



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Metropolitan Services Committee

January 13, 2016
2:00 P.M.
Commission Chamber

Research Division

Charles Anderson, CPA
Commission Auditor
111 NW First Street, Suite 1030
Miami, Florida 33128
305-375-4354

Metropolitan Services Committee

January 13, 2016

Research Notes

Item No.	Research Notes																				
1G1 152455	ORDINANCE RELATED TO ENFORCEMENT OF CIVIL PENALTIES FOR CERTAIN MISDEMEANOR VIOLATIONS AND THE MIAMI-DADE COUNTY DIVERSION PROGRAM; AMENDING SECTIONS 8CC-3, 8CC-5.1, 8CC-10 AND 8CC-11 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; EXPANDING THE DEFINITION OF CODE INSPECTOR TO INCLUDE AGENTS AND EMPLOYEES OF UNIVERSITIES, FLORIDA COLLEGE SYSTEM INSTITUTIONS AND DISTRICT SCHOOL BOARDS; ENUMERATING CERTAIN INDIVIDUAL OFFENSES ELIGIBLE FOR THE DIVERSION PROGRAM AND ASSOCIATED FINES; AUTHORIZING AGENTS AND EMPLOYEES OF UNIVERSITIES, FLORIDA COLLEGE SYSTEM INSTITUTIONS AND DISTRICT SCHOOL BOARDS TO ENFORCE PROVISIONS OF CHAPTER 8CC; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE																				
2A 152971	RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO EXECUTE INTERLOCAL AGREEMENTS WITH UNIVERSITIES, COLLEGES, AND DISTRICT SCHOOL BOARDS, AND THEIR RESPECTIVE POLICE DEPARTMENTS; APPROVING TERMS THAT ALLOW FOR SUCH ENTITIES TO ISSUE CIVIL CITATIONS FOR CERTAIN MISDEMEANORS PURSUANT TO SECTION 8CC AND SECTION 21-81 OF THE MIAMI-DADE COUNTY CODE; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO EXECUTE ANY RENEWALS, AND TO EXERCISE THE CANCELLATION AND TERMINATION PROVISIONS CONTAINED THEREIN																				
Notes	1G1 – 152455: The proposed resolution, relating to enforcement of civil penalties for certain misdemeanor violations and the Miami-Dade County Diversion Program, amends Sections 8CC-3, 8CC-5.1, 8CC-10 and 8CC-11 of the Miami-Dade County Code to expand the definition of the Code Inspector to include agents and employees of Universities, Florida College System Institutions and district school boards and authorize agents and employees of universities, Florida College System institutions and district school boards to enforce provisions in Chapter 8CC. <table><tr><th colspan="3">Code Comparison Sections 8CC-3, 8CC-5.1, 8CC-10 and 8CC-11 Miami-Dade County Code</th></tr><tr><th>Section</th><th>Current</th><th>Proposed</th></tr><tr><td>Sec. 8CC-3. Enforcement procedures.</td><td>(a) For the purposes of this chapter, a “Code Inspector” is defined to be any agent or employee of Miami-Dade County whose duty is to assure the enforcement of and compliance with the Code of Miami-Dade County. Prior to being provided the authority to initiate enforcement proceedings under this Chapter, a Code Inspector shall be required to successfully complete a criminal background investigation as prescribed by administrative order of the County Manager. Subject to the requirements of Section 8CC-11 below, a “Code Inspector” is also defined to be any agent or employee of a municipality who has been authorized pursuant to that Section to assure code compliance. Municipal employees shall also be required to successfully complete a criminal background investigation prior to being provided authority to initiate enforcement proceedings under this Chapter.</td><td>(a) For the purposes of this chapter, a “Code Inspector” is defined to be any agent or employee of Miami-Dade County whose duty is to assure the enforcement of and compliance with the Code of Miami-Dade County. 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Miami-Dade County Diversion Program.</td><td> Notwithstanding the provisions of 8CC-5, a violator who has been served with a civil violation notice may enter the Miami-Dade County Diversion Program, pursuant to Implementing Order of the Board of County Commissioners, provided the civil violation notice is issued for the violation of an ordinance listed in the table below, which may be amended from time to time. The “descriptions of violations” below are for informational purposes only and are not meant to limit or define the nature of the violations or the subject matter of the listed Code sections, except to the extent that different types of violations of the same Code section may carry different civil penalties. To determine the exact nature of any activity proscribed or required by this Code, the relevant Code section must be examined. <table><tr><th>Code Section</th><th>Description of Violation</th></tr><tr><td>7-3</td><td>Swimming or fishing from prohibited road bridges</td></tr></table></td><td> Notwithstanding the provisions of 8CC-5, a violator who has been served with a civil violation notice may enter the Miami Dade County Diversion Program, pursuant to Implementing Order of the Board of County Commissioners, provided the civil violation notice is issued for the violation of an ordinance listed in the table below, which may be amended from time to time. The “descriptions of violations” below are for informational purposes only and are not meant to limit or define the nature of the violations or the subject matter of the listed Code sections, except to the extent that different types of violations of the same Code section may carry different civil penalties. 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	Sec. 8CC-10. <i>Schedule of civil penalties.</i>	The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended. <table><tr><th>Code Section</th><th>Description of Violation</th><th>Civil Penalty</th></tr><tr><td>21-48</td><td>Sale and installation of satellite dish antennas to residential customers</td><td>\$500.00</td></tr><tr><td>21-81(d)</td><td>Any one of the specific misdemeanors enumerated in section 21-81(d)</td><td>\$100.00</td></tr><tr><td>21-112</td><td>Failure to properly fill an abandon well</td><td>\$100.00</td></tr></table>	Code Section	Description of Violation	Civil Penalty	21-48	Sale and installation of satellite dish antennas to residential customers	\$500.00	21-81(d)	Any one of the specific misdemeanors enumerated in section 21-81(d)	\$100.00	21-112	Failure to properly fill an abandon well	\$100.00	The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended. <table><tr><th>Code Section</th><th>Description of Violation</th><th>Civil Penalty</th></tr><tr><td>21-48</td><td>Sale and installation of satellite dish antennas to residential customers</td><td>\$500.00</td></tr><tr><td>21-81(d)(1)</td><td>Florida litter law</td><td>\$100.00</td></tr><tr><td>21-81(d)(2)</td><td>Illegal use of dairy cases egg baskets, poultry boxes or bakery containers</td><td>\$100.00</td></tr><tr><td>21-81(d)(3)</td><td>Trespass on property other than structure or conveyance</td><td>\$100.00</td></tr><tr><td>21-81(d)(4)</td><td>Retail theft by removal of shopping cart</td><td>\$100.00</td></tr><tr><td>21-81(d)(5)</td><td>Loitering or prowling</td><td>\$100.00</td></tr><tr><td>21-81(d)(6)</td><td>Possession of cannabis in an amount of 20 grams or less</td><td>\$100.00</td></tr><tr><td>21-81(d)(7)</td><td>Possession of drug paraphernalia</td><td>\$100.00</td></tr><tr><td>21-112</td><td>Failure to properly fill an abandon well</td><td>\$100.00</td></tr></table>	Code Section	Description of Violation	Civil Penalty	21-48	Sale and installation of satellite dish antennas to residential customers	\$500.00	21-81(d)(1)	Florida litter law	\$100.00	21-81(d)(2)	Illegal use of dairy cases egg baskets, poultry boxes or bakery containers	\$100.00	21-81(d)(3)	Trespass on property other than structure or conveyance	\$100.00	21-81(d)(4)	Retail theft by removal of shopping cart	\$100.00	21-81(d)(5)	Loitering or prowling	\$100.00	21-81(d)(6)	Possession of cannabis in an amount of 20 grams or less	\$100.00	21-81(d)(7)	Possession of drug paraphernalia	\$100.00	21-112	Failure to properly fill an abandon well	\$100.00	
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	Sec. 8CC-11. <i>Enforcement procedure for municipalities, universities, Florida College System institutions, and district school boards.</i>	(a) Municipalities within Miami-Dade County shall be entitled to enforce the applicable provisions of this chapter within their municipal boundaries subject to compliance with the provisions of this section. (b) As a condition to enforcing the applicable provisions of this chapter, a municipality shall enter into an interlocal agreement with Miami-Dade County. The interlocal agreement shall contain, at a minimum, the following: (1) The section or sections of this Code which the municipality wishes to enforce through this chapter; (2) The job title of the agents or employees of the municipality authorized to perform the enforcement functions and the number of agents or employees so authorized; (3) The amount reimbursable to Miami-Dade County for administrative costs relating to the conduct of hearings on appeals from violations issued by the municipality, including but not limited to attorneys' fees and costs, costs of transcription and clerical costs; (4) The amount of revenue reimbursable to the municipality from any fine collected pursuant to this chapter; (5) An agreement to indemnify and save the County harmless from and against any and all liability, actions and causes of action relating to the municipality's enforcement of the provisions of this chapter; and (6) A term not to exceed three (3) years. (c) With respect to laws and ordinances of County-wide application, the provisions of this section shall be supplemental to and not in derogation of any authority of Miami-Dade County to enforce the provisions of those laws and ordinances. (d) Nothing contained in this section is intended to extend the substantive effect or application of any County law or ordinance to any municipal area where such County law or ordinance is not effective or applicable. (e) Nothing contained in this section shall prohibit any municipality from enforcing provisions of its municipal code or this Code by any lawful and authorized means.	(a) Municipalities within Miami-Dade County shall be entitled to enforce the applicable provisions of this chapter within their municipal boundaries subject to compliance with the provisions of this section. (b) Universities, Florida College System institutions, and district school boards within Miami-Dade County shall be entitled to enforce the applicable provisions of this chapter within their jurisdictional boundaries as set forth in state law as such may be amended from time to time subject to compliance with the provisions of this section. (c) As a condition to enforcing the applicable provisions of this chapter, a municipality, university, Florida College System institution, or district school board shall enter into an interlocal agreement with Miami-Dade County. The interlocal agreement shall contain, at a minimum, the following: (1) The section or sections of this Code which the municipality, university, Florida College System institution, or district school board wishes to enforce through this chapter; (2) The job title of the agents or employees of the municipality, university, Florida College System institution, or district school board authorized to perform the enforcement functions and the number of agents or employees so authorized; (3) The amount reimbursable to Miami-Dade County for administrative costs relating to the conduct of hearings on appeals from violations issued by the municipality, university, Florida College System institution, or district school board, including but not limited to attorneys' fees and costs, costs of transcription and clerical costs; (4) The amount of revenue reimbursable to the municipality, university, Florida College System institution, or district school board from any fine collected pursuant to this chapter; (5) An agreement to indemnify and save the County harmless from and against any and all liability, actions and causes of action relating to the enforcement of the provisions of this chapter by the municipality, university, Florida College System institution, or district school board; and (6) A term not to exceed three (3) years. (d) With respect to laws and ordinances of County-wide application, the provisions of this section shall be supplemental to and not in derogation of any authority of Miami-Dade County to enforce the provisions of those laws and ordinances. (e) Nothing contained in this section is intended to extend the substantive effect or application of any County law or ordinance to any municipal area, or area	

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			of a university, Florida College System institution, or district school board where such County law or ordinance is not effective or applicable. (f) Nothing contained in this section shall prohibit any municipality from enforcing provisions of its municipal code or this Code by any lawful and authorized means. Nothing contained in this section shall prohibit any university, Florida College System institution, or district school board from enforcing provisions of its own policies or this Code by any lawful and authorized means.								
<u>2A – 152971:</u> The proposed resolution: • Authorizes the County Mayor or the County Mayor’s designee to execute interlocal agreements on behalf of Miami-Dade County, between Miami-Dade County and any and all universities, colleges, and district school boards, and their respective police departments within Miami-Dade County; • Approves terms that allow for such entities to issue civil citations for certain misdemeanors pursuant to Section 8CC and Section 21-81 of the Code; and • Authorizes the County Mayor or County Mayor’s designee to execute any renewals, and to exercise the cancellation and termination provisions. Background: Section 21-81 of the Code of Miami-Dade County, Florida (Code), prohibits the commission of all acts defined as misdemeanors under Florida Statutes and declares that commission of such acts are also Code violations. On June 30, 2015, the BCC enacted Ordinance No. 15-47, which amended Section 21-81 to provide for monetary civil penalties for violations of certain misdemeanors, such as littering, illegal use of dairy cases, retail theft of shopping carts and possession of 20 grams or less of cannabis, as such civil penalties will act as an additional deterrent to such violations and would provide law enforcement with additional options when encountering a misdemeanant who has committed an enumerated offense. Ordinance No. 15-47 also amended Section 8CC-5.1 of the Code to allow a person who violates such misdemeanors to enter the Miami-Dade County Diversion Program, which allows violators without the economic means to pay the fine to satisfy the penalty by non-monetary means. On September 16, 2015, the BCC enacted Resolution No. R-786-15, which approved terms of a standard form interlocal agreement between Miami-Dade County and municipalities to enforce county monetary civil code penalties in lieu of criminal penalties within their respective jurisdictions. Section 8CC-11 of the Code expressly authorizes the County to enter into such interlocal agreements with municipalities for code enforcement. Additional Information and Relevant Legislation: On June 20, 2009, the BCC passed Resolution No. R-868-09 directing the Mayor or designee to study whether cost savings can be achieved through decriminalizing select Miami-Dade County ordinance violations. The resulting Diversion Program is based on findings included in the report requested by the Board. When a violator is arrested or given a Civil Violation Notice (8-CC) for one of the Miami-Dade County Code violations, he/she is eligible and may elect to voluntarily participate in the Diversion Program. On September 10, 2010, the BCC, through Ordinance No. 10-52, amended Section 7-3, 8A-172, 8A-276(B), 8CC (10), 21-28, 21-31.2(B)(1) and (2), 21-31.4(B), 26-1 of the Code of Miami-Dade County to include additional penalties and creating Section 8CC-5.1 of the Code of Miami-Dade County. Sec. 8CC-5.1. Miami-Dade County Diversion Program <i>Notwithstanding the provisions of 8CC-5, a violator who has been served with a civil violation notice may enter the Miami-Dade County Diversion Program, pursuant to Implementing Order of the Board of County Commissioners, provided the civil violation notice is issued for the violation of an ordinance listed in the table below, which may be amended from time to time.</i> <i>The "descriptions of violations" below are for informational purposes only and are not meant to limit or define the nature of the violations or the subject matter of the listed Code sections, except to the extent that different types of violations of the same Code section may carry different civil penalties. To determine the exact nature of any activity proscribed or required by this Code, the relevant Code section must be examined.</i> <table><tr><th>Code Section</th><th>Description of Violation</th></tr><tr><td>7-3</td><td>Swimming or fishing from prohibited road bridges</td></tr><tr><td>8A-172</td><td>Conducting business without a local business tax receipt</td></tr><tr><td>8A-276(b)</td><td>Failure to display commercial vehicle markings</td></tr></table>				Code Section	Description of Violation	7-3	Swimming or fishing from prohibited road bridges	8A-172	Conducting business without a local business tax receipt	8A-276(b)	Failure to display commercial vehicle markings
Code Section	Description of Violation										
7-3	Swimming or fishing from prohibited road bridges										
8A-172	Conducting business without a local business tax receipt										
8A-276(b)	Failure to display commercial vehicle markings										

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	<table border="1" data-bbox="529 281 1226 388"> <tr> <td>21-28</td><td>Producing loud or excessive noise</td></tr> <tr> <td>21-31.2(b)(1), (2)</td><td>Alcohol possession or consumption near a store</td></tr> <tr> <td>21-31.4(B)</td><td>Obstructing traffic or aggressively begging</td></tr> <tr> <td>26-1</td><td>Parks violations</td></tr> </table> On May 5, 2015, the BCC, through Resolution No. R-402-15, authorized amendments to Implementing Order 2-12, relating to Miami-Dade County Diversion Program which is administered by the Miami-Dade Police Department (MDPD). Additionally, R-402-15 established the addition of rafting restrictions under Article XIX, Section 21-287 of Chapter 21 of the Code of Miami-Dade County to Miami-Dade County's Code Chapter 8CC violations.	21-28	Producing loud or excessive noise	21-31.2(b)(1), (2)	Alcohol possession or consumption near a store	21-31.4(B)	Obstructing traffic or aggressively begging	26-1	Parks violations
21-28	Producing loud or excessive noise								
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21-31.4(B)	Obstructing traffic or aggressively begging								
26-1	Parks violations								
1G2 152689	ORDINANCE PERTAINING TO HUMAN TRAFFICKING; REQUIRING THE POSTING OF HUMAN TRAFFICKING PUBLIC AWARENESS SIGNS AT ADULT ENTERTAINMENT ESTABLISHMENTS AND CERTAIN MASSAGE OR BODYWORK SERVICES ESTABLISHMENTS; CREATING SECTION 21-31.5 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE								
Notes	The proposed ordinance pertaining to human trafficking, creates Section 21-31.5 of the Miami-Dade County Code requiring the posting of human trafficking public awareness signs at adult entertainment establishments and certain massage or bodywork services establishments. <i>Sec. 21-31.5. Human Trafficking Awareness Signs at Adult Entertainment, Massage, and Bodywork Services Establishments.</i> <i>(a) Definitions. The following words, phrases, or terms, when used in this section shall, unless the content otherwise indicates, have the meanings provided below.</i> <i>(1) Adult Entertainment Establishment means adult bookstores and theaters, special cabarets, strip clubs, and unlicensed massage establishments regulated pursuant to Chapter 847, Florida Statutes and defined in Section 847.001, Florida Statutes, as may be amended.</i> <i>(2) Bodywork services means services involving therapeutic touching or manipulation of the body using specialized techniques.</i> <i>(3) Business or establishment means any place of business or any club, organization, person, firm, corporation, or partnership, wherein massage or bodywork services are provided and such establishment is not owned by a health care profession regulated pursuant to Chapter 456, Florida Statutes, and defined in Section 456.001, Florida Statutes, as may be amended.</i> <i>(4) Human trafficking means transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, or obtaining another person for the purpose of exploitation of that person regulated pursuant to Chapter 787, Florida Statutes, and defined in Section 787.06, Florida Statutes, as may be amended.</i> <i>(5) Massage services means the manipulation of the soft tissues of the human body with the hand, foot, arm, or elbow, whether or not such manipulation is aided by hydrotherapy, including colonic irrigation, or thermal therapy; any electrical or mechanical device; or the application to the human body of a chemical or herbal preparation.</i> <i>(b) Application. This section shall be applicable in the incorporated and unincorporated areas of Miami-Dade County, with the enforcement of the provision of this section in the unincorporated area being the responsibility of Miami-Dade County and in the incorporated area being the responsibility of the respective municipalities.</i> <i>(b) General Requirements.</i> <i>(1) The employer at each of the following establishments shall display public awareness signs in a conspicuous location that is clearly visible to the public and employees of the establishment: (i) a strip club or other adult entertainment establishment or (ii) a business or establishment that offers massage or bodywork services for compensation that is not owned by a health care profession regulated pursuant to Chapter 456, Florida Statutes, and defined in Section 456.001, Florida Statutes.</i> <i>(2) The required public awareness sign must be at least 8.5 inches by 11 inches in size, must be printed in at least 16-point type, and must state substantially the following in English, Spanish, and Creole:</i> <i>If you or someone you know is being forced to engage in an activity and cannot leave—whether it is prostitution, housework, farm work, factory work, retail work, restaurant work, or any other activity—call the National Human Trafficking Resource Center at 1-888-373-7888 or text INFO or HELP to 233-733 to access help and services. Victims of slavery and human trafficking are protected under United States and Florida Law.</i> <i>Posted pursuant to Section 787.29, Florida Statutes and Miami-Dade County Code Section 21-31.5.</i> <i>(c) Enforcement. Any person violating any of the provisions of this section shall, upon conviction of such offense, be punished by a fine not to exceed five hundred dollars (\$500.00) as provided in Section 775.083, Florida Statutes, which may be amended from time to time, in the discretion of the court. Each day of continued violation shall be considered a separate offense.</i> The proposed ordinance will become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, will become effective only upon an override by the BCC. Additional Information - National Human Trafficking Resource Center:								

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	According to the National Human Trafficking Resource Center (NHTRC), there are 27 million people enslaved worldwide. In 2011, the National Human Trafficking Resource Center ranked Florida 3rd in the number of calls received by the center's human trafficking hotline. NHTRC also reports that since 2007, a total of 6,050 calls were received that referenced Florida. For 2015, the NHTRC has recorded 743 calls and 191 human trafficking cases reported compared to 2014 with 1,428 calls and 364 human trafficking cases reported.
1G3 152654	ORDINANCE CREATING AMNESTY PERIOD; CREATING A LIMITED EXCEPTION FROM CIVIL PENALTIES AND LIENS FOR CODE VIOLATIONS RELATING TO AUTO REPAIR SHOP BUSINESSES UPON AN OWNER'S COMPLIANCE WITH THE CODE OF MIAMI-DADE COUNTY; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE
Notes	The proposed ordinance provides for the following: - Upon application of an owner of property on which an auto repair business is operated, the County will waive any and all civil penalties related to the enforcement of the Building Code and Zoning Code in connection with operations that are being conducted out of doors in the front of the property, and all liens related to such civil penalties, provided the owner satisfies each of the following conditions: - Where there is a structure in violation of the Building Code, a permit must be applied for and issued to bring the structure into compliance with the Building Code within the Amnesty Period as defined in this ordinance; - Where a structure is in violation of the Building Code, the structure is brought into compliance with the Building Code within the period provided in the Code for completion of the work under the permit obtained within the Amnesty Period; - Where there is a use in violation of the Zoning Code, the use must be brought into compliance with the Zoning Code within the Amnesty Period as defined in this ordinance; and - All direct costs incurred by the County in connection with prior enforcement of the non-compliant structure or use, as documented by the relevant department, shall be satisfied in full. For purposes of this ordinance, an owner will be understood as the person with direct and beneficial ownership of the affected property, but will not include a financial institution which has acquired it through foreclosure. The proposed ordinance further provides for the following: - The Amnesty Period will commence on the effective date of this ordinance and end 18 months thereafter; - In the event that the County has commenced a civil action to collect on the civil penalties or to foreclose a lien, the proposed ordinance will not apply; and - The proposed ordinance will not serve as a defense against any such action or against any enforcement action brought by the County. Additionally, the proposed ordinance directs the Mayor or designee to implement the necessary procedures and to develop the necessary documents to give effect to the intent of this ordinance. This ordinance will become effective 10 days after the date of enactment unless vetoed by the Mayor, and if vetoed, will become effective only upon an override by the BCC. Background: Auto repair businesses are unique in that the nature of the work performed requires access to open air for proper ventilation and the frequent movement of cars in and out of doors. Accordingly, some auto repair businesses are conducting operations out of doors in the front of the property, in violation of the County Code, while other such businesses are properly following the requirements of the Code. Many auto repair shops are small businesses and strict application of the County's system of fines and penalties relating to Code violations may work a hardship upon them.
2A 152971	RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE INTERLOCAL AGREEMENTS WITH UNIVERSITIES, COLLEGES, AND DISTRICT SCHOOL BOARDS, AND THEIR RESPECTIVE POLICE DEPARTMENTS; APPROVING TERMS THAT ALLOW FOR SUCH ENTITIES TO ISSUE CIVIL CITATIONS FOR CERTAIN MISDEMEANORS PURSUANT TO SECTION 8CC AND SECTION 21-81 OF THE MIAMI-DADE COUNTY CODE; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE ANY RENEWALS, AND TO EXERCISE THE CANCELLATION AND TERMINATION PROVISIONS CONTAINED THEREIN
Notes	See Item 1G1
3A 152938	RESOLUTION APPROVING AWARD OF CONTRACT NO. RFP 00226 TO LAW ENFORCEMENT PSYCHOLOGICAL AND COUNSELING ASSOCIATES, INC. FOR THE PROVISION OF PSYCHOLOGICAL EVALUATION AND TESTING OF PUBLIC SAFETY PERSONNEL FOR THE CORRECTIONS AND REHABILITATION, FIRE RESCUE AND POLICE DEPARTMENTS IN A TOTAL AMOUNT NOT TO EXCEED \$2,788,000.00 OVER THE FIVE-YEAR TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND EXERCISE ALL PROVISIONS CONTAINED THEREIN PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38
Notes	The proposed resolution approves the award of Request for Proposals No. 00226, Psychological Evaluation Testing for Public Safety Personnel, to Law Enforcement Psychological and Counseling Associates, Inc. for the administration of psychological evaluation and testing of County employees performing public safety functions (e.g., Police Officer, Police Dispatcher, Firefighter, Fire Rescue Dispatcher and Correctional Officer). Under the contract, the evaluation services encompass standardized tests, clinical interview and written recommendations to determine an employee's suitability to perform a public safety position. The psychological evaluation will be conducted by Florida Board of Psychology-licensed clinical psychologists and is designed to identify:

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	• Positive psychological characteristics associated with successful job performance; • Traits that may interfere with effective job performance; • Emotionally unsuitable candidates; • Potential for violence, suicide, aggression and substance abuse; • Personality problems and emotional disorders; and • Stress management characteristics. The Corrections and Rehabilitation, Police, and Fire Rescue Departments will use Law Enforcement Psychological and Counseling Associates, Inc.'s recommendations during their hiring and fitness-for-duty decision-making processes. Fiscal Impact/Funding Source: The fiscal impact for the five-year term is \$2,788,000. The current contract, RFP700, is valued at \$1,959,000 for a five-year and six-month term. The allocation under the replacement contract is higher due to a projected aggressive hiring plan for the Public Safety departments which include: Miami-Dade Corrections and Rehabilitation Department, Miami-Dade Fire Rescue Department, and Miami-Dade Police Department. <i>If this item is approved, the County Mayor or County Mayor's designee will have the authority to exercise all provisions of the contract, including any extensions or renewals, pursuant to Section 2-8.1 of the County Code and Implementing Order 3-38.</i> Vendor Recommended for Award A Request for Proposals was issued under full and open competition on August 3, 2015. Two (2) proposals were received in response to the solicitation. The proposal from Cognitive Health Network Corporation was deemed non-responsive by the County Attorney's Office for failure to include a price schedule and other material elements required for evaluation. Law Enforcement Psychological and Counseling Associates, Inc., the recommended vendor, has a team of qualified professionals with substantial experience as well as the requisite professional degrees and licenses needed to deliver the solicited services. The firm offers continuous availability, ease of accessibility, and contingency plans that meet the County's aggressive hiring plan. Moreover, the firm has been instrumental in the field of developing public safety guidelines for pre-employment and fitness-for-duty evaluations. • Law Enforcement Psychological and Counseling Associates, Inc. 9960 NW 116 Way, Suite 12 Miami, FL <table><tr><th colspan="3">Additional Information on Current Contract - RFP700</th></tr><tr><th>Contract</th><th>Amount</th><th>Description</th></tr><tr><td>RFP700 R-729-10 8/1/2010-7/31/2013 First term</td><td>\$980,000</td><td>On July 8, 2010, the BCC, through R-729-10, approved the execution of an agreement in the amount of \$980,000 with Law Enforcement Psychological and Counseling Associates, Inc. for three years, with two, one-year options-to-renew. <i>If the County exercised the two, one-year options-to-renew, the total contract value will be \$1,634,000.</i></td></tr><tr><td>Modification 1 R-841-12 10/2/2012</td><td>\$195,000</td><td>On October 2, 2012, the BCC, through R-841-12, modified this contract for an additional \$195,000 in spending authority to allow the Fire Rescue Department to continue purchasing psychological evaluation services for firefighters and dispatchers.</td></tr><tr><td>RFP700-1(2) 8/1/2013-1/31/2016 1st and 2nd OTR</td><td>\$783,333</td><td>According to the Bid Tracking System, the original contract expiration date was July 31, 2015 but current expiration date is January 31, 2016.</td></tr></table>	Additional Information on Current Contract - RFP700			Contract	Amount	Description	RFP700 R-729-10 8/1/2010-7/31/2013 First term	\$980,000	On July 8, 2010, the BCC, through R-729-10, approved the execution of an agreement in the amount of \$980,000 with Law Enforcement Psychological and Counseling Associates, Inc. for three years, with two, one-year options-to-renew. <i>If the County exercised the two, one-year options-to-renew, the total contract value will be \$1,634,000.</i>	Modification 1 R-841-12 10/2/2012	\$195,000	On October 2, 2012, the BCC, through R-841-12, modified this contract for an additional \$195,000 in spending authority to allow the Fire Rescue Department to continue purchasing psychological evaluation services for firefighters and dispatchers.	RFP700-1(2) 8/1/2013-1/31/2016 1 st and 2 nd OTR	\$783,333	According to the Bid Tracking System, the original contract expiration date was July 31, 2015 but current expiration date is January 31, 2016.
Additional Information on Current Contract - RFP700																
Contract	Amount	Description														
RFP700 R-729-10 8/1/2010-7/31/2013 First term	\$980,000	On July 8, 2010, the BCC, through R-729-10, approved the execution of an agreement in the amount of \$980,000 with Law Enforcement Psychological and Counseling Associates, Inc. for three years, with two, one-year options-to-renew. <i>If the County exercised the two, one-year options-to-renew, the total contract value will be \$1,634,000.</i>														
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RFP700-1(2) 8/1/2013-1/31/2016 1 st and 2 nd OTR	\$783,333	According to the Bid Tracking System, the original contract expiration date was July 31, 2015 but current expiration date is January 31, 2016.														
3B 152977	RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-00264 FOR PURCHASE OF VETERINARY LABORATORY SUPPLIES AND SERVICES FOR THE ANIMAL SERVICES DEPARTMENT IN A TOTAL AMOUNT NOT TO EXCEED \$3,500,000.00; 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															
Notes	The proposed resolution approves an award of Contract No. FB-00264, Veterinary Laboratory Supplies and Services, for the Miami-Dade Animal Services Department. The contract includes two (2) groups: • Group A - Diagnostic Testing Supplies; and ○ Under Group A, the awardee will supply testing kits used at an Animal Services Department facility to detect various diseases, including, but not limited to, heartworm, lyme, feline immunodeficiency and leukemia viruses and canine parvovirus. • Group B - Laboratory Reference Services. ○ Under Group B, the awardee will provide laboratory referral services such as chain reaction testing for respiratory and gastrointestinal pathogens and tick diseases, basic blood testing, toxicological screenings, urinalysis, antibody detection, parasitic screening and histopathology services.															

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	<u>Fiscal Impact/Funding Source:</u> The fiscal impact for the five-year term is \$3,500,000. The Animal Services Department previously utilized a purchasing card to obtain testing kits and laboratory referral services on an as needed basis in an annual amount of approximately \$12,000. An outbreak of distemper in early 2015 resulted in the department executing an emergency purchase in the amount of \$150,000 to secure testing supplies and lab services to curb the spread of the disease. This allocation request reflects the Animal Services Department's anticipated needs for the five-year term and represents an allocation increase based on the current level of testing, anticipated expansion of services as a result of the opening of the new animal services shelter, and additional funds to address potential future outbreaks. <u>Vendor Recommended for Award</u> An Invitation to Bid was issued under full and open competition on July 17, 2015. Seven (7) bidders responded to the solicitation, four (4) of which were "No Bids." Three (3) bidders submitted responses for Group A and two (2) bidders submitted responses for Group B. The method of award was to the single lowest-priced responsive and responsible bidder in the aggregate per group. <u>Awarded vendors</u> Idexx Distribution, Inc. 1 Idexx Drive Westbrook, ME, local address: 103 NW 85 Court Miami, FL
3C 152975	RESOLUTION APPROVING AN INTERLOCAL AGREEMENT FOR STORMWATER MANAGEMENT BETWEEN THE CITY OF FLORIDA CITY AND THE MIAMI-DADE COUNTY STORMWATER UTILITY FOR A TERM OF FIVE YEARS AND PROVIDING THAT THE CITY OF FLORIDA CITY SHALL REIMBURSE THE COUNTY IN AN AMOUNT UP TO \$234,000.00; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME, EXECUTE AMENDMENTS TO THIS AGREEMENT THAT ARE REASONABLY NECESSARY TO IMPLEMENT THE INTENT OF THIS AGREEMENT, AND EXERCISE ANY TERMINATION PROVISIONS AND ALL RIGHTS CONTAINED THEREIN
Notes	The proposed resolution authorizes the County Mayor or County Mayor's designee to execute an Interlocal Agreement for Stormwater Management (Agreement) between the City of Florida City (City) and the Miami-Dade County Stormwater Utility. The County is responsible for operating and maintaining the Secondary Canal System throughout the entire geographical area of the County. Canals that traverse municipalities, such as the Florida City Canal in the case of the City, provide drainage and flood protection to adjacent areas. This Agreement will allow the County to be reimbursed on a pro-rata share basis for canal maintenance services performed by the County on secondary canals that provide drainage to the City. <u>Fiscal Impact/Funding Source:</u> Stormwater Utility fees provide funding for the construction, operation, and maintenance of stormwater conveyance systems. Canals operated and maintained by the County provide drainage service to the County and municipalities, but remain the responsibility of the County. Pursuant to this Agreement, the total annual cost of routine canal maintenance work to be performed by the County on secondary canals that serve the City is estimated to be \$260,000.00 per year, or \$1.3 million for the five-year period. The City's reimbursement to the County is based on the City's runoff contribution to each canal's drainage basin. The City will reimburse the County up to \$46,800.00 per year for five (5) years, up to a total of \$234,000.00. The County's cost is to be funded through the County's Stormwater Utility fees pursuant to Sections 24-51 through 24-51.5 of the County Code. <u>Background:</u> On June 18, 1991, the BCC adopted County Ordinance No. 91-66, which created the Miami-Dade County Stormwater Utility and established a uniform countywide approach to stormwater management. On September 26, 2000, the City adopted City Ordinance No. 00-01, creating stormwater management regulations within its municipal code and their own stormwater utility. Subsequently, on June 3, 2008, the BCC adopted Resolution No. R-628-08 approving a two-year interlocal agreement between the City and the County, which established the responsibilities for the operation, maintenance, and cost-sharing of stormwater systems within the City's boundaries. That two-year agreement was replaced by a five-year agreement that expired on September 30, 2014. The proposed five-year agreement will retroactively start on October 1, 2014 and expire on September 30, 2019. On June 23, 2015, the City's Commission approved City Resolution No. 15-14, authorizing the City Mayor to enter into and execute a new five-year Agreement. On September 2, 2015, the City Mayor signed and forwarded the proposed Agreement to the County for execution.
3D 152974	RESOLUTION APPROVING AN INTERLOCAL AGREEMENT FOR STORMWATER MANAGEMENT BETWEEN THE CITY OF SWEETWATER AND THE MIAMI-DADE COUNTY STORMWATER UTILITY FOR A TERM OF FIVE (5) YEARS AND PROVIDING THAT THE CITY OF SWEETWATER SHALL REIMBURSE THE COUNTY IN AN AMOUNT UP TO \$303,970.00; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE SAME AND EXERCISE ANY TERMINATION PROVISIONS AND ALL OTHER RIGHTS CONTAINED THEREIN
Notes	The proposed resolution authorizes the County Mayor or County Mayor's designee to execute an Interlocal Agreement for Stormwater Management (Agreement) between the City of Sweetwater (City) and the Miami-Dade County Stormwater Utility. The County is responsible for operating and maintaining the Secondary Canal System throughout the entire geographical area of the County. Canals that traverse municipalities, such as the Snapper Creek Canal and the Northline/NW 25 Street Canal in the case of the City, provide

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	drainage and flood protection to adjacent areas. This Agreement will allow the County to be reimbursed on a pro-rata share basis for canal maintenance services performed by the County on secondary canals that provide drainage to the City. The term of this five (5) year Agreement is October 1, 2015 to September 30, 2020. <u>Fiscal Impact/Funding Source:</u> Stormwater Utility fees provide funding for the construction, operation, and maintenance of stormwater conveyance systems countywide. Canals operated and maintained by the County provide drainage service to the County and municipalities, but remain the responsibility of the County. Pursuant to this Agreement, the total annual cost of routine stormwater maintenance work to be performed by the County on canals that serve the City is estimated to be \$289,400.00 per year, or \$1,447,000.00 for the five-year period. The City's percent reimbursement to the County is based on the City's runoff contribution to each canal's drainage basin. Sweetwater will reimburse the County up to \$60,794.00 per year for five (5) years, up to a total of \$303,970.00. The County's cost will be funded through the County's Stormwater Utility fees pursuant to Sections 24-51 through 24-51.5 of the County Code. <u>Background:</u> On June 18, 1991, the BCC adopted Ordinance No. 91-66, which created the Miami-Dade County Stormwater Utility and established a uniform countywide approach to stormwater management. On October 3, 2000, the BCC adopted Resolution No. R-1046-00, exempting the City from the provisions of the County Stormwater Utility. This allowed the City to create stormwater management regulations within their municipal code, and to establish the City's stormwater utility and stormwater utility funding source. Subsequently, on February 13, 2001, the BCC adopted Resolution No. R-105-01, approving an interlocal agreement between the City and the County that established the responsibilities for the operation, maintenance, and cost-sharing of stormwater systems within the City's boundaries. The interlocal agreement has been renewed every five (5) years, and the most recent five-year interlocal agreement expired on September 30, 2015. On June 1, 2015, the City Commission approved City Resolution No. 4039, authorizing the City Mayor to enter into and execute a new five-year Agreement. On June 11, 2015, the City Mayor signed then forwarded the proposed Agreement to the County for execution.
3E 160018	RESOLUTION WAIVING COMPETITIVE BIDDING, PURSUANT TO SECTION 5.03(D) OF THE CHARTER AND SECTION 2-8.1(B) OF THE COUNTY CODE, FOR SELECTION OF THE AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS ("ASPCA") AS DEVELOPER OF NEW ANIMAL SERVICES FACILITY TO BE LOCATED AT 1312 AND 1320 NW 62ND STREET, MIAMI, FLORIDA; APPROVING, IN ACCORDANCE WITH SECTION 125.38, FLORIDA STATUTES, DEVELOPMENT AND LEASE AGREEMENT WITH ASPCA FOR THE DEVELOPMENT OF NEW ANIMAL SERVICES FACILITY AND LEASE AND OPERATION THEREOF FOR INITIAL TERM OF TEN YEARS WITH TWO, FIVE-YEAR OPTIONS TO RENEW WITH A TOTAL ESTIMATED DEVELOPMENT COST TO THE COUNTY OF UP TO \$2,310,000.00 AND TOTAL ESTIMATED COST TO THE COUNTY DURING THE INITIAL TERM OF THE LEASE OF 5 YEARS; AUTHORIZING THE CONVEYANCE TO ASPCA OF THE NAMING RIGHTS TO THE NEW ANIMAL SERVICES FACILITY; WAIVING THE PROVISIONS OF RESOLUTION NO. R-130-06; AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO FINALIZE AND EXECUTE SUCH AGREEMENT AND TO EXERCISE ANY AND ALL RIGHTS CONFERRED THEREIN; DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO PROVIDE AN EXECUTED COPY OF SUCH AGREEMENT TO THE PROPERTY APPRAISER'S OFFICE WITHIN THIRTY DAYS OF THE EXECUTION OF THE AGREEMENT
Notes	The proposed resolution: • Authorizes the County Mayor or the County Mayor's designee to execute the Development and Lease Agreement (Agreement) between Miami-Dade County (County), through its Department of Animal Services (ASD) and the American Society for the Prevention of Cruelty to Animals (ASPCA), for the construction, development, and operation of a new animal services facility (Facility) at 1312 and 1320 NW 62 Street, Miami, Florida (Property); • Waives Resolution No. R-130-06, requiring that contracts be in final form and executed by non-County parties; • Authorizes the County Mayor or Mayor's Designee to exercise any and all rights conferred within such Agreement; • Waives the formal bid procedures of Section 5.03(d) of the Home Rule Charter and Section 2-8.1 of the Miami-Dade County Code in order to select the ASPCA as the developer for the construction of the Facility; and • Approves, pursuant to Florida Statute Section 125.38, the lease of the Facility and the Property to the ASPCA. These services will be provided to the public at the ASPCA's expense once the Facility is operational. Additionally, the Agreement provides for the following: • Creates a unique partnership between the County and the ASPCA, in which both parties will construct and develop a new Facility at the Property for the purpose of operating an animal services clinic in an underserved area (Project); • Describes the financial contribution of the ASPCA and the County to the Project, with each contributing up to \$2 million of the total construction Project cost, to be paid out at in specified stages as outlined in the Agreement; • Authorizes the County to lease the Property and the Facility to the ASPCA for an initial term of ten (10) years, with two (2) optional five-year renewals following completion of the Facility's construction;

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	• Describes the operation of the Facility by the ASPCA for purposes of providing spay/neuter surgeries and community medical services for the animals of County residents, which will provide much-needed animal services in this underserved area of the County upon the commencement of the lease of the Property and the Facility; • Requires the ASPCA to fund operational expenses and to secure and maintain the Property and all improvements thereon in good and serviceable condition and repair, ordinary, and reasonable wear and tear is expected, as outlined in detail in the Agreement, for the Facility for the term of the lease and any renewals; • Conveys to the ASPCA the naming rights to the Facility during the term of the lease, excluding any name including alcohol, adult entertainment or tobacco products; • Requires the ASPCA to comply with the County's Small Business Development programs with regard to design and construction for the Project including, without limitation, SBE-Construction, SBE-Architectural and Engineering, SBE-Goods, SBE-Services, Responsible Wages and Benefits, and Residents First Training and Employment Programs; • Outlines the responsibilities of both parties as it relates to the maintenance of the Property and the Facility; and • Requires the County to spend up to \$250,000.00 for environmental site testing and remediation and up to an additional \$60,000.00 for demolition, unity of title, surveys, and any other related items in order to provide the ASPCA with a development ready site. <u>Fiscal Impact/Funding Source:</u> The estimated total project cost is \$4.31 million for both construction and pre-development costs. The fiscal impact to the County for the development of the Facility is estimated to be \$2.31 million. The County will be responsible for: • One-half of the total construction cost up to \$2 million, as outlined in detail in the Agreement; • The demolition of the existing building estimated to be \$45,000.00; • The environmental site testing and remediation estimated to be of \$250,000.00; and • The costs for unity of title, surveys, the certificate of elevation, and other related items estimated at \$15,000.00. The ASPCA has agreed to contribute \$2 million toward the estimated project cost of \$4.31 million. The \$2.31 million will be funded with Community Development Block Grant (CDBG) funds (\$140,000.00) and future financing proceeds (\$2.31 million). The ASPCA will fund all services provided to the community once the Facility is operational and is making an initial 10-year commitment to provide services at its own expense. Once construction of the Facility begins, the County will be responsible for half of all cost overruns caused by County and overruns that arise through no fault of either party up to \$200,000.00. If there are cost overruns prior to construction or in excess of 10 percent of the total cost of \$4 million after construction commences, then either party will have the right to terminate the Agreement. If the agreement is terminated as a result and CDBG funds were expended to provide a site ready development, the County must repay those CDBG funds back. In addition, there is an estimated annual fiscal impact of \$50,000.00 to the County for the maintenance of the Property, as outlined in the Agreement (\$500,000.00 total over 10 years). Once construction of the Facility is complete, the ASPCA will pay the County \$1.00 annually to lease the Property and the Facility for the term of the lease, which is 10 years with two (2), five (5) year renewal options. The ASPCA will be responsible for all operational and routine maintenance costs of the Facility, as outlined in the Agreement. The assessment value of the property is \$145,200.00, which is \$8.00 per square foot. Lastly, the County will be responsible for maintaining various equipment in the Facility, including but not limited to, the regular maintenance to the elevator, if any, and air conditioning units servicing the Facility, as identified in the Agreement. The ASPCA will provide services free of charge to the target area residents. The ASPCA will set its process for other services in consultation with ASD, but will not exceed ASD's pricing for similar services. <u>Additional Information – ASPCA¹:</u> The American Society for the Prevention of Cruelty to Animals (ASPCA) was the first humane society to be established in North America and is, today, one of the largest in the world. Our organization was founded on the belief that animals are entitled to kind and respectful treatment at the hands of humans and must be protected under the law. Headquartered in New York City, the ASPCA maintains a strong local presence, and with programs that extend our anti-cruelty mission across the country, we are recognized as a national animal welfare organization. We are a privately funded 501(c)(3) not-for-profit corporation, and are proud to boast more than 2 million supporters across the country. The ASPCA's mission, as stated by founder Henry Bergh in 1866, is "to provide effective means for the prevention of cruelty to animals throughout the United States." Additional Information – Historical Timeline of New Animal Services Shelter

¹ <https://www.aspc.org/about-us>

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	Background	In December 2005, the County hired LIVS Associates to perform a feasibility study which enumerated the facility's shortcomings, including site limitations that would preclude expansion, inefficient layout and design, sub-standard building construction and life safety issues. The study concluded that an expansion and renovation on the existing site was not feasible. As a result, staff evaluated numerous parcels of vacant land and existing facilities. The new facility would provide a vastly improved setting that would enable ASD to administer humane care to dogs and cats and better serve visitors. The premises would consist of a total of 69,718 square feet of office and shelter space and was accessible via the major arteries of State Road 836, NW 79th Avenue and NW 36th Street. In October, 2006, the County entered into a contract with LIVS Associates to develop the architectural program and prepare construction plans, specifications and bid documents for a new facility. Working directly with the Animal Services staff, they developed a detailed program to address the current and future needs of the department, including the appropriate HVAC and plumbing systems, flow of animals and the public and all animal care areas. Because the County was now proposing to renovate an existing structure rather than construct a new facility, staff would present an amendment to the contract with LIVS next month to modify the scope accordingly.
	R-236-11 4/11/2011	Resolution No. R-236-11 approved the Contract for Sale and Purchase in the amount of \$6,625,000 for the acquisition of approximately 69,718 square feet of warehouse/office space at 3651 NW 79th Avenue, Doral, for the purpose of relocation and expansion of the Animal Services Department (ASD). During the April 11, 2011 BCC meeting, the following was discussed: • <i>The Director of the General Services Administration (GSA) noted the design of the new facility would likely accommodate more animals. However, she would refer to the current number of animals in the existing facility and once she received the information from the specific design of the new facility, she would bring back that information to the Board. She further noted that based on the plans and design the additional space would accommodate the animals.</i> • <i>The Commission expressed concerns on relying on uncertain proceeds from the sale of the existing animal service facility, to which the GSA Director noted the \$3 million sale amount was estimated based on an adjusted sale amount compared to the current market.</i> • <i>Discussion ensued between BCC members regarding the renegotiation on the price of the new facility, and the process that had taken place to consider other county property that was determined not to be more cost effective.</i> • <i>The County Manager noted that the GSA Director would be managing this project from a project management prospective and that the different components of the project would be handled through bids or existing contractors.</i> • <i>The County Manager noted the pricing of the construction was favorable to the County and noted the process and time spent by staff on this project, in terms of location and accessibility, and noted that the proposed resolution included a negotiated price for the property that was based on a comparable appraised value. She noted her concerns on attempting to renegotiate the contract and its implications of being costly as well as the issue of delaying the project.</i> • <i>The Commission suggested that the extensive documentation noted two years ago regarding the release of bonds to retrofit the building be provided.</i> • <i>In response to Commission's inquiry on looking into outsourcing some of the animal services, and would it be cost effective, the County Manager noted this was part of an ongoing study for many existing services. She also noted this study was in the growing stage and had implications that need to be analyzed, which would be discussed during budget processing.</i>
	R-721-13 9/4/2013	Resolution No. R-721-13 directed the County Mayor or County Mayor's designee to immediately procure the necessary contracts for, and commence the construction of, the new Animal Services Shelter utilizing the delegated authority provided by the Economic Stimulus Ordinance, to place the new Animal Services Shelter at the top of the County construction projects under the Economic Stimulus Ordinance, and to expedite the review of all building plans, permitting and related required approvals for the new Animal Services Shelter. Resolution No. R-721-13 further directed the County Mayor or County Mayor's designee to provide a report to the BCC, within sixty (60) days, identifying all steps taken to commence construction of the new Animal Services Shelter and detail any additional authority or funding needed to complete the project.
	Discussion Item 11/19/2013	During the BCC meeting on November 19, 2013, the following was discussed regarding the construction of the new Animal Services shelter: • <i>The Internal Services Department (ISD), noted the RFP would go out in January, 2014 and once Administration awarded the bid, the BCC gave the authority to expedite the project.</i> • <i>The Commission expressed a desire for construction to begin prior to July and that during construction, trailers be utilized. The Director of the Animal Services Department noted that was the department's intention and reported that a trailer was currently operating in Medley six days a week and goes out to the community one day per week. He also noted a clinic was set up at the South Dade Government Center.</i> • <i>The Commission asked ISD to look into the possibility of establishing a satellite spay/neuter clinic in Northwest Miami-Dade County.</i>

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Report 11/19/2013	On November 19, 2013, the Mayor issued a report regarding the status of the new Animal Services Center in response to R-721-13 and a request made at the November 5, 2013 BCC meeting. According to the report, as part of the County's Economic Stimulus Program, the Administration has authority to expedite certain aspects of this project in accordance with Ordinance 08-92. Below is a summary of various actions that were taken to expedite this project: • Design – ISD aggressively negotiated with the Architect of Record to expedite completion of the design and construction documents. The design of the project was to be complete on December 18, 2013, when the architect would be providing all complete construction documents to the County. <i>This was an estimated time savings of two months from the original schedule.</i> ○ <i>The selection of an artist for the Art in Public Places feature had been expedited to ensure collaboration and integration of the public art among the architectural design of the building.</i> • Permitting – ISD had identified options to fast-track permitting of the project parallel with the advertisement and award process. The originally anticipated date to advertise for a general contractor was May 21, 2014. However, by fast-tracking the permitting, the administration believed it could advertise for the general contractor on December 9, 2013. <i>This was an estimated time savings of five months from the original project schedule.</i> • Bidding & Award – By conducting a parallel process for permitting during the bidding process, construction could begin earlier than planned. The award date for general contracting services was originally scheduled for June 28, 2014, but was then scheduled for May 5, 2014. <i>This was an estimated time savings of six weeks from the original project schedule.</i> • Construction – At the time, the current schedule showed that construction would begin on September 6, 2014. With the efforts to expedite this project described above, construction could have begun as early as July 22, 2014. A groundbreaking ceremony was to be held on the actual construction commencement date. Construction was planned to finish in August 2015. <i>This was an estimated time savings of two months from the original project schedule.</i> A review of previous project schedules shows that construction at this location was to begin as early as September 2012. However, at the time that schedule was drafted (May 2012), the project was not fully funded and the scope of the project was very limited. Under the new scope, the construction start date was moved back in order to accommodate the redesign. With the parallel efforts described above, the administration believed that construction could begin as early as July 2014. Roadwork was to be initiated by Public Works and Waste Management (PWWM) for necessary improvements along the portion of NW 78 Avenue that the County owns. This road runs along the rear of the shelter facility and the roadwork would allow ASD staff easier access into and out of the area. Resolution No. R-721-13 further directed that any additional funds or delegation of authority needed be requested, but at the time of the report, the project was not in need of additional funds or delegation.
Project No. Z000108 8/28/2014	On August 28, 2014, the County approved this project (ISD Project No. Z000108 GOB ESP) for the construction of the new Miami-Dade County Animal Services Shelter with a very aggressive, 12 month schedule. This project involved extensive renovations required to retrofit an existing tile warehouse into the new site for the Animal Services Shelter and multi-purpose facility. The shelter's principal use will be the protection and shelter of stray animals. In conjunction with numerous initiatives and County programs, the Animal Services Department provides pet adoption, medical, and counseling services to pet owners. The new shelter will also provide a new public clinic, operating rooms, quarantine facilities, as well as an in-house clinic and operating room to address the new feline "Capture, Neuter and Release" County initiative. Construction began on October 1, 2014 and, as of December 2015, the project reached 85 percent completion. During the project's construction, numerous unforeseen conditions and regulatory changes have been encountered.
R-1150-15 12/15/2015	Resolution No. R-1150-15 authorized Change Order No. 1 to the construction contract between Miami-Dade County and Lynx Construction Management, LLC for the New Miami-Dade County Animal Services Shelter. This change order was to address two (2) issues: • Replenish the contingency reserve back to its original allocated amount of \$1,254,500 by increasing the construction contract from \$14,252,660 to \$15,507,160 to cover a number of unforeseen conditions encountered on the site during construction; and ○ This is an up-to amount that is required to complete the project and will be used as needed to address known and unknown conditions on the site. • Increase the contract time by 127 calendar days to March 13, 2016. Approval of this change order was recommended in order to complete construction of the New Animal Services Shelter in March 2016.
3F 152991	RESOLUTION APPROVING RETROACTIVE DEDUCTIVE CHANGE ORDER NO. 1 WITH POOLE AND KENT COMPANY OF FLORIDA FOR A REDUCTION IN THE BASE CONTRACT OF \$500,000.00 AND A NON-COMPENSABLE TIME EXTENSION OF 254 DAYS FOR CONSTRUCTION OF

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	MASTER PUMP STATION NO. 3, CONTRACT NO. S-852; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND EXERCISE PROVISIONS CONTAINED THEREIN
Notes	The proposed the resolution approves a Retroactive Deductive Change Order No. 1 to Contract No. S-852 between Miami-Dade County and Poole & Kent Company of Florida (P&K) for the construction of Master Pump Station No. 3. The project is currently being constructed in the Brickell area of the County bounded by the Miami River to the north, I-95 to the west, SW 21 Street to the south, and Biscayne Bay to the east. This retroactive deductive change order was negotiated by the Miami-Dade Water and Sewer Department (WASD) and P&K to resolve a dispute regarding the number of project delays in days caused by P&K and the number of project delays in days caused by WASD. The negotiations resulted in the following: • A monetary reduction of the base contract amount by \$500,000.00, from \$19,110,000.00 to \$18,610,000.00; and • A non-compensable time extension of 254 days, extending the contract's substantial completion date from May 27, 2015 to February 5, 2016. <u>Fiscal Impact/Funding Source:</u> This deductive change order will reduce the base contract amount by \$500,000.00 and grant a 254-day non-compensable time extension. <u>Background:</u> The BCC awarded this construction contract to P&K on February 19, 2014 per Resolution No. R-173-14 to improve the sewer facilities in the Brickell area as they are inadequate to serve increased usage in existing buildings, new buildings under construction, and future construction including sewer service to the Brickell City Center development. The contract was awarded in the total amount of \$21,976,500.00 with a contract term of 495 days, including a contingency period of 45 days. The Notice to Proceed was issued on April 14, 2014. The scope of work for the project consists of furnishing all materials, labor, and equipment necessary to construct a multilevel pump station building and a dedicated generator building. On March 19, 2014, WASD authorized P&K to mobilize to the project site to prepare for the construction of the foundation for the pump station building. Shortly after drilling began to install multiple 36-inch steel king piles and sheet piling for the foundation, P&K started the excavation process to dig two cofferdams, one for the pump station, and the other for the 48-inch influent pipe that will carry wastewater flows to the pump station. It was at this juncture in the project schedule that various delays began due to 1) equipment failure, 2) generator switchgear modifications, 3) electrical room revisions, 4) procurement changes for the pump equipment, and 5) unavailability of utility power to perform critical tests on the switchgear and the controls of the pump station. <u>Negotiations with P&K</u> P&K submitted requests for extensions of time due to the delays. In order to settle the differences of opinion between P&K and WASD regarding the number of project delays in days attributable to each party, WASD and P&K entered into negotiations. Both parties agreed that the delay at the excavation site for the pump station cofferdam impeded the progress of the project and that the delays caused by WASD were in part concurrent. Subsequently, both parties agreed to a \$500,000.00 credit to the County which will be deducted from the base contract amount, and to a 254-day non-compensable time extension. P&K committed to having the project reach substantial completion by February 5, 2016 at which time new and existing customers can begin receiving sewer disposal service from Master Pump Station No. 3. If P&K fails to meet the February 5, 2016 deadline, liquidated damages of \$5,000.00 per day will commence. Miami-Dade County's Small Business Enterprise established a construction participation goal of 2.59 percent as part of the original construction contract. To date, P&K has complied with all the threshold requirements of the assigned participation goal. <u>Additional Information - Background:</u> WASD determined that improvements were required to the sewer facilities serving the area bounded by the Miami River to the north, I-95 to the west, SW 21 Street to the south and Biscayne Bay to the east, known as the Brickell Basin II Area. The facilities currently serving the area are inadequate to serve increased usage in existing buildings, or new buildings currently under construction and expected to be constructed. As such, on May 1, 2012, the BCC approved Ordinance No. 12-36, which authorized a special sewer construction connection charge for buildings and properties that request new or increased usage. This construction project, Proposed Master Pump Station No. 3, was one in a series of projects to provide more sewer capacity in the Brickell Basin II Area, and was to replace existing Pump Station No. 8 which does not have available capacity for peak flows nor future growth. Proposed Master Pump Station No. 3 was to be constructed on newly purchased properties located at 1042, 1100 and 1110 S.W. 3rd Avenue. The proposed facility was to be comprised of a multilevel pump station building and dedicated generator building. The construction of this new pump station facility also required the construction of several gravity sewer and force mains (to reroute sewage flows) which were not a part of this construction contract.