a road and approve a codesignation of the same or an adjacent segment of the road are not subject to the 4-day rule, as stated by the mayoral memo.

The table below shows the original Section 2-1 of the Miami-Dade County Code and the proposed changes to said Code Section 2-1 in **bold**.

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Original	Proposed changes
<p>(c) 4-day rule. A copy of each agenda item shall be furnished to the members of the commission not later than four (4) working days before a vote may be called on the item. The provisions of this rule shall be deemed waived unless asserted by a commissioner before the board takes action on the resolution, ordinance, motion or other item in question. The provisions of the rule may not be waived under Rule 7.01(o); however, this rule is not applicable to special or emergency meetings called pursuant to Rule 3.02, items related to the County's legislative package, 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, items approved at a committee meeting recommending or rejecting award of contracts for public improvements, and purchases of supplies, materials, and services, including professional services, resolutions related to debt obligations that do not require a public hearing, and resolutions or motions directing the Mayor or his or her designee to prepare an item for consideration by the Commission.</p>	<p>(c) 4-day rule. A copy of each agenda item shall be furnished to the members of the commission not later than four (4) working days before a vote may be called on the item. The provisions of this rule shall be deemed waived unless asserted by a commissioner before the board takes action on the resolution, ordinance, motion or other item in question. The provisions of the rule may not be waived under Rule 7.01(o); however, this rule is not applicable to special or emergency meetings called pursuant to Rule 3.02, items related to the County's legislative package, <b>items that both urge the codesignation of a road and approve a codesignation of the same or an adjacent segment of the road</b>, 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, items approved at a committee meeting recommending or rejecting award of contracts for public improvements, and purchases of supplies, materials, and services, including professional services, resolutions related to debt obligations that do not require a public hearing, and resolutions or motions directing the Mayor or his or her designee to prepare an item for consideration by the Commission.</p>

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**Item No.7A  
File No. 180315**

**Researcher: MF    Reviewer: PGE**

ORDINANCE RELATING TO THE MIAMI-DADE OPIOID ADDICTION TASK FORCE CREATED BY RESOLUTION NO. R-198-17; EXTENDING THE SUNSET DATE FOR A CERTAIN PERIOD OF TIME; PROVIDING FOR MEMBERSHIP, ORGANIZATION AND PROCEDURES; AND SETTING FORTH PURPOSE, FUNCTION, RESPONSIBILITY, AND REPEAL PROVISIONS OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**ISSUE/REQUESTED ACTION**

Whether the Board should extend the Sunset date for the Miami-Dade Opioid Addiction Task Force for one year from the effective date of adoption of this ordinance, to provide the Task Force additional time to implement its action plan.

**APPLICABLE LEGISLATION/POLICY**

Miami-Dade County Code, Section 2-11.36.1 defines the term “board” to include every agency, authority, advisory board, regulatory board, quasi-judicial board, semiautonomous instrumentality, committee, task force or any other citizens’ group created and funded in whole or in part by the Board of County Commissioners. It requires that County boards created for more than one year be created by ordinance.

[https://library.municode.com/FL/Miami\\_Dade\\_County/codes/Code\\_of\\_Ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIBSTCRREBOGE\\_S2-11.36.1DEBO](https://library.municode.com/FL/Miami_Dade_County/codes/Code_of_Ordinances?nodeId=PTIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.36.1DEBO)

Resolution No. R-198-17, adopted by the Board on January 24, 2017, created the Miami-Dade Opioid Addition Task Force.

<http://intra/gia/matter.asp?matter=170446&file=false&yearFolder=Y2017>

Resolution No. R-298-16, adopted by the Board on April 5, 2016, expressed the Board’s support for Senate Bill 524, a federal bill before the United States Congress, also known as the Comprehensive Addiction Recovery Act of 2016 or similar legislation that would convene a pain management best practices inter-agency task force.

<http://intra/gia/matter.asp?matter=160540&file=true&yearFolder=Y2016>

United States Senate Bill 524, Public Law No. 114-198, adopted on July 22, 2016, is also known as the Comprehensive Addiction and Recovery Act of 2016.

<https://www.congress.gov/bill/114th-congress/senate-bill/524>

Resolution No. R-1053-16, adopted by the Board on November 1, 2016, directed the Mayor or Mayor’s designee to provide a report evaluating the extent to which Miami-Dade first responders, including both Police and Fire Rescue personnel, are currently carrying naloxone or similar medication to help combat opioid and heroin overdoses and determining the fiscal impact of implementing a County policy requiring first responders to do so.

<http://intra/gia/matter.asp?matter=162117&file=true&yearFolder=Y2016>

Resolution No. 561-16, adopted by the Board on June 21, 2016, supported a provision in H.R. 953 that would require the Attorney General, in awarding grants to help combat the national epidemics of prescription opioid abuse and heroin use, to give priority to states that have in effect legislation or a policy under which the state suspends rather than terminates Medicaid enrollment for an individual who is incarcerated for less than two years.

<http://intra/gia/matter.asp?matter=161407&file=true&yearFolder=Y2016>

**PROCEDURAL HISTORY**

**Prime Sponsor: Chairman Esteban L. Bovo, Jr., Prime Sponsor, District 13**

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**Commissioner Sally A. Heyman, Co-sponsor, District 4**

The proposed ordinance was adopted on first reading by the Board on February 21, 2018; and was set for public hearing at the Public Safety and Health Committee meeting on March 14, 2018.

The proposed ordinance was considered at the March 14, 2018 Public Safety and Health Committee meeting; and was forwarded to the BCC with a favorable recommendation.

**FISCAL IMPACT**

According to the Fiscal Impact Statement, implementation of this ordinance will have no fiscal impact to Miami-Dade County as it will not result in additional staffing needs or future operational costs.

**ANALYSIS**

Opioids are a class of drugs that include the illicit drug heroin as well as the prescription pain relievers oxycodone, hydrocodone, codeine, morphine, fentanyl and others. Opioid abuse or opioid addiction is based on specific criteria such as unsuccessful efforts to cut down or control use. This may lead to opioid overdose incidents and deaths. In January 2016, in an article entitled “Increases in Drug and Opioid Overdose Deaths – United States, 2000-2014, the Centers for Disease Control and Prevention reported that since 2000 the rate of deaths from opioid overdoses in the United States increased by 200 percent.

<https://www.cdc.gov/mmwr/preview/mmwrhtml/mm6450a3.htm>

The impact of this national epidemic can especially be seen and felt in Florida where opioid addiction has become a public safety and health crisis. Florida ranks fourth in the nation for total care costs attributed to opioid abuse. Additionally, Florida has the 11<sup>th</sup> highest drug overdose mortality rate in the nation, with the number of drug overdose deaths in the state doubling since 1999, and among people aged 25 to 64 years old, drug overdoses have caused more deaths than motor vehicle accidents. Opioid abuse is a significant problem in Miami-Dade County. According to a Miami New Times article, in 2016, an average of 36 cocaine users died per month in Miami-Dade County, for a yearly total of 439 cocaine-related deaths.

<http://www.miaminewtimes.com/news/cocaine-and-heroin-deaths-in-miami-dade-are-at-a-15-year-high-9850465>

On January 24, 2017, in response to the opioid epidemic being experienced by Miami-Dade County, the Board adopted Resolution No. R-198-17, which created the Miami-Dade Opioid Addiction Task Force (Task Force), and charged it with developing a comprehensive opioid addiction action plan to halt the opioid addiction epidemic in Miami-Dade County. The Task Force consists of 28 members appointed by the following boards, departments and offices:

- Board of County Commissioners;
- Mayor’s Office;
- Public Defender’s Office;
- State Attorney’s Office;
- Medical Examiner Department;
- Homeless Trust;
- Addiction Services Board;
- City of Miami Police Department;
- Miami-Dade Fire Rescue Department;
- City of Miami Fire Rescue Department;
- Community Action and Human Services Department;
- Florida Department of Health in Miami-Dade County;
- Miami-Dade County Police Department; and
- Department of Children and Families Behavioral Health Division.

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The Task Force also has the following members appointed by or from each of the following entities:

- Florida Legislature;
- City of Miami;
- Miami-Dade County Association of Chiefs of Police;
- University of Miami;
- Florida International University;
- United States Drug Enforcement Administration;
- Jackson Health System;
- Marvin's Corner Therapeutic Community, Inc.;
- Eleventh Judicial Circuit and for Miami-Dade County;
- Jessie Trice Community Health Center;
- West Care Foundation;
- South Florida Behavioral Health Network;
- Dade County American Medical Association; and
- South Florida High Intensity Drug Trafficking Area Program.

Resolution No. R-198-17 provides that the Task Force shall sunset and stand dissolved on the 365<sup>th</sup> day from the effective date of the resolution, unless the Board extends the term. Resolution No. R-198-17 became effective on February 3, 2017; therefore, as of February 3, 2018, the Task Force stands dissolved. In June 2017, the Task Force released its action plan and has since worked to implement its recommendations; however, additional time is necessary for implementation of the Task force's action plan. (The Miami-Dade County Opioid Addiction Task Force's 2017 report, with its action plan, can be found at <http://www.miamidade.gov/mayor/library/opioid-task-force/opioid-final-report-06-13-17.pdf>).

Section 2-11.36.1 of the Code of Miami-Dade County requires that County boards created for more than one year be created by ordinance. Therefore, the Board is requested to re-establish the Task Force and extend its sunset period for one year from the effective date of the proposed ordinance.

During the extension period, the Task Force shall provide a report (Implementation Plan) that assesses the status of recommendations set forth in the action plan, which was presented to and adopted by the Board at its July 6, 2017 meeting. This report will, among other things, identify: (1) all recommendations that were implemented and the results of such implementation; (2) all recommendations that were not implemented and the reasons why; and (3) additional recommendations pertaining to implementation of the opioid addiction action plan. This Implementation Plan will be presented by the Miami-Dade Opioid Addiction Task Force no later than August 1, 2018 to the Board for its consideration.

#### **ADDITIONAL INFORMATION**

Ms. Claire Felter in her article dated December 26, 2017, entitled "The U.S. Opioid Epidemic", states that [t]he United States is grappling with one of its worst-ever drug crises. More than eight hundred people a week die from opioid-related overdoses, and some experts say that the death toll may not peak for years ... The crisis has reached such a scale that, beyond the risks it poses to public health, it is becoming a drag on the economy and a threat to national security.  
<https://www.cfr.org/backgrounders/us-opioid-epidemic>

A Sun Sentinel article dated May 25, 2017, entitled "Officials set up task force over opioid epidemic", states that "[i]n Broward County in 2016, 582 drug deaths were recorded, mostly with heroin, fentanyl and other opioids as the likely cause in an overwhelming majority of the cases. The number, which is double the number of deaths in 2014, is expected to jump substantially this year".  
<http://www.sun-sentinel.com/local/broward/coral-springs/fl-cspf-opiate-0524-20170525-story.html>



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A link to the Miami-Dade County Opioid Addiction Task Force website is provided below.

<http://www.miamidade.gov/mayor/opioid-addiction-task-force-group.asp>

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**Item No. 7B**  
**File No. 180276**

**Researcher: JFP   Reviewer: TD**

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

**ISSUE/REQUESTED ACTION**

Whether the Board should amend the Code of Miami-Dade County to require use of Miami-Dade County's web-based system for County contracts for Small Business Enterprise Programs; provide for application of certain goals for projects with an estimated value exceeding \$700,000; rename and amend the duties of the Miami-Dade County Advisory Board related to the Small Business Enterprise Program.

**APPLICABLE LEGISLATION/POLICY**

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

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH10CO\\_ARTIIBIPUPR\\_S10-33.02SMBUENCOSEPR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH10CO_ARTIIBIPUPR_S10-33.02SMBUENCOSEPR)

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

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-10.4.01SMBUENARENPR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4.01SMBUENARENPR)

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

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.1.1.1.1SMBUENSEPR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1.1.1.1SMBUENSEPR)

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

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.1.1.1.2SMBUENGOPR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1.1.1.2SMBUENGOPR)

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

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-11.16COCOCO](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-11.16COCOCO)

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

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

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

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[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIIICOR\\_CH2AD\\_ARTIINGE\\_S2-8.8FASUPR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.8FASUPR)

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

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

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIIICOR\\_CH10CO\\_ARTIIBIPUPR\\_S10-34LISURE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH10CO_ARTIIBIPUPR_S10-34LISURE)

[Section 2-8.9 of the Code of Miami-Dade County](#) governs the Living Wage for County service contracts and County employees.

**Section 2-8.9 of the Code of Miami-Dade County** governs the Living Wage for County service contracts and County employees.

### **PROCEDURAL HISTORY**

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

**Department/Requester: None**

This item was forwarded to the BCC with a favorable recommendation by the Government Operations Committee at its March 13, 2018 meeting following a public hearing wherein a resident spoke in favor of the item.

### **FISCAL IMPACT**

Implementation of this ordinance will not have a fiscal impact to Miami-Dade County as the cost of implementing this software was included in the Internal Services Department Small Business Development's FY 2017-18 adopted operating budget, and there will not be any additional staffing needs or future operational costs.

### **ANALYSIS**

This item proposes to amend the County Code sections pertaining to the Small Business Enterprise (SBE) Programs to (1) require use of the County's web-based system for County contracts; (2) provide for application of certain goals for projects exceeding \$700,000; and (3) rename and amend the duties of the SBE Advisory Board.

The web-based system was designed to allow firms the ability to view contracts at a glance and submit required information with ease and efficiency. According to the Mayor's Social Equity Statement, increasing the usage of the above-mentioned web-based system, which tracks compliance with certain SBE contract requirements, Workforce Program requirements, and subcontractor payments, will provide meaningful accountability and transparency for both Miami-Dade County and firms conducting business with the County.

The following are the proposed substantive amendments (new language is underlined):

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

- Adds *Certificate of Assurance* to definitions. Certificate of Assurance refers to the departmental form submitted with bid documents whereby the Bidder acknowledges: (i) Small Business Enterprise (SBE) measures apply to the project; and (ii) Bidder will submit its list of certified SBEs to satisfy the measures via Miami-Dade County's web-based system, within the specified time frame.
- Changes the definition of *Joint Venture* from "an association of two or more CSBEs" to a business arrangement of two or more parties, in which at least one is a CSBE that agrees to pool its resources for the purpose of accomplishing a specific task.

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

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participation level the firm is classified in. The updating requirement has been removed but SBD must still maintain this database.

- *Enforcement:* A Make-up Plan (previously corresponding Schedule of Intent Affidavit) must be submitted as part of any bid or proposal for future contracts as part of the Utilization Plan submitted via the County's web based system. The Make-up Plan (previously Schedule of Intent Affidavit) must identify all CSBEs to meet the first tier subcontractor goal and the trade designation of work each firm will perform in satisfaction of a make-up, in addition to any other goals that may be applicable. Failure to submit the required Make-up Plan (previously Schedule of Intent Affidavit) with the Utilization Plan (previously bids or proposals) for any future contracts shall result in the submittal being deemed non-compliant.
- Changes to the contractual violations that may result in the imposition of the sanctions listed in the section are as follows:
  - Failure of the prime contractor to report payments to subcontractors via the County's web-based system upon notification of payment by the County, or failure of subcontractors to confirm payments upon notification by the prime contractor, within the specified time frame
  - Failure to maintain certification as a CSBE
  - Deviation from the Utilization Plan (previously schedule of participation) without prior approval from SBD;
  - Failure to enter into a written first tier subcontract with a CSBE after listing the firm on a Utilization Plan (previously schedule of intent affidavit).
  - Penalties for Utilization Plan (previously Schedule of Intent) violations remain the same.
  - Upon completion of a contract or after final payment on a contract SBD shall review the final reporting of payments to subcontractors (previously Monthly Utilization Report) and other project documents to include final payments and make a determination as to whether the bidder met the CSBE measure.

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

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

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- Adds *Mentor-Protégé Program* to definitions. Mentor-Protégé Program is a program whose purpose is to build effective working relationships between leaders of mature established companies and emerging small business enterprises in order for the latter to benefit from the knowledge and experience of the established mentor firms. The details of this program shall be provided in Implementing Order No. IO 3-32.
- Adds *Utilization Plan* to definitions. Utilization Plan means the plan whereby a proposer submits via the County's web-based system its commitment that if awarded the agreement, it will enter into written subconsultant agreements with the identified CBE-A/Es for the scope of work and at the percentages set forth in the Utilization Plan within the time frame specified by SBD.
- Adds that a Small Business Enterprise Goods Program and Small Business Enterprise Services Program goal(s) may be applied to any project with an estimated value over \$700,000.00.
- Changes to the section on *subconsultant goals* are as follows: The County Commission, or Public Health Trust may establish subconsultant goals to be applied to a particular agreement based on estimates made prior to proposal advertisement of the quality, quantity and type of subconsulting opportunities provided by the agreement, and of the availability of first, second, and third tier CBE-A/Es to afford effective subconsulting competition therefor. After proposal advertisement, or other formal public notice, the established subconsultant goal may be reduced only with the approval of the County Commission or Public Health Trust.  
Proposal documents shall require proposers to submit a Certificate of Assurance acknowledging all Small Business Enterprise goals assigned to the project and the submittal of a Utilization Plan via the County's web-based system within the time frame identified by SBD (previously Letter of Agreement or equivalent, for each subconsultant to be utilized in satisfaction of a subconsultant goal.) The Utilization Plan (previously Letter of Agreement) shall be submitted by the prime and the subconsultant and shall at a minimum state the type of work that the subconsultant will perform, the technical certification category, and the percentage that the amount of the fees payable to the subconsultant bears to the overall fees payable under the contract. Failure to submit the required Certificate of Assurance (previously Letter of Agreement or equivalent) at the time of proposal submission, and submit the Utilization Plan via the County's web-based system within the time frame specified by SBD, shall render the proposer non-compliant. A CBE-A/E firm may fulfill a subconsultant goal in only one (1) goal type per contract.
- The following language was deleted from the *subconsultant goals* provision: (Proposers may cure immaterial irregularities in the Letter of Agreement submitted not later than forty-eight (48) hours following written notification by the Department of Small Business Development. Immaterial irregularities shall be those items which, in the County's sole discretion, do not, affect either the assurance of agreement between the prime proposer and the subconsultant or the proposer's assurances to the County that the stated measure will be met. Immaterial irregularities include those correctable items specifically identified in the form approved by the Director of Small Business Development for purposes of verifying compliance. Failure of a proposer to cure the immaterial irregularities within the stated period following notification shall result in disqualification of the proposer for contract award.  
Proposers who believe that they will fail to meet the specified subconsultant goal due to lack of available first and second tier CBE-A/Es, in order to remain eligible for award of the agreement, must notify SBD in writing at least fourteen (14) calendar days prior to proposal submitted date, advising SBD of the lack of available first and second tier CBE-A/Es and providing full documentation of their efforts to obtain the services of first and second tier CBE-A/Es to meet the goal.)
- The following language was added to the *sanctions for contractual violations* provision: The foregoing notwithstanding, the County Mayor shall include language in all prospective contracts containing a CBE-A/E measure which provides that, in addition to any other sanction for failure to fulfill the CBE-A/E measure requirements for such contract, the contractor's eligibility to receive any future County contract shall be conditioned upon the contractor making up the deficit in CBE-A/E participation in such future contract by having CBE-A/Es perform work equal to double the dollar value of the deficiency in the CBE-A/E measure in the prior contract. Contract language shall provide that in order to be eligible for future county contracts, a proposer who fails to meet an established CBE-A/E goal shall submit a CBE-A/E Make-up Plan for the approval of the Director. A Make-up Plan must be submitted as part of any proposal for future contracts as part of the Utilization Plan submitted via the County's web-based system. The Make-up Plan must identify all CBE-A/Es to meet the subconsultant goal



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

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

**Section 2-8.1.1.1.1 – Small Business Enterprise Services Program AND**

**Section 2-8.1.1.1.2 – Small Business Enterprise Goods Program**

The following are proposed amendments to both sections 2-8.1.1.1.1 and 2-8.1.1.1.2, related to the Small Business Enterprise Services and Goods Programs.

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

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Bid documents for contracts to which a SBE subcontractor goal is applied shall provide that bidders must submit with its bid a completed Certificate of Assurance acknowledging the required measure and submission of a Utilization Plan via the County's web-based systems. Each Utilization Plan shall be executed by the bidder and the SBE via the County's web-based system upon notification of SBD within the required time frame, and shall specify the type of services the SBE is to provide and the percentage of work the SBE is to perform therefore. Certificate of Assurance acknowledging the required measure and submission of a Utilization Plan via the County's web-based system listing the certified SBEs to fulfill the measure. Each Utilization Plan shall be executed by the bidder and the SBE via the County's web-based system upon notification of SBD within the required time frame, and shall specify the type of services/goods the SBE is to provide and the percentage of work the SBE is to perform. Bid documents for contracts to which a SBE subcontractor goal is applied shall provide that a bidder that is a SBE may itself meet the goal to the extent it is certified to provide the type of services that are the subject of the contract. Bidder must include in bid documents a Certificate of Assurance acknowledging the required measure and submission of a Utilization Plan via the County's web-based system listing itself to fulfill the measure. The Utilization Plan shall be executed by the bidder via the County's web-based system upon notification of SBD within the required time frame, and shall specify the type of services the SBE is to provide and the percentage of work the SBE is to perform.

Additionally, the following addition is made to subcontractor goals: Bidder must include in bid documents a Certificate of Assurance acknowledging the required measure and submission of a Utilization Plan via the County's web-based system listing the certified SBEs to fulfill the measure. The Utilization Plan shall be executed by the bidder and the SBE(s) via the County's web-based system upon notification of SBD within the required time frame, and shall specify the type of services/goods the SBE is to provide and the percentage of work the SBE is to perform. A SBE-Services/Goods firm may fulfill a subcontractor goal in only one (1) goal type per contract.

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

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

1. A SBE serving as a conduit for SBE work awarded to a firm as a SBE but which is being performed by a non-SBE firm;
2. a prime contractor not meeting SBE Services Program set-aside or subcontractor goal requirement;
3. not obtaining or retaining SBE certification while performing work designated for SBE firms.
4. failure of the prime contractor to report payments to subcontractors via the County's web-based system upon notification of payment by the County, or failure of subcontractors to confirm payments upon notification by the prime contractor, within the specified time frame;



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- 5. failure to comply with SBE certification requirements, including not maintaining an actual place of business in Miami-Dade County, not reporting organizational and operational changes, providing inaccurate or false information, and other certification related violations;
- 6. failure to maintain certification as a SBE;
- 7. deviation from the Utilization Plan without prior approval from SBD;
- 8. termination of the SBE's contract without prior approval from SBD;
- 9. reduction of the scope of work of a SBE subcontractor agreement without prior approval from SBD;
- 10. modifications to the terms and/or prices of payment to a SBE without prior approval from SBD;
- 11. failure to enter into a written subcontract with a SBE after listing the firm on a Utilization Plan; and
- 12. failure to pay subcontractors promptly and in accordance with the administrative procedures under this section

**Section 2-11.16 – County Construction Contracts**

- Adds language requiring the contractor and each subcontractor under him or her to submit via the County's web-based system accurate written records. The contractor and each subcontractor shall, by the 10th of each month, submit to the County (or if requested, within the requested time frame) certified payroll showing the employer's payroll records for work performed in the previous month via the County's web-based system. Upon request by the County, the covered employer shall produce for inspection and copying its payroll records for any or all of its covered employees for the prior three-year period.
- SBD shall make a written compliance determination following any Compliance Meeting. A determination that the contractor or subcontractor has not complied with the requirements of this Section shall state the basis therefore and shall advise the contractor or subcontractor of its right to file a written request along with a nonrefundable filing fee to be established by implementing order, within thirty (30) days of issuance of the notice, with the County Mayor (previously Manager) within 30 calendar days to schedule an administrative hearing before a hearing officer to appeal the determination
- Upon timely receipt of a request for an administrative hearing before a hearing officer to appeal a determination of noncompliance, the County Mayor or designee shall appoint a hearing officer pursuant to section 8CC-2 of the Code of Miami-Dade County, Florida, and fix a time for an administrative hearing thereon. Such hearing officers may be paid a fee for their services, but shall not be deemed County officers or employees within the purview of sections 2-10.2, or 3-11.1 or otherwise.

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

**Section 2-8.1 – Contracts and purchases generally,**

**Section 2-8.8 – Fair subcontracting practices, AND**

**Section 10-34 Listing of subcontractors required**

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

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

- Modifies deadlines for reporting payroll as follows:
  - Changes the reporting frequency to the County from every six months or otherwise at the County's request to "by the 10<sup>th</sup> of each month". The covered employer shall by the 10<sup>th</sup> of each month submit to the County (or if by request within the requested time frame certified payroll showing the employer's payroll records for each Covered Employee working on the contract(s) for covered services for the previous month (previously applicable payroll period) via the

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County's web-based system. Deletes the requirement of the Applicable Department to examine all payrolls for compliance within sixty days of receipt.

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**Item No.7C**  
**File No. 180172**

**Researcher: BM   Reviewer: PGE**

ORDINANCE RELATING TO THE DISPOSITION OF COUNTY SURPLUS PROPERTY; AMENDING SECTION 2-11.2.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING THAT THE COUNTY MAY DONATE SURPLUS PROPERTY TO FOREIGN NONPROFIT AGENCIES UNDER CERTAIN CIRCUMSTANCES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

SOCIAL EQUITY STATEMENT TO ORDINANCE RELATING TO THE DISPOSITION OF COUNTY SURPLUS PROPERTY; AMENDING SECTION 2-11.2.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING THAT THE COUNTY MAY DONATE SURPLUS PROPERTY TO FOREIGN NONPROFIT AGENCIES UNDER CERTAIN CIRCUMSTANCES

**ISSUE/REQUESTED ACTION**

Whether the Board should approve amending the County Code Section 2-11.2.1, Disposition of County surplus property, to indicate that County Surplus property may be donated to foreign nonprofit agencies under certain circumstances.

**APPLICABLE LEGISLATION/POLICY**

Code Section 2-11.2.1(b) of the Code of Miami-Dade County provides a procedure for disposition of County surplus property.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-11.2.IDICOSUPR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-11.2.IDICOSUPR)

Code Section 2-11.2.1(d) of the Code of Miami-Dade County, The Board may waive such procedure by a two-thirds vote of the members present, and may donate surplus property to a foreign governmental entity upon a finding that the property is obsolete and cannot legally be used by another County department, a municipality in Miami-Dade County or an eligible community organization.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-11.2.IDICOSUPR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-11.2.IDICOSUPR)

Chapter 274 of the Florida Statutes governs tangible personal property owned by local Governments.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0200-0299/0274/0274.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0274/0274.html)

**PROCEDURAL HISTORY**

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

03/14/18: Forwarded to BCC with a favorable recommendation following a public hearing by Public Safety and Health Committee;  
Passed 4 – 0.

**FISCAL IMPACT**

If approved, this item will not have a fiscal impact to Miami-Dade County as it will not result in additional staffing need or operational costs.

**ANALYSIS**

The proposed ordinance amends Section 2-11.2.1 of the Miami-Dade County Code, i.e., Disposition of County Surplus Property, to allow surplus property to be donated to foreign nonprofit agencies under certain circumstances.

The ordinance proposes amending section 2-11.2.1 of the County Code to include donating to foreign nonprofit agencies unused or lightly used firefighting equipment that has been deemed expired/obsolete. The equipment is no longer deemed legally usable within the United States.

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The code currently allows donations to foreign governmental agencies. The reasoning for including nonprofit organization eligible for donations of firefighting equipment is that these organization provide the firefighting services in some countries.

The National Fire Protection Association (NFPA) provides criteria and test methods for firefighting equipment which are incorporated into the federal Occupational Safety and Health Act (OSHA) standards.

<https://www.nfpa.org/Codes-and-Standards>

<https://www.osha.gov/law-regs.html>

Below are agenda items where donations of firefighting equipment were made to foreign entities:

Number	Date	Title
172950	12/28/2017	FOREIGN SURPLUS PROPERTY DONATION - LIMA, PERU
172749	11/29/2017	FOREIGN SURPLUS PROPERTY DONATION - SAINT LUCIA
172751	11/29/2017	FOREIGN SURPLUS PROPERTY - SUTATENZA BOYACA COLOMBIA
171340	5/19/2017	BUNKER GEAR FIRE TO THE CITY OF PANJACHEL GUATEMALA
170545	3/1/2017	EQUIPMENT TO THE CITY OF ROATAN, HONDURAS FIRE DEPARTME...
170547	3/1/2017	EQUIPMENT TO THE CITY OF PALIN GUATEMALA FIRE DEPARTMEN...
170550	3/1/2017	EQUIPMENT TO THE CITY OF ASUNCION PARAGUAY FIRE DEPARTM...
170551	3/1/2017	EQUIPMENT TO THE CITY OF CHICHIGALPA NICARAGUA FIRE DEP...
141397	6/16/2014	DONATION TO COLOMBIA'S CITY OF SILVANIA FIRE DEPT
121558	8/1/2012	DONATION SURPLUS TO DOMINICAN REP. FIREFIGHTERS

The table below shows the proffered changes to Section 2-11.2.1 of the Miami-Dade County Code.

Section:	As it currently reads:	Proposed amendment:
2-11.2.1 <i>Disposition of County Surplus Property</i>	(b) In the event that the surplus property is not otherwise disposed of by operation of this section it shall be disposed of in the manner set forth in Section 274.06, Florida Statutes. The process for disposition of a retired county animal pursuant to Section 274.06, Florida Statutes, shall be as follows: upon receipt of a written certification from a licensed veterinarian under contract with the County that the animal no longer meets the criteria for	(b) In the event that the surplus property is not otherwise disposed of by operation of this section it shall be disposed of in the manner set forth in Section 274.06, Florida Statutes. The process for disposition of a retired county animal pursuant to Section 274.06, Florida Statutes, shall be as follows: upon receipt of a written certification from a licensed veterinarian under contract with the County that the animal no longer meets the criteria for

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	<p>service to the County, the County Manager or designee may make such humane disposition of the retired county animal as the Manager or designee deems appropriate, including without limitation allowing a current or former Miami-Dade County employee who handled the animal to adopt the animal, provided that anyone who adopts a retired county animal signs an affidavit releasing the County from any liability for the acts of the retired county animal; the Manager or designee shall prepare a retired animal custody affidavit memorializing the disposition of each retired county animal. Any and all proceeds derived from the sale of surplus property determined to be without commercial value shall be placed by the county in a restricted fund for the benefit of organizations which provide social and human service within the County and eligible community based organizations. Funds derived from this source shall not be used as an offset or to reduce funds made available to these organizations from other County sources.</p>	<p>service to the County, the County <b>Mayor</b> or designee may make such humane disposition of the retired county animal as the <b>Mayor</b> or designee deems appropriate, including without limitation allowing a current or former Miami-Dade County employee who handled the animal to adopt the animal, provided that anyone who adopts a retired county animal signs an affidavit releasing the County from any liability for the acts of the retired county animal; the <b>Mayor</b> or designee shall prepare a retired animal custody affidavit memorializing the disposition of each retired county animal. Any and all proceeds derived from the sale of surplus property determined to be without commercial value shall be placed by the county in a restricted fund for the benefit of organizations which provide social and human service within the County and eligible community based organizations. Funds derived from this source shall not be used as an offset or to reduce funds made available to these organizations from other County sources.</p>
<b>Section:</b>	<b>As it currently reads:</b>	<b>Proposed amendment:</b>
<p>2-11.2.1  <i>Disposition of County Surplus Property</i></p>	<p>(d) Exception for foreign governmental entities. Notwithstanding the foregoing, the Board of County Commissioners may waive the procedure set forth in subsection (b) above by a two-thirds ( 2/3 ) vote of members present and may donate surplus property to a foreign governmental entity upon a finding that the property is obsolete and cannot legally be used by another County department, a municipality in Miami-Dade County or an eligible community based organization.</p>	<p>(d) Exception for foreign governmental entities <b>and certain foreign not-for-profit organizations</b>. Notwithstanding the foregoing, the Board of County Commissioners may waive the procedure set forth in subsection (b) above by a two-thirds ( 2/3 ) vote of members present and may donate:</p> <p>(i) surplus property to a foreign governmental entity; <b>and</b></p> <p><b>(ii) surplus fire-fighting equipment to a foreign governmental entity or a foreign not-for-profit organization that is recognized by a foreign government as providing fire-fighting services on the foreign government's behalf;</b></p> <p>upon a finding that the property is obsolete and cannot legally be used by another County department, a municipality in Miami-Dade County or an eligible community based organization.</p>

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**ADDITIONAL INFORMATION**

There is little debate as to when the gear our fire department use should be retired. The website firerescue1 has an article that speaks about the mandatory gear retirement at 10 years. The National Fire Protection Association (NFPA) set a maximum service life for turnout gear that would be unambiguous — remove any gear from service that had a manufacture date of more than 10 years, regardless of its use, care, or actual condition. This was applied for all types of gear except aluminized outer shells found in proximity firefighter clothing that were given an expiration date of 5 years.

<https://www.firerescue1.com/fire-products/Personal-protective-equipment-ppe/articles/1372912-The-debate-mandatory-gear-retirement-at-10-years/>

In a recent board agenda item, no. 172950, adopted by the Board on 12/28/17, the following obsolete firefighting equipment was donated to volunteer firefighters in Lima, Peru:

<b>Equipment</b>	<b>Assessed Value</b>
100 Sets of Turnout Gear: Coats & Pants, Obsolete	\$100,000
100 Fire Helmets, Obsolete	\$10,000
100 Sets of Fire Boots, Obsolete	\$1,000

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**Item No.7D, 7D Supplement  
File No. 180054 (180860 Supplement)**

**Researcher: MF Reviewer: PGE**

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

**ISSUE/REQUESTED ACTION**

Whether the Board should amend Chapter 2, Article IC of the Code of Miami-Dade County to change the name of the Independent Review Panel to the Independent Community Panel; and to amend the composition, authority, powers and staffing of the Independent Review Panel.

**APPLICABLE LEGISLATION/POLICY**

Miami-Dade County Code, Chapter 2, Article IC, governs the Independent Review Panel, its creation, composition, organization and procedures, authority and powers generally, and reporting requirements.

[http://miamidade.fl.elaws.us/code/coor\\_ptiii\\_ch2\\_artic](http://miamidade.fl.elaws.us/code/coor_ptiii_ch2_artic)

Resolution No. R-1075-16, adopted by the Board on November 1, 2016, created the Miami-Dade Independent Review Panel Working Group; provided its membership, organization, procedures and staffing; and set forth its purpose, functions, responsibilities and Sunset provision.

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

Ordinance No. 14-65, adopted by the Board on July 1, 2014, amended Section 2-1 of the Code of Miami-Dade County 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 of the Board be provided to such committee.

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

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Barbara J. Jordan, Prime Sponsor, District 1  
Commissioner Daniella Levine Cava, Co-sponsor, District 8**

On December 11, 2017, the proposed ordinance was considered by the Health and Social Services Committee. It was forwarded to the Board with a favorable recommendation with Committee amendments following a public hearing. The amendments provide that the County Attorney shall render opinions relating to the Panel's duties, jurisdiction or power and to add a reporting requirement for the Mayor.

On February 6, 2018, the proposed ordinance was reconsidered by the Board.

Commissioner Sosa expressed her objections to the proposed ordinance because of its funding source, noting this type of proposal should be reviewed during the budget process.

Commissioner Martinez noted he agreed with Commissioner Sosa's comments, and stated that he also had philosophical objections.

Commissioner Levine Cava noted the Dade County Police Benevolent Association (PBA) had presented its objections in writing. She said she believed that the purpose of this ordinance was to offer the public members an opportunity to voice their concerns.

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Miami-Dade Police Department (MDPD) Chief of Police Juan Perez explained his involvement in the development of this ordinance. He noted he had expressed his personal views at the committee level. He also noted he had made several recommendations, which were never considered by the groups reviewing whether the Independent Review Panel (IRP) should be established. He advised that establishing the proposed IRP was unnecessary since MDPD was a very robust agency; and if funding was available, it should be used to combat gun violence. He lamented that the town hall meeting held to engage the community took place in a location within the City of Miami instead of in an unincorporated area of the County. He stated that he had made the following recommendations to increase the panel's effectiveness: 1. that the public hearings be held in unincorporated areas of the County, which were the communities where MDPD provided services; 2. that the scope of work be narrowed to focus on critical issues only like police shootings and excessive force complaints; and 3. that the members of the panel should be appointed by members of the Board of County Commissioners, one per district, to ensure proper representation of the community.

Mr. Steadman Stahl, President of the Dade County Police Benevolent Association (PBA), appeared before the Board to express his objections to creating the proposed IRP and funding the group from the Public Safety Trust Fund. He pointed out that the police force was a regulated profession, and there were twenty two different agencies overseeing the police department. He said he did not believe that the community had such a level of distrust as to warrant the panel's creation.

Commissioner Levine Cava advised that she had participated actively in the development of this proposed ordinance; but as she had addressed constituents' concerns over the last three years, she realized that it would be very beneficial to have discussions in an open forum on the public members' concerns on the operations of the County's departments. She stated that it would create an open opportunity to hopefully educate the public on the County's trustworthiness.

Vice Chairwoman Edmonson expressed her support for the creation of the IRP. In response to Vice Chairwoman Edmonson's question regarding the funding source for the proposed IRP and the number of officers that would not be hired if the item passed, Budget Director Jennifer Moon, Management and Budget Department (MBD), clarified that the proposed funding for the IRP was not included in the budget at this time for the purpose of hiring police officers; rather, the reserve funds were included in the budget as emergency funds to fund an extraordinary event if it happened. She explained that the General Fund included a number of reserve accounts as funding sources for extraordinary events, and Fiscal Year 2017-18 had \$1,053,000 in reserve funds.

Commissioner Sosa reviewed the powers that would be granted to the members of the IRP, if passed; and she expressed her objections to the duplication of departmental responsibilities and tasks.

Commissioner Diaz expressed his support for a strong law enforcement component in the community and for balance. He also expressed his objections to the proposed ordinance due to the County's current budgetary constraints and said he believed the money would be better spent hiring more officers.

In response to Commissioner Moss' question regarding the City of Miami's Independent Review Panel, Deputy Mayor Maurice Kemp noted the City had a Civilian Investigative Panel that performed fairly well regardless of its ups and downs; but it had also met opposition.

In response to Commissioner Moss' question regarding the exclusion of officers from subpoenas, Assistant County Attorney Shanika Graves advised that the City of Miami's Civilian Investigative Panel was limited to addressing complaints about police officers. She also noted the proposed amendment would be broader in scope since this ordinance comprised all County employees; but the City like the County had to be in compliance with the Florida Supreme Court's decision in the D'Agastino case, which expressly provided that police and corrections officers protected by the Law Enforcement Officers' Bill of Rights were excluded from subpoenas.

Commissioner Moss noted the MDPD had been extremely responsive in the past and new policies had been established to address problems for events that had happened within his County commission district; consequently, from his personal perspective, budgetary



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issues should not be reason not to create the IRP if the Board wished to support it. He also noted this item could be funded from any of the budget funds other than the reserves.

In response to Commissioner Monestime's question regarding whether the police department objected to using the Public Safety Reserve Fund as the funding source or whether it was opposed to the proposed ordinance because it was unfavorable to MDPD, Police Chief Perez expressed his objection to being the only department director being questioned when the item impacted twenty four other directors. He clarified that MDPD already had in place an internal review process and established measures to address complaints and investigate police officers; and in addition, the Federal Department of Law Enforcement (FDLE) and the Federal Bureau of Investigations (FBI) also investigated officers when necessary. He further clarified that he already had many established measures in place to address misconduct. He expressed his desire to have those funds utilized for a gun violence initiative that would be rolled out later during the year or another lasting initiative that would provide a positive impact on the community. He stressed that the identified funding source should be used for police or other public related matters. He expressed the belief that this ordinance was about police oversight.

Commissioner Moss observed that several statements made earlier at this meeting appeared to make this issue a police department matter, but it was not. He noted this Board had strongly supported the MDPD during the past years, and the Board would not advance an item that was against the MDPD.

Following a discussion between Commissioner Monestime and Chief of Police Perez regarding subpoenas and the benefit of having an open forum to hold community discussions and engagement, Chief of Police Perez clarified that this ordinance proposed to establish an investigative panel to investigate complaints and provide recommendations; and it was not a community engagement panel.

Commissioner Monestime requested that Deputy Mayor Maurice Kemp provide him with data on what had been the negative impact of independent review panels or other similar working groups established throughout the State of Florida including the City of Miami's panel and the County's past Independent Review Panel (IRP). He also asked him to review whether the operations of the proposed IRP could be funded from a different funding source than the Public Safety Reserve Fund.

Chief of Police Perez said he hoped that this Board would identify a different funding source to establish the proposed panel; and he asked that the funds not be taken from the MDPD since every County commission district had emphasized their need for additional police services, police officers, and victim advocates.

Commissioner Monestime stated that he was unsupportive of an item that would emasculate law enforcement, but he would support having law enforcement and the community engage in conversations to facilitate a better understanding of each of the parties that would ultimately save lives. Therefore, he was unable to understand the reasons for not having identified another funding source.

Discussion ensued among Chairman Bovo, Deputy Mayor Kemp, and Budget Director Moon regarding where complaints about County employees could be filed and all of the avenues currently available for that purpose.

Chairman Bovo expressed his concerns for using the Public Safety Reserve Fund as the funding source, noting he would be supportive if the panel were funded from a different source. He noted, in his opinion, there were currently multiple avenues for residents to file complaints; therefore, there was no need to add more layers of components.

In response to Commissioner Jordan's statement relating to the County's ability to address citizen's complaints, Division Director Erin New, Office of Human Rights and Fair Employment Practices, clarified that her division was under the jurisdiction of the Human Resources Department (HRD); and the division was limited to addressing discrimination complaints and County employees' employment complaints, including conducting investigations and mediations. She noted the Commission on Human Rights enforced Chapter 11A and addressed citizens' complaints.

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Commissioner Jordan pointed out that there did not exist within the County an entity that would address community complaints and concerns, and she explained the process that was undertaken to develop the foregoing ordinance. Commissioner Jordan expressed her wish to bifurcate the vote of related Agenda Item 11A11 in order to vote on the funding source separately because she believed the recommended funding source was used to make the item fail.

Vice Chairwoman Edmonson expressed her support for the creation of the IRP, noting a different funding source should have been recommended. She said she believed that the Public Safety Reserve Fund was recommended as the funding source to have the ordinance fail.

Commissioner Sosa voiced her opposition to the foregoing ordinance due to the lack of community public meetings within each of the County commission districts to seek approval from the residents of those districts.

In response to Commissioner Martinez' question, Mayor Gimenez explained the County had spent \$3 million in body cameras for the use of police officers to be able to verify what had actually happened during incidents. Therefore, he was not convinced about the value of establishing an independent review panel to investigate events now that police officers had body cameras. However, he agreed that in the past, there had been a need to have such investigative panel. He noted he had implemented the use of body cameras because he believed that, in the vast majority of cases, officers had acted correctly; but there were sometimes incidents of wrong doing. Therefore, he would continue to advocate for the improvement of the body camera technology. He also noted that FDLE was a professional, independent agency that conducted shooting investigations throughout the State.

In response to Commissioner Martinez' question, Mayor Gimenez noted the County Administration had not recommended the funding source. Discussion ensued regarding the funding source recommendation and the number and locations of the community meetings. Commissioner Martinez expressed his objection to the foregoing ordinance because he did not wish to be judged by individuals who had never done the job of a police officer and who had never been surrounded by circumstances where you are holding a gun while taking down a subject. He noted this ordinance was developed only for the police department because the City of Miami's Independent Review Panel only addressed police complaints, and there was already so much oversight. He stated that he was unsupportive of this ordinance even if a different funding source was identified.

In a closing statement, Commissioner Jordan expressed her support in the past for the MDPD and firm belief that it was the best police department; but she had just realized that, in the past, the budget process was used to eliminate the IRP due to police concerns. She said she believed that three community meetings were held. She advised that the community members should be given an avenue and opportunity to voice their concerns; and if the IRP ever became a concern or problem to the police department, she would introduce legislation to dissolve the panel. She asked for the Board's support to establish the IRP.

There being no other comments or objections, it was moved by Commissioner Jordan that the Board of County Commissioners adopt the foregoing ordinance as presented. This motion was seconded by Commissioner Monestime; and upon being put to a vote, the motion passed by a roll call vote of 7-5 (Commissioners Diaz, Martinez, Sosa and Souto and Chairman Bovo voted no) (Commissioner Heyman was absent).

On February 16, 2018, the proposed ordinance was vetoed by the Mayor. In his veto message, the Mayor stated that on February 6, 2018, the Board of County Commissioners (Board) adopted Ordinance No. 18-13, changing the name of the Independent Review Panel (IRP) to the Independent Community Panel, and amending the composition, authority, powers and staffing of the IRP. He noted he was vetoing this legislation because he was not entirely convinced that there was a need for an ICP, as the County already had numerous internal mechanisms and external entities that oversaw and investigated complaints against any County employee or agency.

The Mayor noted the Miami-Dade Police Department (MDPD), in particular, already had oversight and held itself accountable, beginning with the Professional Compliance Bureau (PCB), which was an internal investigative entity that reported only to the

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MDPD Director. He pointed out that, in addition to the PCB, several other internal and external entities provided oversight of the MDPD; and the County had already invested \$3 million to implement one of the largest body-worn camera programs in the nation..

This ordinance was reconsidered at the Board of County Commissioners' meeting held on February 21, 2018. The Board deferred this ordinance to the Board meeting scheduled for April 10, 2018.

**FISCAL IMPACT**

According to the Fiscal Impact Statement, it is assumed that the Office of Community Advocacy would provide the staff support needed to manage the nominating and member selection process from existing resources. In addition, when the Independent Community Panel (ICP), formerly IRP, was last funded in FY 2008-09, it had five full-time employees and a countywide general fund allocation of \$599,000. The five-year impact assumes that the ICP is funded at the same level as in FY 2008-09.

It is assumed that the ICP would begin its operations halfway through FY 2017-18, and would require a one-time capital expense for startup costs, including office space and equipment that may be needed to operate the new office; this would have an immediate fiscal impact to the County of \$349,500. For year one of the future five-year fiscal impact, the costs would increase to \$475,650, with a five percent growth in personnel expenses and three percent growth in operating expenses, every year thereafter. Funding for the FY 2017-18 would be provided from the General Fund Public Safety Reserve. Future years funding would be subject to appropriation as part of the annual budget development process.

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**Ordinance Relating to the Independent Review Panel (172453)**

**Fiscal Impact Table**

Use Existing  
Resources

Revenue Category	Value	Year 1	Future Yr 1	Future Yr 2	Future Yr 3	Future Yr 4	Future Yr 5	Yes	No
General Fund	\$ 349,500	\$ 349,500	\$ 628,950	\$ 659,852	\$ 692,282	\$ 726,317	\$ 762,036	X	
Proprietary									
Federal Funds									
State Funds									
Interagency Transfers									
<b>Subtotal</b>	<b>\$ 349,500</b>	<b>\$ 349,500</b>	<b>\$ 628,950</b>	<b>\$ 659,852</b>	<b>\$ 692,282</b>	<b>\$ 726,317</b>	<b>\$ 762,036</b>		
<b>Expenditure Category</b>									
<b>Operating</b>									
Salary	\$ 226,500	\$ 226,500	\$ 475,850	\$ 499,433	\$ 524,404	\$ 550,624	\$ 578,156		X
Fringes	\$ 60,000	\$ 60,000	\$ 126,000	\$ 132,300	\$ 138,915	\$ 145,861	\$ 153,154		X
Court Costs									
Contractual Services									
Charges for County Services									
Other Operating	\$ 13,000	\$ 13,000	\$ 27,300	\$ 28,119	\$ 28,963	\$ 29,831	\$ 30,726		X
Grants to Outside Organizations									
Capital	\$ 50,000	\$ 50,000	\$ -	\$ -	\$ -	\$ -	\$ -		X
<b>Subtotal</b>	<b>\$ 349,500</b>	<b>\$ 349,500</b>	<b>\$ 628,950</b>	<b>\$ 659,852</b>	<b>\$ 692,282</b>	<b>\$ 726,317</b>	<b>\$ 762,036</b>		
<b>Non-Operating</b>									
Debt Services									
Distribution of Funds in Trust									
Transfers									
Depreciation, Amortization, and Deletions									
<b>Subtotal</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>		
<b>Grand Total</b>	<b>\$ 349,500</b>	<b>\$ 349,500</b>	<b>\$ 628,950</b>	<b>\$ 659,852</b>	<b>\$ 692,282</b>	<b>\$ 726,317</b>	<b>\$ 762,036</b>		

**Note:** Fiscal impact narrative (paragraph above the table) should contain the following, if applicable:

1. Description of the anticipated increase or decrease of expenditures listed above and current and subsequent fiscal years, if any,
2. Description of projected dollar value of anticipated expenditures that will be absorbed within existing resources within the current fiscal year;
3. Description of subsequent governmental action that will be required in order to determine anticipated revenues and expenditures, including new revenues (federal, state, or the need to increase existing fees)
4. Any long-term fiscal implications as a result of the implementation of the proposed legislation, if any, in cases where risk factors or other variables that may impact future revenues or expenditures are uncertain, volatile, or difficult to project, a description of risk factors or variables and estimate or projection of anticipated or projected impacts to revenues and expenditures
5. Description of all assumptions used to project the fiscal impact of the proposed legislation and include estimate anticipated revenues and expenditures
6. In the cases where the Mayor has determined a "no fiscal impact", a description of the assumptions and analysis used to reach that conclusion

## **ANALYSIS**

The Independent Review Panel (IRP) was created in 1980 in the wake of the riots which followed the acquittal of four Miami-Dade police officers in the death of Arthur McDuffie. The IRP was empowered to hold public hearings, prepare reports and propose recommendations regarding serious complaints or grievances made against employees, agencies or instrumentalities of Miami-Dade County. The IRP was last funded during the 2008-09 fiscal year, because of the economic downturn experienced by the country as a whole; its funding has not since been restored.

On November 1, 2016, the Board adopted Resolution No. R-1075-16, which created the Miami-Dade County Independent Review Panel Working Group (Working Group), and charged it with: 1) reviewing Chapter 2, Article IC of the Code of Miami-Dade County; 2) analyzing the history and effectiveness of the Independent Review Panel; 3) reviewing and analyzing similar entities from other jurisdictions; 4) obtaining input from the community; 5) reviewing relevant literature relating to citizens review panels; and 6) providing the Board with a list of recommendations for proposed amendments to the IRP ordinance.

The Working Group presented its initial report to the Board on July 6, 2017; and its final report on October 17, 2017. In accordance with the Working Group's recommendations, the proposed ordinance amends the ordinance establishing the Independent Review Panel, as follows:

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- The Panel is renamed as the Independent Community Panel;
- The Panel shall consist of 11 members, each of whom is a qualified elector of Miami-Dade County and possesses a reputation for civic pride, integrity, responsibility and had demonstrated an active interest in public affairs and service;
- In order to secure representative membership of the Panel, each of the following 10 community groups or organizations shall submit the names of one qualified person from which the Board shall make appointments: the American Civil Liberties Union of Greater Miami, the Miami-Dade Branch of the National Association for the Advancement of Colored People, the Spanish American League against Discrimination, the Florida Immigrant Coalition, the National Alliance on Mental Illness, the Miami Coalition of Christians and Jews, the Miami Coalition of South Florida Muslim Organizations; Equality Florida; Haitian Women of Miami, and the National Organization of Black Law Enforcement Executives;
- The Board shall appoint five Panel members from the names submitted by the above-listed organizations;
- In addition to the five Panel members selected in accordance with the preceding bullet point, the remaining Panel members shall be appointed as follows: one member shall be appointed by the Mayor, one member shall be appointed by the Miami-Dade County Association of Chiefs of Police, four at-large members shall be appointed by the Panel based on their work experience (one member shall be a retired judge or magistrate judge, one member shall be or have been a human resources professional, one member shall be or have been a social work professional, and one member shall be or have been a member of the clergy);
- In the event the Panel is investigating an incident involving the jurisdiction employing the member appointed by the Miami-Dade County Association of Chiefs of Police, the Association of Chiefs of Police shall appoint a different member as a substitute until the conclusion of the investigation;
- Individuals nominated for appointment to the Panel are not required to be members of or affiliated with the entities that recommend their appointment;
- The Panel may hold public hearings, conduct mediations or other forms of dispute resolution, make factual determinations, draw conclusions, propose recommendations, and prepare interim and final reports on matters relating to complaints or grievances made against an employee, agency or instrumentality of Miami-Dade County;
- When the Panel detects a violation of one of the ordinances within the jurisdiction of the Commission on Ethics and Public Trust or the Office of the Inspector General, the Panel may refer the matter to such entity;
- The Panel shall be empowered to subpoena witnesses and/or documents for all matters within its jurisdiction, except for County employees who are law enforcement or correctional officers as defined in the Police Officers' Bill of Rights;
- The Panel shall publish a final report with regard to each matter reviewed. Said final report shall be transmitted simultaneously to the Board of County Commissioners, the County Mayor or County Mayor's designee and the director of the concerned County department. Within 45 days of receipt of the Panel's final report, the County Mayor or County Mayor's designee shall transmit a report to the Board and the Panel, which shall provide all actions taken in response to the Panel's final report and any recommendations made therein and the County Mayor or County Mayor's designee shall place such report on an agenda of the Board pursuant to Ordinance No. 14-65;
- The Board shall appoint an Executive Director from three nominees provided by the Independent Community Panel. The Executive Director's remuneration shall be consistent with established Miami-Dade County Human Resources policies and salary ranges;
- The Executive Director may hire and administer the necessary staff. At a minimum, subject to budgetary allocation by the Board, staff shall consist of the following positions: Senior Investigator/Mediator, Mediator, Office Administrator, and Professional Auditor.

The item also amends the ordinance by deleting the following sections:

- The Panel may enter and inspect any premises under the jurisdiction or control of Miami-Dade County or any of its agencies or instrumentalities;

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- The Panel may request any person, including the supervisor of the Internal Review Section of the Miami-Dade Police, to give sworn testimony or to produce documentary or other evidence (this is replaced by The Panel may request any person to give sworn testimony or to produce documentary or other evidence to the extent permitted by applicable law);
- The County Attorney shall render opinions relating to the Panel's duties, jurisdiction or power and such opinions shall be binding upon and adhered to by the Panel (this is replaced by the Panel may request the County Attorney to render opinions relating to the Panel's duties, jurisdiction or power).

In Agenda Item 7D Supplement, Commissioner Jordan noted following the Board's February 6, 2018 decision to reconsider this ordinance, meetings were held with the Mayor, the Police Director, the Police Benevolent Association and numerous community representatives to review the proposed changes. The Supplement summarizes the conceptual changes to the proposed ordinance, as follows:

- Changing the total membership of the Panel to 11 members;
- Changing the number of community organizations that can nominate persons to 10;
- Amending the list of organizations which may nominate persons for Board appointments;
- Maintaining 5 Panel appointments by the Board from the community organization nominations;
- Providing for an appointment by the County Mayor;
- Providing for an appointment by the Miami-Dade County Chiefs of Police;
- Providing for appointments of four at-large persons by the Panel, and providing that each such member shall be appointed based on their work experience in one of each of the following fields – judiciary (retired), human resources, clergy and social work;
- Providing that when the Panel detects a violation of one of the ordinances within the jurisdiction of the Office of Inspector General or the Miami-Dade County Commission on Ethics and Public Trust, the Panel may refer the matter to the appropriate entity; and
- Establishing that the rate of remuneration for the Panel's Executive Director shall be consistent with established Miami-Dade County Human Resources policies and salary ranges.

**ADDITIONAL INFORMATION**

More than 100 civilian oversight boards have been established throughout the nation. Based on the Commission Auditor Office's research findings, civilian oversight boards generally fall into two categories: they are either external or internal to a law enforcement agency. A third, hybrid, model incorporates aspects of both the external and internal models. Below are a few example of Civilian Oversight Boards created in various jurisdictions of the United States:

**Atlanta**

The Atlanta Citizen Review Board (ACRB) was established by ordinance as an independent agency in 2007 and amended with subpoena power in May 2010. It is designed to provide citizen oversight of misconduct accusations against sworn members of the police and corrections departments in the City of Atlanta. It is also designed to help prevent future incidents of police or corrections misconduct and abuse of civil rights and to reduce the amount of money needed to satisfy judgments and settlements based on allegations of police or corrections misconduct. The ACRB promotes public confidence in law enforcement.

The 13 members of the ACRB are appointed as follows and confirmed by the City Council:

- One member is appointed by the Mayor;
- One member is appointed by the City Council;
- One member is appointed by the President of the Council with previous experience as a law enforcement professional;
- Four members are appointed by the Neighborhood Planning Units;
- One member is appointed from the Gate City Bar Association;



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- One member is appointed by the Atlanta Bar Association;
- One member is appointed by the League of Women Voters of Atlanta;
- One member is appointed by the Atlanta Business League;
- One member is appointed by the Georgia Coalition for the People's Agenda; and
- One member is appointed by the Urban League of Greater Atlanta.

Chicago

On October 5, 2016, the Chicago City Council passed an ordinance establishing the Civilian Office of Police Accountability (COPA), which replaced the Independent Police Review Authority as the civilian oversight agency of the Chicago Police Department. COPA is comprised of a diverse staff with many years of investigative and legal experience. Under the direction of the Chief Administrator, COPA has the power and authority to conduct investigations into:

- Complaints against members of the police department alleging domestic violence, excessive force, coercion, or verbal abuse;
- All incidents in which a member of the police department discharges (i) a firearm in a manner that potentially could strike another individual, (ii) a stun gun or taser in a manner that results in death or serious bodily injury, or (iii) other weapons discharges and other use of police department issued equipment as a weapon that results in death or serious bodily injury;
- Incidents where a person dies or sustains serious bodily injury while detained or in police custody;
- Incidents of an officer-involved death; and
- Complaints against members of the police department alleging improper search or seizure of either individuals or property.

New York City

The New York City Police Department established the Civilian Complaint Review Board (CCRB) in 1953 as a committee of three deputy police commissioners to investigate civilian complaints. In 1987, in accordance with legislation passed in 1986 by the City Council, the board was restructured to include private citizens in addition to police officers (the Mayor appointed six members and the Police Commissioner appointed six). In 1993, after extensive debate and public comment, Mayor David Dinkins and the New York City Council created the CCRB in its current, all-civilian form.

The CCRB was established to receive, investigate, mediate, hear, make findings, and recommend action on complaints against New York City police officers alleging the use of excessive or unnecessary force, abuse of authority, discourtesy, or the use of offensive language. The Board's investigative staff is composed entirely of civilian employees. The Board forwards its findings to the police commissioner.

The CCRB's membership consists of 13 individuals appointed by the Mayor, who are residents of New York City and reflect the diversity of the city's population. The members of the board are appointed as follows: (i) five members, one from each of the five boroughs, are designated by the City Council; (ii) three members with experience as law enforcement professionals are designated by the police commissioner; and (iii) the remaining five members are selected by the Mayor, who also selects one of the members to serve as Chair. No member of the board may have a law enforcement background, other than those designated by the police commissioner, and none may be public employees or serve in public office.

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**Item No. 7E  
File No. 180765**

**Researcher: BM Reviewer: PGE**

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

**ISSUE/REQUESTED ACTION**

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

**APPLICABLE LEGISLATION/POLICY**

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

[http://miamidade.fl.elaws.us/code/coord\\_ptiii\\_ch2\\_artcxii\\_sec2-1701](http://miamidade.fl.elaws.us/code/coord_ptiii_ch2_artcxii_sec2-1701)

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

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

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

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.6SPUSALEREPR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.6SPUSALEREPR)

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

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

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Barbara J. Jordan, District 1**

3/13/18: The original item no. 180298 was amended and changed to item no. 180765 during at the GOC. The amendment removed language from the original item which created an exemption to certain aviation tenants.

2/21/18: Adopted on first reading by BCC; Passed 11 – 1

**FISCAL IMPACT**

Implementation of this ordinance will have an indeterminate fiscal impact on Miami-Dade County and will not result in additional staffing. However, an impact may be fewer future lessees for the County and a potential decrease in future rental rates.

**ANALYSIS**

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



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

The proposed ordinance intends to benefit the County by providing potential employment opportunities for qualified individuals, by requiring that a percentage of the workforce performing construction trades work and labor be residents of Designated Target Areas. The cost of compliance will be borne by the party(ies) responsible for such construction projects.

Current Definition	Proposed Amendments
The building and or improvement of a specific fixed asset as approved in the Capital Budget, or for the purpose of this Ordinance, open contract infrastructure work where the individual work orders are distributed throughout the County.	<b>A Capital Construction Contract shall also mean construction of any kind, if valued at more than \$200,000, occurring on any leasehold occupied by a lessee offering goods or services for sale to the public pursuant to a lease of County owned land or property.</b>

The ordinance is intended to benefit County residents by providing potential employment opportunities for qualified individuals, both men and women, by requiring that a percentage of the workforce performing construction trades work and labor be residents of Designated Target Areas. The cost of compliance will be borne by the party(ies) responsible for such construction projects.

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

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

Attached is a link that shows the Enterprise Zones and Targeted Urban Areas throughout the County.

<http://www.miamidade.gov/business/economic-development-fund.asp>

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**Item No. 7F  
File No. 180141**

**Researcher: JFP   Reviewer: TD**

ORDINANCE AMENDING SECTIONS 2-1252 AND 2-1258 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA RELATING TO THE TARGETED JOBS INCENTIVE FUND (TJIF) PROGRAM; MODIFYING PROGRAM INCENTIVES; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**ISSUE/REQUESTED ACTION**

Whether the Board should amend the County Code to reflect modifications to the Targeted Jobs Incentive Fund (TJIF) Program, originally created by the Board in July 2000.

**APPLICABLE LEGISLATION/POLICY**

Section 2-1258 of the Code of Miami-Dade County governs the TJIF program. The amount of the TJIF award is tentatively ascertained, pending Board approval, during application processing and is based on the commitment of Capital Investment in the TJIF project and the commitment of new job creation as specified in the TJIF application/agreement.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIIICOR\\_CH2AD\\_ARTLXXXVITAJOINFUPR\\_S2-1258TJIN](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTLXXXVITAJOINFUPR_S2-1258TJIN)

Section 2-1252 of the Code of Miami-Dade County provides relevant definitions for the TJIF Program.

- *Expanding Business* or *Expanding Businesses* means a commercial or industrial business, excluding residential development that increases operations on a site in Miami-Dade County co-located with a commercial or industrial operation owned by the same business or a site in Miami-Dade County to which the commercial or industrial operation will relocate or has relocated.
- *Incentive* or *Incentives* means the funds paid to a Company under this TJIF Program by the County.
- *New-to-Market Business* or *New-to-Market Company* is an entity that relocates to Miami-Dade County or is a start-up company setting up operations in Miami-Dade County.
- *TJIF Project* or *Project* means the capital investment and the associated new jobs that are the basis of the application for a TJIF award.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIIICOR\\_CH2AD\\_ARTLXXXVITAJOINFUPR\\_S2-1252DE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTLXXXVITAJOINFUPR_S2-1252DE)

**PROCEDURAL HISTORY**

**Prime Sponsor: Economic Development and Tourism Committee**

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

This item was forwarded to the BCC with a favorable recommendation by the Economic Development and Tourism Committee at its March 15, 2018 hearing.

**FISCAL IMPACT**

The TJIF Program has a positive fiscal impact on the County-wide General Fund due to the Program being structured to have TJIF revenues meet or exceed incentives paid by the County. The proposed changes to the existing ordinance adjust the manner in which incentives are calculated to account for the increase in cost of living and provide an additional incentive award for projects that create 50 or more new jobs. The structure of the program is still such that the TJIF project will never receive an actual award greater than the amount of countywide ad valorem taxes paid in the General Fund.

**ANALYSIS**

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This item proposes to amend the County Code to incorporate amendments to the TJIF Program, allowing the Program to remain competitive in attracting new firms and enable its assistance to existing local companies, ultimately promoting job growth and a positive economic impact. Given that the Ordinance was last updated in February 2011, the proposed adjustments reflect the increased cost of living and new incentives will allow the program to remain current in furtherance of its mission of spurring business activity and promoting the growth of Miami-Dade County's economy.

The TJIF Program provides cash incentives to qualifying companies from outside of the County looking to relocate to Miami-Dade County as well as existing Miami-Dade companies whose expansion will achieve job creation. To be eligible, companies must be in an industry that creates at least 10 new, above-average paying jobs, and make a capital investment of at least \$3 million. Businesses that expand or relocate within the boundaries of the Enterprise Zone, Targeted Urban Areas, Brownfield areas and Community Development Block Grant eligible areas are eligible for an additional incentive amount. Companies looking to relocated from Broward, Palm Beach and Monroe Counties are not eligible for the Program incentives.

<https://www.miamidade.gov/business/targeted-jobs-incentive-fund.asp>

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

**Section 2-1252 of the Code of Miami-Dade County**

<b>County Code as it Currently Reads</b>	<b>Proposed Changes to the County Code</b>
<p>Definitions</p> <p><i>e. Designated Priority Area or Designated Priority Areas</i> means the Empowerment Zone area as designated by the Board of County Commissioners by Resolution No. R-1028-98 as may be amended, Enterprise Zone areas as designated by the Board of County Commissioners by Ordinances Nos. 0-88-27 and 0-96-74 as well as Resolutions No. R-492-95 and No. R-913-08, as may be amended, Targeted Urban Areas designated by the Board of County Commissioners by Ordinance No. 97-33 as may be amended, Brownfields areas as designated by the Board of County Commissioners by Resolution R-767-99 as may be amended, and Community Development Block Grant eligible areas as designated by the Board of County Commissioners by Resolution No. 618-02 as may be amended.</p>	<p>Definitions</p> <p><i>e. Designated Priority Area or Designated Priority Areas</i> means the <u>area previously designated and known as the</u> Empowerment Zone area as designated by the Board of County Commissioners by Resolution No. R-1028-98 <u>the area previously designated and known as the</u> Enterprise Zone areas as designated by the Board of County Commissioners by Ordinances Nos. 0-88-27 and 0-96-74 as well as Resolutions No. R-492-95 and No. R-913-08, Targeted Urban Areas designated by the Board of County Commissioners by Ordinance No. 97-33 as may be amended, Brownfields areas as designated by the Board of County Commissioners by Resolution R-767-99 as may be amended, and Community Development Block Grant eligible areas as designated by the Board of County Commissioners by Resolution No. 618-02 as may be amended.</p>

**Section 2-1258 of the Code of Miami-Dade County – TJIF Incentives**

<b>County Code as it Currently Reads</b>	<b>Proposed Changes to the County Code</b>
<p>The amount of the TJIF award is tentatively ascertained, pending Board approval, during application processing and is based on the commitment of Capital Investment in the TJIF project and the commitment of new job creation as specified in the TJIF application/agreement. The actual TJIF award will be determined after the Company has completed its Capital Investment, hires the number of new jobs as specified in the Board of County</p>	<p>The amount of the TJIF award is tentatively ascertained, pending Board approval, during application processing and is based on the commitment of Capital Investment in the TJIF project and the commitment of new job creation as specified in the TJIF application/agreement. The actual TJIF award will be determined after the Company has completed its Capital Investment, hires the number of new jobs as specified in the Board of County</p>

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Commissioners approved TJIF application/agreement, and all other obligations set forth in the application/agreement and the Resolution approving the TJIF award.

The maximum TJIF award is based on the Project's Capital Investment. For Capital Investment in real property, the incentive over the six-year period subsequent to the Project's Capital Investment appearing on the tax roll may not exceed 1.70 percent of the value of the Project's Capital Investment made by the Company, unless the TJIF Project is eligible for the following bonuses:

- a. An additional 0.175 percent of the Project's Capital Investment in taxable real property if the project is a Miami-Dade County "green certified" business, as applicable, before the first disbursement.
- b. An additional 0.175 [percent] of the Project's Capital Investment in taxable real property if the Project is located within a Designated Priority Area.
- c. An additional 0.05 percent of the Project's Capital Investment in taxable real property if the Project is located in a "green certified" building under one of the following certification systems:
  - (1) U.S. Green Building Council Silver-level certified building under the New Construction, Core and shell, Healthcare, Retail, Commercial Interior, Retail Interior, Existing Building or equivalent applicable LEED rating, or comparable third party certification;
  - (2) Green Globes 3 globes-level certified building under the New Construction or Continual Improvement of Existing Building rating.
- d. An additional 0.05 percent of the Project's Capital Investment in taxable real property if the Project's principal business activity is in the manufacturing, installation, and repair of Solar

Commissioners approved TJIF application/agreement, and all other obligations set forth in the application/agreement and the Resolution approving the TJIF award.

The maximum TJIF award is based on the Project's Capital Investment. For Capital Investment in real property, the incentive over the ten-year period subsequent to the Project's Capital Investment appearing on the tax roll may not exceed 2.140 percent of the value of the Project's Capital Investment made by the Company, unless the TJIF Project is eligible for the following bonuses:

- a. An additional .220 percent of the Project's Capital Investment in taxable real property if the project is a Miami-Dade County "green certified" business, as applicable, before the first disbursement.
- b. An additional .220 percent of the Project's Capital Investment in taxable real property if the Project is located within a Designated Priority Area.
- c. An additional .063 percent of the Project's Capital Investment in taxable real property if the Project is located in a "green certified" building under one of the following certification systems:
  - (1) U.S. Green Building Council Silver-level certified building under the New Construction, Core and shell, Healthcare, Retail, Commercial Interior, Retail Interior, Existing Building or equivalent applicable LEED rating, or comparable third party certification;
  - (2) Green Globes 3 globes-level certified building under the New Construction or Continual Improvement of Existing Building rating.
- d. An additional .063 percent of the Project's Capital Investment in taxable real property if the Project's principal business activity is in the manufacturing, installation, and repair of Solar

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Thermal and Photovoltaic energy production or other clean energy products.

For Capital Investment in tangible personal property, the incentive over the six-year period subsequent to the Project's Capital Investment appearing on the tax roll, may not exceed 1.15 percent of the Project's Capital Investment made by the Company, unless the TJIF Project is eligible for the following bonuses:

- a. An additional 0.175 [percent] of the Project's Capital Investment in tangible personal property if the project is a Miami-Dade County "green certified" business, as applicable, before the first disbursement.
- b. An additional 0.175 [percent] of the Project's Capital Investment in tangible personal property if the Project is located within a Designated Priority Area.
- c. An additional 0.05 percent of the Project's Capital Investment in tangible personal property if the Project is located in a "green certified" building under one of the following certification systems:
  - (1) U.S. Green Building Council Silver-level certified building under the New Construction, Core and shell, Healthcare, Retail, Commercial Interior, Retail Interior, Existing Building or equivalent applicable LEED rating, or comparable third party certification;
  - (2) Green Globes 3 globes-level certified building under the New Construction or Continual Improvement of Existing Building rating.
- d. An additional 0.05 percent of the Project's Capital Investment in tangible personal property if the Project's principal business activity is in the manufacturing, installation, and repair of Solar Thermal and Photovoltaic energy production or other clean energy products.

Thermal and Photovoltaic energy production or other clean energy products.

For Capital Investment in tangible personal property, the incentive over the ten-year period subsequent to the Project's Capital Investment appearing on the tax roll, may not exceed 1.440 percent of the Project's Capital Investment made by the Company, unless the TJIF Project is eligible for the following bonuses:

- a. An additional .220 percent of the Project's Capital Investment in tangible personal property if the project is a Miami-Dade County "green certified" business, as applicable, before the first disbursement.
- b. An additional .220 percent of the Project's Capital Investment in tangible personal property if the Project is located within a Designated Priority Area.
- c. An additional .063 percent of the Project's Capital Investment in tangible personal property if the Project is located in a "green certified" building under one of the following certification systems:
  - (1) U.S. Green Building Council Silver-level certified building under the New Construction, Core and shell, Healthcare, Retail, Commercial Interior, Retail Interior, Existing Building or equivalent applicable LEED rating, or comparable third party certification;
  - (2) Green Globes 3 globes-level certified building under the New Construction or Continual Improvement of Existing Building rating.
- d. An additional .063 percent of the Project's Capital Investment in tangible personal property if the Project's principal business activity is in the manufacturing, installation, and repair of Solar Thermal and Photovoltaic energy production or other clean energy products.

An additional 0.150 percent of the total amount of

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A Company may not receive award payments of more than twenty-five (25) percent of the total awards specified in the approved application/agreement in any fiscal year even if all the New Jobs are created in one (1) year. Further, a Company may not receive more than \$1.5 million in awards in any single fiscal year, or more than \$2.5 million in any single fiscal year if the project is located in a Designated Priority Area. A Company may not receive more than \$5 million in award payments in all fiscal years, or more than \$7.5 million if the project is located in a Designated Priority Area. The Board of County Commissioners, at its discretion, may waive the applicable \$5 million or \$7.5 million total award cap at the request and recommendation of The Beacon Council and the County Mayor or the County Mayor's designee. However, in no event shall the total award exceed the amount of countywide general fund ad valorem property taxes paid in as a result of the Project. While a Company can receive funds under the County's Enterprise Zone Program under Section 29-81, et al. of the County Code, the State of Florida Qualified Target Industry Program and the County's TJIF Program in the same year, the County's total incentive award under all three (3) programs is capped at the maximum TJIF award as specified in Section 2-1258.

Project's Capital Investment in taxable real property and tangible personal property for every 50 New Jobs created. ("New Jobs Bonus")

A Company may not receive award payments of more than twenty-five (25) percent of the total awards specified in the approved application/agreement in any fiscal year even if all the New Jobs are created in one (1) year. Further, a Company may not receive more than \$1.5 million in awards in any single fiscal year, or more than \$2.5 million in any single fiscal year if the project is located in a Designated Priority Area. A Company may not receive more than \$5 million in award payments in all fiscal years, or more than \$7.5 million if the project is located in a Designated Priority Area. Notwithstanding the foregoing, to the extent that the TJIF Project is eligible for the New Jobs Bonus, the twenty-five percent limitation on annual payments shall be waived for the final payment. The Board of County Commissioners, at its discretion, may waive the applicable \$5 million or \$7.5 million total award cap at the request and recommendation of The Beacon Council and the County Mayor or the County Mayor's designee. However, in no event shall the total award exceed the amount of countywide general fund ad valorem property taxes paid in as a result of the Project. While a Company can receive funds under the State of Florida Qualified Target Industry Program and the County's TJIF Program in the same year, the County's total incentive award under the two (2) programs is capped at the maximum TJIF award as specified in Section 2-1258.

**RER Input:**

Breakdown of TJIF program participants over the last three fiscal years (cumulative values of FY2015-16, FY2016-17, and FY2017-18):

- 1) Cash incentive received: \$1,217,224
- 2) Capital incentive received/paid out to the TJIF companies: \$498,400,959
- 3) Number of jobs created: 753
- 4) Qualifying industries:
  - Global/National/Regional Headquarters expansion for aviation, television broadcasting and automobile companies
  - Manufacturing (Commercial cooling systems)
  - One company received a targeted industry waiver (Amusement, Hospitality and Corporate office)



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**Item No. 8A1  
File No. 180414**

**Researcher: SM    Reviewer: PGE**

RESOLUTION APPROVING THE SECOND AMENDMENT TO THE NON-EXCLUSIVE LEASE AND CONCESSION AGREEMENT FOR NORTH TERMINAL CONCESSIONS PROGRAM AT MIAMI INTERNATIONAL AIRPORT WITH BIJOUX AIRPORT COMMERCE, LLC, STANDARDIZING THE CONTRACT METHODOLOGY FOR RECALCULATION OF THE MINIMUM ANNUAL GUARANTEE TO THAT UTILIZED IN SIMILAR LEASE AGREEMENTS WITH AN EFFECTIVE DATE OF SEPTEMBER 11, 2013, AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS THEREIN; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AMENDMENTS TO LEASE AND CONCESSION AGREEMENTS CONVERTING ESCALATION CLAUSES TO CONSUMER PRICE INDEXING WITHOUT NEED FOR PRIOR APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the second amendment to the lease and concession agreement for North/South Retail Concessions Contract between the County and Bijoux Airport Commerce, LLC to standardize the contract methodology for recalculation of the Minimum Annual Guarantee (MAG) utilized in similar lease agreements with an effective date of September 11, 2013.

**APPLICABLE LEGISLATION/POLICY**

Resolution No. R-736-05, adopted June 21, 2005, relates to awarding the North/South Retail Concessions contract at Miami International airport, RFP No. MDAD-01-04, to Miami International Airport Pharmacy, Inc., d/b/a Terminal Rexall Pharmacy.

<http://intra/gia/matter.asp?matter=051617&file=true&yearFolder=Y2005>

Resolution No. R-96-14, adopted February 4, 2014, authorizes the execution of the First Amendment to the Lease and Concession Agreement between the County and Newslink of South Florida, LLC, setting the start of such concession leases to September 2014.

<http://intra/gia/matter.asp?matter=140046&file=true&yearFolder=Y2014>

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Requester: Aviation Department**

Commissioner Sosa mentioned that all concessions have the option to competitively bid, whereas this is not an extension of any kind as it relates to the contract, She mentioned that this is a mistake that someone made and left this company out, furthermore this company did not operate under a CPI type agreement, and that this is just to correct the contract so that the company can operate under the same methodology as the other concession, and that no terms are being changed. It was forwarded to BCC with a favorable recommendation at the EDTC meeting on March 15, 2018.

**FISCAL IMPACT**

As stated by the Second Amendment to Lease and Concession Agreement, the Minimum Annual Guarantee (MAG) is set at \$289,586.10 if this Item receives Board approval.

As the mayoral memo states, Bijoux currently pays Miami Dade Aviation Department (MDAD) a MAG of 449,968. The methodology is based on enplaned passengers. If this Item receives Board approval, the MAG of \$308,257 will be due under CPI methodology. Since there were differences in billing as it relates to the MAG, MDAD consequently billed Bijoux more under the current enplaned passengers' methodology during some months and less in other months. Therefore there is a net effect which will result in the adjustments of the MAG in the amount of approximately \$98,000 which will be due to Bijoux.

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**ANALYSIS**

If this Item receives Board approval, it will change the annual MAG recalculation to CPI methodology retroactively to contract assignment approval of September 11, 2013. As stated by the agreement, the Lease and Concession Agreement was awarded to Miami International Pharmacy, doing business as Terminal Rexall Pharmacy, who assigned the contract by written letter dated July 16, 2013, to Bijoux Airport Commerce, LLC.

As previously mentioned the Sub- Article 3.03 “Recalculation of the Minimum Guarantee” is replaced in its entirety as follows:

- Effective as of September 11, 2013, the Minimum Annual Guarantee is set at \$289,586.10. The Minimum Annual Guarantee shall be recalculated on November 1, 2013 and annually thereafter, effective November 1st of each year, based on the Consumer Price Index methodology. An appropriate adjustment will be made retroactive to September 11, 2013 to reflect the change in the CPI for all urban consumers in the South Region Average: All Items, for the published preceding twelve-month period.
- The agreement also states that the above mentioned adjustment will be applied to the Concessionaire’s Lease Agreement and shall be deemed to fully satisfy and discharge Concessionaire’s MAG and rent obligations since contract inception of July 30, 2009.

The original aforementioned article reads as follows:

- The Minimum Annual Guarantee shall be recalculated annually on November 1st, based on the last Fiscal Year statistics reflecting the change between the most recent twelve months to the previous year north and south enplanement figures as compiled by the Department. This percentage change will be applied to the MAG to arrive at the new MAG for the current year. In the event of any overpayment or underpayment, the Department shall credit the Concessionaire with such overpayment or the Concessionaire shall remit to the Department such underpayment within forty-five calendar days, as appropriate.

The following is the applicable “Percentage Fee per Category” acceptable for each concept category:

Concept Category Retail	Applicable Percentage
Books & Magazines	9%
News & Gifts	16%
Newsstands	13%
Entertainment & Electronics	8%
Fashion Apparel & Accessories	11%
Gift Specialty Shops	13%
Jewelry, Watches & Accessories	14%
Sundries, Personal Care	14%
Travel Accessories	14%
Services	10%

Resolution No. R-736-05, which can be referred to under the Applicable Legislation/Policy section, authorized a Non-Exclusive North/South Retail Concessions Program Lease and Concession Agreement at Miami International Airport. The North/South Retail Concessions Program, RFP No. MDAD-01-04, was advertised and issued on December 14, 2004 for qualified firms to propose for



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the opportunity to finance, design and construct, lease, manage, operate and maintain, reasonably priced qualified retail locations within the North and South Terminals and Concourses at Miami International Airport.

The agreement further states that MDAD recognizes the need to clarify interpretation in the methodology used for recalculation of the MAG and to standardize the application of the CPI methodology for all Concession lease agreements.

**ADDITIONAL INFORMATION**

[Bijoux Airport Commerce, LLC](#) is a Florida Foreign Limited-Liability Company filed on July 12, 2013. The company's filing status is listed as Active and its File Number is [M13000004406](#). The Registered Agent on file for this company is Incorporating Services, Ltd. and is located at 1540 Glenway Drive, Tallahassee, FL 32301. The company's principal address is 7747 NW 48th Street, Miami, FL 33166 and its mailing address is 7747 NW 48th Street, Miami, FL 33166. The company has 1 principal on record. The principal is Bijoux Nouveau, Inc. from Miami FL.

<https://www.bizapedia.com/fl/bijoux-airport-commerce-llc.html>

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**Item No. 8C1  
File No. 180382**

**Researcher: JFP Reviewer: TD**

RESOLUTION AUTHORIZING, PURSUANT TO SECTION 5.03(D) OF THE HOME RULE CHARTER AND SECTION 2-8.1 OF THE COUNTY CODE BY A TWO-THIRDS (2/3) VOTE OF THE BOARD MEMBERS PRESENT, WAIVER OF FORMAL BID PROCEDURES FOR THE PURCHASE OF PROFESSIONAL ENTERTAINMENT AND ARTIST SERVICES AND ASSOCIATED EXPENSES IN AN AMOUNT NOT TO EXCEED \$125,000.00 PER PERFORMANCE OR EXHIBITION AND \$5,100,000.00 IN THE AGGREGATE OVER A TIME PERIOD NOT TO EXCEED TWO YEARS; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO AWARD AND EXECUTE SUCH AGREEMENTS AND TO EXERCISE ALL PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize the waiver of competitive bidding to allow the Department of Cultural Affairs (CUA) and the Parks, Recreation and Open Spaces Department (PROS) to contract and pay professional performers, visual artists and associated expenses for artistic services and engagements, in an amount not to exceed \$5,100,000 in total/\$125,000 per performance or exhibition fee for a two-year period or until the aggregate recommended amount is expended, whichever occurs first.

**APPLICABLE LEGISLATION/POLICY**

Section 5.03(D) of the County's Home Rule Charter states 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.

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

Section 2-8.1 of the County Code specifies bid requirements for certain purchases, wherein it is stated that nothing in the ordinance shall affect the County Mayor's authority to recommend a waiver of competitive bids when he determines such waiver to be in the best interest of the County.

[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)

Resolution R-364-16, adopted on May 17, 2016, authorized waiver of full bid procedures to allow CUA and PROS to contract and pay professional performers, visual artists, and cover associated expenses for artistic services and engagements, in an amount not to exceed \$4,400,000 in total/\$125,000 per performance or exhibition fee.

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2016/R-364-16.pdf>

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

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

This item was forwarded to the BCC with a favorable recommendation by the Parks and Cultural Affairs Committee at its March 14, 2018 meeting.

**FISCAL IMPACT**

This Resolution would automatically replace and supersede all other Resolutions for this same purpose that have previously been approved by the Board, namely R-364-16, which allows for a maximum performance or exhibition fee cap of \$125,000, and a total expenditures authorization limit of \$4,400,000. This Resolution would increase the total expenditures authorization limit by \$700,000 (15%) to \$5,100,000. There is a two-year time limit on the expenditure of funds.

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Funding will come from budgeted revenues approved for the operations and programming of the CUA and PROS departments, including grant and other outside funds. Contracting for professional performers, visual artists and associated expenses for CUA and PROS is contingent upon the annual authorization of the budgets for each department.

**ANALYSIS**

This Resolution seeks to waive the competitive bidding process to allow the Department of Cultural Affairs (CUA) and the Parks, Recreation and Open Spaces Department (PROS) to contract and pay professional performers, visual artists and associated expenses for artistic services and engagements, in an amount not to exceed \$5,100,000 in total/\$125,000 per performance or exhibition fee.

Historically, the Board has authorized a series of Resolutions for the same purpose—facilitating the cultural programming at facilities throughout the County—involving multi-year bid waivers for payments to performers, artists, and for artistic services and associated expenses engaged by PROS and CUA-facilities and /or through the auspices of CUA programs. The Resolution numbers are: R-1055-88, R-1078-98, R-1252-01, R-1161-03, R-1470-04, R-1002-06, R-914-08, R-371-09, R-1229-10, R-247-11, R-1004-12, R-587-14, R-364-16, R-474-13 and R-1066-15.

This Resolution's blanket bid waiver will allow Miami-Dade County to respond to the unique requirements of the entertainment arena as there is often a need to identify and react quickly to programming opportunities as they become available. Given the attractiveness of South Florida as a performance location, the opportunity to book exceptional talent on short notice often arises, usually at reduced costs (if contractual requirements are met). This Resolution would give CUA and PROS the ability to capitalize on these performance opportunities.

By contrast, Broward County does not broadly waive competitive bidding for this purpose, but rather does so on a case-by-case basis. According to the Purchasing Manager at Broward County, waiver of competitive bidding is done very rarely.

Below are links to the facilities' event websites where recent events are listed. Any event that is presented by the facility is an event for which the bid waiver could be used:

- South Miami-Dade Cultural Arts Center: <http://www.smdcac.org/content/all-events> ("SMDCAC Present/s")
- Miami-Dade County Auditorium: <https://www.miamidadecountyauditorium.org/events/list/> ("MDCA present/s")
- African Heritage Cultural Arts Center: <https://www.ahcacmiami.org/events-calendar/list/>
- Caleb Auditorium is closed for renovations

The facilities also rent out its spaces/auditoriums to independent organizations. The waiver would not apply to the performers renting the facility, as these events are private and those renting pay the County.

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**ADDITIONAL INFORMATION**

This request for a waiver of competitive bidding is for professional performers, visual artists and associated expenses for engagements at the County's cultural facilities managed by CUA (African Heritage Cultural Arts Center, Caleb Auditorium, Miami-Dade County Auditorium, and the South Miami-Dade Cultural Arts Center), under the auspices of the Culture Shock Miami program, and throughout the venues and events managed by PROS (Deering Estate, Raices Hispanic Heritage Center, The Women's Park and Roxcy Bolton Women's History Gallery, Redland Fruit and Spice Park, Zoo Miami, Fourth of July concerts, Love-in at Greynolds Park, Noches Tropicales, etc.).

Culture Shock Miami provides \$5 tickets for high school and college students ages 13-22 to attend cultural activities presented by the community's top performing and visual arts organizations, representing the broadest diversity of Miami's artistic offerings. Since its inaugural season in 2006-07, Culture Shock Miami has served the student community with diverse mix of cultural offerings.

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

<http://www.miamidadearts.org/>

<https://www.miamidade.gov/parks/>

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**Item No. 8C2  
File No. 180410**

**Researcher: JFP Reviewer: TD**

RESOLUTION APPROVING THE FUNDING OF THIRTY-SEVEN GRANTS FOR A TOTAL OF \$358,750.00 FROM THE FISCAL YEAR 2017-2018 SECOND QUARTER OF THE TOURIST DEVELOPMENT COUNCIL GRANTS PROGRAM ROOM TAX PLAN AND SURTAX CATEGORY TO PROMOTE MIAMI-DADE COUNTY TOURISM; WAIVING RESOLUTION NO. R-130-06, AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE GRANT AGREEMENTS WITH VARIOUS ENTITIES AND TO EXERCISE ALL PROVISIONS, INCLUDING CANCELLATION PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the funding of 37 grants, totaling \$358,750, from the FY 2017-2018 Second Quarter of the Tourist Development Council Grants Program to promote Miami-Dade County tourism. The proposed Resolution waives Resolution No. R-130-06, which requires contracts with non-governmental entities be signed by the other parties before being submitted to the Board for consideration.

**APPLICABLE LEGISLATION/POLICY**

125.0104 Florida Statutes governs the tourist development tax, and establishes procedures for the governing body's Tourist Development Council.

[http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0100-0199/0125/Sections/0125.0104.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0125/Sections/0125.0104.html)

Resolution No. R-130-06, adopted January 24, 2006, clarifies 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>

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

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

This item was forwarded to the BCC with a favorable recommendation by the Economic Development and Tourism Committee at its March 15<sup>th</sup> meeting.

**FISCAL IMPACT**

Funding for the Tourist Development Council (TDC) Grants Program comes from the two percent Tourist Development Room Tax Revenue and the two percent Hotel/Motel Food and Beverage Surtax revenues as well as the \$25,000 the Greater Miami Convention and Visitors Bureau provides to the TDC pursuant to a multi-year agreement. A remaining balance of \$213,072 from FY 2016-17 in unspent grant funds was carried over and is being appropriated as part of the FY 2017-18 program.

**ANALYSIS**

The Tourist Development Council (TDC) Grants Program is responsive on a quarterly basis to organizations/events which promote Miami-Dade County's appeal as a tourist destination by sponsoring tourist-oriented sports events, cultural and special events (visual and performing arts, including theater, concerts, recitals, opera, dance, art exhibitions, and festivals) and television origination projects. The TDC, a nine member volunteer advisory board established by Florida Statute, meets as a panel to review and make funding recommendations to the Miami-Dade County Mayor and Board of County Commissioners with the idea of developing and enhancing the image of Miami-Dade County locally, nationally and internationally.

<http://www.miamidadearts.org/tourist-development-council-tdc-grants-program>

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Of the 39 applications (requesting a total of \$634,750) reviewed by the Tourist Development Council on February 12, 2018, the below 37 were recommended for funding, with the grant amounts totaling \$358,750.

<b>Grantee</b>	<b>Grant Amount</b>
The Miami Foundation, Inc. as fiscal agent for 4Ward Miami, Inc.	\$6,750
Center for the Advancement of Jewish Education, Inc.	\$5,000
Chopin Foundation of the United States, Inc.	\$7,000
City of Miami Gardens	\$25,000
Coconut Grove Arts & Historical Association, Inc.	\$25,000
Dr. Martin Luther King, Jr., Parade & Festivities Committee, Inc.	\$9,500
El Ingenio Inc.	\$2,500
Finger Lakes GrassRoots Festival Organization, Inc.	\$3,500
Florida International University Board of Trustees for the benefit of School of Music	\$5,000
Florida International University Board of Trustees for the benefit of The Patricia & Phillip Frost Art Museum	\$12,000
Florida International University Board of Trustees for the benefit School of Hospitality Management SoBch Wine	\$10,500
France-Florida Foundation for the Arts, Inc.	\$2,500
Global Arts Project, Inc.	\$2,500
GroundUp Music Productions, LLC.	\$15,050
Historical Association of Southern Florida, Inc.	\$9,000
Junior Orange Bowl Committee, Inc.	\$7,200
Kiwanis Club of Little Havana, Inc.	\$15,000
Miami Dade College -Miami Film Festival	\$12,000
Miami Dade College - Museum of Art and Design	\$10,000
Miami Design Preservation League, Inc.	\$20,000
Miami International Ballet Competition	\$7,000
Miami Light Project, Inc.	\$15,000
Miami-Dade County Office of Community Advocacy Black Affairs Advisory Board	\$5,000
National Foundation for Advancement in the Arts, Inc.	\$15,000
National LGBTQ Task Force, Inc.	\$7,000
New World Symphony, Inc.	\$8,750
Nu Deco Ensemble, Inc.	\$5,000
Orchestra Miami, Inc.	\$6,000
Performing Arts Center Trust, Inc. dba Adrienne Arsht Center for the Performing Arts of Miami-Dade County	\$9,000
Power Access, Inc.	\$5,000
Rotary Foundation of South Miami, Inc.	\$5,000
South Florida Bluegrass Association, Inc.	\$5,000
Community Television Foundation of South Florida, Inc.	\$10,250
South Florida Symphony Orchestra	\$6,750
The Deering Estate Foundation, Inc.	\$10,000

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The Miami Children's Museum, Inc.	\$14,000
University of Miami, Frost School of Music	\$20,000

**ADDITIONAL INFORMATION**

The economic impact of Miami-Dade County's non-profit arts and cultural industry is \$1,430,512,813 every year, not including for-profit businesses and individual artists. Additionally, each dollar of County grant funding support invested by the Department of Cultural Affairs leverages an additional \$39 for our community's cultural non-profits from other private and public sources.

[http://miamidadearts.org/sites/default/files/files/inline/2017\\_-\\_the\\_arts\\_in\\_miami-dade\\_county\\_final\\_7.17.2017.pdf](http://miamidadearts.org/sites/default/files/files/inline/2017_-_the_arts_in_miami-dade_county_final_7.17.2017.pdf)



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**Item No. 8D1  
File No. 180510**

**Researcher: NR Reviewer: TD**

RESOLUTION DESIGNATING MIAMI DAILY BUSINESS REVIEW AS THE NEWSPAPER FOR PUBLICATION OF DELINQUENT TAX LISTS IN 2018 FOR 2017 TAX YEAR IN ACCORDANCE WITH FLORIDA STATUTES § 197.402, AND FOR THE PUBLICATION OF DELINQUENT IMPROVEMENT LIENS AND SPECIAL ASSESSMENT LIENS PURSUANT TO SECTION 18-14(8) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND FLORIDA STATUTES § 197.363 AND § 197.3632 IN AN AMOUNT NOT TO EXCEED \$28,000.00

**ISSUE/REQUESTED ACTION**

Whether the Board should approve designating Miami Daily Business Review as the newspaper for publication of the 2018 lists of delinquent tangible personal property taxes, delinquent real property taxes and non-ad valorem assessments such as improvement liens and special assessments pertaining to the 2017 tax roll in accordance with Section 197.402 of the Florida Statutes and Rule 12D-13.036 of the Florida Administrative Code.

**APPLICABLE LEGISLATION/POLICY**

Section 197.402 of the Florida Statutes - Advertisement of real or personal property with delinquent taxes.

(1) If advertisements are required, the board of county commissioners shall select the newspaper as provided in chapter 50. The tax collector shall pay all newspaper charges, and the proportionate cost of the advertisements shall be added to the delinquent taxes collected.

(2) Within 45 days after the personal property taxes become delinquent, the tax collector shall advertise a list of the names of delinquent personal property taxpayers and the amount of tax due by each.

(3) Except as provided in s. 197.432(4), on or before June 1 or the 60th day after the date of delinquency, whichever is later, the tax collector shall advertise once each week for 3 weeks and shall sell tax certificates on all real property having delinquent taxes.

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

Rule 12D-13.036 of the Florida Administrative Code states:

(1) The advertisement must include:

- (a) A distinctive title (e.g., "Notice of Tax Certificate Sale");
- (b) The date and time the sale will begin;
- (c) The location of the sale, including city and county, or the website on which the sale will be conducted (if by electronic means);
- (d) A statement explaining the sale, specifying the amount due, and explaining that the amount due on each parcel includes costs, interest and prorated advertising costs, as well as taxes and non-ad valorem assessments;
- (e) The person in whose name the property is assessed; and,
- (f) 1. The legal description as shown on the tax roll, or the parcel identification number or other information which identifies the property on the current tax roll.  
2. If the parcel identification number is used, this language must be included in the newspaper notice of sale: See Current Tax Roll for; Complete Legal Description.

(2)(a) The tax collector may list all lots to be sold that are owned by the same taxpayer in a subdivision under one subdivision heading. For example: Wild Subdivision, Lot 1, Block A, Lot 6, Block R. (b) To apportion the advertising costs among the parcels of property, the costs of the subdivision heading will be prorated to all parcels advertised in that particular subdivision. The cost of advertising legal descriptions may be computed on a flat rate basis, regardless of the length of the description.

<https://www.flrules.org>

**PROCEDURAL HISTORY**

**Prime Sponsor: NONE**

**BCC Meeting: April 10, 2018  
Research Notes**

**Requester: Finance**

**FISCAL IMPACT**

The fiscal impact to the County is neutral. The cost of the advertising delinquent property taxes is paid by the Tax Collector at the time of advertising and is recovered from delinquent taxpayers at the time taxes are paid or from investors when tax certificates are sold.

**ANALYSIS**

The item seeks to approve the Miami Daily Business Review as the newspaper for publication of the 2018 lists of delinquent tangible personal property taxes, delinquent real property taxes and non-ad valorem assessments.

The following Newspapers that meet these statutory requirements were identified, and were invited to bid: Miami Today, Miami Daily Business Review, Miami New Times, The Miami Herald, and The Miami Times

The Miami Today and Miami Daily Business Review responded. The lowest responsive bidder for the project was Miami Daily Business Review whose bid is \$1,700.00 for Delinquent tangible personal property taxes, and \$24,300.00 for Delinquent real property taxes.

Miami Daily Business Review has experience in legal advertising having published the County's delinquent tangible personal property tax and delinquent real property tax advertisements for the previous three years. In addition, Miami Daily Business Review also has data processing capabilities that provide efficient and reliable interfaces with the County data processing systems thereby enabling last-minute additions and deletions to the advertisement. Having previously published the voluminous delinquent tax listings (more than 300 newspaper pages), Miami Daily Business Review has demonstrated its ability to successfully complete this undertaking.

The cost of advertising delinquent real property taxes is recovered at the time the tax certificates are sold and are ultimately borne by the delinquent taxpayers. Tax Certificate Sale generated in excess of \$150 million of revenues for the local taxing authorities last year.

**Input from Finance Department**

Statute require that the Count publish the list of delinquent tangible accounts once within 45 days after April 1st and real property once per week for three consecutive weeks prior to June 1st. So it would be 4 publication total. In addition to the required legal advertising publication the County send reminder notices to each delinquent property owner as required by law.

The estimated advertisement cost for tangible personal property taxes is \$1,700 and for real property is \$24,300 (\$6,100 per publish date). We always request slightly more expenditure authority because we are dealing with variable print and bids were based on our estimated number of delinquent accounts. The trend has been downward the last few years as more property owners take advantage of early payment discounts or seek to avoid interest at rates higher than paid by banks on deposits. We fully expect the cost to be at or slightly below the bid amount based on our estimate.

The Daily Business Review runs Monday to Friday and advertising of real property would add more than 100 pages and tangible about 20 pages.

The County also run some courtesy ads that remind property owners to pay their taxes in other publications and community periodicals. The legal advertising lists each delinquent account. The cost of the advertising is advanced by the tax collector and ultimately recovered from the property owner at the time taxes are paid or from the purchaser of the tax certificate.

**BCC Meeting: April 10, 2018  
Research Notes**

**Item No. 8F1  
File No. 180334**

**Researcher: BM Reviewer: TD**

RESOLUTION AUTHORIZING ADDITIONAL TIME OF FOUR YEARS AND EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$1,013,000.00 FOR PREQUALIFICATION POOL NO. RTQ-00005 FOR PURCHASE OF FASTENERS 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 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 resolution extending Prequalification Pool No. RTQ-00005, for an additional four years, and increasing the expenditure authority by \$1,013,000 for fasteners such as anchors, bolts, hooks, nuts, nails, screws, and pins for several 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_-_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 repurchase 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>

**BCC Meeting: April 10, 2018  
Research Notes**

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Internal Services Department**

3/13/18: Forwarded to BCC with a favorable recommendation by GOC; Passed 4 – 0.

Commissioner Sosa voiced concern that, per ordinance, items brought before the committee for companies that are not local, they need to open an office locally.

Director Tara Smith, ISD, advised that the requirement would be requested when the quote is issued.

**FISCAL IMPACT**

The fiscal impact for extending the Prequalification Pool, No. RTQ-00005, for an additional four years would be \$1,013,000. The current Prequalification Pool has a cumulative value of \$995,000. If this item is approved, the modified cumulative value will be \$2,008,000.

Per information found in the Bid Tracking System on April 6, 2018, relating to the current prequalification pool RTQ-00005, \$995,000 has been allocated to the contract's Blanket Purchase Order. Of the allocation amount, \$789,365 has been released leaving a balance of \$205,635.

**ANALYSIS**

This item proposes extending the prequalification pool, No. RTQ-00005, for an additional four years and an increase of expenditure authority by \$1,013,000 for fasteners such as anchors, bolts, hooks, nuts, nails, screws, and pins for several departments. The extension of time for the prequalification pool is recommended because the terms, requirements, and conditions of the pool will not change. If a replacement solicitation were to be issued the current vendors are likely to prequalify. Furthermore, establishing a new pool may lead to a decrease in vendor participation.

The prequalification pool was established under delegated authority on July 1, 2014 for an initial four year term. Per the Bid Tracking System, the current pool expires on June 30, 2018. If approved, the Prequalification Pool would expire June 30, 2022.

Of the \$1,013,000 additional allocation requested, approximately 62 percent (or \$628,000) is allocated to the Water and Sewer Department. The next largest allocation is for the Transportation and Public Works Department with approximately 10 percent (or \$105,000) of the \$1,013,000 additional allocation requested. The Cultural Affairs Department was not previously included as an awarded department and has been allocated \$13,000.

The OCA conducted a search of the Miami-Dade County Small Business Enterprise list of Certified firms, for vendors registered under commodity code no. 32092 – Washers, Metal or Other Material (Not Steel), on March 8, 2018. Below is a list of local businesses that are not currently included in the Prequalification Pool:

- A & B Hardware, Inc.
- Global Caribe, Inc./DBA Global Industrial Products
- Pancar Industrial Supply Corporation
- Rock International Distributors, Inc.

**BCC Meeting: April 10, 2018**  
**Research Notes**

Per the Bid Tracking System, the prequalification pool currently has 10 vendors of which six have addresses within Miami-Dade County. One vendor is located within Broward County and the other three have addresses outside of the State of Florida.

Prequalified Vendor	Principal Address	Local Vendor
A & B Pipe and Supply, Inc. (SBE)	6500 NW 37 Avenue Miami, FL	<b>Yes</b>
American Fasteners Corporation	7323 NW 66 Street Miami, FL	<b>Yes</b>
Baro Hardware, Inc.	7230 NW 72 Avenue Miami, FL	<b>Yes</b>
Fastenal Company	2001 Theurer Boulevard Winona, MN	No
Force Fasteners International, LLC	8556 NW 93 Street Medley, FL	<b>Yes</b>
Grayson Industries, Inc.	7027 W. Broward Boulevard Number 327 Plantation, FL	No
Hilti, Inc.	7250 Dallas Parkway Suite 1000 Plano, TX	No
Interstate Screw, Corp.	475 W 18 Street Hialeah, FL	<b>Yes</b>
Paramount Electric & Lighting, Inc.(SBE)	8510 NW 60 Street Miami, FL	<b>Yes</b>

**ADDITIONAL INFORMATION**

According to the Florida Department of State Division of Corporations website (Sunbiz.org), A & B Hardware, Inc., has an active status as a Florida For Profit Corporation and first filed and registered on 05/05/1967. The company is registered locally at the following address: 2652 N.W. 26 Street, Miami, FL 33142.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=ABHARDWARE%203164280&aggregateId=domp-316428-1bac90ec-acc3-4763-836e-e7ddb0af9b00&searchTerm=a%20%26%20b%20hardware%2C%20inc&listNameOrder=ABHARDWARE%203164280>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Global Caribe, Inc./DBA Global Industrial Products, has an active status, and first filed and registered on 09/19/1994. The company has a location at the following address: 13170 N.W. 43RD AVE. OPA LOCKA, FL 33054.

<http://dos.sunbiz.org/scripts/ficidet.exe?action=DETREG&docnum=G94262900008&rdocnum=G94262900008>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Rock International Distributors, Inc. is not a registered company.

**BCC Meeting: April 10, 2018  
Research Notes**

**Item No. 8F2  
File No. 180337**

**Researcher: SM   Reviewer: PGE**

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$304,000.00 FOR CONTRACT NO. 102115-BBB FOR THE PURCHASE OF SCHOOL BUSES WITH RELATED PARTS AND SERVICES FOR THE PARKS, RECREATION AND OPEN SPACES DEPARTMENT

**ISSUE/REQUESTED ACTION**

Whether the Board should approve this Resolution authorizing additional expenditure authority in a total amount up to \$304,000 for the purchase of three school buses with related parts and services under Contract No. 102115-BBB for the Parks, Recreation and Open Spaces Department.

**APPLICABLE LEGISLATION/POLICY**

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

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=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 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/legistarfiles/Matters/Y2012/120287.pdf>

Resolution No. R-689-17, adopted July 6, 2017, authorizing additional expenditure authority in a total amount up to \$331,205.00 for contract No. 102115-BBB for school buses with related parts and services for the Corrections and Rehabilitation Department.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2017/171282.pdf>

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Requester/Department: Internal Services**

Forwarded to BCC with a favorable recommendation at the PCAC meeting on March 14, 2018.

**FISCAL IMPACT**

The Bid Tracking System shows an awarded amount of \$993,612.36 and a current value of \$1,325,612.36 for the contract, which expires on November 17, 2019. This Item wishes to allocate an additional \$304,000 to the contract, which would result in a cumulative allocation of \$ 1,629,612.36 if approved. The table below shows purchase orders related to the contract as seen in the Bid Tracking System:

**BCC Meeting: April 10, 2018  
Research Notes**

Department	Vendor Name	Amount.	Allocation Amount.	Released Amount	Balance Remaining
Department of Corrections and Rehabilitation	Florida Transportation Systems Inc.	\$993,612.36			
Department of Corrections and Rehabilitation	Florida Transportation Systems Inc.	\$331,204.12			
	<b>Total:</b>	<b>\$1,324,816.48</b>		<b>\$1,324,816.48</b>	<b>\$795.88</b>

**ANALYSIS**

This Item proposes authorizing additional expenditure for the Miami-Dade Parks, Recreation, and Open Spaces Department (PROS), requesting access to a competitive contract from National Joint Powers Alliance (NJPA). Contract No. 102112-BBB, in the amount of \$304,000 for a one-time purchase of three buses for its Disability Services and General Recreation Program, as stated by the mayoral memo. The mayoral memo states that the buses will transport adults and children whom are disabled to field trips as it is required by the Medicaid Waiver Program and the Children's Trust. PROS justifies the need for this additional expenditure in its need to increase the Disability Services and General Recreation Program's operational efficiency, and to replace a bus that is no longer in service. These buses must be compliant with Americans Disabilities Act (ADA) requirements to transport an average of 200 children and adults.

NJPA is a public agency serving as a national contracting agency established under the Service Cooperative statute by Minnesota Legislative Statute 123A.21 with the authority to develop and offer, among other services, cooperative procurement services to its membership. These procurement contracts are created in compliance with applicable Minnesota Municipal Contracting Laws.

The awarded vendor is Florida Transportation Systems, Inc. which is not a local vendor. It is located in Tampa, FL with a principal address of 7703 Industrial Lane Tampa, FL.

The Office of the Commission Auditor did a local vendor search per the commodity code, 07033, School Buses, Complete, and Conventional Type as it is stated in the bid tracking system and did not find any local vendors related to such services.

**ADDITIONAL INFORMATION**

The National Joint Powers Alliance (NJPA), which is where the County originally accessed this contract from, is established as a public agency serving member agencies across the United States and Canada as a municipal contracting agency. JPA establishes and provides nationally leveraged and competitively solicited purchasing contracts. The Joint Exercise of Powers Law allows their members to legally purchase through their contracts without duplicating their own competitive solicitation process and requirements. The result of this cooperative effort is a high quality selection of nationally leveraged, competitively solicited contract solutions to help meet the ever challenging needs of their current and future member agencies.

<https://www.njpacoop.org/files/1114/3940/2774/aboutus.pdf>

**Disability Services and General Recreation Program**

Programs provided are for Children with Disabilities ages 6-21 and are funded by Miami-Dade Parks, Recreation and Open Spaces and The Children's Trust at no cost to participants. See the below link for available activities.

<http://www.miamidade.gov/parks/library/disability-service-programs.pdf>



**BCC Meeting: April 10, 2018  
Research Notes**

**Item No. 8F3  
File No. 180427**

**Researcher: MF Reviewer: PGE**

RESOLUTION DELEGATING CONTRACTING AUTHORITY TO THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO AWARD, ACCESS, AND MODIFY COMPETITIVELY SOLICITED CONTRACTS TO PURCHASE POLICE VEHICLES, FIRE TRUCKS, MOBILE EQUIPMENT AND OTHER LIGHT AND HEAVY FLEET VEHICLES IN AN AGGREGATE AMOUNT NOT TO EXCEED \$80,480,706 FOR FISCAL YEAR 2017-18, SUBJECT TO RATIFICATION BY THE BOARD ON A BI-ANNUAL BASIS; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF ANY CONTRACTS AWARDED, ACCESSED, OR MODIFIED PURSUANT TO THIS DELEGATION, INCLUDING ANY CANCELLATION, RENEWAL AND EXTENSION PROVISIONS; AND AUTHORIZES THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF ANY AWARD, ISSUE THE APPROPRIATE PURCHASE ORDER TO GIVE EFFECT TO SAME AND EXERCISE ALL PROVISIONS OF ANY SUCH CONTRACTS PURSUANT TO SECTION 2-8.1 OF THE CODE AND IMPLEMENTING ORDER 3-38

**ISSUE/REQUESTED ACTION**

Whether the Board should delegate contracting authority to the Mayor or the Mayor's designee to award, access, and modify competitively solicited contracts to purchase police vehicles, fire trucks, mobile equipment and other light and heavy fleet vehicles in an amount not to exceed \$80,480,706 for Fiscal Year 2017-18, subject to ratification by the Board on a bi-annual basis.

**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](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>

Miami-Dade County Code, Section 2-8.4 governs any protest made by a participant in any competitive process utilized for selection of a person or other entity to construct any public improvement, to provide any supplies, materials or services, or to lease any County property.

[http://miamidade.fl.elaws.us/code/coord\\_ptiii\\_ch2\\_arti\\_sec2-8.4](http://miamidade.fl.elaws.us/code/coord_ptiii_ch2_arti_sec2-8.4)

Miami-Dade County Code, Section 29-124 (f) governs the uses of surtax proceeds; and the role of the Citizens' Independent Transportation Trust,

[http://miamidade.fl.elaws.us/code/coord\\_ptiii\\_ch29\\_artxvi\\_sec29-124](http://miamidade.fl.elaws.us/code/coord_ptiii_ch29_artxvi_sec29-124)

Implementing Order No. 3-21 establishes the requirements and procedures governing a bid protest brought by a participant in any competitive process utilized for selection of a person or other entity to construct any public improvement, to provide any supplies, materials or services ... or to lease any County property.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-21.pdf>

**BCC Meeting: April 10, 2018  
Research Notes**

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: N/A**

**Department/Requester: Internal Services**

The proposed resolution was considered at the Government Operations Committee on March 13, 2018.

Ms. Tara Smith, Director, Internal Services Department, encouraged the Committee to forward this item which reflects what is currently in the adopted budget for Fiscal Year 2017-18. She stated that the item allowed the Mayor to access existing contracts, which are in the best interest of the County, in a timely manner. She emphasized that this item would allow the Administration to be nimble and obtain the best value for some very expensive purchases. Ms. Smith further stated that the item represents a snapshot of countywide fleet needs at this time.

Ms. Jennifer Moon, Director, Office of Management and Budget, reiterated that the purchase of fleet vehicles were already included in the budget. She noted this item was intended to address the concerns expressed by the Commissioners regarding the current state of the County's vehicles. "We can't fix the state of current vehicles; we must buy new ones." She explained that the cost of the vehicles would be spread over a number of years to have the least impact on the delivery of ongoing services, and pointed out that it would not be possible to continue providing services if the fleet of vehicles was not renewed.

Commissioner Sosa requested to be provided a report regarding whether the purchases would be made through a competitive process. She suggested that, in the meantime, the item be forwarded to the Board without recommendation.

Accordingly, the proposed resolution was forwarded to the BCC without recommendation by the Government Operations Committee.

Commissioner Martinez disliked the Administration claiming this delegation is needed to promote more timely fleet purchases, i.e., prevent the Board from delaying the purchase. He left chambers prior to the vote on the item.

**FISCAL IMPACT**

According to the Mayor's memorandum, the fiscal impact to the County will be up to \$80,480,706, which is based on the Board-adopted budget for Fiscal Year 2017-18. This allocation is based on the number of vehicles to be purchased, i.e., 1,635 for multiple County departments.

For those departments using financing proceeds, debt service payments will be included as part of the budget development process for FY 2018-19. All vehicles funded by the General Fund will be financed.

**ANALYSIS**

The proposed resolution is requesting that the Board delegate authority to the Mayor or the Mayor's designee to award, access, and modify competitively solicited contracts to purchase police vehicles, fire trucks, mobile equipment and other light and heavy fleet vehicles in an aggregate amount not to exceed \$80,480,706 for Fiscal Year 2017-18, subject to ratification by the Board on a bi-annual basis. The Internal Services Department will purchase these vehicles on behalf of other County departments in accordance with procurement guidelines.

Vehicle replacement guidelines are governed under Administrative Order 6-2 and Procedure Number 803 which delineate guidelines as follows:

**BCC Meeting: April 10, 2018**  
**Research Notes**

“The minimum expected service life for general application gasoline powered light equipment is 100,000 operating miles, irrespective of the age or model year of the vehicle, and many vehicles will operate further in a highly cost effective manner. As vehicles approach this usage level, they will receive appropriate scrutiny at scheduled PM’s to assure they are in safe and proper operating condition. Vehicles that are in need of repairs that may not be economical to perform will receive a retirement/replacement recommendation from the service facility performing the PM.

Diesel engine powered light equipment has an expected minimum service life of 150,000 miles of operation and is treated similarly in other respects.

Heavy equipment has different parameters for determining aging, including application usage, operated annual hours, and estimated remaining body function life, among other parameters.”

The following are the forecasted fleet replacement plans for the Aviation, Miami-Dade Police, the Water and Sewer, and the Miami-Dade Fire Rescue Departments for Fiscal Year 2017-18:

Department	Cost	Number	Financed Purchases	Cash Purchases	Grants
Aviation	\$10,000,000	161		\$10,000,000 161	
MDPD	\$10,420,000	472	\$10,400,000 471		\$20,000 1
Water and Sewer	\$33,499,000	433		\$33,499,000 433	
MDFR	\$16,525,000	100	\$14,200,000 21	\$ 2,325,000 79	

The County has a fleet of approximately 11,068 vehicles, a quarter of which have over 100,000 miles. These aging vehicles cost the County significantly more to maintain than the newer vehicles. As a part of the Budget process, all County departments prepare a Proposed Five-year replacement plan which is reviewed by the Internal Services Department’s Fleet Management Division and the Office of Management and Budget. This plan is reviewed on an annual basis and updated accordingly as part of the budget development process and subject to available resources. As part of this fleet replacement initiative, all vehicles requested are reviewed to be strategic, operationally necessary and economically sound; moreover, environmentally conscious technologies will be utilized where practical. During this review process, changes are frequently made to the plan that remains static until finalized.

Departments are also required to prepare and submit a “Vehicle Request Form” which is approved by the respective Department Directors, the Office of Management and Budget, and the Office of the Mayor. Once approved, the forms are submitted to the Internal Services Department’s Fleet Management Division for coordination of the vehicle purchases with the Internal Services Department’s Procurement Management. In the past, staff has experienced difficulties in completing these large vehicle purchases in a cost-effective manner, because it is not always possible to obtain Board approval in a timely manner. It is, therefore, recommended that the Board delegate to the Mayor or the Mayor’s designee the authority to purchase these replacement vehicles.

To date, there have 30 vehicles purchased under the FY 2017-18 purchase plan, once Agenda Item No. 8F3 (180427) is approved, all departments will coordinate with ISD Fleet Management and ISD Procurement Management to order their requested vehicles.

**ADDITIONAL INFORMATION**

There is some precedent for delegation of authority to the County Mayor, as the Board has delegated the Mayor the authority to award competitive contracts for goods and services up to \$1,000,000. The County Mayor has delegated some of that authority to the Internal Services Department Director, authorizing the director to award competitive contracts for goods and services up to \$500,000. See IO 3-38.

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

**BCC Meeting: April 10, 2018**  
**Research Notes**

Similarly, on September 3, 2014, the Board approved Ordinance No. 14-77 authorizing the Mayor or Mayor's designee to award contracts for funded capital projects and related goods and services, and to accelerate the approval of the Water and Sewer Department's (1) Consent Decree projects and (2) projects identified in WASD's Multi-Year Capital Plan's Capital Improvements Program without the need for prior Board approval but subject to ratification by the BCC.

<http://intra/gia/matter.asp?matter=141981&file=false&yearFolder=Y2014>

**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. What are the current contracts in place to purchase police vehicles, fire trucks, mobile equipment and other light and heavy fleet?

Below is a list of contracts that may be used for purchase of vehicles, truck, heavy and light fleet as contemplated in this agenda item. Staff may identify additional contracts through market research to obtain the best value or advertise a new solicitation if the needs cannot be met with existing contracts.

No.	BID No.	Contract Title
1	FSA17-VEL25.0	POLICE RATED, ADMIN, UTILITY VEHICLES, TRUCKS, VAN
2	FSA17-VEH15.0	CAB & CHASSIS TRUCKS AND OTHER FLEET EQUIPMENT
3	FSA16-VEF12.0	FIRE RESCUE VEHICLES & OTHER EQUIPMENT
4	8193-0/12	AUTOMOTIVE VEHICLES - PREQUALIFICATION
5	3708	VEHICLES , TRAILERS AND EQUIPMENT
6	3921	LIGHT DUTY VEHICLES, INCLUDING ASSOCIATED ACCESSORIES AND EQUIPMENT
7	7855-4/15-4	SPECIAL PURPOSE TRUCKS-PREQUALIFICATION
8	8535-5/13-5	VAR.OFF-ROAD, LANDFILL, HVY EQUIP-PREQUAL
9	011714-RSD 011714-RMN	FIRE TRUCKS AND FIRE APPARATUS WITH RELATED ACCESSORIES AND SUPPLIES
10	090512-VTH	EMERGENCY RESPONSE VEHICLES TOGETHER WITH RELATED EQUIPMENT, ACCESSORIES, AND SUPPLIES
11	122017-SCA 122017-AMI 122017-FSC	SEWER VACUUM, HYDRO-EXCAVATION, AND STREET SWEEPER EQUIPMENT, WITH RELATED ACCESSORIES AND SUPPLIES
12	25101600-16-1	MEDIUM AND HEAVY TRUCKS
13	25100000-18-1	MOTOR VEHICLES

2. Who reviews and approves the five-year plans?

As a part of the Budget process, all County departments prepare a Proposed Five-year replacement plan which is reviewed by the Internal Services Department's Fleet Management Division and the Office of Management and Budget. This plan is reviewed on an annual basis and updated accordingly as part of the budget development process and subject to available resources. As part of this fleet replacement initiative, all vehicles requested are reviewed to be strategic, operationally necessary and economically sound;

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moreover, environmentally conscious technologies will be utilized where practical. During this review process, changes are frequently made to the plan that remains static until finalized.

Departments are also required to prepare and submit a "Vehicle Request Form" which is approved by the respective Department Directors, the Office of Management and Budget, and the Office of the Mayor. Once approved, the forms are submitted to the Internal Services Department's Fleet Management Division for coordination of the vehicle purchases with the Internal Services Department's Procurement Management.

3. Please send us a copy, if available, of the value of planned purchases per year per department under the five-year plans.

FY2017-18 Forecated Fleet Replacement Plan								
Department	Cost of Vehicles	Number of Vehicles	Financed Purchases		Cash Purchases		GRANTS	
			Dollar Amount	Qty of Vehicles	Dollar Amount	Qty of Vehicles	Dollar Amount	Qty of Vehicles
Animal Services	\$ 364,000	8	\$ 364,000	8	\$ -	-	\$ -	-
Aviation	\$ 10,000,000	161	\$ -	-	\$ 10,000,000	161	\$ -	-
Seaport	\$ 332,000	20	\$ -	-	\$ 332,000	20	\$ -	-
DTPW	\$ 7,812,000	113	\$ 3,491,000	53	\$ 3,461,000	32	\$ 856,000	28
MDPD	\$ 10,420,000	472	\$ 10,400,000	471	\$ -	-	\$ 20,000	1
MDCR	\$ 1,073,000	40	\$ 1,073,000	40	\$ -	-	\$ -	-
PROS	\$ 991,000	12	\$ 337,000	4	\$ 634,000	8	\$ -	-
Elections	\$ 67,000	3	\$ 67,000	3	\$ -	-	\$ -	-
Communications	\$ 29,000	1	\$ 29,000	1	\$ -	-	\$ -	-
WASD	\$ 33,499,000	433	\$ -	-	\$ 33,499,000	433	\$ -	-
MDFR	\$ 16,325,000	100	\$ 14,200,000	21	\$ 2,325,000	79	\$ -	-
DSWM	\$ 22,375,000	134	\$ 22,375,000	134	\$ -	-	\$ -	-
CUA	\$ 114,000	3	\$ 61,000	2	\$ 53,000	1	\$ -	-
JSD	\$ 60,000	2	\$ 60,000	2	\$ -	-	\$ -	-
ME	\$ 288,000	6	\$ 288,000	6	\$ -	-	\$ -	-
RER	\$ 1,803,000	89	\$ -	-	\$ 1,803,000	89	\$ -	-
BCC	\$ 130,000	6	\$ 130,000	6	\$ -	-	\$ -	-
ISD	\$ 1,368,000	41	\$ 1,368,000	41	\$ -	-	\$ -	-
ITD	\$ 115,000	3	\$ 115,000	3	\$ -	-	\$ -	-
Library	\$ 204,000	4	\$ -	-	\$ 204,000	4	\$ -	-
COC	\$ 70,000	3	\$ -	-	\$ 70,000	3	\$ -	-
JA	\$ 30,000	1	\$ 30,000	1	\$ -	-	\$ -	-
CAHSD	\$ -	-	\$ -	-	\$ -	-	\$ -	-
PA	\$ 69,000	2	\$ 69,000	4	\$ -	-	\$ -	-
PHCD	\$ 734,000	27	\$ -	-	\$ 734,000	27	\$ -	-
<b>Total</b>	<b>\$ 108,712,000</b>	<b>1,686</b>	<b>\$ 54,497,000</b>	<b>802</b>	<b>\$ 53,335,000</b>	<b>857</b>	<b>\$ 876,000</b>	<b>29</b>

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FY2018-19 Proposed Fleet Replacement Plan								
Department	Cost of Vehicles	Number of Vehicles	Financed Purchases		Cash Purchases		GRANTS	
			Dollar Amount	Qty of Vehicles	Dollar Amount	Qty of Vehicles	Dollar Amount	Qty of Vehicles
Animal Services	\$ 340,000	10	\$ 340,000	10	\$ -	-	\$ -	-
Aviation	\$ 5,681,000	80	\$ -	-	\$ 5,681,000	80	\$ -	-
Seaport	\$ 271,000	10	\$ -	-	\$ 271,000	10	\$ -	-
DTPW	\$ 3,474,000	126	\$ 1,436,000	34	\$ 1,425,000	3	\$ -	-
MDPD	\$ 10,700,000	484	\$ 10,700,000	484	\$ -	-	\$ -	-
MDCR	\$ -	-	\$ -	-	\$ -	-	\$ -	-
PROS	\$ 3,763,000	127	\$ 3,763,000	127	\$ -	-	\$ -	-
Elections	\$ -	-	\$ -	-	\$ -	-	\$ -	-
Communications	\$ -	-	\$ -	-	\$ -	-	\$ -	-
WASD	\$ 16,871,000	306	\$ -	-	\$ 16,871,000	306	\$ -	-
MDFR	\$ 5,825,000	89	\$ 3,500,000	10	\$ 2,325,000	79	\$ -	-
DSWM	\$ 18,883,000	120	\$ 18,883,000	120	\$ -	-	\$ -	-
CUA	\$ -	-	\$ -	-	\$ -	-	\$ -	-
JSD	\$ -	-	\$ -	-	\$ -	-	\$ -	-
ME	\$ 42,000	1	\$ 42,000	1	\$ -	-	\$ -	-
RER	\$ 880,000	39	\$ -	-	\$ 880,000	39	\$ -	-
BCC	\$ 150,000	6	\$ 150,000	6	\$ -	-	\$ -	-
ISD	\$ 1,905,000	41	\$ 1,905,000	41	\$ -	-	\$ -	-
ITD	\$ 232,000	10	\$ 232,000	10	\$ -	-	\$ -	-
Library	\$ 205,000	3	\$ -	-	\$ 205,000	3	\$ -	-
COC	\$ 130,000	4	\$ -	-	\$ 130,000	4	\$ -	-
JA	\$ 25,000	1	\$ -	-	\$ 25,000	1	\$ -	-
CAHSD	\$ 163,000	6	\$ -	-	\$ 163,000	6	\$ -	-
PA	\$ 69,000	2	\$ 69,000	4	\$ -	-	\$ -	-
PHCD	\$ -	-	\$ -	-	\$ -	-	\$ -	-
Total	\$ 71,609,000	1,467	41,020,000	847	27,976,000	535	-	-
Total			\$ 95,517,000	1,649	\$ 81,311,000	\$ 1,392	\$ 876,000	\$ 29

4. What is the criteria used for fleet replacement?

Vehicle replacement guidelines are governed under Administrative Order 6-2 and Procedure Number 803 which delineate guidelines as follows:

“The minimum expected service life for general application gasoline powered light equipment is 100,000 operating miles, irrespective of the age or model year of the vehicle, and many vehicles will operate further in a highly cost effective manner. As vehicles approach this usage level, they will receive appropriate scrutiny at scheduled PM’s to assure they are in safe and proper operating condition. Vehicles that are in need of repairs that may not be economical to perform will receive a retirement/replacement recommendation from the service facility performing the PM.

Diesel engine powered light equipment has an expected minimum service life of 150,000 miles of operation and is treated similarly in other respects.

Heavy equipment has different parameters for determining aging, including application usage, operated annual hours, and estimated remaining body function life, among other parameters.”

This recommendation is consistent with the delegated authority and vehicle purchase process for other jurisdictions, as demonstrated in the table below (study has been attached):

City/County	Vehicle Purchase Process
City of Miami	Both jurisdictions have delegated the authority to purchase vehicles in an amount not to exceed the approved budget for vehicle purchases.
Los Angeles County	

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City of Fort Lauderdale	This jurisdiction obtains Board approval once per year to access or award multiple contracts at any time during the fiscal year.
Broward County	This jurisdiction has delegated the authority to renew the State of Florida vehicle contract for a period not to exceed three years, as may be renewed by the State, for an amount not to exceed \$8,500,000.

5. How many vehicles have been purchased so far this Fiscal Year (2017-18) per approved departmental plan, considering the County is already in its Third Quarter?

To date, there have 30 vehicles purchased under the FY 2017-18 purchase plan, once Agenda Item No. 8F3 (180427) is approved, all departments will coordinate with ISD Fleet Management and ISD Procurement Management to order their requested vehicles.

6. Is the vendor pool closed or open? If it is open, how can a potential vendor join the vendor pool?

There are three vendor pools that may be used to purchase vehicles in addition to the contracts that the County may piggyback (access) from other municipalities.

These three pools (listed below) are open pools and vendors can be added at any time provided they meet the qualification requirements. The Procurement Officer assigned to these pools is Hendry Lopez. He can be reached by email - [hendryl@miamidade.gov](mailto:hendryl@miamidade.gov) or phone - (305) 375-3803. Vendor may contact him directly for assistance. Information on pools is also available online at: <https://www.miamidade.gov/DPMWW/PerpetualContracts.aspx>

8193-0/12      AUTOMOTIVE VEHICLES - PREQUALIFICATION  
7855-4/15-4    SPECIAL PURPOSE TRUCKS-PREQUALIFICATION  
8535-5/13-5    VAR.OFF-ROAD,LANDFILL,HVY EQUIP-PREQUAL  
Vehicle



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**Item No. 8F4**  
**File No. 180428**

**Researcher: NR      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 \$1,500,000.00 TO CONTRACT NO. BW9928-0/20 FOR THE PURCHASE OF INSPECTIONS, MAINTENANCE, REPAIRS, AND PARTS FOR BELL HELICOPTERS 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 waive competitive bidding procedures for the purchase of goods and services pursuant to Section 2-8.1 of the County Code and Section 5.03(D) of the Home Rule Charter and authorize additional expenditure authority to Contract No. BW9928-0/20 Inspections, Maintenance, Repairs, and Parts for Non-Warranty Items for Bell Helicopters 412 Series, for the Miami-Dade Fire Rescue Department (MDFR).

**APPLICABLE LEGISLATION/POLICY**

The County Mayor or the County Mayor's designee will have the authority to exercise all provisions of the agreement, including any renewals or extensions, pursuant to Section 2-8.1 of the County Code and Section 5.03(D) of the Home Rule Charter.

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

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

**PROCEDURAL HISTORY**

**Prime Sponsor: NONE**

**Requester: Internal Services**

This item was forwarded to the Board with a favorable recommendation by the Public Safety and Health Committee (PSHC) at its March 14, 2018 meeting without discussion.

**FISCAL IMPACT**

The contract term expires on September 5, 2020 and has a current allocation of \$250,000. If this request is approved, the contract will have a modified cumulative value of \$1,750,000. The requested increase is based on the Department's current needs.

**ANALYSIS**

This item seeks approval to waive competitive bidding procedures for the MDFR's purchase of goods and services and authorize \$1,500,000 in additional expenditure to purchase manufacturer-required inspections for three of its four (4) Bell Helicopters 412 Series. The required inspections will ensure that the helicopters remain in operable condition and the cost is approximately \$500,000 each of the three helicopters. The helicopters are used to perform air rescue operations throughout Miami-Dade County, and these helicopters are between 12 and 18 years of age.

On September 6, 2017, under the delegated authority, the County awarded the current bid waiver for Contract No. BW9928-0/20. Vender awarded this contract has a maintenance facility located in Broward County. According to ISD's Bid Tracking System, there are no prior modification or waiver to Contract No. BW9928-0/20. The contract's original allocation was \$250,000 and the entire \$250,000 has been obligated. In addition, as of March 13, 2018 a search of Certified Small Business website shows there are no local vendors.

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

According to the Mayoral Memorandum, the County uses two contracts to perform maintenance. The first contract, No. FB-00086 Helicopter Parts, Services and Supplies which was competitively awarded to Uniflight, LLC located in Grand Prairie, Texas, through Resolution No. R-99-15. However, the use of Contract No. FB-00086 requires MDRF to fly its helicopters to and from the vendor's facility in Texas. As a result, the Department incurs substantial costs to perform required maintenance and inspections.

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

According to the Mayoral Memorandum, to mitigate the cost under Contract No. FB-00086, the County awarded this bid waiver Contract No. BW9928-0/20. The awarded vendor for Contract No. BW9928-0/20 has a maintenance facility in Broward County which allows the County to receive inspections and maintenance in a more timely and cost-effective manner rather than through Contract No. FB-00086.

**Input from County Attorney ( pending response for the BCC Agenda scheduled for 4/10/18)**

Explain whether Resolution No. R-391-17 applies to this modification request, increasing the contract's allocation by \$1,500,000 from an original allocation of \$250,000 to \$1,750,000; this increase is six times more than the original allocated amount and would expand the scope of services under the original contract; also, if R-391-17 applies, are the Board's current contracting requirements included under this contract modification, e.g., Living Wage, Labor Peace, Community Workforce and SBE goals.

<http://www.miamidade.gov/govaction/matter.asp?matter=170534&file=true&yearFolder=Y2017>

**Input from ISD**

Contract No. BW9928-0/20 was not established until September 6, 2017 in order to avoid having to transport helicopters to Texas for inspections under Contract No. FB-00086 which was established on 2/17/2015.

Contract No. FB-00086, was awarded to Uniflight, LLC, located in Grand Prairie, Texas, requires MDRF to fly the helicopters to the vendor's Texas facility for maintenance. However, Contract No. FB-00086 Group A for purchase of OEM Parts, overhaul, inspection, maintenance, refurbishment, and repairs for Bell Helicopters will be terminated in accordance to Section 1 General Terms and Conditions Section 1.24 Termination for Convenience. Section 1.24 states: *the County, at its sole discretion, reserves the right to terminate this contract without cause upon thirty (30) days written notice. Upon receipt of such notice, the successful Bidder shall not incur any additional costs under this contract. The County shall be liable only for reasonable costs incurred by the successful Bidder prior to notice of termination. The County shall be the sole judge of "reasonable costs."*

Upon Board's approval of BW9928 contract modification, termination letter will be sent to the vendor with a 30 day written notice.

Cost savings of using contract BW9928-0/20 include:

- 12 hours of flight time at \$2,000.00 per hour, totaling \$24,000.00 to fly the helicopter to the vendor's location.
- Cost of fuel to fly the helicopter to the vendor, approximately \$5,000.00.
- Cost of Chief Suarez flying to the vendor's location to check on the progress of the helicopter inspection \$848.18.
- The first inspection by RSG Aviation was \$264,998.46, primarily due to the cost of flying RSG Aviation aircraft technicians from Texas to our location and back home.
- The second inspection performed by RSG Aviation, is being performed at the vendor's location. (An amount/ invoice for the transportation cost cannot be provided now because the second inspection has not been completed and the County has not received the bill from RSG Aviation for the transportation charges).
- Transporting the helicopter to Texas has a cost of \$5,000.00 in additional insurance coverage.

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- Transporting the aircraft to Texas by truck has a cost of \$9,000.00.

*As to the useful life of the helicopters, the department indicated that: A helicopter doesn't really have an expiration date. A helicopter can be flown indefinitely as long as its properly maintained and a maintenance schedule is kept. The panels, airframe, and components of the aircraft can be repaired or replaced. The only exception that would make a helicopter obsolete and unable to keep flying is if the components for the aircraft are no longer manufactured. At that point, if aircraft components cannot be replaced, the aircraft can no longer fly.*

Resolution R-391-17 Competition, Contract Extensions, Mayor's Recommendation, directs the Mayor to conduct competitive selections whenever feasible instead of expanding the term or services under existing contracts, to include in any recommendation to the Board for the expansion of term or services under existing contracts a written justification of why a competitive process is not feasible, to include to the maximum extent possible in any proposed expansion of term or services any requirements of Ordinance or Resolutions adopted by the Board subsequent to the initial contract and to report to the Board in the recommendation which requirements were adopted and rejected.

<http://www.miamidade.gov/govaction/matter.asp?matter=170534&file=true&yearFolder=Y2017>

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**Item No. 8F5  
File No. 180430**

**Researcher: NR 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 ADDITIONAL TIME OF UP TO ONE YEAR AND ADDITIONAL EXPENDITURE AUTHORITY IN AN AMOUNT UP TO \$479,000.00 FOR CONTRACT NO. MDAD-06-06 FOR THE PURCHASE OF EMPLOYEE AND PUBLIC REMOTE PARKING LOT SHUTTLE BUS SERVICE FOR THE MIAMI-DADE AVIATION 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 authorize the request for additional time and expenditure for a designated purchase under Contract No. MDAD-06-06, Non-Exclusive Management Agreement for Employee and Public Remote Parking Lot Shuttle Bus Service at Miami International Airport, for the Miami-Dade Aviation Department (MDAD).

**APPLICABLE LEGISLATION/POLICY**

The County Mayor or the County Mayor's designee will have the authority to exercise all provisions of the agreement, including any renewals or extensions, pursuant to Section 2-8.1 of the County Code and Implementing Order 3-38.

[http://miamidade.fl.elaws.us/code/coor\\_ptiii\\_ch2\\_arti\\_sec2-8.1](http://miamidade.fl.elaws.us/code/coor_ptiii_ch2_arti_sec2-8.1)  
<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO2-8.pdf>

**PROCEDURAL HISTORY**

**Prime Sponsor: NONE**

**Requester: Internal Services**

**This item was forwarded to the Board with a favorable recommendation by the Economic Development and Tourism Committee (EDTC) at its March 15, 2018 without discussion.**

**FISCAL IMPACT**

The current contract term expires on May 1, 2018. The contract has a current cumulative allocation of \$4,952,000. If this request is approved, the contract will have a modified cumulative value of \$5,431,000 and will expire on May 1, 2019 or upon award of a new contract. The requested increase in expenditure authority is based on the monthly management fee for a 12-month period.

**ANALYSIS**

This item seeks approval of a designated purchase to extend the current contract term for up to one year and increase the expenditure authority by up to \$479,000 for MDAD's Non-Exclusive Management Agreement for Employee and Public Remote Parking Lot Shuttle Bus Service at Miami International Airport.

The extension request for additional time and expenditure authority is necessary to continue to provide the existing service to the airport and its business partners, while the County is able to finalize the new solicitation process and award a new contract.

The designated purchase ensures that there is no interruption in the delivery of the shuttle services while the re-procurement is underway

According to the Mayoral Memorandum:

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- The County advertised a replacement solicitation, RFP No. MDAD-11-16, and an award recommendation is anticipated to be presented to the Board in the third quarter of 2018.
- The current contract contains all current Board mandated terms.
- This item is being presented as a designated purchase as additional time is required to evaluate proposals
- Competition for these services is not practicable at this time.
- It is in the County's best interest to approve this designated purchase to ensure continuity of services until the replacement contract is awarded.

**Input from the ISD**

- MDAD experienced delays during the re-procurement evaluation process. The solicitation was advertised on March 31, 2017 and the proposals were received/opened on May 19, 2017. MDAD requested for the appointment of selection committee members on July 10, 2017 and it was appointed on August 22, 2017. Due to various reasons requiring additional verifications and checks for the Committee members by OCA and COE, the evaluation process got delayed. OCA issued a revised memo for background check on January 25, 2018.
- Evaluation was completed on Feb 28, 2018. Staff is preparing the chairperson's report.
- Market research conducted by MDAD was limited to reaching out to potential firms for feedback.

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**Item No. 8F6, 8F6 Supplement  
File No. 180431, 180781**

**Researcher: BM   Reviewer: PGE**

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-00794 FOR THE PURCHASE OF A SUMMER FOOD SERVICE PROGRAM FOR THE COMMUNITY ACTION AND HUMAN SERVICES DEPARTMENT IN A TOTAL AMOUNT NOT TO EXCEED \$4,679,000.00 FOR THE FIVE-YEAR TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF THIS AWARD, ISSUE THE APPROPRIATE PURCHASE ORDER TO GIVE EFFECT TO SAME AND EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE CODE AND IMPLEMENTING ORDER 3-38

**ISSUE/REQUESTED ACTION**

Whether the Board should approve a competitive contract, Contract No. FB-00794, Summer Food Service Program, for a five-year term at a value of \$4,679,000 for the Community Action and Human Services Department.

**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/pdf/files/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 repurchase 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>

Resolution No. R-1011-15, adopted by the Board 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; 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**

**Department/Requester: Internal Services Department**

03/12/18: Forwarded to BCC with a favorable recommendation by Housing and Social Services Committee;  
Passed 4 – 0

Commissioner Martinez commented that the County has had issues with the lunches served during summer. The lunches were not nutritious or good. This may be the only meal the children may eat. He wants to children to receive edible food for the amount of money being spent. He wants to see a sample menu before it gets to BCC.

Commissioner Edmonson addressed the fact that the vendor has to be sensitive to the ethnic group.

Commissioner Jordan inquired if the School Board was contacted since they have first-right-of-refusal. She also had a question about how long the vendor, Nutrispa, has been in business. She is concerned that companies come back under new names.

Rita Silva, ISD, will provide the exact answer. She believes they have been in business for 10-years. ISD will get back to her about contacting the School Board.

**FISCAL IMPACT**

The fiscal impact for approving this replacement contract for the Summer Food Service Program is \$4,679,000 and is based on providing free meals to children and teens in low-income areas during the summer. The program will be federally-funded. The annual allocation is lower than the current contract.

Per information found in the Bid Tracking System on April 6, 2018, the current contract no. FB-00550 shows that \$997,100 was allocated to its Blanket Purchase Order, of which \$997,100 has been released, leaving no balance.

**ANALYSIS**

This item proposes approving a five-year term competitive contract for Summer Food Services at a value of \$4,679,000. Delivery of the unitized packaged meals or bulk hot food and snacks will be made daily to the sites listed five (5) days per week - Monday through Friday. The food must be made fresh daily and cookies freshly baked as indicated on the menu. The successful Bidder agrees to deliver meals, including milk, to designated locations, subject to the terms and conditions of this contract. All meals furnished must meet or exceed U.S. Department of Agriculture and Florida Department of Agriculture and Consumer Services meal pattern requirements. The program will serve the following meals during every summer (July through August) for the five-year term:

- Breakfast - 265,000 (53,000 annually)
- Lunches - 1,225,000 (245,000 annually)
- Snacks - 975,000 (195,000 annually)

The supplement different from the original item in that it address the concerns brought up at the March 12, 2018 HSSC regarding the vendor's service history, the summer food to be provided, and if the Miami Dade County Public Schools (MDCPS) was contacted regarding the program.

As it relates to the concerns brought up by the committee, Nutrispa, Inc. has been in business since 2011; has the necessary experience, providing service to 150 charter/private schools and daycares; has a good standing with the County; and works with the Community Action and Human Services Department (CAHSD) to meet Florida's nutritional requirements. The MDCPS was contracted regarding the program and they advised the county that they only prepare cold meals at the public school and were unable to provide hot meals.



**BCC Meeting: April 10, 2018  
Research Notes**

Per the Bid Tracking System, the current contract expires on May 31, 2018. If approved, the replacement contract would expire May 31, 2023.

On March 9, 2018, OCA conducted a search of the Miami-Dade County Small Business Enterprise (SBE) list of Certified firms, under commodity code no. 96115 – Concession Services, Catering Services, Vending. Below are the vendors found under the commodity code:

- APEX VENDING, INC.
- M H MANAGEMENT INC
- NASA HOLDINGS OF MIAMI, INC. DBA CONCESSION SERVICE SYSTEMS
- NUTRISPA, INC
- PASTAL ENTERPRISES, INC
- RANDAZZO CATERING, INC.

The vendors above did not have a bid proposal on file under the current contract nor did they submit a bid for the new contract when it was solicited. The invitation to bid was issued under full and open competition. The current contract received two other bid proposals besides the bid submitted by the awarded vendor. These two vendors did not submit a bid for the current contract.

Per the Bid Tracking System, Nutrispa, Inc. is the current awarded vendor. Furthermore, Nutrispa, Inc. was the only vendor to submit a bid under the replacement solicitation. Nutrispa, Inc. is an SBE with offices located in Miami-Dade County, and its entire staff, of 46 employees, are Miami-Dade County residents.

**ADDITIONAL INFORMATION**

The Community Action and Human Services Department (CAHSD) empowers disadvantaged families and communities through advocacy, education, resource mobilization, and service delivery, and provides comprehensive social services to assist children, adults, and families to attain self-sufficiency, function independently, and lead productive lives.

<http://www.miamidade.gov/socialservices/about-us.asp>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Nutrispa, Inc., has an active status as a Florida For-Profit Corporation and first filed and registered on 06/29/2011. The company is registered locally at the following address: 5406 NW 72 AVE, Miami, FL 33166.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=NUTRISPA%20P110000599430&aggregateId=domp-p11000059943-10408542-a2e4-4d84-8aef-b1ad5e584511&searchTerm=nutrispa%2C%20inc.&listNameOrder=NUTRISPA%20M060000026900>

**BCC Meeting: April 10, 2018  
Research Notes**

**Item No. 8F7**  
**File No. 180435**

**Researcher: NR   Reviewer: TD**

RESOLUTION AUTHORIZING WAIVER OF FORMAL BID PROCEDURES PURSUANT TO SECTION 5.03(D) OF THE HOME RULE CHARTER AND SECTION 2-8.1 OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; RATIFYING AN EMERGENCY CONTRACT IN THE AMOUNT OF \$3,350,000.00 FOR THE PURCHASE OF DEBRIS PUSH AND CLEAR SERVICES FOR THE TRANSPORTATION AND PUBLIC WORKS 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 this request for ratification of an emergency contract award, Contract No. E9940-0/18, Hurricane Irma Debris Push and Clear, in the amount of \$3,350,000 for the Department of Transportation and Public Works (DTPW).

**APPLICABLE LEGISLATION/POLICY**

Pursuant to Section 2-8.1 of the County Code and Implementing Order 3-38, the County Mayor or the County Mayor's designee will have the authority to exercise all provisions of the contract, including any renewals or extensions.

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

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

Resolution R 454-13, dated June 4, 2013, Emergency Contracts, Retroactive Contract Modifications - directs the Mayor to bring emergency contract ratifications to the Board within 120 days of such emergency and to bring retroactive contract modifications to the Board within 120 days of modifications.

<http://www.miamidade.gov/govaction/matter.asp?matter=131016&file=true&yearFolder=Y2013>

**PROCEDURAL HISTORY**

**Prime Sponsor: NONE**

**Requester: Internal Services**

This item was forwarded to the Board with a favorable recommendation by the Transportation and Public Works Committee (TPWC) at its March 15, 2018 meeting without discussion.

**FISCAL IMPACT**

The fiscal impact of this emergency contract is \$3,350,000. The DTPW has applied for reimbursement from the Federal Emergency Management Agency for expenses related to this emergency contract.

**ANALYSIS**

Resolution R 454-13 directs the Mayor to bring emergency contract ratifications to the Board within 120 days of such emergency. This item seeks ratification of an emergency contract awarded for the immediate clean-up debris on County maintained roadways and transit facilities after Hurricane Irma in the amount of \$3,350,000.

The DTPW determined that an emergency clean-up of debris was required to protect the safety of the public and to resume transportation services expeditiously after conducting an evaluation its facility and transportation infrastructure after Hurricane Irma.

**BCC Meeting: April 10, 2018**  
**Research Notes**

According to the Mayoral Memorandum, the Department has applied for reimbursement from FEMA. 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 hurricane expenditures in order to get FEMA to start looking at all costs incurred by the County.

According to the Mayoral Memorandum:

- In order to obtain qualified vendors in an expedited manner, the DTPW requested rates from registered County vendors under the Miscellaneous Construction Contracts Program, as well as two prequalification pools, 9743-0/23, Grounds Maintenance and Pest Control and 7661-5/19-2, Tree Trimming and Removal Services.
- The rates were based upon the crew size, type of work, and equipment required.
- Forty-eight vendors provided debris clean-up on County roadways and seven vendors performed emergency cleaning services at County transportation facilities including Metrorail, Metromover, and Metrobus stations.
- There are 55 awarded vendors, of which 49 have a local address and are locally headquartered and 34 are certified Small Business Enterprises. The awarded vendors are listed in Attachment 1 of the Mayoral Memorandum dated March 15, 2018.

**Input from DTPW:**

- This item is related to roadway clearing activities (push and clear) from the impacts caused by Hurricane Irma. The debris deposited by Hurricane Irma along County maintained roadways was picked up through contracts
- To date (As of March 21, 2018), approximately \$1,525,316 has been invoiced/paid to contractors
- There was no Memorandum issued relative to the clean-up efforts

**BCC Meeting: April 10, 2018  
Research Notes**

**Item No. 8F8  
File No. 180438**

**Researcher: MF Reviewer: PGE**

RESOLUTION AUTHORIZING ESTABLISHMENT OF PREQUALIFICATION POOL RTQ-00687 IN A TOTAL AMOUNT UP TO \$44,448,000.00 FOR THE PURCHASE OF INSTALLATION, MAINTENANCE, AND MODERNIZATION OF ELEVATORS, ESCALATORS, AND MOVING WALKWAYS FOR VARIOUS COUNTY DEPARTMENTS FOR AN INITIAL TERM OF FIVE YEARS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SOLICIT PRICING, AWARD CONTRACTS, EXERCISE ALL PROVISIONS OF THE SOLICITATION DOCUMENTS AND ANY RESULTING CONTRACTS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38, AND ADD VENDORS TO THE POOL AT ANY TIME, SUBJECT TO RATIFICATION BY THE BOARD ON A BI-ANNUAL BASIS

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the establishment of pre-qualification pool, RTQ-00687, for the installation, maintenance, and modernization of elevators, escalators, and moving walkways for the Internal Services Department.

**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](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 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>

Resolution R-395-12, adopted by the Board on May 1, 2012, amended prior delegations of authority to the County Mayor or County Mayor's designee with respect to adding vendors to "Open pool contracts;" directed that such vendors be added subject to bi-annual approval by the Board; and further directed the County Mayor or County Mayor's designee to provide a report to the Board, which contains sufficient information for the Board to review whether the added vendors are responsive and responsible, and the current status of the work assigned pursuant to the "open pool contract."

<http://intra/gia/matter.asp?matter=120561&file=true&yearFolder=Y2012>

Resolution No. R-454-13, adopted by the Board on June 4, 2013, directs the County Mayor to bring emergency contract ratifications to the Board within 120 days of such emergency and bring retroactive contract modifications to the Board within 120 days of modification.

<http://intra/gia/matter.asp?matter=131016&file=false&yearFolder=Y2013>

**BCC Meeting: April 10, 2018  
Research Notes**

**PROCEDURAL HISTORY**

**Prime Sponsor:** N/A

**Department/Requester:** Internal Services

The proposed resolution was considered by the Government Operations Committee on March 13, 2018, and was forwarded to the BCC with a favorable recommendation.

**FISCAL IMPACT**

According to the Fiscal Impact Statement, the amount allocated for the purchase, installation, maintenance, and modernization of elevators, escalators, and moving walkways for various County departments is \$44,448,000 for an initial five-year term.

**ANALYSIS**

The Administration is seeking authorization to establish a pre-qualified pool, RTQ-00687, for the installation, maintenance and modernization of elevators, escalators, and moving walkways for multiple County departments. The following six vendors are in the pre-qualified pool:

- Delaware Elevator of Florida, Inc.;
- Eastern Elevator Service, Inc.;
- Oracle Elevator Company;
- Premier Elevator Company, Inc.;
- Schindler Elevator Corporation; and
- Suncoast Elevator Solutions, Inc.

The County is currently using Emergency Contract E9946-0/18 for these services. The Emergency contract is effective from December 15, 2017 until June 14, 2018. Under that contract, \$3,123,600 was allocated; \$2,202,112 has been released; and the balance is \$921,487. The following awardees under the Emergency Contract are included in the pre-qualified pool for the RTQ-00687:

- Eastern Elevator Service, Inc.;
- Suncoast Elevator Solutions, Inc.; and
- Oracle Elevator Company.

These services are of utmost importance to the County as all elevators, escalators and moving walkways are heavily utilized by both employees and members of the public. This pool will allow the County to increase competition and the availability of vendors to provide these services.

A Request to Quality was issued under full and open competition. Six vendors responded to the solicitation and are being recommended for inclusion in the pool; all six vendors are registered, active for-profit corporations under the State of Florida's Division of Corporations, Department of State website (sunbiz).

A search of the Miami-Dade County's list of Certified Small Businesses conducted on April 6, 2018, resulted in no small businesses listed under Commodity Code 29570-Passenger Elevators and Parts.

A search of the Miami-Dade County's list of Certified Small Businesses conducted on April 6, 2018, resulted in the following small business listed under Commodity Code 91013-Elevator Installation, Maintenance and Repair: Aventura Elevator, Inc.

**BCC Meeting: April 10, 2018**  
**Research Notes**

A search of the Miami-Dade County's list of Certified Small Businesses conducted on April 6, 2018, resulted in no small business listed under Commodity Code 29500-Elevators, Escalators and Moving Walks.

**ADDITIONAL INFORMATION**

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Delaware Elevator of Florida, Inc., has an active status as a Florida Profit Corporation and first filed and registered on 10/09/2007. The principal address is registered as 1 N.W. 28<sup>th</sup> Street, Boca Raton, FL 33431. Its registered agent is Korey, Robert, 595 W. Granada Blvd., Suite A, Ormond Beach, FL 32174.

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

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Eastern Elevator Service, Inc., has an active status as a Florida Profit Corporation and first filed and registered on 08/03/2006. The principal address is registered as 2111 No. Commerce Parkway, Weston, FL 33326. Its registered agent is McCrae, Mitchell, 5300 West Atlantic Ave., Delray Beach, FL 33484.

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

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Oracle Elevator Company, has an active status as a Florida Profit Corporation and first filed and registered on 11/17/1982. The principal address is registered as 43 Daycoeton Place, Torrington, CT 06790. 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), Premier Elevator Services, Corp., has an active status as a Florida Profit Corporation and first filed and registered on 07/16/2009. The principal address is registered as 3000-8 N.W. 25<sup>th</sup> Ave., Pompano Beach, FL 33069. Its registered agent is Grenauer, Charles, 3000-8 N.W. 25<sup>th</sup> Ave., Pompano Beach, FL 33069.

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

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Schindler Elevator Corporation, has an active status as a Foreign Profit Corporation and first filed and registered on 03/08/1979. Its principal address is registered as 20 Whippany Road, Morristown, NJ 07960. It registered agent is CT Corporation System, 1200 S. 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), Suncoast Elevator Solutions, Inc., has an active status as a Florida Profit Corporation and first filed and registered on 10/10/2011. The principal address is registered as 7238 N.W. 70<sup>th</sup> Street, Miami, FL 33166. Its registered agent is Rodriguez, Ray, 7238 N.W. 70<sup>th</sup> Street, Miami, FL 33166.

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

**DEPARTMENT INPUT**

The Office of the Commission Auditor posed the following questions to the Internal Services Department, and received the following responses:

- For the six other elevator contracts mentioned in the mayoral memorandum, provide the contract No., term, value and the awarded vendors;

**BCC Meeting: April 10, 2018**  
**Research Notes**

Contract #	Title	Current Term/Contract Amount	Current Contract Term	Awarded Vendor
SS1243-3/24/2	Elevator Maintenance Services	\$5,522,060	5-year Option-to-Renew #2	ThyssenKrupp Elevator
SS4416-15/25-2	Elevator Maintenance Services	\$12,263,000 – of this amount \$964,404 are unallocated funds	5-year Option-to-Renew #2	Otis Elevator Co.
SS1245-3/27-2	Elevator and Escalator Maintenance and Repair Services	\$38,745,745 – of this amount \$2,370,836 are unallocated funds	5-year Option-to-Renew #2	Schindler Elevator Corp.
9103-5/19-4	Elevator Modernization and Maintenance for PHCD	Cost for modernization of equipment during initial 5-year term of the contract was \$5,105,000. The current contract amount is \$144,408	1-year Option-to-Renew #4	Three awarded vendors: Otis Elevator Co. and Schindler Elevator (In 2016, ThyssenKrupp was terminated from this contract due to non-performance in maintenance services provided)
1233-5/19-3	Elevators Maintenance Services, Modernization	\$2,013,148	1-year Option-to-Renew #3	ThyssenKrupp Elevator
E9946-0/18	Emergency Solicitation for Maintenance and Repair Services for Elevators, Escalators, Moving Walkways and related equipment	\$3,123,600	6 months	Eastern Elevator Service, Inc.

- Are any of the pre-qualified vendors under this RTQ having performance issues under the other elevator contracts? If so, specify the vendor non-performance issue, including the consequence of such non-performance (e.g., Performance Improvement Plans, contract termination and lawsuits/settlements); Only Schindler and Eastern have been awarded contracts of the six contractors in the pool. Schindler has performed satisfactorily outside of competitive market rates. Eastern is performing satisfactorily under the circumstances, yet has a long way to go. Oracle was removed from E9946-0/18 under protest. Due to problems at the Port of Miami, Eastern had to complete repairs started by Oracle.
- Are any of the services under the RTQ only capable of being performed by a particular prequalified vendor due to proprietary equipment? If so, specify the vendor and associated equipment; and
- How will the vendors without a local or regional office deliver the services? All four contractors, ThyssenKrupp Elevator Otis Elevator Co., Schindler Elevator Corp., and Eastern Elevator Service, Inc. have been able to provide deliver services. The problem is not office location. The problem is in the management objectives and business models. Manpower seems to be one of the issues is south Florida. This includes the quality of manpower in terms of skills, field experience an training.



**BCC Meeting: April 10, 2018  
Research Notes**

**Item No. 8F9  
File No.180520**

**Researcher: SM      Reviewer: PGE**

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-00680 FOR PURCHASE OF ACCESS CONTROL POINT BARRIER SYSTEMS FOR MIAMI-DADE AVIATION DEPARTMENT IN A TOTAL AMOUNT NOT TO EXCEED \$5,428,000.00 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 GIVE NOTICE OF THIS AWARD, ISSUE THE APPROPRIATE PURCHASE ORDER TO GIVE EFFECT TO SAME AND EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE CODE AND IMPLEMENTING ORDER 3-38

**ISSUE/REQUESTED ACTION**

Whether the Board should approve this award of Contract No. FB-00680 for the purchase of access control point barrier systems for Miami-Dade County Aviation Department (MDAD) in a total amount not to exceed \$5,428,000.

**APPLICABLE LEGISLATION/POLICY**

Resolution No. R-1011-15 adopted November 3, 2015 relates to a resolution directing 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 directing the County Mayor to include such information in memorandum to Board pertaining to vendor being recommend for contract award.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2015/152271.pdf>

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

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

Resolution No. R-140-15 adopted February 3, 2015 relates to a Resolution directing 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://www.miamidade.gov/govaction/legistarfiles/Matters/Y2015/150090.pdf>

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

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=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 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>

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Requester/Department: Internal Services**

**BCC Meeting: April 10, 2018**  
**Research Notes**

This item was forwarded to the BCC with a favorable recommendation by the Economic Development and Tourism Committee at its March 15, 2018 meeting.

**FISCAL IMPACT**

The bid tracking system as of April 6, 2018 has an advertised value of \$2,700,000 with no awarded value or current value as of yet, for Contract No. FB-00680. There is a current Contract No. FB-00320 which has an advertised value of \$183,000 with an awarded value of \$398,691, and a current value of \$665,000.

The mayoral memo states that the fiscal impact for the five-year term is \$2,714,000. Furthermore it mentions that the estimated cumulative value will be \$5,428,000 for the replacement contract which is higher due to changes in the licensure requirements.

**ANALYSIS**

This Item seeks to approve a competitive contract award, Contract No. FB-00680, access control point barrier systems, for MDAD. The purpose of this contract is to purchase preventive maintenance and routine repair services for multiple hydraulic steel-plate security barrier systems and traffic gate arms installed at the entry points of Miami International Airport, as stated by the mayoral memo.

The awarded vendor is Oxford Electronics, Inc. which has a principal address of 474 Meacham Avenue Elmont, NY. Their local address is 7301 NW 46th Street, Miami, FL. They currently have 11 Miami-Dade County employees.

OCA did a vendor search for local firms under the commodity code 93637 with the title Maintenance and Repair of Gates, Electric Maintenance and Repair, and found Three Local vendors which are the following:

- AAA Automated Door Repair, Inc.
- Delphi One Systems Corp.
- Golden Fence Company, Inc.

The mayoral memo does not mention any of the aforementioned vendors.

The mayoral memo states that the awarded vendor will be in charge and responsible for all the labor, equipment, materials and supervision to complete the services and repairs in accordance with the manufacturer specifications.

**ADDITIONAL INFORMATION**

Oxford Electronics, Inc., doing business as Oxford Airport Technical Services, operates as a ground support equipment maintenance and repair company that engages in the engineering, design, operation, and maintenance of ground support equipment. Its services include preventative maintenance programs, corrective maintenance, emergency maintenance, rehabilitation, equipment installation, refurbishment, relocation and removal, fixed price contracts, design and manufacture of electrical/electronic control panels, and new/refurbished equipment sales. The company also offers parts sales/inventory services, such as material management; tracking locations, and supply of parts and materials in inventory; tracking serialized parts; receiving automatic notification for serialized parts under warranty; cross-referencing parts by manufacturer, vendors, and equipment; integration; supporting warehouse locations; and creating quotes to vendors for materials and parts. In addition, Oxford Electronics, Inc. offers performance analysis reports. The company maintains and repairs passenger boarding bridges, conveyor systems, and baggage handling systems, cargo and material handling systems, ground power units, pre-conditioned air systems, ground support equipment vehicles, custom control panels, and aviation headsets. Oxford Electronics, Inc. was founded in 1976 and is based in Elmont, New York. The company has service locations in Arizona, California, Colorado, Florida, Hawaii, Illinois, Louisiana, Massachusetts, Maryland, Michigan, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, Texas, Utah, Virginia, Washington, and Washington, D.C. As of April 5, 2000, Oxford Electronics, Inc. operates as a subsidiary of Worldwide Flight Services, Inc.

<https://www.bloomberg.com/research/stocks/private/snapshot.asp?privcapId=3601886>

**BCC Meeting: April 10, 2018  
Research Notes**

**Item No. 8F10  
File No. 180420**

**Researcher: BM Reviewer: PGE**

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-00715 FOR PURCHASE OF SODIUM PERMANGANATE AND STORAGE TANKS FOR THE WATER AND SEWER DEPARTMENT IN A TOTAL AMOUNT NOT TO EXCEED \$2,376,000.00 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-00715, Sodium Permanganate and Storage Tanks, for the Water and Sewer Department (WASD) for purchase and delivery of 20 percent sodium permanganate and 6,500 gallon ultra-dense polyurethane tanks in the amount of \$2,376,000 for a 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\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIIICOR\\_CH2AD\\_ARTIINGE\\_S2-8.1COPUGE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

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

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

Resolution No. R-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**

This item does not have procedural history.

**BCC Meeting: April 10, 2018**  
**Research Notes**

**FISCAL IMPACT**

The fiscal impact for the replacement Contract No. FB-00715, Sodium Permanganate and Storage Tanks, for the five-year term is \$2,376,000.

Per information found in the Bid Tracking System on April 5, 2018, relating to the current contract no. 7868-0/17, \$3,319,050 has been allocated to the contract's Blanket Purchase Order, of which \$1,789,737 has been released leaving a balance of \$1,529,313. The contract became effective on 02/01/2013 for a five-year and five-month term. The current contract has an expiration date of June 30, 2018.

**ANALYSIS**

The proposed contract no. FB-00715, Sodium Permanganate and Storage Tanks, is a replacement prequalification pool for the current contract no. 7868-0/17 which expires on June 30, 2018 and is valued at \$2,376,000. The proposed contract would be for a five-year term. It would provide WASD with purchase and delivery 20 percent sodium permanganate and monthly rental of the 6,500 gallon ultra-dense polyurethane tanks.

Potassium permanganate products are pure granular products used in applications where less concentrated levels of permanganate are needed to oxidize specific contaminants. Sodium permanganate products are sold as water soluble solutions in varying concentrations where ease of handling is a criterion for use. Permanganates are primarily used as an integral part of processes used by municipal drinking water authorities to purify and improve the quality of drinking water before it is distributed to the public. Various low-level impurities that may be present in raw water, such as arsenic, are oxidized by permanganates to insoluble precipitates that can be removed from drinking water by clarification and filtration. Permanganates also remove impurities such as phenols and sulfides that may cause drinking water to have an objectionable taste and odor, and metals such as iron and manganese that may cause staining of plumbing fixtures. Permanganates are also used in wastewater treatment facilities and in soil and groundwater remediation processes.

The proposed recommended vendor Carus Corporation, is one of two of the current awarded vendor; the other awarded vendor is F2 Industries, LLC. Carus Corporation has their headquarters in Illinois.

A search of the Miami-Dade County Small Business Enterprise Certified Firms on April 6, 2018 resulted in no certified small business entities under commodity code 88583 – Flocculants, Polymeric.

**ADDITIONAL INFORMATION**

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Carus Corporation, has an active status as a Foreign for Profit Corporation and first filed and registered on 05/15/2000. The company is headquartered in Illinois. Their registered agent is located in Tallahassee, Florida.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=CARUS%20F0000000026880&aggregateId=forp-f000000002688-4e315efa-5820-4076-9895-c8487237062b&searchTerm=Carus%20Corporation&listNameOrder=CARUS%20F0000000026880>

Below is a link of a report issued by the Carus Corporation which provides details on Potassium permanganate.

<http://www.caruscorporation.com/resources/content/5/1/documents/sodium-and-potassium-permanganate-product-safety-summary.pdf>

**BCC Meeting: April 10, 2018  
Research Notes**

**Item No. 8F11  
File No. 180110**

**Researcher: BM 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\\_-\\_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)

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>

**BCC Meeting: April 10, 2018  
Research Notes**

**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

This Item was deferred at the BCC meeting on March 6, 2018 until the April 10, 2018 BCC meeting.

**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 April 6, 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.

A search on the Sunbiz.org (i.e., State of Florida, Division of Corporations website) on April 9, 2018 revealed that KPMG LLP is an active, state of Florida Limited Liability Partnership with a principal address of Three Chestnut Ridge Road, Suite 2800, Montvale, New Jersey. Per the executed contract found in the Bid Tracking System on April 9, 2018, the firm has a local office at 200 South Biscayne Boulevard, Suite 2000, Miami, Florida.



**BCC Meeting: April 10, 2018  
Research Notes**

**Item No. 8G1  
File No. 180182**

**Researcher: SM    Reviewer: PGE**

RESOLUTION APPROVING THE BUDGET TOTALING \$3,966,416.00 FOR FISCAL YEAR 2017-18 FOR THE FLORIDA CITY COMMUNITY REDEVELOPMENT AGENCY

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the Florida City Community Redevelopment Agency's (Agency) Fiscal Year 2017-18 Budget for the Florida City Community Redevelopment Area in the amount of \$3,966,416.

**APPLICABLE LEGISLATION/POLICY**

Section 163.387, Florida Statutes governs redevelopment trust funds. Funds allocated to and deposited into this fund shall be used by the agency to finance or refinance any community redevelopment it undertakes pursuant to the approved community redevelopment plan.

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

**PROCEDURAL HISTORY**

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

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

Forwarded to BCC with a favorable recommendation at the March 12, 2018 HSSC meeting.

**FISCAL IMPACT**

The CRA's main revenue source is tax increment financing (TIF), which is generated through the incremental growth of ad valorem revenues beyond an established base year, as defined in Section 163.387 of the Florida Statutes. According to the Fiscal Impact/Funding Source Statement, the Countywide TIF payment into the Agency's Trust Fund is \$720,188 and the City's TIF payment into the Trust Fund is \$1,108,901. The amount sought after by the CRA is \$3,966,416. The operating expenses as stated by the mayoral memo will total \$3,514,391. The County will continue to make payments to the Agency through 2025, as stated by the mayoral memo.

**ANALYSIS**

The proposed resolution approves the Agency's Fiscal Year 2017-18 Budget for the Florida City Community Redevelopment Area in the amount of \$3,966,416. The Florida City Community Redevelopment area is located within Commission District 9, which is represented by Commissioner Dennis C. Moss.

The Agency's budget for FY 2017-18 is \$3,966,416, and includes \$720,188 in County TIF; \$1,108,901 in City TIF; carryover funds of \$2,029,327; other revenues of \$100,000; and \$8,000 in interest earnings. The Interlocal Agreement requires that the Agency transmit its adopted annual budget to the Board of County Commissioners for approval.

The Agency's budget for FY 2016-17 was \$3,660,460. Some of the development and infrastructure projects funded during that year included the following:

- The CRA has been working on a commercial and industrial façade program, to assist building owners within the area to upgrade the appearance of their buildings.



**BCC Meeting: April 10, 2018**  
**Research Notes**

- The CRA budgeted \$10,000 for building repairs and improvements at the Pioneer Museum and \$20,000 for the Depot building.
- \$194,000 was budgeted for the acquisition of dilapidated structures in the Northwest Neighborhood.
- \$30,000 was budgeted to demolish dilapidated houses in the Northwest Neighborhood and to relocate tenants from those houses.
- The CRA implemented a Commercial Building Improvement Grant program to help potential tenants with the remodeling costs for the spaces they wished to occupy.
- The CRA continued the on-going streetscape projects.
- The CRA applied for a State legislative appropriation to upgrade and replace the water lines in the Florida State Farmers Market, located in the CRA Area.

Some of the proposed CRA expenses for FY 2017-18 include the following:

- The CRA will continue working on the commercial and industrial Façade program to assist building owners within the area to upgrade the appearance of their buildings.
- The CRA has budgeted \$30,000 for grants to assist new and expanding businesses to relocate into unused shopping center and commercial spaces.
- The CRA has budget \$10,000 for repairs and improvements for the Florida Pioneer Museum Building.
- The CRA has budgeted \$10,000 for repairs and improvements for the Florida East Coast Railroad Depot.
- The CRA will continue to work on the streetscape projects.
- The CRA has budgeted \$60,000 to build a small parking lot on property adjacent to some West Lucy Street businesses because the County will be widening and improving West Lucy Street and the businesses located on that street will lose the head-in parking that is now available to them.
- The CRA has budgeted \$40,000 to build a round-a-bout on Davis Parkway to slow down the flow of traffic and create a safer street.
- The CRA has budgeted \$300,000 for the acquisition of dilapidates structures in five sections of the Northwest Neighborhood. Dilapidated structures are in a state of disrepair or ruin as a result of age or neglect.
- The CRA plans to continue implementation of the Community Policing program.

**DEPARTMENT INPUT**

The following questions pertaining to FY 2017-18 budget were posed to the Florida City Community Redevelopment Agency on 3/8/18, response is pending:

**BCC Meeting: April 10, 2018**  
**Research Notes**

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

**ADDITIONAL INFORMATION**

The Florida City CRA's website states the following: The Florida City Community Redevelopment Agency was created jointly by the City of Florida City and Miami-Dade County in 1995. The purpose was to assist the City in the redevelopment of a defined Community Redevelopment Area..

The Community Redevelopment Agency provides needed infrastructure to businesses desiring to locate within the Community Redevelopment Area. Projects in the past have funded water and sewer lines, street upgrades, sidewalks and handicap access, deceleration lanes, and landscaping. The Community Redevelopment Agency has a program that assists new and existing business improve the appearance of an existing building facade and a program to assist a new business with the cost of physically setting up a new business in the Community Redevelopment Area. The Community Redevelopment Agency also funds streetscape projects in residential portions of the Community Redevelopment Area, including new streets, drainage, curb and gutter, sidewalks, and landscaping.

<http://www.floridacityfl.gov/CRA/index.php>

**BCC Meeting: April 10, 2018  
Research Notes**

**Item No. 8G2  
File No. 180184**

**Researcher: JFP Reviewer: TD**

RESOLUTION APPROVING THE BUDGET TOTALING \$3,276,545.00 FOR FISCAL YEAR 2017-18 FOR THE HOMESTEAD COMMUNITY REDEVELOPMENT AGENCY

**ISSUE/REQUESTED ACTION**

The proposed resolution approves the Fiscal Year 2017-18 budget for the Homestead Community Redevelopment Agency, totaling \$3,276,545.

**APPLICABLE LEGISLATION/POLICY**

Section 163.387, Florida Statutes governs redevelopment trust funds. A redevelopment trust fund may be established for each community redevelopment agency after approval of a community redevelopment plan. Funds in the trust shall be used by the agency to finance or refinance any community redevelopment in accordance with the approved community redevelopment plan.

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

**PROCEDURAL HISTORY**

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

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

This item was forwarded to the BCC with a favorable recommendation by the Housing and Social Services Committee at its March 12, 2018 meeting.

**FISCAL IMPACT**

The Homestead CRA FY 2017-2018 budget subject to the Board's approval is in the amount of \$3,276,545. The CRA's main revenue source is tax increment financing (TIF), which earmarks a specific portion of property tax dollars collected by the City of Miami and Miami-Dade County. The below table highlights the County's investment via TIF into the Homestead Community Redevelopment Agency's trust fund.

**Payment into the Homestead Community Redevelopment Agency's Trust Fund by Source**

<b>Fiscal Year</b>	<b>County's TIF Payment</b>	<b>City's TIF Payment</b>
FY 2017-2018	\$1,089,584	\$1,389,726

Both the CRA and Redevelopment Area sunset in 2024.

**Homestead Community Redevelopment Agency  
FY 2017-18 Proposed Budget**

**BCC Meeting: April 10, 2018**  
**Research Notes**

September 30, 2018					
October 2017 through September 2018	FY 15-16	FY 15-16	FY 16-17	FY 16-17	FY 17-18
Revenues	Budget Adopted	Budget Actual	Budget Adopted	Budget Projected	Budget Proposed
City Tax Increment Revenue	\$1,161,309	\$1,161,309	\$1,275,733	\$1,275,733	\$1,389,726
County Tax Increment Revenue	\$914,785	\$914,785	\$1,002,435	\$1,002,435	\$1,089,584
Approp/Retain Earnings	\$428,473	\$333,549	\$791,238	\$1,152,326	\$778,985
Interest on Investment	\$37,000	\$10,772	\$16,000	\$17,161	\$16,000
Miscellaneous Revenues	\$0	\$11,496	\$0	\$13,975	\$2,250
<b>Revenues Total</b>	<b>\$2,541,567</b>	<b>\$2,431,911</b>	<b>\$3,085,406</b>	<b>\$3,461,630</b>	<b>\$3,276,545</b>
<b>Expenditures</b>					
<b>Administrative Expenditures:</b>					
Employee Salary and Fringe	\$261,980	\$256,228	\$259,972	\$263,056	\$301,057
Contractual Services	\$25,000	\$2,745	\$25,000	\$4,195	\$5,000
Insurance	\$22,892	\$13,015	\$22,918	\$22,918	\$25,385
Audits and Studies	\$0	\$0	\$0	\$0	\$0
Printing and publishing	\$500	\$603	\$1,000	\$300	\$500
Marketing	\$0	\$0	\$0	\$0	\$0
Advertising and Notices	\$1,500	\$1,742	\$5,000	\$2,818	\$6,000
Travel & Training	\$10,000	\$5,822	\$10,000	\$3,500	\$10,000
Rent/Lease Costs	\$4,165	\$4,129	\$4,165	\$4,129	\$4,165
Equipment (Other than Office)	\$0	\$0	\$0	\$14,500	\$0
Office Equipment and Furniture	\$0	\$0	\$0	\$3,491	\$0
Other Administrative Expenses	\$147,166	\$143,019	\$160,190	\$166,250	\$172,259
<b>Subtotal Admin. Expenses</b>	<b>\$473,203</b>	<b>\$427,303</b>	<b>\$488,245</b>	<b>\$485,157</b>	<b>\$524,366</b>
County Administrative Charge at 1.5%	\$13,722	\$13,722	\$15,037	\$15,037	\$16,344
<b>(A) Total Adm Exp &amp; County Charges</b>	<b>\$486,925</b>	<b>\$441,025</b>	<b>\$503,282</b>	<b>\$500,194</b>	<b>\$540,710</b>
<b>Operating Expenditures:</b>					
Employee Salary and Fringe	\$174,653	\$170,818	\$173,315	\$175,371	\$200,705
Contractual Services	\$186,800	\$226,694	\$276,740	\$123,794	\$411,740
Insurance	\$19,793	\$19,793	\$23,895	\$23,895	\$19,527
Audits and Studies	\$0	\$0	\$0	\$0	\$0
Printing and Publishing	\$0	\$0	\$0	\$0	\$0
Marketing	\$190,000	\$85,897	\$190,000	\$46,000	\$100,000
Legal Services/Court Costs	\$50,000	\$20,085	\$50,000	\$30,000	\$50,000
Architect/Engineer Fees	\$0	\$0	\$0	\$0	\$0
Land/Building Acquisitions	\$0	\$0	\$0	\$0	\$90,000
Infrastructure Improvements	\$0	\$0	\$0	\$0	\$275,000
Building Construction & Improvement	\$375,000	\$502,433	\$800,000	\$804,575	\$475,000
Debt Service Payments	\$349,000	\$349,000	\$335,000	\$335,000	\$327,500
Assistance to Non-Profits	\$100,000	\$100,000	\$100,000	\$100,000	\$150,000
Public Safety	\$251,471	\$252,160	\$263,952	\$264,083	\$276,507
Other Operating Expenses	\$312,925	\$264,006	\$315,713	\$279,733	\$335,396
<b>(B) Total Operating Expenses</b>	<b>\$2,009,642</b>	<b>\$1,990,886</b>	<b>\$2,528,615</b>	<b>\$2,182,451</b>	<b>\$2,711,375</b>
<b>(C) Reserve/Contingency</b>	<b>\$45,000</b>	<b>\$0</b>	<b>\$53,509</b>	<b>\$0</b>	<b>\$24,460</b>
<b>Expenditures Total (A+B+C)</b>	<b>\$2,541,567</b>	<b>\$2,431,911</b>	<b>\$3,085,406</b>	<b>\$2,682,645</b>	<b>\$3,276,545</b>
<b>**Cash Position</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$778,985</b>	<b>\$0</b>

## ANALYSIS

The proposed resolution approves the FY 2017-18 budget in the amount of \$3,276,545 for the Homestead Community Redevelopment Agency, which serves County Commission Districts 8 and 9. Of the \$3,276,545 FY 2017-2018 budget, \$778,985, or 23.8% is derived from carryover funding.

The Agency's FY 2017-18 budget was approved by the Agency and the City on September 27, 2017 and is now subject to the Board's approval, pursuant to the Interlocal Cooperation Agreement (Interlocal) between Miami-Dade County the City of Miami and the Homestead Community Redevelopment Agency

## BCC Meeting: April 10, 2018 Research Notes

The below map indicates the Homestead Community Redevelopment Area's geographic boundaries.

### Homestead Community Redevelopment Area



The Interlocal places a 20 percent allowable cap for administrative costs; the CRA's administrative expenditures of \$524,366 represent 16 percent of total budgeted expenditures, thus satisfying the requirements prescribed in the Interlocal.

Of the \$2,711,375 planned for operating expenses, \$840,000 is for building construction and improvements, \$411,740 is for contractual services, and \$335,396 is for general operating expenses. All expenditures are detailed in the attachment to the resolution.

Below are the highlights of the CRA investments made:

#### Future Development

- Redevelopment of Historic Downtown Homestead
  - Homestead Station – a multimodal transit center
  - Homestead Cybrary – a 22<sup>nd</sup> century library that revitalizes reading and education

#### Rehabilitation Projects

- Blight removal
- Washington Avenue
- SW 4<sup>th</sup> Street

#### Grant Programs

- Residential Grant Program
- CRA Commercial Enhancement Grant Program

#### Support to Not-for-Profit Organizations

**BCC Meeting: April 10, 2018**  
**Research Notes**

Six percent (6%) of new CRA revenues were used to assist not-for-profit organizations that service CRA residents. Below are the four not-for-profit organizations assisted and the corresponding awarded amounts.

Homestead Main Street	\$	35,000.00
Greater Miami Youth for Christ KIX Homestead	\$	30,000.00
Miami Bridge Youth and Family Services	\$	20,000.00
Community Coalition of South Dade	\$	15,000.00
<b>TOTAL</b>	<b>\$</b>	<b>100,000.00</b>

The following questions pertaining to FY2017-18 budget for the Homestead CRA were posed to the CRA's Executive Director, Stephen Scott, on March 8<sup>th</sup> (As of April 6, 2018, no response has been received.):

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

**ADDITIONAL INFORMATION**

Link to the Homestead CRA website:

<https://www.cityofhomestead.com/139/Programs-Grants>

According to a February 2013 Florida Redevelopment Association CRA impact study of seven comparable Broward County CRAs, a total public investment of \$19.5 million yielded a private investment of \$371.8 million and the creation of 2,147 jobs.

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

**BCC Meeting: April 10, 2018  
Research Notes**

**Item No. 8G3  
File No. 180865**

**Researcher: SM   Reviewer: PGE**

RESOLUTION APPROVING THE BUDGET TOTALING \$2,732,830.00 FOR FISCAL YEAR 2017-18 FOR THE NORTH MIAMI BEACH COMMUNITY REDEVELOPMENT AGENCY

**ISSUE/REQUESTED ACTION**

The proposed resolution approves the Fiscal Year 2017-18 budget for the North Miami Beach Community Redevelopment Agency (CRA) in the amount of \$2,732,830.

**APPLICABLE LEGISLATION/POLICY**

Section 163.387, Florida Statutes governs redevelopment trust funds, Funds allocated to and deposited into this fund shall be used by the agency to finance or refinance any community redevelopment it undertakes pursuant to the approved community redevelopment plan.

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

**PROCEDURAL HISTORY**

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

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

There was an amendment to this Item which is the following: On March 7, 2017 the Board of County Commissioners adopted Resolution No. R-213-17 amending the North Miami Beach Redevelopment Plan to include new project update information and incentivize a healthy mix of affordable workforce and market housing.

**FISCAL IMPACT**

The CRA's main revenue source is tax increment financing (TIF). The funding is sourced through incremental growth of ad valorem revenue. The CRA wishes to have the budget of \$2,732,830 approved for the FY 2017-18. Operating expenses total \$2,502,779. The County will make TIF payments into the CRA trust fund in the amount of \$550,385 and the City will contribute an amount of TIF funds of \$770,445, as stated by the mayoral memo.

The following is the budget summary for the CRA for FY17:

	<b>FY 17-18</b>
Total Administrative Expenses	\$230,051
Total Operating Expenses	\$1,735,357
Capital Improvements	\$767,422
<b>Total CRA Budget</b>	<b>\$2,732,830</b>

Both the CRA and Redevelopment Area sunset in 2028.

**ANALYSIS**

This Resolution wishes to approve the budget of the aforementioned CRA in the amount of \$2,732,830 for the FY 2017-18 in the North Miami Beach area.

The goals of the CRA are the following:



**BCC Meeting: April 10, 2018  
Research Notes**

- Eliminate and prevent blight
- Improve the public infrastructure, and
- Prevent and reduce incidents of crime

The CRA was created in 2005 by the Board, and is meant to be a successful partnership between the City of North Miami Beach and the Board. As stated in the CRA overview, the Board delegated many of the CRA powers to the City of North Miami Beach, the CRA was then created subsequently. The Board retained CRA powers such as the annual budget, amending the redevelopment plan, approval of long-term debt such as loans and bonds, and other CRA powers, which was described in the 2005 Interlocal agreement between the Board, City of North Miami Beach, and CRA.

The following are some of the FY 2017 highlights:

- New Wastewater Impact and Connection Fee Assistance Program.
- Tax Increment Revenue increased 46%.
- Improved Commercial Property Improvement Program that now assists with the conversion of retail space.
- Initialization of the pilot art in public places program.
- Sponsoring Bike 305 and heart health walk.
- Creation of Florida's first brewery district-Targeted Industry Attraction Project.
- Microbrewery study and analysis completed.
- Partnership with FIU- Institute for Hospitality & Tourism Education & Research.
- Issuance of grant funding availability anticipated soon.

**ADDITIONAL INFORMATION**

The City of North Miami Beach has the following description of the CRA: *The CRA's public purpose is to eliminate and prevent the development or spread of blighted areas, improve the public infrastructure, and prevent or reduce incidents of crime.*

[http://www.citynmb.com/index.asp?Type=B\\_BASIC&SEC={ED6BB4DD-7040-4432-AD4B-6DA3889B476C}](http://www.citynmb.com/index.asp?Type=B_BASIC&SEC={ED6BB4DD-7040-4432-AD4B-6DA3889B476C})

**BCC Meeting: April 10, 2018  
Research Notes**

**Item No. 8J1**  
**File No. 180857**

**Researcher: NR Reviewer: TD**

RESOLUTION APPROVING AMENDED AND RESTATED CRUISE TERMINAL AGREEMENT (“CRUISE TERMINAL AGREEMENT”) WITH NCL (BAHAMAS) LTD (“NCLB”) OBLIGATING LESSEE TO DESIGN AND CONSTRUCT CRUISE TERMINAL B AND SUPPORTING INFRASTRUCTURE ON COUNTY OWNED LAND AT PORT MIAMI; AUTHORIZING A MAXIMUM EXPENDITURE TO DEFRAY PROJECT COSTS IN AN AMOUNT DEFINED IN THE CRUISE TERMINAL AGREEMENT BUT NOT-TO-EXCEED \$165,000,000.00; AUTHORIZING AN ADDITIONAL EXPENDITURE NOT-TO-EXCEED \$20,000,000.00 TO COVER PROJECT SHORTFALLS SUBJECT TO REIMBURSEMENT BY NCLB; PROVIDING NCLB CERTAIN PREFERENTIAL BERTHING RIGHTS IN NEW TERMINAL AND MODIFYING RIGHTS IN EXISTING TERMINALS; AMENDING AND NEGOTIATING EXISTING OBLIGATIONS OF THE PARTIES UNDER EXISTING TERMINAL USE AGREEMENTS AS AMENDED; APPROVING GUARANTEE BY NCLB TO THE COUNTY; DELEGATING AUTHORITY TO THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO ENTER INTO AN INDEPENDENT BUILDING EXPERT AGREEMENT WITH NCLB AND AN AGREED UPON INDEPENDENT BUILDING EXPERT; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO ENTER INTO SUCH CONTRACTS AS HE OR SHE DETERMINES REASONABLE AND NECESSARY TO CONSTRUCT A ROADWAY PROJECT IN CONJUNCTION WITH THE CONSTRUCTION OF CRUISE TERMINAL B WITH AN ESTIMATED PROJECT COST TO BE FUNDED BY THE COUNTY NOT-TO-EXCEED \$4,000,000.00; WAIVING FORMAL BID PROCEDURES AS NECESSARY TO GIVE EFFECT TO THE TRANSACTIONS CONTEMPLATED HEREIN; DELEGATING AUTHORITY TO THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO DETERMINE THE FORM AND SUFFICIENCY OF ALTERNATE FORM OF SECURITY OFFERED IN SATISFACTION OF THE REQUIREMENTS OF SECTION 255.05, FLORIDA STATUTES, TO EXTEND THE COMPLETION DATE OF THE PROJECT AND TO TAKE SUCH OTHER ACTIONS AS SET FORTH IN THE CRUISE TERMINAL AGREEMENT; WAIVING PROVISIONS OF RESOLUTION NO. R-130-06, AS AMENDED; AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO EXECUTE CRUISE TERMINAL AGREEMENT, INDEPENDENT BUILDING EXPERT AGREEMENT, ASSIGNMENT AND OTHER AGREEMENTS AS NECESSARY TO GIVE EFFECT TO THE INTENT OF THIS RESOLUTION; TO EXERCISE TERMINATION AND EXTENSION PROVISIONS THEREIN, AND TO PERFORM ALL ACTS AND EXERCISE ALL RIGHTS THEREIN NOT RESERVED TO THIS BOARD

**ISSUE/REQUESTED ACTION**

Whether the Board should approve and authorize the execution of the Amended and Restated Cruise Terminal Agreement (“Agreement”) between Miami-Dade County (“County”) and NCL (Bahamas), Ltd., (“NCLB”) incorporating the Design and Construction of New Terminal B and ancillary documents.

**APPLICABLE LEGISLATION/POLICY**

On December 16, 2008, the Board approved Resolution No. R-1442-08, authorizing the execution of a Cruise Terminal Agreement with NCLB. This agreement had a ten-year term with a five-year renewal option. The agreement provided the Port with significant guaranteed passenger volumes and revenues in return for financial incentives based on guaranteed volume increases.

<http://intra/gia/matter.asp?matter=083461&file=true&yearFolder=Y2008>

On April 3, 2012, the Board approved Resolution No. R-295-12 (Amendment No. 1), which authorized an extension of the Term by three years through 2021, committed the new Norwegian Getaway to homeport at Port Miami, increased Minimum Annual Guarantees (MAGs) to the County, and provided for a Marketing Incentive to NCLB.

<http://intra/gia/matter.asp?matter=120489&file=true&yearFolder=Y2012>

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On December 7, 2013, the Board approved Resolution No. R-1052-13 (Amendment No. 2), which guaranteed, the then-new Norwegian Breakaway Plus class vessel, to homeport at Port Miami with increased MAGs to the County. In return, the amendment provided additional marketing incentives to NCLB.

<http://intra/gia/matter.asp?matter=132420&file=false&yearFolder=Y2013>

On May 2, 2017, the Board approved Resolution No. R-1052-17, authorizing the County Mayor to execute a Memorandum of Understanding (“MOU”), which set forth the intent of the parties to construct the new Terminal B, while combining existing Cruise Terminals B and C into a single Cruise Terminal C for the purpose of allowing simultaneous berthing of two large vessels of 5,000 plus passengers each.

<http://www.miamidade.gov/govaction>

**PROCEDURAL HISTORY**

**Prime Sponsor: Rebeca Sosa**

**Requester: Port of Miami**

**FISCAL IMPACT**

This Agreement, structured to accommodate cruise business diversification, allows key benefits and growth for both the County and NCLB and includes: (1) an Amended and Restated Terminal Agreement with NCLB outlining changes to Preferential Berthing Rights, Minimum Annual Guarantees and term extensions, and (2) a Development Rider for the design and construction of New Terminal B for NCLB.

The County’s construction contribution cap to the Project for New Terminal B, not subject to NCLB reimbursement, remains at \$100 million. All Project Costs in excess of the County’s construction contribution, up the Maximum Authorized Amount not to exceed \$165 million, shall be NCLB’s contribution, which shall be funded upfront by the County subject to NCLB reimbursement to the County via a capital recovery surcharge. The capital recovery surcharge is described in the Mayoral Memorandum dated April 10, 2018.

In addition, the County has agreed to advance project costs in an amount not to exceed an additional \$65 million. The commitments of the County to pay an unreimbursed amount and advance Project costs up to a \$165 million dollars is referred to as the “Maximum Authorized Amount.” The Maximum Authorized Amount, not to exceed \$165 million includes:

- an anticipated \$142.4 million for the basic construction scope, the costs and fees of an Independent Building Expert,
- approximately \$2.6 million for Art in Public Places, and
- a \$20 million contingency to address any costs not covered by the Construction Manager at Risk.

Funding for New Terminal B shall be allocated from the Port’s Fiscal Year 2018, 2019 and 2020 capital budgets, using available proceeds from, the Port’s commercial paper program, capital reserves, bond proceeds, grants, and tenant reimbursements.

Further, in consideration of its Preferential Berthing Rights and Term at New Terminal B, NCLB shall be responsible for the cost of design and engineering of the Project, contract administration, post-design services, and consulting services, which costs shall be paid directly by NCLB to the firms providing such services. Such NCLB costs are anticipated to be approximately \$10.5 million and shall not be reimbursed by the County.

In addition to the County’s contribution stated above, the County shall commit to purchase two passenger boarding bridges or jetways, internal furniture, fenders, and U.S. Customs and Border Protection equipment (that is not within the basic construction scope) estimated to be a total of \$9 million.

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<b>Miami Dade County Cost (*)</b>	<b>NCL (Bahamas), Ltd</b>
\$142.4 million for the basic construction scope	\$10.5 million cost of design and engineering of the Project, contract administration, post-design services, and consulting services,
\$2.6 million for Art in Public Places	
\$20 million contingency	

(\*) Cost to be upfront by the County subject to NCLB reimbursement to the County via a capital recovery surcharge. The capital recovery surcharge is described in the Mayoral Memorandum dated April 10, 2018.

### **ANALYSIS**

The item seeks to (1) approve and authorize the execution of the Amended and Restated Agreement between the County and NCLB, and (2) incorporate the Design and Construction of New Terminal B.

The Amended and Restated Terminal Agreement provides the County with a continuation of the Minimum Annual Guarantee (“MAG”) of 1.3 million NCLB passenger movements each fiscal year throughout the extended term. The initial term of the Amended and Restated Terminal Agreement will be through September 30, 2021. However, upon Substantial Completion of New Terminal B, this Agreement shall automatically be extended by an Extension Term commencing on Substantial Completion and ending September 30, twenty years after commencement. NCLB, at its sole discretion, shall have the right to extend for one additional term of five years.

NCLB’s guaranteed passenger movements are expected to generate approximately \$24 million in gross revenues during Fiscal Year 2018, which shall increase three percent compounded each year of the Term. As provided for in the existing cruise terminal agreement, the County shall continue to provide NCLB parking revenues and an annual marketing incentive, which are both consistent with other cruise line agreements. Such shared parking revenue to NCLB is expected to be approximately \$3.4 million, and approximately \$2.3 million in marketing incentive payments in Fiscal Year 2018. The Amended and Restated Terminal Agreement recommended for approval to accommodate anticipated growth is fully described in the Mayoral Memorandum dated April 10, 2018.

The Design and Construction of New Terminal B will provide another berthing facility, allowing the Port to expand cruise passenger capacity and diversify its current cruise business for a more stable revenue portfolio. (A berth is a designated location in a port or harbour used for mooring vessels when they are not at sea. Berths provide a vertical front which allows safe and secure mooring that can then facilitate the unloading or loading of cargo or people from vessels).

On May 2, 2017, the Board approved Resolution No. R-1052-17, authorizing the County Mayor to execute a Memorandum of Understanding (“MOU”), which set forth the intent of the parties to construct the new Terminal B, while combining existing Cruise Terminals B and C into a single Cruise Terminal C.

The MOU outlined the County’s intention to invest \$100 million for a complete Project and utilize a standard County Design-Build procurement and delivery method for the design and construction of Terminal B. The County Design-Build procurement process began in June 2017, and was cancelled in November 2017, at the request of NCLB, who wished to lead a process that would yield an architecturally iconic cruise terminal similar to that of a competing cruise line. To remain inclusive and meet NCLB’s project objectives, proposals from all of the design and construction firms that previously competed for the project via the County’s process were invited by NCLB to participate in NCLB’s selection process. NCLB has changed the delivery method from the County’s originally advertised Design-Build process to a Construction Manager at risk process. This item is consistent with the original intent of the MOU, but instead of providing for County design and construction as originally contemplated, allows NCLB to retain services of a design professional, at its own cost, and provides for County funding of the transaction, subject to certain agreed-upon formulas

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for tenant reimbursement. NCLB shall design and construct the Project per the provisions of the Development Rider and is summarized in the Mayoral Memorandum dated April 10, 2018.

NCLB vessels that are currently berthing at Terminal B and C (future Terminal C) on Saturdays and Sundays will, in the future, berth at the new Terminal, opening up opportunity for additional cruise business to berth at future Terminal C. To capitalize on this, the County intends to present to the Board, for its approval, amendments to its existing agreements with MSC Cruises and Magical Cruise Line (d.b.a. Disney Cruise Line) in the next few months. Such agreements shall provide necessary additional long-term commitments, which will use future Terminal C on Saturdays and Sundays, after NCLB moves to New Terminal B.

Economic Impact

As a result of the increase in cruise calls with this Agreement, the impact directly related to this passenger volume increase equates to approximately 155 new direct full-time jobs. These include jobs committed by the cruise lines and contracted companies to service vessel calls, increased staffing by local and federal regulatory agencies, and an increase in maintenance staff for terminal upkeep and repairs.

It is important to note that the execution of this proposed Amendment will have a significant economic impact on the community pertaining to the creation of new jobs, employment retention due to port activity, an increase in tourism and provisioning, and all ancillary local purchases within the community.

Additional Information

Known worldwide as the "Cruise Capital of the World," Port Miami has been the world's leading cruise port and it continues to advance its No. 1 homeport status with more ships and additional leading-edge passenger terminal facilities. Millions of passengers travel through Port Miami every year and with 22 cruise lines berthing 55 ships, Port Miami continues to be the departure destination of choice for cruises to the Bahamas, the Caribbean, Mexico and other exciting destinations

<http://www.miamidade.gov/portmiami/cruise.asp>

Norwegian Cruise Line Holdings Ltd., is a leading global cruise company operating three cruise brands: Norwegian Cruise Line ("NCL"), Oceania Cruises ("Oceania") and Regent Seven Seas Cruises ("Regent").

Input from Seaport Department (pending as of 4/6/18)

- NCLB vessels that are currently berthing at Terminal B and C (future Terminal C) on Saturdays and Sundays will, in the future, berth at the new Terminal, opening up opportunity for additional cruise business to berth at future Terminal C. Please provide what is the usage today and the usage expected for the future for both terminals.
- How many people are directly employed by NCLB today and what increase percentage is expected with this agreement
- Provide the NCLB's ridership and/or economic impact for the last five years by year.
- This proposed Amendment will have a significant economic impact on the community pertaining to the creation of new jobs, employment retention due to port activity, an increase in tourism and provisioning, and all ancillary local purchases within the community. What is the anticipated economic impact? What is the estimated increase to the community?

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Research Notes**

**Item No. 8K1  
File No. 180458**

**Researcher: NR Reviewer: TD**

RESOLUTION APPROVING PROPOSED FISCAL YEAR 2016 DOCUMENTARY STAMP SURTAX AND STATE HOUSING INITIATIVES PARTNERSHIP FUNDING RECOMMENDATION IN AN AMOUNT UP TO \$3,850,000.00 TO THE RELATED URBAN DEVELOPMENT GROUP, LLC'S SMATHERS PRESERVATION PHASE ONE, LLC FOR THE DEVELOPMENT OF A MULTI-FAMILY PUBLIC HOUSING REHABILITATION RENTAL DEVELOPMENT KNOWN AS SMATHERS PRESERVATION PHASE ONE; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO AWARD SUCH FUNDS, TO EXECUTE AMENDMENTS, SHELL CONTRACTS, LOAN DOCUMENTS AND OTHER TRANSACTIONAL DOCUMENTS NECESSARY TO ACCOMPLISH THE PURPOSES SET FORTH IN THIS RESOLUTION, AND TO EXERCISE TERMINATION, WAIVER, ACCELERATION AND OTHER PROVISIONS SET FORTH THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the proposed funding recommendation for up to \$3,850,000 for the Fiscal Year (FY) 2016 Request for Applications (RFA) for the Documentary Stamp Surtax (Surtax) and State Housing Initiatives Partnership (SHIP) Program in the Multi-Family Countywide Rental Development category to the Related Urban Development Group, LLC's Smathers Preservation Phase One, LLC for the development of a Mixed-Income Public Housing Development/Rehabilitation.

**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 to 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: Xavier L. Suarez**

**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 March 12, 2018 meeting.

**FISCAL IMPACT**

The award of Surtax and SHIP funds will not have a negative fiscal impact on the County's General Fund.



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**ANALYSIS**

The purpose of this proposed item is to seek the Board's approval for up to \$3,850,000 for FY 2016 RFA for the Surtax and SHIP Program in the Multi-Family Countywide Rental Development category to the Related Urban Development Group, LLC's Smathers Preservation Phase One, LLC for the development of a Mixed-Income Public Housing Development/Rehabilitation of 182 units, known as the Smathers Preservation Phase One, located:

- at 935 SW 30th Avenue (Building A consists of 100 units); and
- 2970 SW 9th Street, (Building B consists of 82 units), Miami FL 33135.

Currently, 100 of the total 182 units in Building A are occupied by elderly/disabled Miami-Dade County public housing residents that are extremely low-income. Building B (82 units) is currently unoccupied and will be rehabilitated first so that Building A residents will be able to move into the rehabilitated Building B while Building A's rehabilitation starts. Upon completion this multi-family rental rehabilitation development will include, 147 studio units and 35 one-bedroom/one-bathroom units.

The process from advertisement to selection of a RFA is made available through the posts issued by the PHCD department's website and through email distribution to all currently funded agencies. Prior to the issuance of the RFA, PHCD solicited comments from the public through three roundtable meetings for developers held on July 20, 2016, July 22, 2016, and July 29, 2016. All proposals were reviewed and scored by an evaluation/selection committee appointed by the County Mayor or the County Mayor's designee.

The FY 2016 Surtax and SHIP RFA was issued with \$32,477,339 in available Surtax funding and \$4,400,000 in SHIP funding, for a total funding level of \$36,877,339. Applications for FY 2016 Surtax/SHIP funding were solicited through PHCD's RFA process for the following categories:

- Rental Activities;
- Homeownership Activities;
- Small Housing Developments;
- Homebuyer Counseling; and
- Public Housing Developments.

Under the FY 2016 RFA, Surtax and SHIP funds are prioritized or targeted for those projects requiring "gap" financing for developments.

In the Rental Activities category, six applications were submitted, with two applications not meeting established minimum thresholds and thus not forwarded to the evaluation selection committee for scoring and ranking. Smathers Preservation Phase One, LLC received the highest, perfect score of 104.

This item is contingent on First Housing, one of PHCD's contracted underwriting companies completing the underwriting, and forwarding a favorable recommendation by the time this item is heard before the Board.

**Additional Information:**

The Surtax program is city-funded through Miami-Dade County's discretionary documentary stamp tax. Surtax provides affordable housing assistance to low and moderate income Miami-Dade residents. 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>



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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 assists very low, low and moderate income families. The SHIP funds can be used to fund 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>

Gap Finance- Funds that 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, per the guidelines which can be found in the link below.

<https://www.miamidade.gov/housing/library/guidelines/>

**Pending Input from Public Housing and Community Development (as of 4/5/2018)**

- How many units has the Surtax and SHIP programs provided since inception?
- Are there other projects lined up ?
- The FY 2016 Surtax and SHIP RFA was issued with \$32,477,339 in available Surtax funding and \$4,400,000 in SHIP funding, for a total funding level of \$36,877,339. How much of the funding has been spent and how?

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Research Notes**

**Item No. 8K2  
File No. 180801**

**Researcher: SM   Reviewer: PGE**

RESOLUTION APPROVING SUBSTANTIAL AMENDMENTS TO THE FISCAL YEAR (FY) 2013-2017 CONSOLIDATED PLAN AND THE FY 2013-2017 ACTION PLANS FOR THE RECAPTURE AND REALLOCATION OF \$1,113,958.46 OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS AND \$6,904.00 OF HOME INVESTMENT PARTNERSHIPS FUNDS; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO FILE SUBSTANTIAL AMENDMENTS WITH THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE ALL AGREEMENTS NECESSARY TO ACCOMPLISH THE PURPOSES SET FORTH IN THIS RESOLUTION AND TO EXERCISE THE TERMINATION AND OTHER PROVISIONS SET FORTH THEREIN

**ISSUE/REQUESTED ACTION**

Whether this Board should approve the County Mayor's filing with the United States Department of Housing and Urban Development (HUD) substantial amendments to the Fiscal Year (FY) 2013-17 consolidated plan and the FY 2013-17 action plans for the recapture and reallocation of \$1,113,958.46 of community development block grant (CDBG) funds and \$6,904.00 of home investment partnerships funds (HOME).

**APPLICABLE LEGISLATION/POLICY**

Resolution No. R-630-13, adopted July 16, 2013, requires a detailed project budget, sources and uses statement, certifications as to past defaults on agreements with non-County funding sources, and due diligence check prior to the County Mayor recommending a commitment of County funds to social services, economic development, community development, and affordable housing agencies and providers.

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

**PROCEDURAL HISTORY**

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

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

There was an amendment to this original agenda Item 1G1 to include the change relating to the district of Verde Gardens as it currently reads in the mayoral memo. It will be changed from district 8 to district 9, in addition to increasing the sickle cell reallocation to \$79,369, the increase in funds will come from the Public Housing and Community Development's reallocation amount. The entry in the amount to be reallocated to PHCD should read \$500,500.33.

Commissioner Edmonson, mentioned that there isn't a research center in the Liberty City area where sickle cell is prominent, and that the purpose of the additional funding is so that the research center may be constructed and made available to the residents of that area. The Item was passed as amended.

**FISCAL IMPACT**

Per the mayoral memo, the reallocation and recapture of CDBG and HOME funds will not have a negative fiscal impact on the County as the programs are wholly federally-funded. Under the item, CDBG funds totaling \$1,113,958.46 will be recaptured and reallocated and \$6,904.00 in HOME funds will be recaptured and reallocated.

**ANALYSIS**

The purpose of this Item is to approve the amendments to the FY 2013-17 consolidated plan and FY 2013-17 action plans for the recapture and reallocation of the CDBG and HOME. Based on information from one of the County attorneys this Item will be amended to include the change relating to the district of Verde Gardens as it currently reads in the mayoral memo. It will be changed

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from district 8 to district 9, in addition to increasing the sickle cell reallocation to \$79,369, the increase in funds will come from the Public Housing and Community Development's reallocation amount. This amendment will be presented at the March 12, 2018 HSSC meeting. All reallocations related to this Item are located in the Revitalization Strategic Areas (NRSA) or Eligible Block Groups (EBGs). When federal resources are the source of funding to achieve an objective or other federally mandated objectives, there needs to be a submission of consolidated plans, action plans, and amendments to HUD. The goal of the reallocation and recapture is for the continuation of projects and activities that demonstrate an immediate readiness to proceed. Agencies that have been able to complete their activities in a timely fashion will be prioritized by the County.

The mayoral memo has attachments which describes the activity in more detail in addition to where the recapture of funds should occur. CDBG has various activities that are recommended for the recapture and reallocation of aforementioned funds, having a sum total of \$1,113,958.46. The mayoral memo states that the recapture amount will come from the following activities:

1. Completed activities which have funds remaining.
2. From projects experiencing serious delays and the agency cannot proceed.
3. From a project that could not secure additional needed financing
4. From Public Housing Community Development (PHCD) administered projects in order to reallocate funds for district-specific CDF project.

HOME recommends the recapture from Carrfour Supportive Housing, Inc. which has been active since June 18, 2016 as stated by Sunbiz.org. The sum total is as previously mentioned, \$6,904.00. This is recommended in order to meet the HOME commitment and expenditure requirements, and the reallocation of the funds would go to Citrus Health Network, Inc.'s tenant-based assistance program.

The mayoral memo has an attachment which shows one of the reallocations to Verde Gardens. This is provided for the benefit of over 145 formerly homeless families that are living with disabilities, as stated in the mayoral memo. As previously stated in the aforementioned paragraph, Verde Gardens is in District 9 and not District 8.

### **ADDITIONAL INFORMATION**

Consolidated planning as it is stated on the Department of Housing and Urban Development's (HUD) webpage, mentions that it is designed to help states and local jurisdictions to assess their affordable housing and community development needs and market conditions, and to make data-driven, place-based investment decisions. The consolidated planning process serves as the framework for a community-wide dialogue to identify housing and community development priorities that align and focus funding from the Community Planning and Development (CPD) formula block grant programs. The Consolidated Plan is carried out through Annual Action Plans, which provide a concise summary of the actions, activities, and the specific federal and non-federal resources that will be used each year to address the priority needs and specific goals identified by the Consolidated Plan.

[https://www.hud.gov/program\\_offices/comm\\_planning/about/conplan](https://www.hud.gov/program_offices/comm_planning/about/conplan)

The Community Development Block Grant (CDBG) Program provides annual grants on a formula basis to states, cities, and counties to develop viable urban communities by providing decent housing and a suitable living environment, and by expanding economic opportunities, principally for low- and moderate-income persons, as stated on HUD's website.

<https://www.hudexchange.info/programs/cdbg/>

The HOME Investment Partnerships Program provides formula grants to states and localities that communities use - often in partnership with local nonprofit groups - to fund a wide range of activities including building, buying, and/or rehabilitating affordable housing for rent or homeownership or providing direct rental assistance to low-income people. It is the largest Federal block grant to state and local governments designed exclusively to create affordable housing for low-income households, as stated on HUD's website.

<https://www.hudexchange.info/programs/home/>

**BCC Meeting: April 10, 2018  
Research Notes**

**Item No. 8L2  
File No. 180490**

**Researcher: JFP   Reviewer: TD**

RESOLUTION APPROVING TELEVISION, FILM AND ENTERTAINMENT PRODUCTION INCENTIVES PROGRAM GRANT AGREEMENT BETWEEN MIAMI-DADE COUNTY AND ABC STUDIOS FOR A PILOT FOR A TELEVISION SERIES, "GRAND HOTEL" IN THE AMOUNT OF \$100,000.00; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE 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 ABC Studios, part of the Walt Disney Company and subsidiary of Touchstone Television Productions, LLC (ABC Studios) for a grant of \$100,000 to help fund the local filming of a television series pilot, "Grand Hotel".

**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.

<http://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\\_S2-8.9LIWAORCOSECOCOEM](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.9LIWAORCOSECOCOEM)

**PROCEDURAL HISTORY**

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

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

This item was forwarded to the BCC with a favorable recommendation by the Economic Development and Tourism Committee at its March 15, 2018 meeting. At this meeting, Commissioner Heyman requested to be a sponsor of this item; this request was approved by the Chair of the Committee, Commissioner Sosa.

**FISCAL IMPACT**

The grant application of ABC Studios 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 \$6,905,267.

The total expected local expenditure during the 33 production days is projected at \$5,549,393. The project will also employ over 50 Miami-Dade County residents, amassing to 85% of the entire cast and crew.

**ANALYSIS**

ABC Studios applied for a grant of \$100,000 to help fund the local filming of a television series pilot, "Grand Hotel", 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.

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To qualify for the grant, the project must meet the specified definition of production, must spend a minimum of \$1,000,000 in Miami-Dade County on qualifying payroll and qualifying expenses, and hire a minimum of 50 main cast and crew 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, excluding extras/background talent, be Miami-Dade County residents.

“Grand Hotel is expected to meet all of the grant requirements as listed below, given the information provided in its application. The local expenditures resulting from the filming of this television pilot in Miami-Dade County are expected to be \$5,549,393—55.5 times the grant amount. 100% of the television show pilot will be filmed in Miami-Dade County, if the grant application is approved. While wanting to film in Miami given that the story is set in Miami Beach, ABC Studios is considering Honolulu, Los Angeles, and Dominican Republic due to offered tax incentives, which would offset any increased costs incurred to make the setting look like Miami Beach.

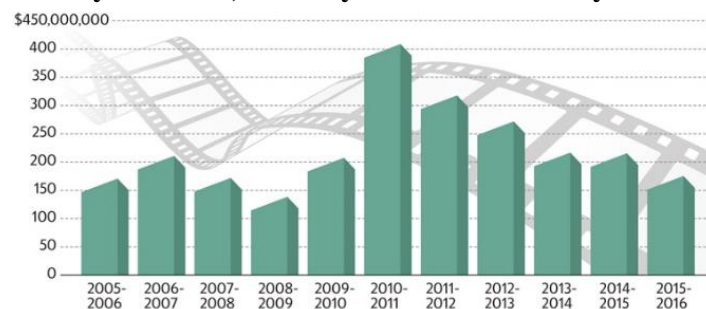
The show, produced by and starring Eva Longoria, is an English language soap opera centered on a Latin family. The pilot is intended to be spun off into a multi-season television series.

“Grand Hotel” would be one of three projects awarded the film incentive grant since the inception of the TV, Film and Entertainment Production Incentives Program—the other two projects being “Tio Papi” and “I am Frankie”. The projects will be awarded funding once filming concludes and compliance with the grant requirements is determined.

**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 a state 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.

<http://www.miamidade.gov/releases/2017-07-18-rer-filmiami-incentive-program.asp>

<http://www.filmiami.org/>

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Research Notes**

**Item No. 8L3  
File No. 180416**

**Researcher: SM      Reviewer: PGE**

RESOLUTION APPROVING GRANT AGREEMENT, BETWEEN TURNBERRY AIRPORT HOLDINGS, LLC AND MIAMI-DADE COUNTY RELATING TO GRANT IN AMOUNT OF \$5,000,000.00 FROM PROJECT 124 ECONOMIC DEVELOPMENT FUND OF BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM; AND AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AND DELIVER GRANT AGREEMENT ON BEHALF OF COUNTY

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the grant agreement between Turnberry Airport Holdings, LLC (grantee), and Miami-Dade County in the amount of \$5,000,000 from Building Better Communities General Obligation Bond (BBC-GOB) Program Project No. 124 Economic Development Fund for completion of the Fontainebleau Aviation Project.

**APPLICABLE LEGISLATION/POLICY**

Resolution No. R-431-15, adopted May 5, 2015, relates to a Resolution waiving Administrative Rules for Economic Development Fund Project 124 of Building Better Communities General Obligation Bond Program, subject to recapture, approving allocation of up to \$5,000,000 from Building Better Communities General Obligation Bond Program Project No. 124 to Turnberry Airport Holdings, LLC to fund Fontainebleau Aviation Project.

<http://intra/gia/legistarfiles/Matters/Y2015/150584.pdf>

Resolution No. R-37-15, adopted January 21, 2015, relates to approving an allocation of \$10,000,000 from BBC-GOB Project No. 124 to Miami Ocean Studios, LLC to fund Miami Ocean Studio Economic Development Project.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2014/142516.pdf>

Resolution No. R-668-10 governs the Building Better Communities General Obligation Bond Program and establishes policy on the use of \$90 million in GOB funds set for economic development.

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2010/R-668-10.pdf>

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Barbara J. Jordan, District 1**

**Requester: Regulatory and Economic Resources**

This Item was forwarded to the BCC with a favorable recommendation by the Economic Development and Tourism Committee at its March 15th meeting.

**FISCAL IMPACT**

The mayoral memo states that this agreement will provide \$5,000,000 from the BBC-GOB Program Project No. 124. Furthermore it states that the aforementioned funds should be made available on a reimbursable basis for costs as relates to the GOB Project.

**ANALYSIS**

This Item proposes to approve a Grant Agreement with Turnberry Airport Holdings, LLC, which is associated with a previously approved allocation by this Board in the amount of \$5,000,000 from BBC-GOB Program Project No. 124. The agreement states that the grantee shall construct and operate a new fixed-base operator at Miami Opa-Locka Executive Airport contiguous with a new maintenance hangar with these allocated funds. The agreement shall take effect upon execution by the County and Turnberry Airport Holdings, LLC and expires 25 years from the Job Certification Date.

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Resolution No. R-431-15 was approved by the Board in Fiscal Year 2015, in furtherance of the goal of Project 124, which was to encourage private sector development through public infrastructure investments, ultimately creating jobs and spurring economic development that will have positive long term effects on the County.

Resolution No. R-37-15 allocated \$10,000,000 to fund Miami Ocean Studios Enterprises, LLC, generating recaptured funds for this GOB Project.

The agreement states that the Project will bring forth the creation of new jobs in addition to new or expanded business. The Grantee has agreed to create or cause to be created 20 direct new jobs with an annual average salary of \$39,068 and 100 indirect new jobs with an annual average salary of \$61,356. The agreement further states that the grantee agrees to maintain the number of certified jobs for four years from the job creation date. The determination of the number of new jobs created and maintained shall be certified in the form of an annual report based upon the RT-6 filings with the State of Florida.

The GOB Project will consist of aircraft ramp, ramp lighting, water and sewer lines, vehicle road access, parking lots and street lighting. The grantee expressly represents and agrees that the GOB project serves a public purpose, is public infrastructure as required by the BBC-GOB program and that the Grant will be used to fund capital costs as required by the constitution and the laws of the State of Florida, as stated by the agreement.

The agreement states that the County has no obligation to pay the grant to the grantee except in accordance with the terms and conditions which are set in the agreement. The County will be required to reimburse the Grantee for eligible capital costs incurred in the connection with the GOB project solely from legally available GOB bond and/or note proceeds. The County won't be required to reimburse the grantee for any soft costs that exceed 17% of the grant. Soft costs are defined in the administrative rules of the County pertaining to the BBC-GOB Program. Furthermore the agreement states that the County won't assume any obligation to provide financial support of any type to the Grantee for the GOB project in excess of the Grant amount. Cost overruns are the responsibility of the Grantee.

**ADDITIONAL INFORMATION**

TURNBERRY AIRPORT HOLDINGS, LLC was established in Florida on 6/7/2011. The current status of the business is Active. The TURNBERRY AIRPORT HOLDINGS, LLC principal address is 19501 BISCAYNE BLVD., SUITE 400, AVENTURA, 33180.

<https://florida.intercreditreport.com/company/turnberry-airport-holdings-llc-111000066717>



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Research Notes**

**Item No. 8N1  
File No. 172614**

**Researcher: BM Reviewer: TD**

RESOLUTION APPROVING THE ACCESS AND DEVELOPMENT AGREEMENT AND ACCESS AND UTILITY EASEMENT BETWEEN MIAMI-DADE COUNTY AND 1010 BRICKELL HOLDINGS, LLC ("AGREEMENTS"); AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENTS AND EXERCISE ALL PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve authorize the Mayor or Designee to execute the agreements with 1010 Brickell Holdings, LLC (Developer) relating to Access and Development Agreement and Access and Utility Easement Agreements.

**APPLICABLE LEGISLATION/POLICY**

Resolution R-974-09 approved on July 21, 2009 by this Board directs that any resolution authorizing the acceptance or execution of a deed, easement, covenant, reverter, or mortgage creating or reserving a real property interest in favor of the County contain language requiring such instrument, after proper execution, to be recorded in the public records of the county within which the real property is located.

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

Florida Statutes Section 125.35(2), *County authorized to sell real and personal property and to lease real property*, states the following: When the board of county commissioners finds that a parcel of real property is of insufficient size and shape to be issued a building permit for any type of development to be constructed on the property or when the board of county commissioners finds that the value of a parcel of real property is \$15,000 or less, as determined by a fee appraiser designated by the board or as determined by the county property appraiser, and when, due to the size, shape, location, and value of the parcel, it is determined by the board that the parcel is of use only to one or more adjacent property owners, the board may effect a private sale of the parcel. The board may, after sending notice of its intended action to owners of adjacent property by certified mail, effect a sale and conveyance of the parcel at private sale without receiving bids or publishing notice; however, if, within 10 working days after receiving such mailed notice, two or more owners of adjacent property notify the board of their desire to purchase the parcel, the board shall accept sealed bids for the parcel from such property owners and may convey such parcel to the highest bidder or may reject all offers.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0100-0199/0125/Sections/0125.35.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0125/Sections/0125.35.html)

**PROCEDURAL HISTORY**

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

**Department/Requester: Transportation and Public Works**

3/15/18: Forwarded to BCC with a favorable recommendation by TPWC; Passed 4 – 0.

**FISCAL IMPACT**

If this resolution is approved, it will not have a no negative fiscal impact to the County since it will be entirely funded by the Developer.

There is a positive fiscal impact to the County as the developer has agreed to make certain significant improvements to the property in the value of \$764,780.

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**ANALYSIS**

The proposed resolution approves nonexclusive access for pedestrian ingress and egress to its property by traversing the station right-of-way at the Tenth Street/Promenade Metromover Station (Station). The agreement is for a period of 30-years which automatically extends for two, 30-year terms.

The property in question has limited value to the County. However, said property has significant value to the developer. Therefore, the developer has agreed to make certain significant improvements to the property in the value of \$764,780, in lieu of a one-time payment. A summary of the improvements included in the agreement are provided below:

- Demolition of existing planters, benches and concrete monument support wall signs.
- Modification/reconfiguration of north entry to station.
- Build ramps, walkways and stairs providing access to Metromover from building.
- New pavers to match sidewalk on 10<sup>th</sup> Street.
- Hand Rails at new stairs; 42" rails
- Reconfiguration/relocation of existing Fencing.
- Reconfiguration/relocation of existing Elevator Machine Room.
- Reconfiguration/relocation of existing Signage
- Pressure clean and paint ground floor concrete structure and existing metal fencing and gates.
- Flood panels adjacent to Metromover.
- Bike racks.
- New LED and fan inside Elevator Cab.
- One-time cleaning and maintenance of escalator.

**ADDITIONAL INFORMATION**

According to the Florida Department of State Division of Corporations website (Sunbiz.org), 1010 Brickell Holdings, LLC., has an active status as a Foreign Limited Liability Company and first filed and registered on 06/19/2012. The company's main address is at 411 West Putnam Avenue, Greenwich, CT., 06830.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=1010BRICKELLHOLDINGS%20M120000034570&aggregateId=forl-m12000003457-30a945ae-7e71-46d6-8b32-1f4fc7f56d18&searchTerm=1010%20brickell%20holding%2C%20llc&listNameOrder=1010BRICKELLHOLDINGS%20M120000034570>

Additional information is available, for the 1010 Brickell building, at the company's website:

<http://www.1010-brickell.com/sales-rentals/>

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**Item No. 8N2  
File No. 180307**

**Researcher: MF Reviewer: PGE**

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO ACCEPT AN OFFER TO SELL PROPERTY AT THE NEGOTIATED PURCHASE AMOUNT OF \$257,423.75 FOR THE ACQUISITION OF REVISED PARCEL 144, FOR RIGHT OF WAY NEEDED FOR THE PROJECT ENTITLED IMPROVEMENTS TO SW 137 AVENUE, FROM US-1 (SR 5) TO SW 200 STREET; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE CONTRACT FOR SALE AND TO PURCHASE AND TO PERFORM ALL ACTS NECESSARY TO EFFECTUATE THE PURCHASE OF THE PROPERTY; AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR SUCH PURCHASE; AND RESCINDING RESOLUTION NO. R-1010-16

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize the County Mayor or the County Mayor's designee to execute a Contract for Sale and Purchase at the negotiated purchase price of \$257,423.75 for property known as Revised Parcel 144, which is needed for road improvements to S.W. 37<sup>th</sup> Ave., from US-1 to S.W. 200 Street, and rescinding Resolution No. R-1010-16, which authorized the acquisition of the property prior to revision of the legal description.

**APPLICABLE LEGISLATION/POLICY**

Miami-Dade County Code, Section 29-124 governs the uses of surtax proceeds, and the role of the Citizens' Independent Transportation Trust. Expenditure of surtax proceeds shall be subject to the following limitations:

- (a) Surtax proceeds shall be applied to expand the Golden Passport Program to all persons who are over the age of 65 or are drawing Social Security benefits, and to provide fare-free public transportation service on Metromover.
- (b) Surtax proceeds may only be expended for the transportation and transit purposes specified in Section 212.055 (1) (d) 1-4 of the Florida Statutes.
- (c) The County shall not expend more than five percent of the County's share of surtax proceeds on administrative costs.
- (d) The Trust shall in consultation with the Mayor recommend to the County Commission a Five-Year Implementation Plan.
- (e) 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.
- (f) No surtax proceeds may be used to pay the costs of a contract unless the Trust has submitted a recommendation to the County Commission regarding said contract award.

[http://miamidade.fl.elaws.us/code/coor\\_ptiii\\_ch29\\_artxvi\\_sec29-124](http://miamidade.fl.elaws.us/code/coor_ptiii_ch29_artxvi_sec29-124)

Miami-Dade County Code, Section 29-121, states that "There is hereby levied and imposed a one half of one percent discretionary sales surtax authorized by Section 212.055(1), Florida Statutes (2001) on all transactions occurring in Miami-Dade County which transactions are subject to the state tax imposed on sales, use, rentals, admissions and other transactions by Chapter 212, Florida Statutes (2001)."

[https://library.municode.com/fl/miami-dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH29TA\\_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001\\_S29-121SASULE](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-121SASULE)

Miami-Dade county Code, Section 2-8.3, provides that "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](http://miamidade.fl.elaws.us/code/coor_ptiii_ch2_arti_sec2-8.3)

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Florida Statutes, Section 212.055(1)(d) governs “Discretionary sales surtaxes; legislative intent; authorization and use of proceeds. Sub-section (1)(d) provides that “Proceeds from the surtax shall be applied to as many or as few of the uses enumerated below in whatever combination the County Commission deems appropriate:

- 1) Deposited by the County in the Trust Fund and shall be used for the purposes of development, construction, equipment, maintenance, operation, supportive services, including a countywide bus system, on-demand transportation services, and related costs of a fixed guideway rapid transit system;
- 2) Remitted by the governing body of the County as an expressway, transit, or transportation authority created by law to be used, at the discretion of such authority, for the development, construction, operation, or maintenance of roads or bridges in the County ...;
- 3) Used by the County for the development, construction, operation, and maintenance of roads and bridges in the County; for the expansion, operation, and maintenance of bus and fixed guideway systems; for the expansion , operation, and maintenance of on-demand transportation services ...;
- 4) Used by the County for the planning, development, construction, operation, and maintenance of roads and bridges in the County ...”

[http://www.leg.state.fl.us/STATUTES/index.cfm?App\\_mode=Display\\_Statute&URL=0200-0299/0212/Sections/0212.055.html](http://www.leg.state.fl.us/STATUTES/index.cfm?App_mode=Display_Statute&URL=0200-0299/0212/Sections/0212.055.html)

Resolution No. R-1010-16, adopted by the Board on November 1, 2016, declared the acquisition of the designated property known as Parcel 144 for improvements to S.W. 137<sup>th</sup> Avenue, from US-1 to S.W. 200 Street, to be a public necessity; and authorized the County Mayor or County Mayor’s designee and the County Attorney to take any and all appropriate actions to accomplish acquisition of the subject property ... prior to filing an eminent domain action in a total amount not to exceed 15 percent over the appraised value.

<http://intra/gia/matter.asp?matter=162114&file=true&yearFolder=Y2016>

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 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: Daniella Levine Cava, District 8**

**Department/Requester: Transportation and Public Works**

The proposed resolution was considered at the Transportation and Public Works Committee on March 15, 2018. It was forwarded to the BCC with a favorable recommendation.

### **FISCAL IMPACT**

According to the Fiscal Impact Statement, funding for the right-of-way acquisition, design, and construction of this project is provided by Charter County Transportation Surtax Funds proceeds, and may be supplemented by other eligible funding sources. Funding is programmed within the adopted FY 2017-18 Right-of-Way Acquisition for Construction Projects Countywide (P2000000537) Site 76078 in Commission District 8. The negotiated purchase price is \$257,423.75.

### **ANALYSIS**

The Department of Transportation and Public Works (DTPW) intends to implement a project entitled “Improvements to S.W. 137 Avenue, from US-1 to S.W. 200 Street”. This project will expand, beautify and improve a new two-lane road with sidewalks, curb and gutter, a continuous storm drainage system, signalization, pavement markings and signage, street lighting, bicycle facilities, a bridge crossing over one canal, and a culvert for a canal. In order to implement this project, the County will have to acquire the

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property known as Revised Parcel 144, comprising 38,263 square feet of land, and use Charter County Transportation Surtax Funds for this purpose.

According to Miami-Dade County Code, Section 29-124, the surtax proceeds collected by the State and distributed hereunder shall be deposited in a special fund set aside from other County funds in the custody of the Finance Director of the County. Moneys in the special fund shall be spent for the transportation and transit projects and the adopted Five-Year Implementation Plan.

The estimated appraised value of the redesigned parcel inclusive of attorney fees and costs and a 15 percent incentive was \$218,794. The property owner wanted to sell the property for \$287,228. Following negotiations, the property owner Mr. Julio A. Viyella and JC Real Estate Holdings (“Sellers”), and the DTPW settled on the purchase price of \$257,423. This settlement amount is recommended as being in the best interest of the County, as it avoids the payment of attorneys’ fees and costs associated with trial. It would also save the County the time, resources and expenses associated with eminent domain proceedings, which would otherwise be required.

The project is currently in the final stages of right of way acquisition. Construction is expected to commence in January 2019 and be completed two years thereafter. To date 20 parcels have been acquired, with the remaining 4 parcels expected to close by the end of May. This project will improve connectivity and mobility for area residents, as well as provide another evacuation route for the area. This project is approximately 3.2 miles long, of which only about half of one mile is currently paved. Once completed, SW 137 Avenue will be completely paved from the HEFT to SR836.

This item may only be considered by the Board if the Citizens’ Independent Transportation Trust has forwarded a recommendation to the Board prior to the date scheduled for Board consideration or 45 days have elapsed since the filing with the Clerk of the Board of this item.

If the proposed resolution is adopted, Resolution No. R-1010-16 will have to be rescinded. It authorized the County Mayor or County Mayor’s designee and the County Attorney to take any and all appropriate actions to accomplish acquisition of the subject property ... prior to filing an eminent domain action in a total amount not to exceed 15 percent over the appraised value.

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**ADDITIONAL INFORMATION**

Below is a map of Revised Parcel 144, comprising 38,263 square feet of land.



**DEPARTMENT INPUT:**

The Office of the Commission Auditor posed the following questions to the Department of Transportation and Public Works, and received the following answers:

- What is the status of the project for improvements to SW 137<sup>th</sup> Ave, from US-1 to SW 200 Street; and what is the timeline for project completion? The project is currently in the final stages of right of way acquisition. Construction is expected to commence in January 2019 and be completed two years thereafter.
- How many parcels have been acquired to facilitate the road improvements? To date 20 parcels have been acquired, with the remaining 4 parcels expected to close by the end of May.

What impact will the construction have on traffic mobility and on residents of the area? This project will improve connectivity and mobility for area residents, as well as provide another evacuation route for the area. This project is approximately 3.2 miles long, of which only about half of one mile is currently paved. Once completed, SW 137 Avenue will be completely paved from the HEFT to SR836



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**Item No. 8N3  
File No. 180321**

**Researcher: BM Reviewer: TD**

RESOLUTION DESIGNATING PORTIONS OF MIAMI-DADE COUNTY OWNED PROPERTY IDENTIFIED AS PARCEL 16 AND PARCEL 17 AS ROAD RIGHT-OF-WAY FOR THE NW 97 AVENUE BETWEEN NW 70 STREET AND NW 74 STREET ROAD IMPROVEMENTS PROJECT, IN SECTION 16 AND SECTION 17, TOWNSHIP 53 SOUTH, RANGE 40 EAST AND DIRECTING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME

**ISSUE/REQUESTED ACTION**

Whether the Board should approve a resolution designating portions of Miami-Dade County (County) owned property, Parcel 16 and Parcel 17, at the intersection of NW 97 Avenue and NW 74 Street, as road right-of-way in Sections 16 and 17, Township 53 South, Range 40 East.

**APPLICABLE LEGISLATION/POLICY**

Resolution no. R-148-14, adopted by the Board on February 4, 2014, urged the Florida Legislature to amend senate and house rules of procedure to impose on the legislature the same sunshine law requirements that are required of local governments pursuant to Florida Statutes 286.011.

<http://intra/gia/legistarfiles/MinMatters/Y2014/140146min.pdf>

Florida Statutes, Section 286.011 *Public meetings and records; public inspection; criminal and civil penalties*, states All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution, including meetings with or attended by any person elected to such board or commission, but who has not yet taken office, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting. The board or commission must provide reasonable notice of all such meetings.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0200-0299/0286/Sections/0286.011.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0286/Sections/0286.011.html)

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Jose "Pepe" Diaz, District 12**

**Department/Requester: Transportation and Public Works**

3/15/18: Forwarded to BCC with a favorable recommendation by TPWC; Passed 4 – 0.

**FISCAL IMPACT**

If this resolution is approved, it will cause a \$100 annual maintenance cost since the parcels will be added to the County's Road System. The funding will be provided by District 1 Road Impact Fees (RIF).

**ANALYSIS**

The proposed resolution approves Parcel 16 and Parcel 17 as road right-of-way for road improvements in the City of Doral, District 12, represented by Commissioner Jose "Pepe" Diaz. The improved road consists of four lanes, with street lighting, a storm drainage system, pavement markings, signing, sidewalks, and curb and gutter. Parcel 16, Folio no. 30-3016-000-0010, is approximately 400 sq. ft. Parcel 17, Folio no. 35-3017-001-0120, is approximately 357 sq. ft. Below is a link of the roadway to be assigned as a road right-of-way: <https://www.google.com/maps/@25.8398982,-80.3545024,18z>



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**Item No. 8N4  
File No. 180308**

**Researcher: BM Reviewer: TD**

RESOLUTION APPROVING TERMS OF AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AND FILE THREE GRANT APPLICATIONS WITH THE UNITED STATES DEPARTMENT OF TRANSPORTATION FEDERAL TRANSIT ADMINISTRATION FOR UP TO \$90,000,000.00 OF FISCAL YEAR 2018 SECTION 5307 URBANIZED AREA FORMULA, SECTION 5337 STATE OF GOOD REPAIR FORMULA, AND SECTION 5339 BUS AND BUS FACILITIES FORMULA PROGRAM FUNDING AND AUTHORIZING RECEIPT AND EXPENDITURE OF FUNDS PURSUANT TO SUCH APPLICATIONS AND AGREEMENTS AND OF ANY ADDITIONAL FUNDS AS SPECIFIED IN THE AGREEMENTS SHOULD SUCH FUNDS BECOME AVAILABLE

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the terms and authorize the Mayor or Designee to execute and file the following three grant applications, as well as the receipt and expenditure of funds per the agreement, on behalf of the County with the United States Department of Transportation (DOT) and Federal Transit Administration (FTA) for up to \$90 million in FY 2018:

<b>Grant Program Application</b>	<b>Estimated Value</b>
Section 5307 Urbanized Area Formula	\$55 million
Section 5337 State of Good Repair Formula	\$29 million
Section 5339 Bus and Bus Facilities Formula	\$6 million

**APPLICABLE LEGISLATION/POLICY**

Resolution No. R-252-17, adopted by the Board on March 7, 2017, executed and filed three grant applications on behalf of the County for the Section 5307 Urbanized Area Formula, Section 5337 State of Good Repair Formula, and Section 5339 Bus and Bus Facilities Formula programs.

<http://intra/gia/legistarfiles/MinMatters/Y2016/162867min.pdf>

Resolution No. R-282-16, adopted by the Board on April 6, 2016, executed and filed three grant applications on behalf of the County for the Section 5307 Urbanized Area Formula, Section 5337 State of Good Repair Formula, and Section 5339 Bus and Bus Facilities Formula programs.

<http://intra/gia/legistarfiles/MinMatters/Y2016/160392min.pdf>

Resolution No. R-1064-13, adopted by the Board on December 17, 2013, executed and filed three grant applications on behalf of the County for the Section 5307 Urbanized Area Formula, Section 5337 State of Good Repair Formula, and Section 5339 Bus and Bus Facilities Formula programs.

<http://intra/gia/legistarfiles/MinMatters/Y2013/132479min.pdf>

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Department of Transportation and Public Works (DTPW)**

3/15/18: Forwarded to BCC with a favorable recommendation following a public hearing by TPWC; Passed 4 – 0.

Commissioner Sosa asked if the 40-foot buses are the big buses. She asked if the funding could be used for the smart plan the way it is?

Mr. Carson, Grants Manager for DTPW, advised that the 40-foot buses are the standard size buses. Mr. Carson advised that the buses can be used on a smart-plan corridor.

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### **Research Notes**

Commissioner Moss inquired about applications for federal funding for trails. Trails have been funded in the U.S. but the County has not applied for federal funding for trails.

Mr. Carson, Grants Manager for DTPW advised that the department applied for and received funding for the Underline project.

The County attorney advised that the Ludlam Trail is managed by the Parks Department and they don't know to which grants the department has applied. They will follow up with the OMB grants coordination office.

#### **FISCAL IMPACT**

If this resolution is approved, it will have a positive fiscal impact to the County since it provides federal funding to the DTPW.

The FDOT will provide State Transportation Development Credits as soft match for the grants on the required \$22.5 million local match. The provision in 23 U.S.C. 120(j) allows a State to use toll revenues generated and used by public, quasi-public, and private agencies to build, improve, or maintain highways, bridges, or tunnels that serve the public purpose of interstate commerce, as a credit toward the non-Federal share for any funds made available to carry out projects under Title 23 (other than the Emergency Relief program and the Appalachian Development Highway System Programs) or Chapter 53 of Title 49, U.S.C. Program guidance is found at:

[www.fhwa.dot.gov/specialfunding/020807.cfm](http://www.fhwa.dot.gov/specialfunding/020807.cfm)

It is the policy of the FDOT to make available the option to use toll revenue credits, authorized by Title 23 U.S.C. 120(j)(1), to Florida transit systems for use as soft match on eligible federal transit capital projects. On an annual basis, the State Public Transportation and Modal Administrator will be responsible for notifying Florida's transit systems of the availability of toll revenue credits and for approving the use of toll revenue credits on proposed transit capital projects.

<http://www.fdot.gov/transit/Pages/TransitResourceGuide.PDF>

#### **ANALYSIS**

The proposed resolution approves the execution and filing of three application for federal grants totaling up to \$90 million for FY 2018. Below is a summary of the programs for which the applications will be filed:

##### **Section 5307 Urbanized Area Formula**

The program makes funding available for public transportation capital, planning, job access, and reverse commute projects. The County will use the \$55 million funding for the proposed projects for the FY 2018 will be for the preventative bus maintenance, Metrorail, Paratransit, South Florida Vanpool services, Metromover Cable Replacement equipment, Camera project, and Capital Planning.

<https://www.transit.dot.gov/funding/grants/urbanized-area-formula-grants-5307>

##### **Section 5337 State of Good Repair Formula**

The program provides capital assistance for maintenance, replacement, and rehabilitation projects of high-intensity fixed guideway and bus systems to help transit agencies maintain assets in a state of good repair. Additionally, SGR grants are eligible for developing and implementing Transit Asset Management plans. Eligible recipients are state and local government authorities in UZAs with fixed guideway and high intensity motorbus systems in revenue service for at least seven years. The County will use the \$29 million funding for the proposed projects for the FY 2018 will be for the preventative maintenance of the rail system.

<https://www.transit.dot.gov/funding/grants/state-good-repair-grants-5337>

##### **Section 5339 Bus and Bus Facilities Formula**

Provides funding to states and transit agencies through a statutory formula to replace, rehabilitate and purchase buses and related equipment and to construct bus-related facilities. In addition to the formula allocation, this program includes two discretionary

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components: The Bus and Bus Facilities Discretionary Program and the Low or No Emissions Bus Discretionary Program. The County will use the \$6 million funding for the proposed projects for the FY 2018 will be for 40-foot busses

<https://www.transit.dot.gov/funding/grants/busprogram>

**ADDITIONAL INFORMATION**

The Fixing America's Surface Transportation (FAST) Act was signed into law on December 4, 2015. The FAST Act authorizes \$305 billion over fiscal years 2016 through 2020 for highway, highway and motor vehicle safety, public transportation, motor carrier safety, hazardous materials safety, rail, and research, technology, and statistics programs. The FAST Act maintains our focus on safety, keeps intact the established structure of the various highway-related programs we manage, continues efforts to streamline project delivery and, for the first time, provides a dedicated source of federal dollars for freight projects. <https://www.fhwa.dot.gov/fastact/>

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**Item No. 8N5  
File No. 180404**

**Researcher: MF Reviewer: PGE**

RESOLUTION APPROVING A GAS EXTENSION CONTRACT AGREEMENT, WITH PIVOTAL UTILITY HOLDINGS, INC. D/B/A FLORIDA CITY GAS IN SUPPORT OF MASTER DEVELOPER AGREEMENT CONTRACT NO.: 00096, COMPRESSED NATURAL GAS PROGRAM FOR MIAMI-DADE COUNTY DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND EXERCISE ALL PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the gas extension contract agreement with Pivotal Utility Holdings, Inc. d/b/a Florida City Gas, in support of Master Developer Agreement Contract No. 00096, compressed natural gas program for the Miami-Dade County Department of Transportation and Public Works (DTPW).

**APPLICABLE LEGISLATION/POLICY**

Resolution No. R-35-17, adopted by the Board on January 24, 2017, approves the award of a Master Developer Agreement, Contract No. 00096, Compressed Natural Gas Program for the Miami-Dade Department of Transportation and Public Works, to Trillium Transportation Fuels, LLC, in a total amount not the exceed \$428,773,000 for an initial ten-year term with an option to renew up to ten years.

<http://intra/gia/matter.asp?matter=162416&file=true&yearFolder=Y2016>

Resolution No. R-612-17, adopted by the Board on June 6, 2016, approves a gas extension contract agreement with Southern Gas Companies d/b/a Florida City Gas in support of Master Developer Agreement Contract No. 00096, Compressed Natural Gas Program for Miami-Dade Department of Transportation and Public Works.

<http://intra/gia/matter.asp?matter=171964&file=false&yearFolder=Y2017>

Resolution No. R-504-15, adopted by the Board on June 2, 2015, requires the County to undertake certain measures to minimize the negative aesthetic impact to the public prior to conveyance of an easement or license for the installation of utility lines and equipment on County-owned property.

<http://intra/gia/matter.asp?matter=151008&file=true&yearFolder=Y2015>

Resolution No. R-974-09, adopted 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 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: N/A**

**Department/Requester: Transportation and Public Works**

The proposed resolution was considered at the March 15, 2018 Transportation and Public Works Committee and was forwarded to the BCC with a favorable recommendation.

Commissioner Sosa requested to receive a complete report on the status of the Compressed Natural Gas (CNG) Program before the next Board meeting. She expressed concern about the lack of competition for the CNG contracts and pointed out that this was not a contract extension.

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Commissioner Moss shared that Florida City Gas has responded to concerns raised by the homeowners group off Colonial Drive as to whether the installation of the gas lines would impact pavements and traffic. Florida City Gas ensured that the construction will not impede traffic mobility for the neighborhood.

**FISCAL IMPACT**

Per the Mayor's memorandum, Florida City Gas has computed an average annual revenue of \$113,914, with a maximum allowable construction estimated at \$683,484.

According to a search conducted on the Bid Tracking System on April 6, 2018, \$321,660,000 was allocated to the CNG program; \$67,592 has been released; and there is a remaining balance of \$321,592,610.

**ANALYSIS**

On January 24, 2017, through Resolution No. R-35-17, the Board approved the award of a Master Developer Agreement, Contract No. 00096, for a Compressed Natural Gas (CNG) Program for the Department of Transportation and Public Works (DTPW), to Trillium Transportation Fuels, LLC. The Master Developer Agreement provided for the initial replacement of 300 buses, and allowed for future expansion of the CNG Program with the purchase of an additional 200 CNG buses.

As a result, DTPW is required to enter into an agreement with Florida City Gas for the installation of gas facilities and monitors in order to service this contract, and to provide a space for metering and associated equipment. The proposed resolution approves an Agreement with Florida City Gas that covers the installation of a gas facility that will service DTPW's Compressed Natural Gas Program, including the installation of equipment and gas meters that will monitor the consumption of gas at the Coral Way Bus Depot, located at 2776 S.W. 74<sup>th</sup> Avenue, Miami, MF 33155.

On June 6, 2017, through Resolution No. R-612-17, the Board approved a similar Gas Extension Contract Agreement with Southern Gas Companies d/b/a Florida City Gas, in support of Master Developer Agreement Contract No. 00096, Compressed Natural Gas Program for DTPW to install equipment and gas meters that will monitor the consumption of gas at the Central Depot, located at 3431 N.W. 31<sup>st</sup> Street, Miami FL 33142.

**Highlights of the Master Developer Agreement**

**Scope of Work and County Objectives for the Compressed Natural Gas (CNG) Program for DTPW:**

- Design, build, finance, operate and maintain County CNG fuel service stations;
- Upgrade existing County infrastructure including upgrading and/or converting County maintenance facilities and existing fuel stations to provide CNG;
- Obtain CNG powered buses, with the goal of replacing County diesel powered buses with CNG buses;
- Supply CNG fuel for County buses; and
- Generate revenues for the County through the sale of CNG fuel to third parties.

**Highlights of the Florida City Gas Extension Contract:**

- Florida City Gas will install gas facilities to serve the DTPW. Florida City Gas will install gas facilities, including one gas meter to serve the total equipment load indicated in Schedule A.
- The DTPW shall provide and maintain, without charge to Florida City Gas, a suitable space for the metering and associated equipment. Such space shall be as near as practicable to the point of entrance of the service pipe, and readily accessible to authorized employees or agents of Florida City Gas.

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- Florida City Gas, in its sole discretion, may install, at its expense, an AMR device to monitor the DTPW's gas consumption. However, when such equipment is required by the service classification under which the DTPW will receive service, Florida City Gas shall determine any necessary equipment inclusive of compensating and AMR devices to be installed at the DTPW's expense.
- The DTPW will install and commence using in a bona fide manner within 12 months after the date of completion of this extension; and continue to use appliances and equipment, on which Florida City Gas has relied in computing the Estimated Annual Revenues and the Maximum Allowable Construction Cost (MAAC).
- At the end of the first year and fifth year following construction, Florida City Gas will determine if the Estimated Annual Revenues have been met. If based upon this determination at the end of the fifth year following construction, there is a lesser MAAC than that originally granted, and a payment is required, such additional payment shall be paid by the DTPW.
- If there is no gas consumption after 12 months from the service installation date, Florida City Gas may disconnect the service from the main, and the County shall reimburse Florida City the maximum allowable construction estimate for constructing and providing gas extension services. If needed, these funds would be derived from DTPW Operating Funds.

**ADDITIONAL INFORMATION**

A newspaper article dated May 30, 2017, entitled "10 benefits of using Compressed Natural Gas (CNG)" explains that "Compressed Natural Gas", commonly referred to as CNG, is a clear, odorless, non-corrosive gas that can be used as a cheaper, cleaner and more efficient alternative to the traditional fuels used in vehicles. The gas is compressed so sufficient fuel can be stored within the vehicle to extend the driving range". It lists the benefits to using CNG.

<http://www.looptt.com/content/10-benefits-using-compressed-natural-gas-cng>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Florida City Gas is currently registered as a Fictitious Name, and first filed and registered on 04/11/2005. Its owner is Pivotal Utility Holdings, Inc., 10 Peachtree Place, Loc. 1466, Atlanta, GA 30309

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

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Research Notes**

**Item No. 8N6  
File No. 180310**

**Researcher: MF Reviewer: PGE**

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE A CONTRACT IN THE AMOUNT OF \$322,974.79 TO HIGHWAY STRIPING, INC. FOR THE PEOPLE'S TRANSPORTATION PLAN PROJECT ENTITLED PAVEMENT MARKINGS INSTALLATION; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.2.7.01 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-53; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR SUCH PURPOSES

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize the County Mayor or the County Mayor's designee to execute a contract in the amount of \$322,974.79 to Highway Striping, Inc., for the People's Transportation Project entitled "Pavement Markings Installation;" and authorize the use of Charter County Transportation Surtax Funds for such purposes.

**APPLICABLE LEGISLATION/POLICY**

Miami-Dade County Code, Section 29-124 governs the uses of surtax proceeds, and the role of the Citizens' Independent Transportation Trust. Expenditure of surtax proceeds shall be subject to the following limitations:

- (g) Surtax proceeds shall be applied to expand the Golden Passport Program to all persons who are over the age of 65 or are drawing Social Security benefits, and to provide fare-free public transportation service on Metromover.
- (h) Surtax proceeds may only be expended for the transportation and transit purposes specified in Section 212.055 (1) (d) 1-4 of the Florida Statutes.
- (i) The County shall not expend more than five percent of the County's share of surtax proceeds on administrative costs.
- (j) The Trust shall in consultation with the Mayor recommend to the County Commission a Five-Year Implementation Plan.
- (k) 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.
- (l) No surtax proceeds may be used to pay the costs of a contract unless the Trust has submitted a recommendation to the County Commission regarding said contract award.

[http://miamidade.fl.elaws.us/code/coor\\_ptiii\\_ch29\\_artxvi\\_sec29-124](http://miamidade.fl.elaws.us/code/coor_ptiii_ch29_artxvi_sec29-124)

Florida Statutes, Section 212.055 (1) (d) governs discretionary sales surtaxes; legislative intent; authorization and use of proceeds. Sub-section (1)(d) provides that "Proceeds from the surtax shall be applied to as many or as few of the uses enumerated below in whatever combination the County Commission deems appropriate:

- 5) Deposited by the County in the Trust Fund and shall be used for the purposes of development, construction, equipment, maintenance, operation, supportive services, including a countywide bus system, on-demand transportation services, and related costs of a fixed guideway rapid transit system;
- 6) Remitted by the governing body of the County as an expressway, transit, or transportation authority created by law to be used, at the discretion of such authority, for the development, construction, operation, or maintenance of roads or bridges in the County ...;
- 7) Used by the County for the development, construction, operation, and maintenance of roads and bridges in the County; for the expansion, operation, and maintenance of bus and fixed guideway systems; for the expansion, operation, and maintenance of on-demand transportation services ...;



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- 8) Used by the County for the planning, development, construction, operation, and maintenance of roads and bridges in the County ...”

[http://www.leg.state.fl.us/STATUTES/index.cfm?App\\_mode=Display\\_Statute&URL=0200-0299/0212/Sections/0212.055.html](http://www.leg.state.fl.us/STATUTES/index.cfm?App_mode=Display_Statute&URL=0200-0299/0212/Sections/0212.055.html)

Miami-Dade County Code, Section 2-8.2.7.01 governs the prequalifying, registration, award and construction of miscellaneous construction contracts designed to provide opportunities for Community Small Business Enterprises. The 7040 Plan, also known as the “CSBE Rotational Set Aside Plan”, under this section provides that [t]he Set Aside Plan shall be a 100 percent CSBE set aside. To qualify, participants must be certified by the Department of Small Business Development in their contracting trade. The Office of Capital Improvements (OCI) shall establish and administer a rotational pool to distribute work among program participants in an equitable manner through competitive bids. The pool shall be designed to effect the maximum distribution of work among qualified firms, established in accordance with the contractor’s license and abilities to do the work.

[http://miamidade.fl.elaws.us/code/coor\\_ptiii\\_ch2\\_arti\\_sec2-8.2.7.01](http://miamidade.fl.elaws.us/code/coor_ptiii_ch2_arti_sec2-8.2.7.01)

Miami-Dade County Implementing Order 3-53 establishes a policy for the use of the Miscellaneous Construction Contracts (MCC) program, which provides small, local contractors countywide with a fair opportunity to compete for work on County construction projects of appropriate size.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-53.pdf>

### **PROCEDURAL HISTORY**

**Prime Sponsor:** N/A

**Department/Requester:** Transportation and Public Works

The proposed resolution was considered at the meeting of the Transportation and Public Works Committee held on March 15, 2018 and forwarded to the Board with a favorable recommendation.

Commissioner Sosa requested that the department prepare a report detailing the pavement marking work that had been undertaken in the past and was planned for the future, by district. She also requested that the department include in the report the formula that was used to determine need, and the evaluations conducted to determine such pavement marking needs.

### **FISCAL IMPACT**

According to the Fiscal Impact Statement, the fiscal impact of this contract award will be approximately \$322,974.79. The base contract amount is \$259,798.40, exclusive of contingency and dedicated allowance amounts. The proposed improvements qualify under the allowable work categories included in the People’s Transportation Plan Neighborhood Improvement Section. The project is included in the Fiscal Year 2017-18 adopted Capital Budget and funded by the Charter County Transit System Surtax funds.

### **ANALYSIS**

As required under the Miscellaneous Construction Contracts Program, the Department of Transportation and Public Works (DTPW) forwarded Request for Price Quotation (RPQ) No. 20170262, utilizing the MCC 7040 Plan, to a list of 61 pre-qualified firms. On November 29, 2017, Highway Striping, Inc., proffered the lowest responsive and responsible bid of \$259,798.40, which was 17.48 percent below the County’s cost estimate. The second lowest bidder, P&J Striping, Inc., proffered a base bid of \$314,590.72, which was 0.08 percent below the County’s cost estimate. The third lowest bidder, Dremcon Construction Corp., proffered base bid of \$437,881.45, which was 38.81 percent over the County’s cost estimate. The work will be performed in the following districts:

- District 1, represented by Commissioner Barbara J. Jordan;
- District 3, represented by Commissioner Audrey M. Edmonson.
- District 9, represented by Commissioner Dennis C. Moss; and

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- District 10, represented by Commissioner Javier D. Souto;

The estimated start of construction is early summer, and the contract's duration is 360 calendar days. There could be minimal impact to vehicular traffic as a result of minor maintenance of traffic as the work is implemented. Some of the work to be undertaken by the company include the following: furnish and install single post signs, furnish and install signs with stainless steel straps, remove existing pavement markers, remove pavement messages, remove existing directional arrows, remove existing school crossing pavement messages, paint pavement markings, paint traffic stripes, paint guide lines, and apply primer sealer to cement concrete pavement.

According to Miami-Dade County Code, Section 29-124, the surtax proceeds collected by the State and distributed hereunder shall be deposited in a special fund set aside from other County funds in the custody of the Finance Director of the County. Moneys in the special fund shall be spent for the transportation and transit projects and the adopted Five-Year Implementation Plan.

Based on the result of the solicitation, the DTPW issued a recommendation for award to Highway Striping, Inc. on December 6, 2017 for RPQ No. 20170262, with the stipulation that approval for this project must be obtained from the CITT and the Board.

**ADDITIONAL INFORMATION**

The People's Transportation Plan (PTP), the half-penny transportation surtax overwhelmingly approved by Miami-Dade County voters in November 2002, included \$476 million for public works projects. The PTP funds to be provided to the Transportation and Public Works Department were for major highway and road improvements totaling \$309 million, and for neighborhood improvements totaling \$167.

<http://www.miamidade.gov/publicworks/peoples-transportation.asp>

The People's Transportation Plan (PTP) provided \$167 million for Neighborhood Improvements. These include modifications of intersections; resurfacing of local and arterial roads; installation/repairs of guardrails; installation of school flashing signals and enhancement of greenways and bikeways; replacement/repair of sidewalks; repair/installation of drainage, landscape beautification roadway signage, roadway lighting, pavement markings, and traffic calming; and Americans with Disabilities Act (ADA) accessibility to bus stops throughout the County.

<http://www.miamidade.gov/citt/library/five-year-plan/neighborhood-improvements.pdf>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Highway Striping, Inc., has an active status as a Florida Profit Corporation and first filed and registered on 05/29/2008. The principal address is registered as 10724 S.W. 188<sup>th</sup> Street, Miami, FL 33157. Its registered agent is Nieto, Julio, 10724 S.W. 188<sup>th</sup> Street, Miami, FL 33157.

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

**DEPARTMENT INPUT:**

The Office of the Commission Auditor posed the following questions to the Department of Transportation and Public Works, and received the following answers:

- What are the anticipated start and completion dates of the project? The estimated start of construction is early summer, and the contract's duration is 360 calendar days.
- Will this work result in traffic mobility issues or impact the residents in the surrounding areas? There could be minimal impact to vehicular traffic as a result of minor maintenance of traffic as the work is implemented.

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**Item No. 8N7**  
**File No. 180845**

**Researcher: NR   Reviewer: TD**

RESOLUTION APPROVING A PARKING AND PEDESTRIAN AGREEMENT BETWEEN MIAMI-DADE COUNTY AND BRICKELL CITY CENTRE PROJECT, LLC, WHICH ALLOWS IMPROVEMENTS IN THE PUBLIC RIGHT-OF-WAY SURROUNDING BRICKELL CITY CENTRE PROJECT, AND THE RELOCATION OF COUNTY PARKING SPACES; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE PARKING AND PEDESTRIAN AGREEMENT AND TO EXERCISE ANY CANCELLATION AND RENEWAL PROVISIONS AND ALL OTHER RIGHTS CONTAINED THEREIN (SEE ORIGINAL ITEM #180388)

**ISSUE/REQUESTED ACTION**

Whether the Board should approve a Parking and Pedestrian Agreement (Agreement) with Brickell City Centre Project, LLC (Brickell City Centre) which allows improvements in the public right-of-way surrounding Brickell City Centre, and the relocation of Miami-Dade County (County) parking spaces.

**APPLICABLE LEGISLATION/POLICY**

On April 3, 2012, the Board passed Resolution No. R-306-12 approving a Brickell Parcel A Vacant Land Lease, and a Brickell Metromover Parcels B, C, and D Development, Maintenance, and Easement Agreement with Swire Properties, LTD. (Swire).

<http://intra/gia/matter.asp?matter=120462&file=true&yearFolder=Y2012>

On October 20, 2015, the Board passed Resolution No. R-955-15 approving an Amendment to the Lease covering only Parcel A which is not encumbered by the Metro mover system, but was overbuilt by Brickell City Centre by approximately 2,240 square feet.

<http://intra/gia/matter.asp?matter=152227&file=true&yearFolder=Y2015>

**PROCEDURAL HISTORY**

**Prime Sponsor: NONE**

**Requester: Transportation and Public Works**

This item was forwarded to the Board with a favorable recommendation by the Transportation and Public Works Committee (TPWC) at its March 15, 2018 meeting. Item was amended, on handwritten p.7, to add: until said notice is provided Miami-Dade County may continue to use County parking lot.

**FISCAL IMPACT**

This item represents a positive fiscal impact to the County as the improvements and relocation of parking spaces will be entirely funded by Brickell City Centre.

**ANALYSIS**

The item seeks to approve the Agreement with Brickell City Centre that will allow improvements in the public right-of-way surrounding Brickell City Centre. Further, the agreement states Brickell City Centre will provide fifteen (15) employee parking spaces for the exclusive use of the County, to replace parking spaces which may be lost from the County Parking Lot in the course of future development. Further, the parking spaces provided for County use shall be free of charge, and remain open and accessible to the County at all times and be located as per Section 3(a) of the Agreement.

According to the agreement, Brickell City Centre on the commencement date of the agreement will begin the process to install pedestrian mobility and safety enhancements in the area within the County Right-of-Way at the ground level below and adjacent to the South Miami Avenue overpass, south of the 5th Street travel lanes. The improvements include lighting, landscaping, and other

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features that will render this portion of the right-of-way more accessible and safer for pedestrians, and shall remain perpetually open for the use and benefit of the public.

The term of the Agreement will start upon its execution, and will continue for a period of 10 years, and will automatically terminate unless a further extension is agreed upon in writing by the parties. Brickell City Centre is obligated to provide parking spaces so long as areas underneath the South Miami Avenue overpass continue to be used by the Department of Transportation and Public Works (DTPW) as a maintenance facility.

**ADDITIONAL INFORMATION**

Brickell City Centre is a \$1.05 billion mixed-use development. Strategically located in the center of the Brickell financial district, this is the single largest project currently underway in downtown Miami. Brickell City Centre is anticipated to bring a whole new level of urban living and sophistication to the area.

**The highlights of the project include:**

- 9.1 acres along South Miami Avenue between Eighth Street and Sixth Street
- 5.4 million square feet of office, residential, hotel, retail and entertainment space, in addition to a two-level underground parking garage that spans seven acres below the property
- An environmentally progressive CLIMATE RIBBON™ architectural feature that will provide innovative climate control so shoppers can walk in comfort between stores and restaurants
- Incorporates key transportation centers with the Miami Metro mover while offering easy access to Interstate 95

**Project statistics**

- 500,000 square-foot shopping center
- 260,000 square feet of office space in two towers
- 780 condominiums in two towers
- 263 hotel rooms
- 89 serviced apartments
- 2,600 parking spaces
- An environmentally sophisticated and innovative CLIMATE RIBBON™ architectural feature that will provide active and positive climate control
- Phase II: One Brickell City Centre mixed-use tower

**Economic Impact**

- Approximately \$1 billion in overall economic impact
- Approximately 1,700 construction jobs on average per year for four years
- Approximately 3,700 direct jobs and 2,500 indirect jobs after construction completion
- \$5.4 million in ad valorem taxes for the City of Miami
- \$1 million in annual revenue from parking surcharges for the City of Miami
- \$6.1 million in permit and impact fees for the City of Miami
- \$9.6 million annually in ad valorem taxes from Miami Dade County
- \$1.2 impact fees for Miami Dade County

Project Description: Brickell City Centre found at:  
<http://brickellcitycentreconnect.com/project-description/>

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**Research Notes**

**Input from DTPW ( pending response for the BCC Agenda scheduled for 4/10/18):**

- Clarify whether a period of 10 years is sufficient time to fulfill all the requirements under the contract to construct all improvements.

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**Item No.801  
File No. 180392**

**Researcher: SM    Reviewer: PGE**

RESOLUTION AUTHORIZING SALE AND TRANSFER OF OWNERSHIP OF MIAMI-DADE COUNTY SEWER FACILITIES VALUED AT \$450.00 TO TB ISLE RESORT LP, A DELAWARE LIMITED PARTNERSHIP, PURSUANT TO THE PROVISIONS OF SECTION 274.06, FLORIDA STATUTES; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO SELL AND TRANSFER SAID SEWER FACILITIES

**ISSUE/REQUESTED ACTION**

Whether this Board should approve this Resolution which would authorize the sale and transfer of ownership of Miami-Dade County sewer facilities valued at \$450 to TB Isle Resort LP.

**APPLICABLE LEGISLATION/POLICY**

Section 274.06 of the Florida Statutes pertains to tangible personal property owned by local governments, it mentions alternative procedures, and having consideration for the best interests of the county or district, a governmental unit's property that is obsolete or the continued use of which is uneconomical or inefficient, or which serves no useful function, which property is not otherwise lawfully disposed of, may be disposed of for value to any person, or may be disposed of for value without bids to the state, to any governmental unit, or to any political subdivision, or if the property is without commercial value it may be donated, destroyed, or abandoned.

[http://leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0200-0299/0274/Sections/0274.06.html](http://leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0200-0299/0274/Sections/0274.06.html)

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Sally A. Heyman, District 4  
Requester/Department: Water & Sewer Department**

**This Item does not have procedural history.**

**FISCAL IMPACT**

As stated in the mayoral memo, the County will receive an amount of \$450 from the sale and transfer of ownership of the sewer infrastructure.

**ANALYSIS**

This Item will approve the sale and transfer of the aforementioned sewer facilities to TB Isle Resort LP. in an amount of \$450. The location of the sewer facilities are by Turnberry Isle Resort where TB Isle Resort LP is the property owner; the sewer system only services the Turnberry Isle Resort. The purpose for this proposed Resolution is so that the County can sell and transfer the sewer facilities to TB Isle Resort LP due to the fact that it has become uneconomical and inefficient for the County to maintain the sewer facilities. This area is located in District 4 which is represented by Commissioner Sally A. Heyman.

Turnberry Isle Resort is a continuously developing area, this has made it difficult for the Water and Sewer department of Miami-Dade County to continue owning and maintaining these sewer facilities, as stated by the mayoral memo.

The mayoral memo states that the County will not lose any revenues as it relates to this transfer of ownership, in addition to Section 274.06 of the Florida Statutes, (see applicable legislation/policy section for reference) which states that the County can dispose of a in a cost efficient way if it is valued less than \$5,000.

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The appraisal was conducted by an independent appraiser that was County approved. The appraisal report states that the data which was gathered includes the most pertinent data, techniques employed, and the reasoning leading to the opinion of value. It also states that it followed the uniform standards of professional appraisal practices, the requirements of the code of professional ethics and standards of professional appraisal practice of the appraisal institute.

**ADDITIONAL INFORMATION**

TB Isle Resort LP. is a privately held company in Aventura, FL with an address of 19999 West Country Club Drive Aventura, FL 33180. They have a status of Active on sunbiz.org and have a filing date of October 5, 2005.

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

[EntityName&directionType=Initial&searchNameOrder=](#)

[TBISLERESORT%20B050000004240&aggregateId=](#)

[forlp-b05000000424-1850355d-2301-41a9-98c4-f0146239245e&searchTerm=TB%20Isle%20Resort&listNameOrder=](#)

[TBISLERESORT%20B050000004240](#)



**BCC Meeting: April 10, 2018  
Research Notes**

**Item No.802  
File No. 180390**

**Researcher: SM    Reviewer: PGE**

RESOLUTION AMENDING IMPLEMENTING ORDER 10-8 RULES AND REGULATIONS OF THE MIAMI-DADE WATER AND SEWER DEPARTMENT UPDATING THE DEPARTMENT'S RULES AND REGULATIONS FOR THE PROVISION OF WATER AND SEWER SERVICES

**ISSUE/REQUESTED ACTION**

Whether the Board should approve this Resolution amending Implementing Order (IO) 10-8 relating to the rules and regulations of the Miami-Dade County Water and Sewer Department (WASD), to update the rules and regulations (R&R) for the provision of water and sewer services.

**APPLICABLE LEGISLATION/POLICY**

Resolution No. R-347-11 adopted May 3, 2011 is a resolution rescinding administrative order 10-8 and adopting implementing order 10-8: rules and regulations of the Miami-Dade Water and Sewer department.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2011/110583.pdf>

Implementing Order 10-8 adopted May 3, 2011 provides the current rules and regulations of the Miami-Dade County Water and Sewer Department as revised. The department shall act in accordance with the procedures set forth in the Rules and Regulations in dealing with water and sewer customers.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO10-8.pdf>

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Jean Monestime, District 2**

**This Item does not have procedural history.**

**FISCAL IMPACT**

The fiscal impact will be positive for the County as the department will be changing from paper submittal process to an electronic submittal process, this will reduce the cost of paper storage, in addition to increasing the overall efficiency. No new fees will be included in the proposed revisions, as stated in the mayoral memo.

**ANALYSIS**

This proposed Resolution aims to change the rules and regulations of WASD. The provision to the R&Rs are being proposed to improve business practices that are currently in place at WASD. The intention of the provisions are but not limited to bringing a more cost effective solution as it relates to obtaining water and sewer services from the Department. WASD is also changing the submittal process from paper to electronic, this will increase efficiency within the department which will in turn have a positive impact on the County as a whole as it relates to water and sewer services, as stated by the mayoral memo.

The proposed changes are attached in the mayoral memo, however below are some of the key changes proposed:

- WASD staff performed a thorough review of its R&Rs and proposed revisions to the R&Rs to make the Department's approval process easier and simpler.

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- New language was added providing the Department with more flexibility when reviewing and approving specifications for design, material and construction standards. The Department will have the ability to approve proposed alternatives to existing standards.
- Developers of affordable housing will obtain and provide to the Department the funding commitments, including Letters of Agreements and Developer Agreements, for the affordable housing development at the time the developer requests the Water Verification Form.
- The water main extension requirements for Single Family Homes, Duplexes and Adult Congregated Living Facilities (ACLFs) with six beds were revised in favor of the Customer. Currently, a water main extension is required if 8-inch mains are located within 200 feet. This requirement has been revised to allow customers to use the existing infrastructure if a verification of proper pressure demonstrates that the water meter (currently installed on a water pipeline ranging in size from 2 inches to 6 inches) is sufficient for service at the property.
- A Development Committee appointed by the Director will be formed and meet on a biweekly basis to perform additional reviews beyond standard staff review to determine the applicability of these R&Rs, including but not limited to: water and sewer main extensions; requirements for fire hydrant installations; water service requirements for redevelopment, including new construction replacing facilities and changes of use of existing structures; and oversizing water main extensions.
- The Director may amend the Department's R&Rs, subject to ratification from the Board on an annual basis.
- Applications, forms, and plans submittals will be submitted electronically to the Department unless otherwise approved by the Department.

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Research Notes**

**Item No. 803  
File No. 180396**

**Researcher: JFP   Reviewer: TD**

RESOLUTION APPROVING A STORMWATER BILLING AGREEMENT WITH THE CITY OF AVENTURA FOR THE BILLING OF STORMWATER UTILITY CHARGES BY THE MIAMI-DADE WATER AND SEWER DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND TO EXERCISE THE PROVISIONS CONTAINED HEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize the execution of a new agreement between Miami-Dade County and the City of Aventura providing for the billing of the City's stormwater charges by the Miami-Dade Water and Sewer Department (WASD).

**APPLICABLE LEGISLATION/POLICY**

In Resolution R-1375-07, the Board adopted the most recent agreement with the City of Aventura for the County to provide the billing of the City's stormwater charges.

<http://intra/gia/matter.asp?matter=073165&file=true&yearFolder=Y2007>

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Water and Sewer Department**

This item has no procedural history.

**FISCAL IMPACT**

Passage of this Resolution would have a positive fiscal impact to the County, as WASD would receive \$0.97 per bill from the City of Aventura for the billing service.

**Revenue Received by Miami-Dade County for Billing Service (FY 2016-17)**

Source	Amount
City of Aventura	\$6,340
All Participating Municipalities (Including the City of Aventura)	\$600,039

**ANALYSIS**

This item authorizes the execution of a new agreement between Miami-Dade County and the City of Aventura providing for the billing of the City's stormwater charges by WASD. The last agreement has been expired since January 18, 2018; the City of Aventura and the County have agreed to honor the terms and conditions of the agreement on a month-to-month basis until the new agreement is approved by the Board.

Under the terms of the new agreement, WASD will bill, collect and remit the City's stormwater utility charges for a fee of \$0.97 per bill, calling for a ten cent increase from the previous agreement for the provision of this service.

WASD currently performs such billing services for the cities of Doral, Miami, Miami Gardens, Miami Springs, South Miami, and Sweetwater, and The Towns of Cutler Bay, as well as the villages of El Portal, Key Biscayne, Palmetto Bay and the Town of Miami Lakes.

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The following are the primary responsibilities of the City per the terms of the agreement:

- Deliver to the County its schedule of rates and any revisions of such schedule rates, a minimum of 30 calendar days in advance of the effective date.
- All telephone calls and correspondence from customers regarding the stormwater utility are to be directed to the City, with the County providing the City's telephone number on the bill.
- Legal actions for non-payment of stormwater utility charges are the sole responsibility of the City.
- Pay the County \$0.97 per bill.
- Provide compensation for all costs and expenses incurred and paid by the County in defending legal actions brought against the County involving billing or collection of stormwater utility service charges on behalf of the City.
- Pay the county the City's pro-rata share of debt service on any obligations associated with cost sharing Stormwater Management Projects (e.g., canal dredging, canal maintenance and drainage projects) that may be agreed to subsequent to the date of the agreement for which payment will be based on a mutually agreed amount.

The following are the primary responsibilities of the County per the terms of the agreement:

- Bill, collect and remit the City's stormwater utility charges in a timely manner. The City may terminate the agreement on 30 days written notice if the County fails to timely bill the City's customers in accordance with the agreed upon billing cycles or fails to remit payment to the City in the timeframes specified in the agreement.
- Present stormwater utility service charge on the bill as a separate item.
- Keep correct and proper books of accounts showing monthly gross billings of stormwater utility service charges.
- Provide to the City a monthly statement in writing, showing the net amount owed the City by the County for the month covered by such statement, within 60 days of the end of each monthly period.

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**Item No. 11A1**

**File No. 180774 (original item: 180418)**

**Researcher: JFP Reviewer: TD**

RESOLUTION APPROVING GRANT AGREEMENT BETWEEN RIVER LANDING DEVELOPMENT, LLC AND/OR RIVER LANDING ACQUISITION LLC, OR ITS PARENT COMPANY, H&R REIT (U.S.) HOLDINGS, INC. AND MIAMI-DADE COUNTY RELATING TO GRANT FROM BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT 124 "ECONOMIC DEVELOPMENT FUND" IN AMOUNT OF \$7,500,000.00; AND AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AND DELIVER GRANT AGREEMENT ON BEHALF OF COUNTY

**ISSUE/REQUESTED ACTION**

Whether the Board should approve a grant agreement upon which the Building Better Communities General Obligation Bond Program 2015 allocation in the amount of \$7,500,000.00 was contingent.

**APPLICABLE LEGISLATION/POLICY**

Resolution No. R-230-15, adopted on March 3, 2015, approved an allocation to River Landing Development, LLC in the amount of \$7,500,000.00 from Project No. 124 of the Building Better Communities General Obligation Bond Program subject to the approval by the Board of a grant agreement between the County and River Landing Development, LLC for the partial funding of public infrastructure costs related to the development of a mixed use, residential and retail development in Miami's health district. The proposed resolution is for the approval of the aforementioned grant agreement.

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2015/R-230-15.pdf>

Section 2-1701 of the Code of Miami-Dade County governs the Community Workforce Program. Pursuant to the grant agreement, The Grantee agrees to comply with Section 2-1701 of the Code of Miami-Dade County, Florida known as the Community Workforce Program, with a goal of having a minimum of 10% of the persons performing the construction trades and labor work for the Development be residents of Designated Target Areas (as such term is defined in Section 2-1701 of the County Code) and will aspire to have no less than seventy percent (70%) of the Certified Jobs offered first to residents of Miami-Dade County as set forth in the hiring plan prepared by the Grantee.

[https://library.municode.com/fl/miami\\_-](https://library.municode.com/fl/miami_-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTCXIICOWOPR_S2-1701COWOPR)

[dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTCXIICOWOPR\\_S2-1701COWOPR](https://library.municode.com/fl/miami_-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTCXIICOWOPR_S2-1701COWOPR)

**PROCEDURAL HISTORY**

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

**Requester/Department: None**

This item was forwarded to the BCC with a favorable recommendation, as amended, by the Economic Development and Tourism Committee at its March 15, 2018 hearing. Prime Sponsor Commissioner Barreiro requested to amend the language in the proposed resolution to increase the developer's commitment of number of jobs created with the project to 300 from 200.

**FISCAL IMPACT**

According to an economic analysis performed by Miami Economic Associates, Inc., the project will provide both non-recurring and recurring economic benefits, with non-recurring benefits occurring during the construction period and recurring benefits occurring on an annual basis each year after construction has been completed.

During the construction period, it is estimated that 3,635 jobs will be created, with workers earning more than \$192.5 million cumulatively. It is anticipated that 846 workers will then be employed on-site annually, with an additional 359 workers being

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employed as an indirect result of the project, earning more than \$48.7 million annually, far exceeding the developer's committed to create 300 jobs with annual average salaries or wages of \$24,017.76 or higher.

Additionally, the estimated Gross Domestic Product, the total value of all the goods and services that are produced in an area, is \$243,680,900 during the construction period and \$79,519,393 thereafter.

## ANALYSIS

The approval of this grant agreement is an essential component of the fulfillment of the \$7.5 million allocation to River Landing Development, LLC for the development of the proposed River Landing mixed-use project. The project, which will be developed on the site known as the Mahi Shrine Auditorium in the Civic Center portion of the City of Miami in Miami-Dade County, Florida, will contain approximately 436,351 square feet of leasable commercial space and approximately 503 rental apartments. The site address is 1480 NW North River Dr., Miami, FL 33125.



As of the date of the Economic and Fiscal Benefits Analysis report (February 13, 2017), the project had fully executed leases with the following national retailers: Publix Supermarkets, Hobby Lobby, Ross Dress for Less, West Marine, TJ Maxx, Burlington Stores, You Fit Fitness, and AMC Movie Theaters.

## ADDITIONAL INFORMATION

The Board adopted a series of resolutions on July 20, 2004 that authorized the issuance of \$2.926 billion in general obligation bonds (GOB) for capital projects. On November 2, 2004 when the GOB issue was on the ballot, a majority of voters approved the \$2.9 billion bond program which allows the County to issue long-term bonds to fund more than 300 neighborhood and regional capital projects to be completed over the next 15 years.

<https://www.miamidade.gov/bondprogram/>

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**Item No. 11A5  
File No. 180400**

**Researcher: JFP Reviewer: TD**

RESOLUTION AUTHORIZING CONVEYANCE, PURSUANT TO SECTION 125.379(2), FLORIDA STATUTES, OF 10 COUNTY-OWNED PROPERTIES TO HOUSING PROGRAMS, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION, AT A PRICE OF \$10.00, FOR THE PURPOSE OF DEVELOPING SUCH PROPERTIES WITH AFFORDABLE HOUSING TO BE SOLD TO VERY LOW, LOW, OR MODERATE INCOME HOUSEHOLDS IN ACCORDANCE WITH THE MIAMI-DADE INFILL HOUSING INITIATIVE PROGRAM; AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE COUNTY DEEDS; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTION NECESSARY TO ENFORCE THE PROVISIONS SET FORTH IN SUCH COUNTY DEED AND TO ENSURE PLACEMENT OF APPROPRIATE SIGNAGE; AND ACCEPTING PROMISSORY NOTE IN THE AMOUNT OF \$25,000.00 FROM AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE A SECURITY AGREEMENT WITH HOUSING PROGRAMS, INC. AS CONSIDERATION TO DEFER PAYMENT OF CERTAIN FEES ASSOCIATED WITH THE CONVEYANCE OF THE PROPERTIES

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize the conveyance of 10 County-owned properties to a Florida not-for-profit corporation—Housing Programs, Inc.—with the purpose of developing such properties with affordable housing to in turn be sold to very low, low, or moderate income households in accordance with the Miami-Dade Infill Housing Initiative Program.

**APPLICABLE LEGISLATION/POLICY**

Section 17-121 of the County Code relates to the Infill Housing Initiative Program, whose purpose is to increase the availability of affordable homes for very low, low and moderate income persons, maintain a stock of affordable housing, redevelop urban neighborhoods by eliminating the blight of vacant lots and dilapidated or abandoned properties, to equitably distribute homeownership opportunities within the Infill Target Areas, and generate payment of ad valorem taxes.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH17HO\\_ARTVIIIINHAIN\\_S17-121TIPU](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH17HO_ARTVIIIINHAIN_S17-121TIPU)

Implementing Order 3-44 establishes the process for the implementation and management of the Infill Housing Initiative Program (Infill Program) for Miami-Dade County, whereby the procedures are established to carry out the goals of the Infill Program.

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

Section 125.379(1) Florida Statutes requires each county to prepare an inventory list at least every three years of all real County properties that are appropriate for use as affordable housing and further allows the governing body of the County to revise the inventory list upon conclusion of a public hearing held before the governing body.

[http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App\\_mode=Display\\_Statute&Search\\_String=125.379&URL=0100-0199/0125/Sections/0125.379.html](http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.379&URL=0100-0199/0125/Sections/0125.379.html)

Section 125.379(2) Florida Statutes prescribes the County's authority as to the County properties identified as affordable housing.

[http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App\\_mode=Display\\_Statute&Search\\_String=125.379&URL=0100-0199/0125/Sections/0125.379.html](http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.379&URL=0100-0199/0125/Sections/0125.379.html)

Section 125.411 Florida Statutes relates to deeds of conveyance of lands

[http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App\\_mode=Display\\_Statute&Search\\_String=125.411&URL=0100-0199/0125/Sections/0125.411.html](http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.411&URL=0100-0199/0125/Sections/0125.411.html)



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Resolution No. R-376-11, adopted on May 3, 2011, directs that any resolution authorizing the rehabilitation, improvement or conveyance of County-owned real property appropriate for or to be used as affordable housing shall include detailed information on the property and the County's investment and future control.

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2011/R-376-11.pdf>

Resolution No. R-333-15, adopted 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.

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

Resolution No. R-979-17, adopted on November 7, 2017, declared the County properties at issue in the proposed resolution surplus and added such properties to the County's inventory list of affordable housing sites.

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2017/R-979-17.pdf>

Resolution No. R-974-09, adopted 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.

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2009/R-974-09.pdf>

**PROCEDURAL HISTORY**

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

This item was forwarded to the BCC with a favorable recommendation by the Housing and Social Services Committee at its March 12, 2018 meeting. Prior to passage, Commissioner Martinez expressed concerns about the vetting process as many participants of the Infill Program were losing their homes after not being able to sustain them financially.

**FISCAL IMPACT**

Housing Programs, Inc. is to provide consideration in the amount of \$10.00 to the County for the conveyance of 10 County properties previously identified as appropriate for affordable housing. Housing Programs, Inc. has requested that the County agree to allow them to defer payment of certain fees associated with the conveyance of the Properties, and as consideration for such agreement, Housing Programs, Inc. has agreed to execute a promissory note in the amount of \$25,000.00 and a security agreement in the County's favor.

**ANALYSIS**

The proposed resolution to authorize conveyance of the following 10 properties identified as appropriate for affordable housing to Housing Programs, Inc. would further the purpose of making affordable housing available to very low, low, or moderate income households in accordance with the Infill Program.

Address	Land Value	Square Footage
1261 NW 69 St.	\$22,977	5,400
1312 NW 71 St.	\$23,130	5,450
5100 NW 15 Ave	\$32,539	4,840
1602 NW 41 St.	\$33,654	5,000
7620 NW 3 Ave.	\$26,891	8,260
1730 NW 47 St.	\$21,550	4,796
6901 NW 3 Ave.	\$47,092	6,250
7724 NW 3 Ave.	\$14,578	4,500
1090 NW 65 St.	\$27,169	6,351.52

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6809 NW 6<sup>th</sup> Ct.

\$29,982

4,000

The purpose of the Infill Housing 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.

<https://www.miamidade.gov/housing/library/guidelines/infill/infill-housing.pdf>

The main restrictions on the conveyance as specified in the deed are as follows:

- 1) That Housing Programs Inc. develop the properties and sell them as affordable housing, as defined by and in accordance with the requirements of the Infill Housing Initiative Program. The properties shall be sold to qualified homebuyers whose income range is established up to 140% of the most recent median family income for the County as reported by the United States Department of Housing and Urban Development.
- 2) The properties shall be developed within two years of the recording of the deed. The Board has the authority to waive this requirement to allow Housing Programs, Inc. more time to complete the homes if necessary.
- 3) Under no circumstances shall the sales price of the home exceed \$205,000.

Housing Programs, Inc. is a Florida not-for-profit corporation listed as active in [www.Sunbiz.org](http://www.Sunbiz.org), with the principal address of:

16499 NE 19th Ave  
Suite 212  
North Miami, FL 33162

**ADDITIONAL INFORMATION**

Infill Housing Homebuyer Requirements can be found at the below link:

<http://www.miamidade.gov/housing/infill-housing-homebuyers.asp>

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**Item No. 11A7  
File No. 180405**

**Researcher: SM      Reviewer: PGE**

RESOLUTION AMENDING RESOLUTION NO. R-210-17 TO EXTEND THE TIMEFRAME UNTIL NOVEMBER 30, 2018 FOR THE CITY OF MIAMI GARDENS TO APPROVE A REDEVELOPMENT PLAN AND INTERLOCAL AGREEMENT ACCEPTABLE TO THE COUNTY AND FOR THE COUNTY TO APPROVE SAME

**ISSUE/REQUESTED ACTION**

Whether the Board should approve this item amending Resolution No. R-210-17 to extend the timeframe until November 30, 2018 for the City of Miami Gardens to approve a redevelopment plan and Interlocal agreement acceptable to the County.

**APPLICABLE LEGISLATION/POLICY**

Section 163.410 of the Florida Statutes governs the exercise of powers in counties with home rule charters. In any county which has adopted a home rule charter, the powers conferred by this part shall be exercised exclusively by the governing body of such county  
<https://m.flsenate.gov/Statutes/163.410>

Resolution No. 2016-133-3032 was adopted by the City of Miami Gardens which declared an area within the municipal boundaries of the City of Miami Gardens which is described generally as bounded on the North by NW 215 Street, on the West by NW 47 Avenue, on the South by NW 167 Street and on the East by NW 17 Avenue ("Miami Gardens Redevelopment Area"), to be a slum or blighted area.

<http://www.miamidade.gov/redevelopment/library/studies/miami-gardens-finding-of-necessity.pdf>

Resolution No. R-210-17, adopted March 7, 2017, declared an area within the municipal boundaries of the City of Miami Gardens which is described generally as bounded on the North by NW 215 Street, on the West by NW 47 Avenue, on the South by NW 167 Street and on the East by NW 17 Avenue ("Miami Gardens Redevelopment Area"), to be a slum or blighted area.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2017/170351.pdf>

Section 163.340(7) and (8), respectively of the Florida Statutes governs the County organization and Intergovernmental relations.  
<http://m.flsenate.gov/Statutes/163.340>

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Barbara J. Jordan, District 1.**

The item was forwarded to the Board with a favorable recommendation by the Housing and Social Services Committee at its March 12, 2018 meeting. At the meeting, Commissioner Martinez inquired what the reason was for the extension. Commissioner Jordan answered, explaining that the City was unable to complete the plan within the allocated timeframe.

**FISCAL IMPACT**

N/A

**ANALYSIS**

This item proffers amending Resolution No. R-210-17 as it relates to the Community Redevelopment Agency (CRA) of Miami Gardens. The original Resolution that was adopted March 7, 2017 required the CRA to approve a redevelopment plan and Interlocal agreement within 12 months after it was adopted by the Board; however, the CRA has failed to do so which is why this proposed Resolution would extend the deadline to November 30, 2018.

The amendment to the Resolution includes the following provision:

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- The Miami Gardens Community Redevelopment Agency shall cease to exist on November 30, 2018 if (1) the City has not approve a redevelopment plan and Interlocal agreement acceptable to the County; and (2) the County has not approved a redevelopment plan and Interlocal agreement.

**ADDITIONAL INFORMATION**

The Miami Gardens Finding of Necessity report identifies three areas for redevelopment within the City. These areas consist of approximately 1,707 acres, which encompass 13.35% of the entire city. As previously mentioned, the first study, as stated on the website of the Office of Management and Budget. Furthermore it states that the first study area is the NW 27th Avenue Study area. It includes NW 27th Avenue between NW 215th Street and SR 826. It is bounded by NW 47th Avenue to the west and includes properties north of the Snake Creek Canal, excluding the residential area between NW 37th Avenue north of NW 207th Street and NW 27th Avenue and Calder Race Course and Casino to the east. The link below refers to the Finding of Necessity study.

<http://www.miamidade.gov/redevelopment/library/studies/miami-gardens-finding-of-necessity.pdf>

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**Item No. 11A10  
File No. 180554**

**Researcher: MF   Reviewer: PGE**

RESOLUTION DECLARING SURPLUS MIAMI-DADE COUNTY OWNED PROPERTY LEGALLY DESCRIBED AS FLAMINGO PARK PB 18-28, LOTS 24 & 25, BLOCK 1 AND IDENTIFIED BY FOLIO NUMBER 30-6913-005-0073; WAIVING REVIEW OF THIS ACTION BY THE PLANNING ADVISORY BOARD, AS PRESCRIBED BY ADMINISTRATIVE ORDER 8-4; APPROVING THE CONVEYANCE OF THE SAME TO FORMER OWNER ELIJAH DUKES IN ACCORDANCE WITH SECTION 197.592(1) OF THE FLORIDA STATUTES; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ACTIONS NECESSARY TO ACCOMPLISH SAID CONVEYANCE; AND AUTHORIZING EXECUTION OF A COUNTY DEED FOR SUCH PURPOSE

**ISSUE/REQUESTED ACTION**

Whether the Board should (i) declare as surplus a Miami-Dade County-owned property legally described as Flamingo Park PB 18-28, Lots 24 & 25, Block 1; (ii) waive review of this action by the Planning Advisory Board; (iii) approve conveyance of the aforementioned property to former owner Elijah Dukes; and authorize the County Mayor to take actions necessary to accomplish this conveyance.

**APPLICABLE LEGISLATION/POLICY**

Administrative Order No. 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. Before action is taken on any proposed sale or lease of County-owned real property, unless expressly excluded in the policy, a recommendation will be requested from the Planning Advisory Board, to indicate whether such proposal is in the public interest and also recommending proper land use classification, if applicable.

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

Miami-Dade County Code, Section 2-8.6.5, entitled "Purchase, sale, lease of real property," 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, to or from the County, all individuals, corporations, partnerships, joint ventures or other legal entities having any interest of any kind in the property to be purchased, 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/coor\\_ptiii\\_ch2\\_arti\\_sec2-8.6.5](http://miamidade.fl.elaws.us/code/coor_ptiii_ch2_arti_sec2-8.6.5)

Florida Statutes Section 197.592, entitled, "Application for obtaining tax deed by holder of tax sale certificate; fees," provides that lands acquired by any County of the State for delinquent taxes in accordance with law which have not been previously sold or dedicated by the Board of County Commissioners may, at its discretion, be conveyed to the record fee simple owner of such lands as of the date the County obtained title to the lands."

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0100-0199/0197/Sections/0197.592.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0197/Sections/0197.592.html)

Resolution No. R-333-15, adopted on April 21, 2015, established a County policy to require disclosure of market value or market rental value in legislative items authorizing the conveyance or lease of County-owned property to promote disclosure and fiscal responsibility.

<http://intra/gia/matter.asp?matter=150446&file=true&yearFolder=Y2015>

Resolution No. R-380-17, adopted on April 4, 2017, requires that the County Mayor or County Mayor's designee provide written notification to District Commissioners in which County-owned property lies no less than four weeks prior to (1) any issuance of a request for proposal or expression of interest regarding the sale, lease, or development of such property or (2) placing any item on the agenda of the Board or any committee of the Board requesting the approval, sale, lease, or surplus of County-owned property.

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Research Notes**

<http://intra/gia/matter.asp?matter=170414&file=true&yearFolder=Y2017>

Implementing Order No. 3-44, approved on April 6, 2010, establishes the process for the implementation and management of the Infill Housing Initiative Program for Miami-Dade County.

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

**PROCEDURAL HISTORY**

**Prime Sponsor: Dennis C. Moss, District 9**

The proposed resolution was originally considered by the Government Operations Committee on March 13, 2018, under Legislative File No. 180429 and was withdrawn. This substitute differs from the original version of the item in that it lists the value of the subject property as provided by the Property Appraiser's website. The substitute was forwarded to the Board with a favorable recommendation.

**FISCAL IMPACT**

The proposed resolution would have a positive fiscal impact on the County, in that it would result in the payment of delinquent taxes, together with costs and interest, in the amount of \$16,166.34, as required by the law.

**ANALYSIS**

According to Florida Statutes Section 197.592(1), any land acquired by any County of the State due to delinquent taxes may, at the Board's discretion, be re-convened to the owner at the time the County acquired the property, if the owner meets certain conditions, including paying an amount equal to all taxes owed, together with such costs and interest provided by law.

On September 14, 2016, the County acquired via Tax Deed due to non-payment of taxes the property legally described as Flamingo Park PB 18-28, Lots 24 & 25, Block 1, and identified by folio number 30-6913-005-0073. The property is a vacant lot measuring 14,200 Sq. ft. No appraisal of the property has been conducted, but its assessed value, as stated on the Miami-Dade County Property Appraiser's website was \$28,400 in 2015; \$35,500 in 2016; and \$49,700 in 2017.

At the time that the property reverted to the County, Mr. Elijah Dukes was the owner, having acquired the property in 1979. Mr. Dukes indicated that he was willing to meet the conditions required by the Florida Statutes, including the payment of any delinquent amounts required by the statute, to reacquire the property.

The property is located within an Infill Target Area, administered by the Public Housing and Community Development Department (PHCD). This department is responsible for circulating the inventory of County properties located in the Infill Target Areas, pursuant to Implementing Order No. IO-3-44. Additionally, pursuant to Resolution No. R-380-17, the Department is requested to advise the Commission Districts that properties contained in the memorandum are being considered for surplus. The Commission Auditor's Office has obtained a copy of this memorandum and has verified that the property, which is the subject of the proposed resolution, is included therein.

Below is a map of the property, obtained from the Property Appraiser's website:

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**Research Notes**

