Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Board of County Commissioners Meeting

February 17, 2016
9:30 A.M.
Commission Chamber

Research Division

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

Board of County Commissioners
February 17, 2016 Meeting
Research Notes

<table>
<tr><th>Item No.</th><th>Research Notes</th></tr>
<tr><td>4A
160296</td><td>ORDINANCE RELATING TO RULES OF PROCEDURE OF THE COUNTY COMMISSION AND THE CONFLICT OF INTEREST AND CODE OF ETHICS ORDINANCE; AMENDING SECTIONS 2-1 AND 2-11.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO ESTABLISH PROCEDURE TO BE FOLLOWED WHEN A MEMBER OF THE BOARD OF COUNTY COMMISSIONERS HAS A CONFLICT OF INTEREST REGARDING ANY MATTER PRESENTED TO THE COMMISSION; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE</td></tr>
<tr><td>Notes</td><td>The proposed ordinance, relating to rules of procedure of the BCC and the conflict of interest and code of ethics ordinance, amends Sections 2-1 and 2-11.1 of the Miami-Dade County code to establish procedure to be followed when a member of the BCC has a conflict of interest regarding any matter presented to the BCC.

<table>
<tr><th colspan="3">Code Comparison Chart
Miami-Dade County Code
Sections 2-1 and 2-11.1</th></tr>
<tr><td>Section</td><td>Current</td><td>Proposed</td></tr>
<tr><td>Sec. 2-1. RULES OF PROCEDURE OF COUNTY COMMISSION.

PART 7. RULES OF DEBATE

Rule 7.01. RULES OF DEBATE</td><td>(g) EXPLANATION OF VOTE; CONFLICTS OF INTEREST. Upon any roll call, there shall be no discussion by any commissioner voting, and the commissioner shall vote yes or no. Any commissioner, upon voting, may give a brief statement to explain his or her vote. A commissioner shall have the privilege of filing with the clerk a written explanation of his or her vote. Any commissioner with a conflict of interest on a particular matter shall refrain from voting or otherwise participating in the proceedings related to that matter and shall leave the commission chambers until the consideration of that matter is concluded. Any such Commissioner who does not leave the chambers shall be deemed absent for purposes of constituting a quorum, counting the vote, or for any other purpose.</td><td>(g) EXPLANATION OF VOTE; CONFLICTS OF INTEREST. Upon any roll call, there shall be no discussion by any commissioner voting, and the commissioner shall vote yes or no. Any commissioner, upon voting, may give a brief statement to explain his or her vote. A commissioner shall have the privilege of filing with the clerk a written explanation of his or her vote. Any commissioner with a conflict of interest on a particular matter shall: (1) announce publicly at the meeting the nature of the conflict before the matter is heard; (2) absent himself or herself from the commission chambers during that portion of the meeting when the matter is considered; and (3) file a written disclosure of the nature of the conflict with the Clerk of the Board within 15 days after the vote. The filing of the State of Florida form prescribed for written disclosure of a voting conflict shall constitute compliance with this subsection. Any such Commissioner who does not leave the chambers shall be deemed absent for purposes of constituting a quorum, counting the vote, or for any other purpose.</td></tr>
<tr><td>Sec. 2-11.1. Conflict of Interest and Code of Ethics Ordinance.</td><td>(d) Further prohibition on transacting business with the County.

Additionally, no person included in the term defined in subsection (b)(1) shall vote on or participate in any way in any matter presented to the Board of County Commissioners if said person has any of the following relationships with any of the persons or entities which would be or might be directly or indirectly affected by any action of the Board of County Commissioners: (i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary; or (ii) stockholder, bondholder, debtor, or creditor, if in any instance the transaction or matter would affect the person defined in subsection (b)(1) in a manner distinct from the manner in which it would affect the public generally. Any person included in the term defined in subsection (b)(1) who has any of the above relationships or who would or might, directly or indirectly, profit or be enhanced by the action of the Board of County Commissioners shall absent himself or herself from the Commission meeting during the discussion of the subject item and shall not vote on or participate in any way in said matter.</td><td>(d) Further prohibition on transacting business with the County.

Additionally, no person included in the term defined in subsection (b)(1) shall vote on or participate in any way in any matter presented to the Board of County Commissioners if said person has any of the following relationships with any of the persons or entities which would be or might be directly or indirectly affected by any action of the Board of County Commissioners: (i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary; or (ii) stockholder, bondholder, debtor, or creditor, if in any instance the transaction or matter would affect the person defined in subsection (b)(1) in a manner distinct from the manner in which it would affect the public generally. Any person included in the term defined in subsection (b)(1) who has any of the above relationships or who would or might, directly or indirectly, profit or be enhanced by the action of the Board of County Commissioners shall: (1) announce publicly at the meeting the nature of the conflict before the matter is heard; (2) absent himself or herself from the Commission chambers during that portion of the meeting when the matter is considered; and (3) file a written disclosure of the nature of the conflict with the Clerk of the Board within 15 days after the vote. The filing of the State of Florida form prescribed for written disclosure of a voting conflict shall constitute compliance with this subsection.</td></tr>
</table></td></tr>
<tr><td>4B
153014</td><td>ORDINANCE RELATED TO TOWING, RECOVERY, STORAGE AND IMMOBILIZATION OF VEHICLES WITHOUT CONSENT; AMENDING SECTION 30-461 OF THE CODE OF MIAMI DADE COUNTY, FLORIDA; PROVIDING DEFINITIONS; AMENDING SECTION 30-476 OF THE CODE; PROVIDING</td></tr>
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Item No.	Research Notes
	THAT MAXIMUM RATES FOR TOWING, RECOVERY, STORAGE AND IMMOBILIZATION WITHOUT CONSENT CAN BE ESTABLISHED BY ORDINANCE; ESTABLISHING REVISED MAXIMUM RATES FOR TOWING, RECOVERY AND STORAGE OF VEHICLES AT THE REQUEST OF PRIVATE PROPERTY OWNERS AND POLICE AGENCIES, AS WELL AS ALL OTHER TOWS WITHOUT PRIOR CONSENT OF THE VEHICLE OWNER OR A DULY AUTHORIZED DRIVER; INCORPORATING EXISTING IMMOBILIZATION RATES INTO THE CODE; RESCINDING RESOLUTION NOS. R-694-99, R-853-03 AND R-621-08; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Notes

The proposed ordinance, relating to towing, recovery, storage and immobilization of vehicles without consent:

- Amends Section 30-461 of the Miami-Dade County code;
- Amends Section 30-476 of the Miami-Dade County code;
- Provides that maximum rates for towing, recovery, storage and immobilization without consent can be established by ordinance;
- Establishes revised maximum rates for towing, recovery and storage of vehicles at the request of private property owners and police agencies, as well as all other tows without prior consent of the vehicles owner or a duly authorized driver;
- Incorporates existing immobilization rates into the code; and
- Rescinds Resolution Nos. R-694-99, R-853-03 and R-621-08.

Background:
Section 125.0103, Florida Statutes, authorizes counties to establish maximum rates which may be charged for the towing of vehicles from or immobilization of vehicles on private property, or as directed by law enforcement, without the consent of the vehicle's owner or authorized operator. Article III of Chapter 30 of the Code of Miami-Dade County sets forth the County's towing regulations and provides that the BCC will establish the maximum rates for towing, recovery, storage, and immobilization of vehicles at the direction of law enforcement or from private property at the request of the private property owner, without the consent of the vehicle owner or duly authorized driver ("non-consent tows"). Maximum rates provide a rate ceiling for non-consent tows, although individual towers may establish rates that are lower than the maximum permitted rates.

On June 22, 1999, the BCC enacted Resolution No. R-694-99, which established the maximum rate for removal of an immobilization or booting device attached to a vehicle without prior consent of the owner or operator. In the past, the BCC periodically has set and subsequently increased the maximum rates for non-consent tows, most recently in 2003. On July 22, 2003, the BCC enacted Resolution No. R-853-03, which rescinded a prior resolution establishing towing rates, amongst other rates, and established new revised maximum rates for non-consent tows. Resolution No. R-853-03 also provided for an automatic increase in the maximum rates for non-consent tows of Class A vehicles based upon the percentage increase in the Consumer Price Index (All Urban Customers Area: Transportation) for the 12 month period following the effective date of the Resolution.

On June 3, 2008, the BCC enacted Resolution No. R-621-08, which authorized, as a result of increased diesel fuel prices, a fuel surcharge of up to $3 per non consent tow until such time that the maximum towing rates established in R-853-03 are amended. But for the authorized fuel surcharge, it has been more than 11 years since an adjustment has been made to the maximum rates established by the BCC for non-consent tows.

Industry costs have increased substantially, as evidenced by the 37 percent annualized inflation rate in the Consumer Price Index for Transportation and 31 percent annualized inflation rate in the Producer Price Index for Truck Transportation, over the period since the last rate increase.

Additional Information on Relevant Legislation	
R-130-99 *2/2/1999*	R-130-99 rescinded Resolution No. R-1472-93 and established a revised maximum towing rate for Class A vehicles for companies providing towing services from private property at the request of the property owner, but without the consent of the vehicle owner, and a revised maximum towing rate for Class A vehicles for companies providing nonconsensual towing services requested by a police agency. Specifically, R-130-99 increased the rate by 10% to $88. • *R-1472-93 increased the maximum rates set in 1989 to $80 for Class A vehicles.*
R-99-70 *6/22/1999*	• Amended Section 30-461 pertaining to definitions; • Amended Section 30-470 pertaining to records required; • Amended Section 30-476 pertaining to maximum towing and storage rates for providing tow services at the request of property owners or police agencies; • Created Section 8A-479 pertaining to requirements for immobilizing vehicles without prior consent of a vehicle owner or duly authorized driver of a vehicle; and • Amended Section 8CC-10 to provide penalties of $500 for failure to satisfy immobilization requirements. **During the BCC meeting on June 22, 1999, the following was discussed:** • The Director of Consumer Services indicated the proposed ordinance could be reviewed in one year to assess what was happening in the industry. • The proposed ordinance was amended to include a one year review.
R-694-99 *6/22/1999*	R-694-99 established the maximum rate for the removal of an immobilization or booting device attached to a vehicle without the prior consent of the vehicle's owner or the duly authorized driver of the vehicle as follows: • Removal rate - $65.00 • Removal rate where immobilization or booting device operator is still at scene - $32.50 **During the BCC meeting on June 3, 2008, the following was discussed:**

<table>
<tr><th>Item No.</th><th>Research Notes</th></tr>
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<tr><td></td><td>The Commission requested that the proposed resolution be amended to provide a rate structure and specify the procedure to release a vehicle at the scene prior to its being towed and that the issue of release on site be defined.
The Commission noted the fees set in the foregoing resolution had a one year review period.
In response to a question, the Director of Consumer Services indicated the towing rates in the County had just been raised from $80 to $88.</td></tr>
<tr><td>R-853-03
7/22/2003</td><td>R-853-03 rescinded R-130-99 and established new maximum rates for towing, recovery and storage of vehicles at the request of private property owners, police agencies, and all other tows without prior consent of the vehicle owner or a duly authorized driver.

Specifically, R-853-03 provided for the following:
Reflects a 10-day effective date rather than a delayed effective date of October 10, 2003 as originally proposed.
The recommended rate for Class A tows remains $97, an increase of 10% from the current rate of $88; however, the resolution allows for a single automatic adjustment in twelve months by the percentage increase in the Consumer Price Index (CPI) for Transportation. With annual CPI increases averaging 2.5%, it is expected that the rate would rise to approximately $100 at that time.
Class C tows are recommended at $235 and Class D at $300 from their current rates of $175 and $200, respectively. These classes do not affect average consumers and relate to oversized vehicles such as dump trucks, buses and tractor trailers, typically commercial vehicles, representing a minor percentage of all tows. The waiting time rates for Class C and D equal one quarter of the tow rate and change accordingly. The Class D per mile rate is increased from $4.50 to $5.50. Lowboy tows are recommended at $230 to remain consistent with the Class C tow. Lowboys are specialized trailers designed to carry large vehicles. Although some communities do not regulate Class C and D rates, staff believes retaining maximum rates is appropriate.
Daily storage rates are calculated based on vehicle size and remain unchanged. Vehicles under 20 feet are assessed a rate of $25 for inside storage and $20 for outside. Vehicles exceeding 20 feet remain at $40 inside and $35 outside.
During the BCC meeting on July 22, 2003, the following was discussed:
The Director of the Consumer Services Department (CSD), provided an overview of the proposed maximum uniform rates for towing, recovery and storage of abandoned or unauthorized vehicles at the request of private property owners on which the vehicles were parked and for non-consent police ordered tows. She noted the changes were made based upon the towing industry's input.</td></tr>
<tr><td>R-621-08
6/3/2008</td><td>R-621-08 authorized Miami-Dade County towing companies to levy up to a $3.00 fuel surcharge per non-consent tow performed due to the increase in the cost of diesel fuel.</td></tr>
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<tr><td>4C
160240</td><td>ORDINANCE RELATING TO ZONING; REVISING THE OJUS URBAN AREA DISTRICT (OUAD) REGULATIONS PERTAINING TO WALLS, FENCES, AND HEDGES OF RESIDENTIAL, SINGLE-FAMILY HOMES; AMENDING SECTION 33-284.99.20 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE</td></tr>
<tr><td>Notes</td><td>The proposed ordinance amends Section 33-284.99.20 of the Miami-Dade County Code and revises the Ojus Urban Area District (OUAD) regulations pertaining to walls, fences, and hedges of residential, single-family homes.

Sec. 33-284.99.20. - General Requirements.
In addition to the requirements in Section 33-284.86 of this code, and to retain the character of the development within the OUAD, all new development and redevelopment shall comply with the following:

C. Walls, fences, and hedges. All walls, fences, and hedges shall be provided in compliance with Section 33-284.86 of this code, except that walls, fences, and hedges associated with residential, single-family homes that were legally established prior to March 8, 2007, shall be permitted to a maximum height of seventy-two (72) inches, regardless of location.</td></tr>
<tr><td>4D
160295</td><td>ORDINANCE RELATING TO THE LIVING WAGE ORDINANCE; AMENDING SECTION 2-8.9 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO UPDATE WAGE AND HEALTH BENEFIT RATES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE</td></tr>
<tr><td>Notes</td><td>The proposed ordinance relating to the Living Wage Ordinance, amends Section 2-8.9 of the Miami-Dade County Code to update wage and health benefits rates.

<table>
<tr><th colspan="3">Code Comparison Chart
Section 2-8.9 of the Miami-Dade County Code</th></tr>
<tr><th>Section</th><th>Current</th><th>Proposed</th></tr>
<tr><td>Sec. 2-8.9.
Living Wage Ordinance for County Service Contracts and</td><td>Living Wage.
(A) Living wage paid.

(1) Service contractors. All service contractors as defined by this Chapter, performing covered services shall pay to all of its employees providing covered</td><td>Living Wage.
(A) Living wage paid.

(1) Service contractors. All service contractors as defined by this Chapter, performing covered services shall pay to all of its employees providing covered services, the current Living</td></tr>
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Item No.	Research Notes

County Employees.	services, the current Living Wage rate, applicable to the time when the covered service is performed as that rate is adjusted each fiscal year in the manner provided for herein for the adjustment of the Living Wage rate. (B) Health Benefit Plan. (1) For a covered employer or the County to comply with the Living Wage provision by choosing to pay the lower wage scale when a covered employer also provides a Health Benefit Plan, such Health Benefit Plan shall consist of payment of the current rate applicable to the time when the covered service is performed as that rate is adjusted each budget year in the manner provided for herein for the adjustment of the Living Wage rate towards the provision of a Health Benefit Plan for employees and, if applicable, their dependents. The minimum amount of payment by a Service Contractor for the provision of a Health Benefit Plan on a per-hour basis will be calculated based on a maximum of a 40-hour work week. Overtime hours will not require additional payments towards the provision of a Health Benefit Plan. If the Service Contractor pays less than the required amount for providing a Health Benefit Plan provided in this section, then the Service Contractor may comply with the Living Wage requirements by paying the covered employee the difference between the premium it pays for the Health Benefit Plan of the Covered Employee and the minimum amount required by this section for a qualifying Health Benefit Plan. The Service Contractor may require that all employees enroll in a Health Benefit Plan offered by the Service Contractor, provided that the employee is not required to pay a premium contribution for employee-only coverage. Proof of the provision of a Health Benefit Plan must be submitted to the County to qualify to pay the applicable wage rate for employees with a qualifying Health Benefit Plan. Health Benefit Plan for purposes of complying with this section shall qualify if it includes the benefits contained in a standard health benefit plan meeting the requirements set forth in § 627.6699(12)(a), Florida Statutes. (C) Indexing. The living wage will be annually indexed to inflation as defined by the Consumer Price Index calculated by the U.S. Department of Commerce as applied to the County of Miami-Dade. The first indexing adjustment shall occur for the 2001-2002 County budget year using the Consumer Price Index figures provided for the calendar year ended December 31, 2000, and thereafter on an annual basis.	Wage rate **of $12.63 per hour with a qualifying Health Benefit Plan valued at no less than $2.89 per hour per employee and $15.52 per hour if no qualifying Health Benefit Plan is provided by the Service Contractor**, applicable to the time when the covered service is performed as that rate is adjusted each fiscal year in the manner provided for herein for the adjustment of the Living Wage rate. (B) Health Benefit Plan. (1) For a covered employer or the County to comply with the Living Wage provision by choosing to pay the lower wage scale when a covered employer also provides a Health Benefit Plan, such Health Benefit Plan shall consist of payment of **$2.89 per hour per employee commencing in health benefit plan year 2017 and for subsequent years the amount shall be adjusted by the percentage change in the consumer price index for medical services for the Miami-Ft. Lauderdale area published by the United States Department of Labor.** The minimum amount of payment by a Service Contractor for the provision of a Health Benefit Plan on a per-hour basis will be calculated based on a maximum of a 40-hour work week. Overtime hours will not require additional payments towards the provision of a Health Benefit Plan. If the Service Contractor pays less than the required amount for providing a Health Benefit Plan provided in this section, then the Service Contractor may comply with the Living Wage requirements by paying the covered employee the difference between the premium it pays for the Health Benefit Plan of the Covered Employee and the minimum amount required by this section for a qualifying Health Benefit Plan. The Service Contractor may require that all employees enroll in a Health Benefit Plan offered by the Service Contractor, provided that the employee is not required to pay a premium contribution for employee-only coverage. Proof of the provision of a Health Benefit Plan must be submitted to the County to qualify to pay the applicable wage rate for employees with a qualifying Health Benefit Plan. Health Benefit Plan for purposes of complying with this section shall qualify if it includes the benefits contained in a standard health benefit plan meeting the requirements set forth in § 627.6699(12)(a), Florida Statutes. (C) Indexing. The living wage will be annually indexed to inflation as defined by the Consumer Price Index calculated by the U.S. Department of Commerce as applied to the County of Miami-Dade. The first indexing adjustment shall occur for the 2001-2002 County budget year using the Consumer Price Index figures provided for the calendar year ended December 31, 2000, and thereafter on an annual basis. **Commencing October 1, 2016, the $2.89 cost for a qualifying health benefit plan shall be adjusted based on the consumer price index for medical costs for the Miami-Ft. Lauderdale area and that indexed cost shall be added to the existing Living Wage rate when a qualifying Health Benefit Plan is provided to determine the newly adjusted Living Wage rate without qualifying health benefits.**

Background:

In 1999, the BCC adopted Ordinance 99-44, the Living Wage Ordinance because the County recognized that it has a responsibility when spending public funds to set a community standard that permits full-time workers to live above the poverty line. In adopting the Living Wage Ordinance, the County found that sub-poverty level wages do not serve the public purpose because such wages place an undue burden on

Item No.	Research Notes
	taxpayers and the community to subsidize employers paying inadequate wages by providing their employees social services such as health care, housing, nutrition, and energy assistance. The Living Wage Ordinance in 1999 established a Living Wage of no less than $8.56 per hour with health benefits or a wage rate of $9.81 per hour without health benefits which meant that the cost of qualifying health benefits was set at $1.24 per hour. Since 1999, the wage rate and health benefit differential of the Living Wage Ordinance has been adjusted annually utilizing the Consumer Price Index calculated by the U.S. Department of Commerce as applied to the County of Miami-Dade. The indexed wage rate has effectively kept pace with inflation, ensuring wages are sufficient to permit workers to live about the poverty line. In a 2014 health benefits survey, the Kaiser Family Foundation found that "the average annual premiums for employer-sponsored health insurance are $6,025 for single coverage and $16,834 for family coverage." Assuming a 40 hour workweek, this translates to a minimum of $2.89 per hour for a health benefit plan. **Additional Information - Living Wage Rate Reports:** Contracts awarded pursuant to the provisions of Miami-Dade County's Living Wage Ordinances Section 2-8-9 of the Code of Miami-Dade County stipulate that all covered employees providing service pursuant to the service contractor's contract shall be paid a living wage of no less than a stipulated dollar amount per hour inclusive of a stipulated dollar amount per hour for health benefits, such health benefits shall consist of a set dollar value per hour towards the provisions of health care benefits for employees and their dependents. In the event of any underpayment of the required wage rates, the contractor shall be liable to the underpaid employee for the amount of such underpayment. Underpayment by a service contractor or subcontractor to the stipulated wages constitutes a wage violation under the provisions of the Living Wage. On May 7, 2014, the Internal Services Department Small Business Development Division issued a notice for living wage rates for FY 2014-2015. According to notice, effective October 1, 2014 through September 30, 2015 the Living Wage rate required was to be no less than $12.46 per hour with qualifying Health Benefits Plan (HBP) valued at no less than $1.81 per hour, or $14.27 per hour if no qualifying HBP is provided by the Service Contractor to its covered employees. **Additional Information – Relevant Legislation:** On November 3, 2015, the BCC, through Resolution NO. R-1022-15, opposed Senate Bill 598 and House Bill 181, or similar legislation that would: (a) preempt local governments from requiring contractors on public works projects where state funds are involved to pay employees a predetermined amount of wages or wage rate, provide employees a specified type or amount of employee benefits, control or limit staffing, or recruit, train, or hire employees from a designated or restricted source; or (b) preempt local governments from restricting qualified bidders from submitting bids, being awarded any bid or contract, or performing work on public works projects.
4E **160263**	ORDINANCE RELATING TO THE TREE TRUST FUND; AMENDING SECTIONS 2-1336 AND 24-39 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING THAT RECOMMENDATIONS AS TO DISBURSEMENTS FROM THE TREE TRUST FUND WOULD BE MADE BY NEAT STREETS MIAMI; DELETING REFERENCES TO TREE FOREST ADVISORY COMMITTEE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE
Notes	The proposed ordinance, relating to the Tree Trust Fund: • Amends Sections 2-1336 and 24-39 of the Miami-Dade County Code providing that recommendations as to disbursements from the Tree Trust Fund would be made by Neat Streets Miami; and • Deletes references to Tree Forest Advisory Committee. **Additional Information – Million Trees Miami[1]:** The Million TREES Miami Campaign is a Community-wide effort to plant 1 million trees by 2020 in order to achieve a 30% tree canopy cover for Miami-Dade County. The campaign was developed by the Miami-Dade Community Image Advisory Board and was born of the idea that a healthy and sustainable urban forest provides significant social, economic, and environmental benefits that fosters a high quality, livable, vibrant, and beautiful community. Miami-Dade County has experienced historical losses in tree canopy cover due to hurricanes, citrus canker and urban development. The canopy coverage calculations have varied over the years, hovering around **10-15% on average**, with some urban areas having coverage as low as 1-2%. **What would planting a million trees mean to our community?** • 24,000 acres of new urban forests spread throughout the county. • Reaching the national average for healthy tree cover for an urban community. • New green infrastructure to mitigate the effects of flooding and pollution. • Livable communities despite rapid growth. • Protection: South Florida is at the epicenter for climate change. Trees anchor existing and future natural resources. • Sunscreen: About 626 people in Florida die of melanoma every year. Trees provide UV protection. • More food: Trees generate many of South Florida's favorite healthy foods and contribute greatly to the economy.

[1] http://milliontrees.miamidade.gov/about-us.asp

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<tr><td></td><td>Examples of cities that have stepped it up
Charlotte – 40 percent tree coverage - TreesCharlotte launched in 2012 after the release of an assessment showing Charlotte losing tree canopy. The goal: 50 percent tree canopy by 2050.
Washington DC – 35 percent tree coverage - Casey Tree's mission is "to restore, enhance and protect the tree canopy of the nation's capital." Thus far, more than 20,000 trees have been planted.</td></tr>
<tr><td>4F
160265</td><td>ORDINANCE RELATING TO RULES OF PROCEDURE OF THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO PUBLIC PARTICIPATION TO PROVIDE THAT THOSE PERSONS WHO EITHER SUPPORT OR OPPOSE A PARTICULAR PUBLIC HEARING ITEM OR NON-PUBLIC HEARING PROPOSITION BUT DO NOT WISH TO USE THEIR ALLOTTED TIME MAY EXPRESS THEIR SUPPORT OR OPPOSITION BY STATING SPECIFIED PHRASE; PROVIDING THAT MEMBERS OF THE PUBLIC WHO WISH TO EXPRESS THEIR SUPPORT OR OPPOSITION BY STATING SPECIFIED PHRASE WITHOUT STEPPING UP TO THE PODIUM MAY DO SO UNDER CERTAIN CIRCUMSTANCES; REQUIRING PRESIDING OFFICER TO MAKE SPECIFIED STATEMENT AND TAKE STATED ACTION IN THE EVENT A MEMBER OF THE PUBLIC STATES HIS OR HER SUPPORT FOR OR OPPOSITION TO A PARTICULAR PUBLIC HEARING ITEM OR NON-PUBLIC HEARING PROPOSITION WITHOUT STEPPING UP TO THE PODIUM; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE</td></tr>
<tr><td>Notes</td><td>The proposed ordinance, relating to rules of procedure of the BCC:
Amends Section 2-1 of the Miami-Dade County Code, relating to public participation, to provide that those persons who either support or oppose a particular public hearing item or non-public hearing proposition but do not wish to use their allotted time may express their support or opposition by stating a specified phrase;
Provides that members of the public who wish to express their support or opposition by stating a specified phrase without stepping up to the podium may do so under certain circumstances; and
Requires presiding officer to make specified statement and take stated action in the event a member of the public states his or her support for or opposition to a particular public hearing item or non-public hearing proposition without stepping up to the podium.</td></tr>
<tr><td>4G
152320</td><td>ORDINANCE RELATED TO RED LIGHT CAMERAS; AMENDING SECTION 30-422 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REPEALING THE AUTHORITY FOR MIAMI-DADE COUNTY TO USE TRAFFIC INFRACTION DETECTORS/RED LIGHT CAMERAS; REPEALING RESOLUTION NO. R-759-10, REPEALING DIRECTION AND AUTHORITY TO THE MAYOR OR DESIGNEE TO IMPLEMENT A RED LIGHT CAMERA PROGRAM FOR MIAMI-DADE COUNTY; SETTING POLICY THAT NO RED LIGHT CAMERA PROGRAM SHALL BE IMPLEMENTED OR MAINTAINED BY MIAMI-DADE COUNTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE</td></tr>
<tr><td>Notes</td><td>The proposed ordinance, related to red light cameras:
Amends Section 30-422 of the Miami-Dade County Code
Repeals the authority for Miami-Dade County to use traffic infraction detectors/red light cameras;
Repeals Resolution No. R-759-10;
Repeals the direction and authority to the Mayor or designee to implement a red light camera program for Miami-Dade County; and
Directs the Mayor or designee to prepare a report for the creation of a pilot program implementing and maintaining red light cameras at the 10 intersections in unincorporated Miami-Dade County with the highest number of right-angle traffic crashes.
<table>
<tr><th colspan="2">Additional Information on Previous Legislation</th></tr>
<tr><td>R-937-05
8/23/2005</td><td>Directed the County Manager to explore the feasibility, cost and benefit of installing cameras at certain dangerous intersections with traffic signals to curb red-light running.</td></tr>
<tr><td>R-1248-07
11/6/2007</td><td>Urged the Florida Legislature to allow the use of unmanned cameras at intersections with traffic signals in an effort to reduce red-light running.</td></tr>
<tr><td>R-759-10
7/8/2010</td><td>Established policy for Miami-Dade County authorizing the installation of red light cameras at high crash, high volume intersections; and directed the Mayor or his designee to implement a red light camera program in Miami-Dade County. This proposed ordinance would supersede Resolution 759-10.</td></tr>
<tr><td>9/16/2010</td><td>The Health, Public Safety and Intergovernmental Committee deferred a resolution directing the Mayor or designee to study the feasibility of negotiation with municipalities in Miami-Dade County to create a single, uniform countywide program for red light cameras with revenues generated in municipalities to be provided to such municipalities.</td></tr>
<tr><td>O-11-01
1/20/2011</td><td>Created Section 30-422 of the Code of Miami-Dade County and authorized and regulated the use of Traffic Infraction Detectors in the Unincorporated Areas.</td></tr>
<tr><td>Background</td><td>The County issued a solicitation to obtain proposals from experienced and qualified firms to establish a turnkey Red Light Camera Program (Program) for the MDPD. It was anticipated that the Program would be at no-cost to the County, funded through the revenue generated by the citations issued. It was also anticipated that the Program would be deployed in phases, with the initial implementation phase of 50 cameras. Additional cameras would have been added in increments of up to 50 cameras for up to a total of 150 cameras at the County's discretion. The RFP required the selected proposer to fully fund all costs associated with the implementation of the Program.

Florida law permits public entities to use Traffic Infraction Detectors (Detectors), subject to rules and procedures established by the Florida Department of Transportation. More specifically, the law allows a county or municipality to install traffic detectors on state, county, or municipal rights-of-way within the boundaries of that county or municipality. Local agencies are required to provide a hearing for individuals who are issued a</td></tr>
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Item No.	Research Notes

	notice of a traffic infraction. There has been substantial discourse in the Florida House and Senate regarding the proper application of Detectors, including the administration of the Detectors, by local agencies. In October 2014, the Fourth District Court of Appeal ruled that the City of Hollywood was not authorized to delegate police power by entering into a contract that allowed a private vendor to screen data and decide whether a violation had occurred before sending that data to a Traffic Infraction Enforcement Officer for authorization of a citation. The Fourth District reasoned that such outsourcing to a third-party for-profit vendor of a city's statutorily mandated obligation to issue uniform traffic citations for red light camera violations was contrary to the Florida Statutes. The Fourth District's decision was appealed to the Florida Supreme Court, which declined to hear the appeal. In light of this and the time that has elapsed since the January 24, 2014 proposals submission date, it was recommended that all proposals be rejected without prejudice to the proposers. The County would determine the feasibility of re-issuing a solicitation for this Program pending judicial and legislative action that have an impact on the administration of Detectors.
R-477-15 *6/2/2015*	Approved the rejection of the proposals received under Request for Proposals (RFP) No. 881, Red Light Camera Program for the Miami-Dade Police Department (MDPD) and directed the County Mayor, or Mayor's designee, to re-solicit for the Program within 60 days or report to the BCC on why it was unable to re-solicit.

Additional Information – Red Light Camera Status Report – November 12, 2015:
In response to Resolution No. R-477-15, the administration released a status report of the Red Light Camera Program for the Miami-Dade Police Department (MDPD).

Based on changes in the legislation pertaining to the manner in which citations may be reviewed and issued, the burden of responsibilities and costs have now shifted to the County. As such, the services to be provided will change, requiring a thorough review of the operational and fiscal impact for the establishment and management of the Program.

In order to administer the Program, the Miami-Dade Police Department (MDPD) would establish a unit within the Special Patrol Bureau and utilize approximately 25 personnel to manager and perform the tasks necessary. The new unit would consist of one (1) Lieutenant to supervise and oversee the unit; two (2) Sergeants to manage the operations of their respective shifts; four (4) Police Officers to testify in court and review red light violations; 17 Public Service Aides to view all red light camera videos and identify violations; and one (1) Secretary to perform administrative tasks, assist with mailing notices, and assign public records requests.

It is expected that any County Program would commence with 150 cameras. The intersections where the cameras would be located are expected to generate up to 1,000,000 videos during the first and second years, before decreasing to approximately 500,000 videos for subsequent years, as drivers comply with the traffic control devices. It is expected that the cameras will produce approximately 180,000 Notice of Violations (NOV) each year during the first two (2) years, before decreasing to approximately 115,000 in subsequent years. The size of the new unit, the time needed for court, and the number of vehicles needed for the unit are based on this data. The cost of personnel and vehicles per year is expected to be approximately $2.6 million. Of that amount, the estimated vehicle cost is about $275, 000.

It is anticipated there will be an additional $400,000 in costs to the County to include internet upgrades, office space, computer equipment, stationary, and mailing needs. This estimate takes into account that the MDPD will be responsible for the mailing of NOVs and any subsequent mailing of Uniform Traffic Citations (UTC). The total estimated cost for personnel, infrastructure, and equipment for MDPD is approximately $3,000,000, the majority of which will be recurring annual expenses. Previously, these costs were not contemplated, as the vendor would have been responsible for many of the required tasks.

Due to the size of the new unit and the need for continuous ongoing video viewing, it was recommended by the City of Miami Police Department, and suggested by the County's Information Technology Department's Engineering Design Service Manager, that the new unit be equipped with dedicated internet lines capable of handling the expected volume of internet use without impacting normal operations. While the exact cost of the necessary equipment cannot be obtained without first identifying the location to house the new unit, an estimate for the installation of dedicated internet lines within the Special Patrol Bureau and MDPD Headquarters Building, where the infrastructure is already in place, is approximately $25,000, with an additional $15,000 per year in service costs.

Additionally, MDPD would use certified and trained pubic service aides to review and approve the NOVs and UTCs. In order to meet the requirements of Florida State Section 316.0083, the Mark Wandall Traffic Safety Program, the public service aides selected for the Program would have to attend a 40-hour in-service training course to meet the requirements to be authorized to review and approve the NOVs and UTCs. The cost of training public service aides has not yet been determined.

Market research cannot be conducted to assess what the estimated costs for the Program would now be, based on the County's anticipated changes to the scope of services. This is due to the fact that the revised scope of services that the County would be requesting has not been performed before in Florida. Most agencies within Florida that operate a red light camera program continue to pay the same rates in their contracts, even with reduced services provided by the vendors.

The public service aides dedicated to the Program will be removed from all of their normal patrol functions, which include but are not limited to, preparation of vehicle crash reports, responding to and documenting minor law violations, assisting with traffic control and scene

Item No.	Research Notes
	security on traffic accidents, and enforcing parking and County ordinance violations related to improperly parked vehicles. This loss of personnel will have an adverse impact, as it will increase the calls-for-service for sworn uniformed personnel and reduce that amount of available time for them to conduct proactive enforcement activities. The County would utilize personnel assigned to the new unit in the Special Patrol Bureau to answer public records requests. If the number of the public records requests becomes too voluminous for allocated staff to respond to, additional staff or overtime will be needed. With the recent ruling by the Fourth District Court of Appeal, and based on consultations with the County Attorney's Office, the County would have to take on a larger role in the Program. MDPD would be tasked with issuing the NOVs and UTCs and, in order to avoid conflict of interest, it is suggested that the collection of fines be administered by another department or separate unit within Police. While there are several ways to handle this aspect of the Program, they all may require hiring of additional personnel. Additional personnel would have to be hired if the County determined that the most efficient and effective way to handle the payment of fines is in-house. Potentially a computer software program would also have to be acquired that would be dedicated to track this process. These costs are undetermined at this time. It should be noted that the Clerk of Courts will lonely manage and conduct hearings related to a UTC. Per the legislative changes of 2013, municipalities and counties having red light cameras must make a hearing for NOVs, which are conducted by the municipality or county of jurisdiction, available. In order to comply with this change and foster citizen satisfaction and Program legitimacy consistent with procedural justice, the County needs to identify a department or entity independent from the MDPD, Clerk of Courts, or Finance Department that would be responsible for administering this portion of the Program, which includes scheduling NOV hearings, notifying the violators of their hearing date/time, conducting the hearing, and administering all paperwork related to the hearing. Additionally, a location to conduct these hearing would have to be identified along with the proper staff to conduct the hearings, to include the hiring of a magistrate to preside over the hearing, who cannot be associated or employed by the Clerk of the Courts. At this time, an accurate cost projection to comply with this mandate cannot be calculated, but it should be noted that this could be a substantial cost. The Administrative Office of the Courts, in conjunction with the Clerk of Courts, determined that if current courtroom space is utilized for these hearings at the Gerstein, North Dade, and South Dade, no additional court room security monitor of clerk staff would be needed. If it is determined that the red light camera hearings would need to expand to additional court rooms at North Dade or South Dade, then the issue of required equipment and staffing would need to be re-addressed. **Changes in Approach and Scope of Services Going Forward** Currently, one (1) potential vendor would require the County to list at least three (3) locations for every intersection where a red light camera is proposed. After completion of their independent research, the vendor would then select which intersections are most suitable for red light camera equipment placement and revenue generation. This presents a major issue for the MDPD, as the intersections chosen may not be the ones with the most reported traffic crashes or safety needs and would be a change in the approach for the Program. **Legislative Impact** At this time, there are no legislative changes pending. On September 25, 2015, a final ruling was issued by Judge Steve Leifman, Associate Administrative Judge for the County Court Criminal Division, on the motion to dismiss filed by attorneys representing an individual that received a violation issued by the City of Aventura. The motion to dismiss was filed based on the decision of the Fourth District Court of Appeal on October 2014, regarding procedural issues in the processing of red light camera cases between the municipalities and private vendors. In his ruling, Judge Steve Leifman granted the individuals motion to dismiss, however, in addition, certified three (3) areas of concern to the Third District Court of Appeal. Based on Judge Leifman's ruling, attorneys for the City of Aventura filed an appeal to the Third District Court of Appeal and a motion entitles "Motion for Recognition of automatic stay and extension of same to Other Traffic Court Proceeding." In response to the City of Aventura's filed motion, attorneys representing other individuals on Red Light Camera Cases, filed a motion to strike the "City of Aventura's motion for recognition of automatic stay." A hearing was scheduled before Judge Leifman on October 16th and issued an order by Judge Leifman granting the City of Aventura's motion for stay. A final decision is not anticipated until the Third District Court of Appeals addresses the three (3) issues raised by Judge Leifman in his prior ruling. Additionally, a class action lawsuit against three red light camera vendors and more than 70 Florida counties and cities is moving forward after a Miami federal judge rejected a motion to dismiss, seeking more than $200,000,000 in damages for tickets issued in violation of federal and Florida Laws. **It is important to note that Miami-Dade County has been dismissed from this suit since we do not have red light cameras.** **<u>Additional Information – Proposed Statewide Legislation:</u>** Senate Bill (SB) 168 would repeal state statutes authorizing red light cameras. SB 68 passed favorably in the Senate Transportation Committee and was amended to delay the repeal until July 1, 2019. The House companion bill, House Bill (HB) 4027, passed favorably in the House Economic Affairs Committee and has one committee stop remaining before the House floor. **<u>Additional Information – OPPAGA Report: Florida Red Light Camera Programs[2] – February 7, 2014</u>** • At the end of Fiscal Year 2012-13, 79 jurisdictions (74 municipalities, 5 counties) operated red light camera programs in 26 Florida counties and the DHSMV's most recent survey of local governments operating red light camera programs found that, as of June

[2] http://www.thenewspaper.com/rlc/docs/2014/fl-oppaga.pdf

Item No.	Research Notes
	30, 2013, cameras were installed at 922 approaches to intersections however, there can be multiple cameras at each intersection;

- Local governments consider several criteria when making red light camera placement decisions; use of countermeasures at red light intersections varies among jurisdictions;
  - *Using information about a variety of factors, engineering countermeasures can be developed to help reduce the occurrence of hazardous driver behaviors such as red light running. Selecting the most appropriate countermeasures for red light running depends on individual intersection characteristics and can only be determined after conducting an engineering study that investigates existing intersection design elements and intersection safety as related to red light running and the occurrence of red light violations.*
  - *Although national and state transportation organizations strongly recommend the use of countermeasures, OPPAGA's survey results indicate that most (56%) of the respondents did not implement countermeasures prior to installing red light cameras. Of the jurisdictions that did implement countermeasures prior to installing red light cameras (44%), the most frequent types of countermeasures were*
    - *Installation of signal ahead signs;*
    - *Use of LED signal lenses;*
    - *Modification of signal-cycle length; and*
    - *Alteration of yellow light change intervals.*
- Yellow light change intervals are relevant to red light camera programs because altering their duration can affect the frequency of red light running;
  - *Recent research indicates that using a value greater than 1.0 second would encompass the reaction times of a larger proportion of the driver population. Based on these research results, the Florida Department of Transportation recently revised requirements for yellow light timing across all of the state's jurisdictions. DOT increased the perception/reaction time to 1.4 seconds, effectively increasing the department's previous minimum yellow light change interval by 0.4 seconds. Intersections with existing red light cameras were required to comply with the new standards by December 31, 2013.*
  - *According to OPPAGA's survey of counties and municipalities that operate red light camera programs, most (58%) jurisdictions reported using DOT standards for yellow light interval timing, while some (43%) jurisdictions reported not having the authority to change yellow light interval timing, as it is often managed at the county level for many cities and towns.*
- Jurisdictions use red light cameras to enforce several types of traffic infractions including the enforcement of right turns on red without making a complete stop and right turns on red at intersections with "No Turn on Red" signs;
- State and local red light camera revenue has increased more than 200% since Fiscal Year 2010-11;
  - *Red light camera program revenues have increased significantly over the last three fiscal years. Between Fiscal Year 2010-11 and Fiscal Year 2012-13, total revenues grew from $37.6 million to $118.9 million, an increase of 215%.*
  - *Of the local governments that reported revenues to the Department of Revenue in Fiscal Year 2012-13, a small number of jurisdictions accounted for a large portion of the $56.4 million in local red light camera revenues.*

Jurisdiction	Jurisdiction Revenue
Miami	$5,841,750
Miami Gardens	$2,889,975
Tampa	$2,786,695
Apopka	$1,835,625
North Miami	$1,822,345
Orlando	$1,725,300
Aventura	$1,423,125
Sweetwater	$1,254,290

- Nearly 50% of fines collected by local governments are used to pay red light camera vendors;
  - *To examine the financial arrangement between jurisdictions and red light camera vendors, OPPAGA reviewed 36 contracts and city ordinances from 20 unique jurisdictions and found that jurisdictions typically pay vendors between $4,250 and $4,750 per camera, per month. These payments cover costs associated with site selection; camera installation, operation, and maintenance; review of possible violations; violation issuance; payment collection; data collection; and customer service. In general, fees are fixed.*
- Estimates of the safety effects of other states' red light camera programs vary considerably;
  - *As of December 2013, 502 communities in the U.S. had red light camera programs.*
- Red light camera research results differ due to wide variation in factors examined; many studies have been limited by methodological concern;
- Notices of violation and uniform traffic citations issued by jurisdictions with red light camera programs have increased significantly since Fiscal Year 2010-11.19 Based on OPPAGA survey results, notices of violation issued and notices of violation paid increased significantly from Fiscal Year 2010-11 to Fiscal Year 2011-12, and increased slightly from Fiscal Year 2011-12 to Fiscal Year 2012-13.20; and

Item No.	Research Notes
	• Crashes resulting in fatalities decreased at red light camera intersections on state roads but rear-end and angle crashes increased. • Among the counties with red light camera intersections on state roads, nearly 40% had increases in rear-end and angle crashes. **Additional Information:** **Push to get rid of red-light cameras heats up in Florida[3] – Orlando Sentinel, October 11, 2015:** • *The war to liberate drivers from red-light cameras is heating up on several fronts now, in the courts and in the Legislature.* • *The most headway is being made in county and circuit courts, where city and county red-light camera programs across the state have been forced to shut down because they give too much power to private companies in determining which drivers are breaking the law.* • *In federal court, lawyers are suing a multitude of cities and counties for $200 million in an attempt to get people's fines reimbursed. That class-action civil suit is pending.* • *Those cases have given momentum to a bill once again being pushed in the Legislature by Rep. Frank Artiles, R-Miami, and Sen. Jeff Brandes, R-St. Petersburg. It would repeal the 2010 law that allowed counties and cities to set up cameras to catch people who run red lights.* • *After the 2010 state law was passed, municipalities quickly engaged companies like American Traffic Solutions to run programs for them and keep overhead to a minimum. That has been the problem ever since.* • *It came to a head in 2012 with Hollywood v. Arem, a landmark case in Florida. The court declared Hollywood's red-lightcamera system invalid because legal decisions were being made by civilian employees of American Traffic Solutions viewing camera footage in Arizona, not sworn police officers from the city.* • *In 2014, the decision was held up on appeal, which gave it statewide effect. Since then, red-light systems have been going down across the state. To stay active, cities and counties have to prove they are substantially different than the system in Hollywood, and so far, municipalities have had a hard time doing that.* • ***In the most recent decision, just two weeks ago, Hollander persuaded a judge in Miami-Dade County to shut down the camera system in Aventura, which should have the effect of ending similar systems in about two dozen cities in the county.*** • *In March, two Broward County traffic judges dismissed more than 24,000 red-lightcamera tickets from almost every city in Broward County, with fines totaling more than $6.3 million.* • *Cities across South Florida have handled the decisions in different ways. Sunrise, Davie, Tamarac and Boynton Beach are once again giving out tickets after having police take a larger role in reviewing film to determine whether a driver is guilty. Coral Springs, Hallandale Beach and Boca Raton announced their camera programs have come to an end. Fort Lauderdale and Hollywood are not giving out tickets but have adopted a wait-and-see approach pending further legal action.* • *A year after the law was passed, the state Department of Highway Safety and Motor Vehicles found that 73 agencies reported issuing 999,929 citations over the course of a year. At $158 a pop -- $250 with late fees -- municipalities may have garnered several hundred million dollars before the Hollywood v. Arem decision slowed things down. All that revenue only gets back to the central criticism of the red-light camera law -- that it has little to do with public safety.* **A suit by the city raises concerns of a council member. At issue is when the contract ends. COURT GETS BROOKSVILLE DISPUTE OVER RED-LIGHT CAMERAS[4] - Tampa Bay Times (FL) - April 24, 2015** • *The city is going to court over its red-light camera debate.* • *In a complaint filed last week by Assistant City Attorney, the city seeks a court ruling on when the contract with Sensys America Inc. comes to its natural end and what the potential penalties would be if the contract is breached.* • *This year, the City Council voted to end the controversial red-light camera program when the current contract expires, and that was thought to be in December.* • *The Assistant City Attorney told the council that the lawsuit was filed after the city received a letter from Sensys disputing the December end of the contract. In an April 9 letter to Brooksville Mayor, Sensys president states that the contract terminates three years after the installation of the last red-light camera, which would be April 2017.* • *According to the company's president "Sensys completed 100 percent of the work necessary'' to install four new cameras before getting word that the council did not want to proceed in April 2014. He counts three years from that point as the natural end of the contract. If the city ends the contract in December, "Sensys will be entitled to damages in excess of $500,000 representing Sensys' lost revenue.'' But the Assistant County Attorney noted the contract states that the three-year time frame begins when the cameras are installed and operational, "and that was not done.''* • *Filing the lawsuit now gives the city time for the court to make a ruling before December, he said." Sensys misinterpreted their own contract,'' red-light camera opponent told council members Monday night. He also noted that the city's contract with Sensys includes a section with a progression of ways for the two parties to settle any dispute.* • *A closed session for the council members and staff to discuss their legal strategy is slated for May 4.* **Additional Information – 4th District Court of Appeal:** **Red-light refund seekers find red tape[5] - Sun Sentinel - February 24, 2015**

[3] http://infoweb.newsbank.com/resources/doc/nb/news/1586F6FD2BD9F3C0?p=NewsBank
[4] http://infoweb.newsbank.com/resources/doc/nb/news/154E9AD3B43B8D30?p=NewsBank
[5] http://infoweb.newsbank.com/resources/doc/nb/news/153BCC105C54E630?p=NewsBank

Item No.	Research Notes
	• *The 4th District Court of Appeal in West Palm Beach recently struck down camera programs in Hollywood and Davie, ruling that the way those cities delegated police authority to a private vendor was improper. The legal uncertainty has caused some cities to rethink red-light cameras; for example, Boca Raton abruptly stopped its program earlier this month.* • *As for refunds, class-action suits against South Florida cities are in the early stages, say some lawyers involved in the fight. Even if those lawsuits are successful, those who paid tickets might only get back a fraction of what they paid.* • *The final verdict on red-light cameras isn't in, as Hollywood intends to take the issue to the Florida Supreme Court. American Traffic Solutions, the Arizona-based vendor that runs the program in most Florida cities, will pay for Hollywood's legal fees, according to a city spokeswoman.* • *The camera program was authorized by the Florida Legislature in 2010, and those who have paid tickets could fight to get money back. That could leave cities and the state (which divided the red-light ticket money) on the hook for huge liabilities. At its peak, more than 70 Florida municipalities and counties had red-light cameras, generating over $100 million in some years.* • *Because no class-action suits have been certified yet, it's unclear who'll be eligible to seek refunds: Those who paid the $158 "Notice of Violation" (NOVs) sent by the vendor, those who waited 60 days until the violations turned into $265 Uniform Traffic Citations (UTCs), or both.* • *An attorney involved in class-action suits against Fort Lauderdale, Sunrise and other South Florida cities, said he believes only those who let violations lapse into citations would be eligible.* **Court delivers new strike to Volusia-Flagler red-light cameras[6] - Daytona Beach News-Journal (FL) - February 2, 2015** • *Florida's 4th District Court of Appeal recently turned down a request to reconsider its decision in October that the city of Hollywood didn't have authority under state law to delegate the ability to issue uniform traffic citations to its red-light camera vendor.* • *The South Florida appeals court decision matters to Daytona Beach, Holly Hill and Palm Coast — the only municipalities in Volusia and Flagler with red-light cameras — because it could set a precedent for the way citations have to be issued. It could also spur lawsuits brought by people who want their fine money back, and it could scare the three cities into dropping their red light programs.* • *For now, though, all three local cities are watching a flurry of lawsuits work their way through the courts before deciding whether to change course.* • *Reacting to the October ruling in the Hollywood case, late last year Daytona Beach and Holly Hill suspended their red light enforcement programs. Palm Coast decided to keep using its cameras and issuing citations, although Palm Coast hasn't been going after the people who refuse to pay.* • *The three cities are going to keep tabs on whether the Florida Supreme Court agrees to consider the Hollywood case. In its ruling Friday, the 4th DCA refused to recommend that the Florida Supreme Court take up the challenge to the way many cities across the state have handled red light citation issuance. Hollywood could still ask the Supreme Court to take up the case, but attorneys say its chances of getting Florida's highest court to oblige are severely weakened without the appeals court endorsement.* • *Daytona Beach is also going to be watching a new federal court case with 15 plaintiffs challenging red light cameras. Daytona Beach, which was just served last week with the federal suit, was one of 29 cities named as defendants in the class action filed in November challenging red light camera programs, Hartman said. The case in the U.S. District Court for the Northern District of Florida also lists as defendants the state government and American Traffic Solutions, the private for-profit company that Hollywood, Palm Coast and other Florida cities have used in their red light programs.* • *There are also seven additional federal red light lawsuits against individual cities pending in South Florida.* • *The Oct. 15 ruling in the 4th DCA suit said only police officers and traffic infraction enforcement officers have the authority to make the initial review of the images caught on the cameras, decide which cases will be pursued and ultimately issue citations. Daytona's system was similar to what Hollywood had, with the Daytona vendor selecting and sending video footage for Daytona Beach police to make decisions on and the vendor mailing out citations.* • *Daytona Beach put up its first red-light cameras in 2010, and now has 12 cameras at seven intersections. Daytona has used Massachusetts-based Gatso USA as its vendor, and last year began a new three-year contract with the company.* • *The contract allows the city to terminate the agreement for changes in state law or court decisions, and it allows both parties to end the contract for "convenience" with 90 days' written notice.* • *The cameras, owned by Gatso, are still up but they're turned off and the city is not using them for anything.* • *In 2008, Palm Coast became the first area city to get red-light cameras, and now has 43 cameras at 27 intersections. Palm Coast has been monitoring the court cases but continues its red light program. American Traffic Solutions is still issuing notices of violation for Palm Coast, and the city is still paying the company's fees, said the city spokeswoman.* • *Between Nov. 1 and Monday, 2,119 notices of violation had been issued. The only change is that those who don't pay the $158 fine within 60 days aren't being pursued — at least for now.* • *Holly Hill also installed red-light cameras in 2010, and has eight cameras at four intersections. Holly Hill also uses Gatso as its vendor.* • *Holly Hill's cameras are still up and turned on, but they're only used for other types of investigations.* **Clearwater tightens control of red-light camera citations[7] – The Tampa Tribune (FL) - January 1, 2015**

[6] http://infoweb.newsbank.com/resources/doc/nb/news/153434603B6FBA90?p=NewsBank
[7] http://infoweb.newsbank.com/resources/doc/nb/news/15293EDAF250DFE8?p=NewsBank

Item No.	Research Notes
	• *In an attempt to avoid a court challenge, city officials have tightened procedures for issuing traffic citations stemming from the use of red-light cameras.* • *Citations for running red lights no longer will be mailed from Arizona by Clearwater's camera vendor, RedFlex Traffic Systems, the Assistant City Attorney recently told council members. The move comes in reaction to a decision by Broward County's Fourth District Court of Appeal.* • *In October, the court ruled that the City of Hollywood illegally delegated to its red-light camera vendor the ability to issue traffic citations.* • *To protect Clearwater's program against a similar challenge, the city delayed issuing more than 100 red-light camera citations since October until it could change its practices.* • *The appellate court objected to Hollywood's program because it allowed American Traffic Solutions, or ATS, to print and send out violation notices and then issue citations if motorists failed to pay their fines.* • *Under a contract change Clearwater council members recently approved, local police now will mail the traffic citations after the vendor prints them. This local control should address the district court's objection and put the city "solidly in a defensible position."* • *The city's red-light camera contract expires in August. The cameras have prompted protests and lawsuits since Florida cities began putting them up to catch drivers who ignore stop lights and fly through intersections. Proponents say the cameras have made streets and intersections safer, while critics contend they have made cities and vendors richer.*
4H **160268**	ORDINANCE RELATING TO THE RONALD REAGAN EQUESTRIAN CENTER COUNCIL; AMENDING SECTION 2-1150 OF THE CODE OF MIAMI-DADE COUNTY; ABOLISHING THE EXISTING RONALD REAGAN EQUESTRIAN CENTER COUNCIL TO BE RECONSTITUTED AS SET FORTH HEREIN; PROVIDING FOR AN AUTOMATIC REPEAL OF THIS ORDINANCE FIVE (5) YEARS FROM ITS EFFECTIVE DATE AS REQUIRED BY SECTION 2-11.40 OF THE CODE OF MIAMI-DADE COUNTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE
Notes	The proposed ordinance, relating to the Ronald Reagan Equestrian Center Council: • Amends Section 2-1150 of the Miami-Dade County Code; • Abolishes the existing Ronald Reagan Equestrian Center Council to be reconstituted; and • Provides for automatic repeal of this ordinance five (5) years from its effective date as required by Section 2-11.4 of the Miami-Dade County Code.
4L **160335**	ORDINANCE PERTAINING TO ZONING; MODIFYING REQUIREMENTS FOR INSTALLATION OF SAFETY BARRIER AT CHILD CARE FACILITIES; AMENDING SECTION 33-151.18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE
Notes	The proposed ordinance, pertaining to zoning, modifies requirements for installation of safety barriers at child care facilities.

Code Comparison Chart
Section 33-151.18 of the Miami-Dade County Code

Section	*Current*	*Proposed*
Sec. 33-151.18. *- Physical standards.*	(j) Location requirement for outdoor recreation playground/play areas for Child Care facilities. Where the front or side street property line of a child care facility as described in Section 33-151.11(a), (b) and (f), abuts a section line or half section line right-of-way no outdoor recreation playground/play area shall be located between the right-of-way and the building line parallel to the right-of-way. Within two years after the Director mails notice of the requirement of this ordinance all existing child care facilities shall either comply with the foregoing requirement or install a safety barrier from vehicular traffic designed by a professional engineer and approved by the Public Works Department. For any existing child care facility which is required to either relocate its outdoor recreation playground/play area or provide a safety barrier, any resulting reduction in outdoor recreation playground/play area shall be deemed in compliance with the minimum playground/play area requirements of Section 33-151.18(a). Any such reduction shall also be deemed to be in substantial compliance with any site plan previously approved at public hearing. In event that such a child care facility whose site plan was approved at public hearing seeks to relocate its playground/play area, such relocation shall be subject to approval after public hearing upon appropriate application. No fee shall be charged for such application.	(j) Location requirement for outdoor recreation playground/play areas for Child Care facilities. Where the front or side street property line of a child care facility as described in Section 33-151.11(a), (b) and (f), abuts a section line or half section line right-of-way, no outdoor recreation playground/play area shall be located between the right-of-way and the building line parallel to the right-of-way. **(1) As of June 1, 2007,** all existing child care facilities shall either comply with the foregoing requirement or install a safety barrier from vehicular traffic designed by a professional engineer and approved by the **Department of Transportation and** Public Works. **The safety barrier shall be installed along the entire length of the playground/play area that abuts the right-of-way.** **(2)** For any existing child care facility which is required to either relocate its outdoor recreation playground/play area or provide a safety barrier, any resulting reduction in outdoor recreation playground/play area shall be deemed in compliance with the minimum playground/play area requirements of Section 33-151.18(a). Any such reduction shall also be deemed to be in substantial compliance with any site plan previously approved at public hearing. In event that such a child care facility whose site plan was approved at public hearing seeks to relocate its playground/play area, such relocation shall be subject to approval after public hearing upon appropriate application. No fee shall be charged for such application.

Item No.	Research Notes
	<table><tr><td></td><td>This subsection shall not be deemed to allow the future expansion of any child care facility to occur without complying with the requirements of Section 33-151.18(a). Notwithstanding any thing in the Code to the contrary the provision of this subsection shall apply to Miami-Dade County child care facilities.</td><td>**(3)** This subsection shall not be deemed to allow the future expansion of any child care facility to occur without complying with the requirements of Section 33-151.18(a). **(4)** Notwithstanding any thing in the Code to the contrary**,** the provision**s** of this subsection **(j)** shall apply to **child care facilities operated by** Miami-Dade County.</td></tr></table> **<u>Additional Information – Relevant Legislation:</u>** On January 20, 2005, the BCC, through Ordinance No. 5-16, amended Section 33-151.18 of the Miami-Dade County Code to delineate the location of outdoor recreation playground/play areas or in the alternative installation of a safety barrier at certain child care facilities. During the BCC meeting on January 20, 2005, the following was discussed: • *The Commission expressed concern regarding separating private and County facilities and the financial burden to daycare facilities.* • *The Director of the Department of Planning and Zoning said an amendment to the County Code was required to waive the zoning application fee.* • *The Commission pointed out that the County had a shortage in daycare facilities and a "grandfather" clause would be necessary to keep many daycares from closing or raising prices too high.* • *The Assistant County Attorney advised the ordinance could be modified with language to say when zoning applications were required no fee would be charged.* • *The Commission expressed concerns regarding the proposed ordinance superceding State authority, to which the Assistant County Attorney stated that the Department of Children and Families yielded zoning issues to the County.* • *The proposed resolution was amended to provide that licensed childcare facilities be given two years from the date the letters of notification were mailed to comply with the ordinance; that a waiver be included for daycare centers required to submit an application to the County for rezoning; and that County facilities be equally responsible for compliance.* **<u>Additional Information on Similar Legislation:</u>** On December 18, 2012, the BCC, through Resolution No. R-1077-12, directed the County Mayor or Mayor's designee to study the feasibility of installing safety barriers at bus shelters and/or bus benches in order to protect transit patrons and report the findings of said study to the BCC within 90 days. On January 21, 2015, the BCC, through Resolution No. R-66-15, directed the County Mayor or Mayor's designee to prepare a feasibility study for the installation of safety barriers at bus shelters and/or bus benches in order to protect transit patrons and provide a report to the BCC detailing the results of the feasibility study.
5F **160253**	RESOLUTION APPROVING, AFTER PUBLIC HEARING AS REQUIRED BY SECTION 147(F) OF INTERNAL REVENUE CODE OF 1986, AS AMENDED, ISSUANCE FROM TIME TO TIME OF NOT EXCEEDING $200,000,000.00 AGGREGATE PRINCIPAL AMOUNT OF MIAMI-DADE COUNTY, FLORIDA AVIATION COMMERCIAL PAPER NOTES OUTSTANDING AT ANY ONE TIME; APPROVING CERTAIN DETAILS WITH RESPECT TO SUCH NOTES INCLUDING DISTRIBUTION OF OFFERING MEMORANDUM; APPOINTING COMMERCIAL PAPER DEALER, LETTER OF CREDIT PROVIDER AND ISSUING AND PAYING AGENT; APPROVING FORMS OF CERTAIN RELATED AGREEMENTS; DELEGATING DETERMINATION OF FINAL TERMS OF SAID NOTES TO COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE; AUTHORIZING COUNTY OFFICIALS TO DO ALL THINGS DEEMED NECESSARY IN CONNECTION WITH ISSUANCE, SALE, EXECUTION AND DELIVERY OF COMMERCIAL PAPER NOTES; WAIVING PROVISIONS OF RESOLUTION NO. R-130-06, AS AMENDED; PROVIDING SEVERABILITY AND EFFECTIVE DATE
Notes	The proposed resolution: • Authorizes the issuance from time to time in an amount not to exceed at any one time $200 million of commercial paper notes (CP Notes) for the Aviation Department (Department); • Appoints the commercial paper dealers (Dealer) and the letter of credit providers (LOC Provider); • Approves the form and delivery of certain related agreements; and • Delegates certain responsibilities to the Finance Director. The implementation of a Commercial Paper Program by issuing CP Notes will provide temporary financing to fund a portion of the Department's Capital Projects. Once the full $200 million of the Commercial Paper Program has been issued, the County anticipates taking out the CP Notes with long-term, fixed rate bonds, thereby allowing additional CP Notes to be issued. The impact of the Commercial Paper Program is countywide. **<u>Fiscal Impact/Funding Source:</u>** The Ordinance authorizes the issuance of CP Notes to be paid from the proceeds of future Aviation Revenue Bonds. Interest on the CP Notes will be paid from Bond proceeds or unencumbered funds on deposit in the Department's Capital Improvement Fund or with proceeds from the CP Notes. The principal and interest from the bonds used to take out the CP Notes will be paid from revenues of the Department pursuant to the Department's Amended and Restated Trust Agreement. The CP Notes will be structured as a tax-exempt commercial paper program and will be issued in anticipation of the issuance of bonds. **<u>Background:</u>**

Item No.	Research Notes
	A Commercial Paper Program requires the remarketing of the CP Notes for any period from one (1) to 270 days. These variable, short-term periods allow the Dealer to remarket the CP Notes to investors with specific needs, getting an interest rate advantageous to the Department. However, the continuous remarketing requires an available source of funds to repay the investor when the CP Notes mature. In order to provide this available source of funds, a Commercial Paper Program requires a letter of credit (LOC). After a competitive selection process and the fees, term, experience, and commitment amount, among other factors, were reviewed, the County's Enterprise Segment Financial Advisor, First Southwest, recommends the selection of Merrill Lynch, Pierce, Fenner & Smith, Incorporated as Dealer, and Bank of America, N.A. as the LOC Provider. The County covenants to issue Aviation Revenue Bonds to pay the principal and interest on the CP Notes when due.

Proposed fees associated with the Dealer and LOC Provider	
Dealer Fees	
Provider	Merrill Lynch, Pierce Fenner & Smith Inc.
Annual Fee	4.5 basis points
Legal Fees	$20,000
LOC Provider Fees	
Provider	Bank of America, N.A.
Ratings – ST (M,S,F)	P-1, A-1, F-1
Ratings – LT (M,S,F)	A1, A, A+
Type	Direct Pay
Term	3-Year
Facility Fee	53.0 basis points
Draw	$250 per draw
Transfer	$2,500
Amendment	$2,500
Bank Counsel	$35,000

Item No.	Research Notes
5G **160044** **8N1** **160043**	RESOLUTION APPROVING AN AMENDMENT TO THE FIVE YEAR IMPLEMENTATION PLAN OF THE PEOPLE'S TRANSPORTATION PLAN TO INCLUDE THE DOLPHIN STATION PARK AND RIDE/TERMINAL FACILITY RESOLUTION APPROVING TERMS OF AND AUTHORIZING THE MAYOR, MAYOR'S DESIGNEE OR MIAMI-DADE TRANSIT DIRECTOR TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE MIAMI-DADE EXPRESSWAY AUTHORITY TO SERVE AS THE LOCAL AGENCY FOR IMPLEMENTING THE DESIGN, DEVELOPMENT AND CONSTRUCTION OF THE DOLPHIN STATION PARK AND RIDE/TERMINAL FACILITY PROJECT; AND AUTHORIZING THE USE OF $5,000,000.00 IN CHARTER COUNTY TRANSPORTATION SALES SYSTEM SURTAX FUNDS AS THE LOCAL MATCH FOR $5,000,000.00 IN STATE FUNDING PROGRAMMED FOR THE MIAMI-DADE EXPRESSWAY AUTHORITY FOR THE PROJECT
Notes	**5G - 160044:** The proposed resolution approves the amendment to the Five Year Implementation Plan of the People's Transportation Plan to include the Dolphin Station Park and Ride/Terminal Facility funded in part by Charter County Transportation Surtax Funds. The subject site is comprised of approximately 15 acres of publicly-owned vacant land located within the Northwest quadrant of the Homestead Extension of the Florida's Turnpike and NW 12 Street intersection in the County. The proposed facility will have approximately 900 parking spaces, parking for 20 bicycles, 18 motorcycles, 12 bus bays, six (6) layover bus bays passenger seating, and one (1) bus driver comfort station. The facility will also include landscaping and lighting. The Dolphin station is scheduled to open for revenue service in December 2017. **Fiscal Impact/Funding Source:** The total estimated cost of the design and construction of the Dolphin Station is $11.1 million, which includes $5 million of County matching funds using Bond proceeds from the Charter County Transportation Sales and $5 million from the State of Florida grant funding. Florida Department of Transportation programmed the sum of $5 million as funding for completion of the Project in its five-year work program under Item Number 437143-1 in State Fiscal Year 2019 and such funds will be available to Miami-Dade Expressway Authority (MDX) on a reimbursement basis on or after July 1, 2018. The County has budgeted $5 million as matching funds for completion of the Project in its FY 2015-16 Budget and Multi-Year Capital Budget (Project No. 2000000074). These funds will be available for this Project on a reimbursement basis to MDX, contingent upon annual legislative appropriation by the BCC.

Board of County Commissioners
February 17, 2016 Meeting
Research Notes

Item No.	Research Notes
	8N1 - 160043: The proposed resolution authorizes the execution of an Interlocal Agreement (Agreement) between Miami-Dade County (County) and the Miami-Dade Expressway Authority (MDX) for the purpose of implementing the design, development, and construction of the Dolphin Station Park and Ride/Terminal Facility (Dolphin Station) Project on behalf of the County. It is further recommended that the BCC authorize the use of $5 million in Charter County Transportation System Surtax (Surtax) funds as the matching local funds for the $5 million Supplemental Joint Participation Agreement (JPA) between MDX and the Florida Department of Transportation (FDOT). While this project is located in District 12, the impact of the project benefits the riding public and is, therefore, countywide. **Fiscal Impact/Funding Source:** The total estimated budget for the Dolphin Station project is $11.1 million, which includes $5 million of County funds and $6.1 million of FDOT funds. Of this total amount, the estimated construction cost is $10 million. FDOT has programmed $5 million in its Five-Year Work Program in State Fiscal Year (FY) 2019 and such funds will be available to MDX on a reimbursement basis on or after July 1, 2018. MDX will enter into a second pre-qualified Supplemental Joint Participation Agreement (JPA) with FDOT to provide MDX with $5 million in state funding for design and construction of the project. While the $5 million in funds programmed for MDX will not be available until July 1, 2018, the pre-qualified Supplemental JPA will allow MDX to incur expenses prior to the date the funds are available. Additionally, FDOT has provided MDX with $300,000.00 in a JPA, and an additional $800,000.00 in the first Supplemental JPA for completing the environmental studies, design criteria development, concept drawings, and Request for Proposal (RFP) development for the project. The County will provide the $5 million required local match using Bond proceeds from the Surtax. The matching funds for the project are budgeted in the County's Multi-Year Capital Budget in FY 2016, 2017, and 2018. These funds will be available on a reimbursement basis to MDX after invoices have been reviewed and approved by FDOT. The estimated future annual operating and maintenance cost resulting from the construction of the Dolphin Station is $295,000.00 and will be funded through the Miami-Dade Transit (MDT) operating budget. Implementation of this project will not affect tolls on State Road (SR) 836. **Background:** MDT has identified a need to provide a new park and ride/transit terminal facility to support the SR 836 Express Bus Service, as well as other planned express bus routes, future CSX commuter rail station and provide terminus or stop for several local bus routes serving the Dolphin Mall and the nearby cities of Sweetwater and Doral. This is a new project that will provide much needed parking relief for riders traveling from the west end of the County and the local areas. The Dolphin Station project is included in the Metropolitan Planning Organization's Long Range Transportation Plan and Transportation Improvement Program, FDOT's Work Program and the MDT Transit Development Plan. The site for the Dolphin Station is located adjacent to the intersection of the Homestead Extension of the Florida Turnpike at SR 836 and NW 12th Street. The property is approximately 15 acres of vacant, undeveloped land and is owned by FDOT. The Facility will include a bus terminal facility with 12 bus bays, passenger seating and bus driver comfort station, and approximately 900 surface parking spaces. The MDX Board of Directors approved this Agreement at their December 8, 2015 meeting. Upon completion of the construction of the Park and Ride/Terminal, the land and improvements will be transferred from FDOT to Miami-Dade County. This Agreement commits the County to operate and maintain the Park and Ride and bus amenities upon completion of construction. The Dolphin Station is scheduled to open for revenue service in December 2017. **Additional Information:** On July 14, 2015, the BCC approved Resolution No. R-653-15, authorizing the execution of a Memorandum of Agreement (MOA) with FDOT for the transfer and receipt of land, improvements, management, operation, and maintenance of the Dolphin Station. The County has requested that MDX undertake the planning, design, and construction of this Park and Ride facility for MDT and MDX has agreed to do so. MDX has existing contracts for planning, design, and construction that can be accessed immediately, which will save project time. • During the BCC meeting on July 14, 2015, the following was discussed: o *The Commission noted this item pertained to an $11.1 million project; the County was funding $5 million; FDOT was funding $6.1; and the County's portion of capital costs would be funded from the People's Transportation Plan bond program.* o *The Commission asked whether Miami-Dade Expressway Authority (MDX) would provide financial support for the project, as it had previously indicated, to which the Deputy Executive Director and Director of Engineering for the Miami-Dade Expressway Authority, explained that MDX would be providing funding support in order to accelerate the study, design and construction of the parking facility, in order to facilitate the operation of the express bus on Route 836 two years ahead of schedule.* o *In response to questions regarding how the buses would be purchased, it was explained that the buses were part of a package that was already approved by the BCC, and the Administration would order them, as needed.*

Board of County Commissioners
February 17, 2016 Meeting
Research Notes

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<tr><th>Item No.</th><th>Research Notes</th></tr>
<tr><td>7A
152654</td><td>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</td></tr>
<tr><td>Notes</td><td>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.

Currently, the Neighborhood Enforcement Unit (Unit) maintains 56 active enforcement cases for auto repairs being conducted outside enclosed buildings. This is a very small percentage of the Unity's overall enforcement activities. Furthermore, since the exemption from civil penalties is conditional to correction of the violation within the amnesty period and the County is allowed to recuperate direct enforcement costs, adoption of the proposed ordinance should not have a fiscal impact on the Department of Regulatory and Economic Resources.

<u>Background:</u>
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.

<u>Social Equity Statement:</u>
The proposed ordinance will specifically benefit auto repair shop businesses that are currently not in compliance with the Code; however, any violation of the Building or Zoning Code must be addressed within the 18-month amnesty period. Any auto repair business that does not seek to remedy a Building or Zoning Code violation during the amnesty period will not be eligible for an exception of civil penalties and liens for such code violations.

<u>Additional Information – Metropolitan Services Committee Meeting Discussion:</u>
During the Metropolitan Services Committee meeting on January 13, 2016, the following was discussed:

The Committee questioned how many times a business would be able to apply for a waiver to which the Deputy Director of the Regulatory and Economic Resources Department, said the amnesty would be valid for an 18-month period.
The Assistant County Attorney clarified that the amnesty would run from a date certain from the passage of the ordinance.
</td></tr>
<tr><td>7B
152655</td><td>ORDINANCE RELATING TO ZONING; REVISING REGULATIONS PERTAINING TO SETBACKS AND OPEN OR ENCLOSED BUILDING REQUIREMENTS FOR AUTOMOTIVE REPAIR BUSINESSES; AMENDING SECTIONS 33-51, 33-251.2, 33-253.6, 33-256.5, AND 33-260 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE</td></tr>
<tr><td>Notes</td><td>The proposed ordinance, relating to zoning, revises regulations pertaining to setbacks and open or closed building requirements for automotive repair businesses and amends Section 33-51, 33-251.2, 33-253.6, 33-256.5, and 33-260 of the Miami-Dade County Code.

Specifically, the proposed ordinance amends the setback requirements in industrial zoning districts to allow buildings or structures in connection with automotive repair businesses to be closer to each other or to the rear or side proprietary line. In addition, the proposed ordinance will exempt buildings or structures including accessory buildings in connection with automotive repair businesses from certain</td></tr>
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<tr><th>Item No.</th><th>Research Notes</th></tr>
<tr><td></td><td>enclosed building requirements. This is an enabling legislative change the correction of existing violations without the need for a zoning variance hearing. Adoption of the proposed ordinance will not have a fiscal impact to Miami-Dade County.

<u>Social Equity Statement:</u>
The proposed ordinance provides a specific benefit to auto repair shop business by allowing them to conduct business under an open roof structure to the side or rear of the main building, subject to certain set back, which reflects the existing conditions of many auto repair facilities and helps alleviate many code enforcement issues.</td></tr>
<tr><td>7C
152818</td><td>ORDINANCE RELATING TO ZONING; DIRECTING THE COUNTY MAYOR OR MAYOR’S DESIGNEE TO TEMPORARILY SUSPEND APPLICATION OF PROVISIONS OF SECTION 33-20 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA RELATING TO RECREATIONAL VEHICLE AND BOAT STORAGE; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 152690]</td></tr>
<tr><td>Notes</td><td>The proposed ordinance will temporarily suspend the enforcement provisions of Section 33-20 of the Miami-Dade County Code (Code) pertaining to the storage of recreational vehicles and private watercraft. The moratorium will expire within one (1) year from the effective date of this ordinance or upon enactment of any new ordinance(s) or resolution(s), whichever is earliest.

Cases generated for violations of the referenced Code sections represent less than one (1) percent of the overall annual enforcement activity. Additionally, more than 75 percent of the cases resulting from enforcement of these Code sections are corrected by property owners after a warning is issued, without the issuance of a ticket. If the proposed ordinance is adopted, since the number of active cases represents such a small percentage of the overall enforcement activity of the Unit and most violations are corrected at warning stage without collection of penalties, the fiscal impact, if any, should be insignificant.

<u>Social Equity Statement:</u>
The proposed ordinance will specifically benefit the owners of recreational vehicles and private watercraft that do not exceed certain dimensions until such time that the moratorium is no longer in place.

During the BCC meeting on December 1, 2015, File No. 152690 was withdrawn and substituted with File No. 152818. The substitute differs from the original by adding language to the title to specify the subject matter of the referenced Code section as “recreational vehicles and boat storage.”

<u>Additional Information – Unincorporated Municipal Service Area Committee Meeting Discussion:</u>
During the Unincorporated Municipal Service Area Committee meeting on December 8, 2015, the following was discussed:
The Committee explained the rationale of the foregoing ordinance, noting that it would address Code violations and the enforcement of fines in connection with boat and RV storage.
It was suggested that the Committee should defer further consideration of this legislation until workshops were held to further discuss and analyze in depth the concerns surrounding this legislation prior to taking action.
The Committee explained that this legislation was about the sales of new and more efficient boats and RVs; and it addressed these newer, more efficient recreational products being currently built, which were in violation of the provisions of the Code due to their increased size. It was advised that no safety issues had been identified after reviewing the issues of concern.
Following clarification from the County Attorney’s Office, the Committee noted the item had already been deferred twice; and it would be laid on the table if it was deferred again.
The Committee expressed concern about allowing storage of large boats in residential areas due to safety and fire related risks since these boats stored large amounts of gasoline.
The Committee continued expressing concern for other safety related issues relating to homeland security, human trafficking, and terrorism and suggested that consideration of this issue be deferred.
The Committee stated that the very idea an owner of a boat of any size could be associated with terrorism was the wrong message and statement to prevail, and there was human trafficking legislation in place for enforcement in the criminal justice system. It was noted that human trafficking and this legislation had no correlation, and the members of this Committee needed to proceed with its consideration and take action due to the increase in boat and RV sales during the holidays.
The Committee advised that a valid concern was raised in connection with the storage of RVs and boats in residential properties due to potential fire risks, and this issue needed to be reviewed. The Committee explained that the report submitted by the Fire Rescue Department outlining historical data on the concerns raised indicated a minuscule amount of risk. Therefore, those concerns had already been addressed.</td></tr>
<tr><td>8N1
160043</td><td>RESOLUTION APPROVING TERMS OF AND AUTHORIZING THE MAYOR, MAYOR’S DESIGNEE OR MIAMI-DADE TRANSIT DIRECTOR TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE MIAMI-DADE EXPRESSWAY AUTHORITY TO SERVE AS THE LOCAL AGENCY FOR IMPLEMENTING THE DESIGN, DEVELOPMENT AND CONSTRUCTION OF THE DOLPHIN STATION PARK AND RIDE/TERMINAL FACILITY PROJECT; AND AUTHORIZING THE USE OF $5,000,000.00 IN CHARTER COUNTY TRANSPORTATION SALES SYSTEM SURTAX FUNDS AS THE LOCAL MATCH FOR $5,000,000.00 IN STATE FUNDING PROGRAMMED FOR THE MIAMI-DADE EXPRESSWAY AUTHORITY FOR THE PROJECT</td></tr>
<tr><td>Notes</td><td>See item 5G</td></tr>
<tr><td>11A1
160165</td><td>RESOLUTION ESTABLISHING, AS BOARD POLICY, THAT EVERY YEAR, BETWEEN DECEMBER 1-15TH, THE LOBBY OF THE STEPHEN P. CLARK CENTER BE USED BY THE MIAMI-DADE COUNTY OFFICE OF COMMUNITY ADVOCACY TO SHOWCASE AN ART EXHIBIT FEATURING LOCAL ARTISTS TO BE CALLED THE “ART MIAMI-DADE” EXHIBIT [SEE ORIGINAL ITEM UNDER FILE NO. 152800]</td></tr>
<tr><td>Notes</td><td>The proposed resolution establishes, as a policy of the BCC, that every year between December 1-15th, the lobby of the Stephen P. Clark Center shall be used by the Office of Community Advocacy to showcase an art exhibit featuring local artists to be called the “Art Miami-Dade” exhibit.</td></tr>
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Item No.	Research Notes
	Additional Information: During the Economic Prosperity Committee meeting on January 14, 2016, the proposed resolution was amended to delete the language "Hispanic Affairs Advisory Board" and replace it with "Office of Community Advocacy."
11A2 **160242**	RESOLUTION SUPPORTING SB 1544 AND HB 1223, OR SIMILAR LEGISLATION THAT WOULD CREATE AN INTERAGENCY WORKGROUP TO SHARE INFORMATION, COORDINATE ONGOING EFFORTS, AND COLLABORATE ON INITIATIVES RELATING TO WEATHER EVENTS, INCLUDING SEA LEVEL CHANGE AND FLOODING
Notes	The proposed resolution: • Supports Senate Bill (SB) 1544 and House Bill (HB) 1223, or similar legislation that would create an interagency workgroup to share information, coordinate ongoing efforts, and collaborate on initiatives relating to weather events, including sea level change and flooding; • Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, the Senate President, the House Speaker, Senator Jeff Clemens, Representative Kristin Jacobs, and the Chair and Members of the Miami-Dade State Legislative Delegation; and • Directs the County's state lobbyists to advocate for the legislation and authorizes and directs the Office of Intergovernmental Affairs to amend the 2016 State Legislative Package to include this item, and to include this item in the 2017 State Legislative Package when it is presented to the BCC. **Background**: Senate Bill 1544 (SB 1544) and House Bill 1223 (HB 1223) have been consideration during the Florida Legislature's 2016 session by Senator Jeff Clemens (D – Lake Worth) and Representative Kristin Jacobs (D – Coconut Creek), respectively. This legislation would create an interagency workgroup for the purpose of sharing information on the current and potential impacts of weather events throughout Florida, coordinating the ongoing efforts of state agencies in addressing the impacts of weather events, and collaborating on statewide initiatives to address the impacts of weather events. Among others, the interagency workgroup would consider weather events such as sea level change, flooding, high tides, storm surge, saltwater intrusion, stormwater runoff, extreme heat, drought, and wildfires. The interagency workgroup would be comprised of representatives from each state executive department, each water management district, the Florida Public Service Commission, the Florida Fish and Wildlife Conservation Commission, the Florida Department of Military Affairs, the Florida Office of Insurance Regulation of the Financial Services Commission, the Florida Office of Financial Regulation of the Financial Services Commission, and the Florida Board of Governors of the State University System, with the director of the Florida Division of Emergency Management, or the director's designee, serving as the liaison to, and coordinator of, the workgroup. The interagency workgroup would be tasked with, among other things, preparing an annual report for submission to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding the current initiatives of the workgroup in coordinating and developing efforts to address the current and potential impacts of weather events. At a minimum, the interagency workgroup's annual report would be required to: (1) assess the relevance, level, and significance of current agency efforts to address the impacts of weather events; (2) create a uniform vulnerability assessment based on current scientific literature to identify and evaluate potential weather impacts that the agencies have not addressed; and (3) strategize and prioritize ongoing efforts to address the impacts of weather events.
11A3 **160291**	RESOLUTION SUPPORTING THE MIAMI-DADE COUNTY LEGISLATIVE DELEGATION'S LONG-TERM GOAL OF ACHIEVING PARITY BETWEEN MIAMI-DADE COUNTY'S PROPERTY INSURANCE MARKET AND SIMILARLY SITUATED PROPERTY INSURANCE MARKETS BY ENSURING THAT PRIVATE AND PUBLIC WIND STORM LOSS MODELS TREAT POLICYHOLDERS IN MIAMI-DADE COUNTY FAIRLY RATHER THAN BURDEN THEM WITH RELATIVELY HIGHER PRICES AND LOWER COVERAGE
Notes	The proposed resolution: • Supports the Miami-Dade County Legislative Delegation's long-term goal of achieving parity between Miami-Dade County's property insurance market and similarly situated property insurance markets by ensuring that private and public wind storm loss models treat Miami-Dade County policyholders fairly rather than burden them with relatively higher prices and lower coverage; • Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, and the Chair and Members of the Miami-Dade State Legislative Delegation; and • Directs the County's state lobbyists to advocate for action and authorizes and directs the Office of Intergovernmental Affairs to amend the 2016 State Legislative Package to include this item and to include this item in the 2017 State Legislative Package when it is presented to the BCC. **Background:** The Miami-Dade County Legislative Delegation (Miami-Dade Delegation) is comprised of six State Senators and 18 State Representatives, representing the largest and most populated county in the State of Florida. In early January, 2016, the Miami-Dade Delegation met to discuss its legislative priorities for the 2016 session, including legislation and appropriations and, in addition to setting its legislative priorities for the 2016 session, the Miami-Dade Delegation also enumerated certain long-term goals related to Miami-Dade County. One of the long-term goals set forth by the Miami-Dade Delegation is related to property insurance—specifically, achieving parity between Miami-Dade County's property insurance market and similarly situated property insurance markets by ensuring that private and public wind storm loss models treat Miami-Dade County policyholders fairly rather than burden them with relatively higher prices and lower coverage.

Item No.	Research Notes
	In recent years, many South Florida residents have seen their property insurance premiums steadily—and sometimes sharply—increase, despite the fact that there has not been a major storm in Florida since 2005. Additionally, recent rate increases by Citizens Property Insurance (Citizens)—the state-run property insurance company for homeowners unable to find coverage in the private market—have disproportionately affected homeowners in Miami-Dade County and the rest of South Florida, where Citizens insures a large share of properties.
11A4 **160292**	RESOLUTION URGING THE UNITED STATES CONGRESS TO ESTABLISH A FUND TO FINANCIALLY ASSIST AND SUPPORT LOCAL GOVERNMENTS, SUCH AS MIAMI-DADE COUNTY, IN DEVELOPING AND IMPLEMENTING SOLUTIONS TO SEA LEVEL RISE AND RELATED IMPACTS
Notes	The proposed resolution: • Urges the U.S. Congress to establish a fund that would be used to partner with local governments, such as Miami-Dade County, to provide financial assistance and support for sea level rise related initiatives and projects; • Directs the Clerk of the Board to transmit certified copies of this resolution to the Florida Congressional Delegation; and • Directs the County's federal lobbyists to advocate for the legislation and appropriation and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2016 Federal Legislative Package when it is presented to the BCC. **Background:** Florida has approximately 1350 miles of coastline, which is more coastline than any other state besides Alaska. Because of this vast coastline and Florida's geographical location, state and local governments in Florida should be leaders in developing innovative strategies on how to be resilient to sea level rise, particularly as impacts of sea level rise are expected to increase in the coming decades. Southeast Florida has been identified by both the United Nations and the United States Climate Assessment as "ground zero" for sea level rise. Miami-Dade County has already taken action to collaborate with Broward County, Palm Beach County, and Monroe County on various issues related to sea level rise and in 2013, pursuant to Resolution No. R-599-13, the BCC created the Miami-Dade County Sea Level Rise Task Force, which subsequently presented recommendations to the BCC on July 1, 2014. The BCC subsequently adopted multiple resolutions in order to implement the recommendations of the Sea Level Rise Task Force, including but not limited to: • Resolution No. R-63-15, which urged the United States Congress and the Florida Legislature to fund Everglades restoration; • Resolution No. R-48-15, which directed the County Mayor to study and develop adaptation strategies to address flooding and salt water intrusion associated with sea level rise; and • Resolution No. R-49-15, which directed the County Mayor to initiate discussions with private insurance and reinsurance groups, along with other local governments and state agencies, in order to develop long term risk management solutions. **Additional Information on Relevant Legislation:** On January 20, 2016, the BCC, through Resolution No. R-66-16, directed the County Mayor or County Mayor's designee to actively proceed with the pilot program for Adaptation Action Areas and "area planning for newly-identified vulnerable areas," as discussed in the Sea Level Rise Task Force (Status Report). **Additional Information on Third Quarter Status Report in response to multiple Resolutions pertaining to recommendations presented by the Sea Level Rise Task Force (July 31, 2015-October 31, 2015):** In July 2013, the BCC created the Task Force for the purpose of reviewing current and relevant data, science and reports, and to assess the likely and potential impacts of sea level rise and storm surge on Miami-Dade County over time. On July 1, 2014, the Task Force presented a report to the BCC entitled, "Miami-Dade Sea Level Rise Task Force Report and Recommendations," providing the requested assessment along with recommendations on how Miami-Dade County can begin preparing for projected sea level rise impacts. Subsequently, Resolution No. R-451-14 and Ordinance No. 14-79 were approved by the BCC in 2014, requiring that planning, design, and construction of County infrastructure consider potential sea level rise impacts. In January 2015, the BCC adopted seven (7) resolutions supporting the recommendations of the Task Force, of which one (1) was an urging and six (6) require quarterly reports and a final report to the BCC.
11A5 **160293**	RESOLUTION URGING CONGRESS TO ALLOCATE FUNDING FOR FIREFIGHTER CANCER RESEARCH AT THE UNIVERSITY OF MIAMI SYLVESTER COMPREHENSIVE CANCER CENTER
Notes	The proposed resolution: • Urges Congress to allocate funding for firefighter cancer research at University of Miami Sylvester Comprehensive Cancer Center; • Directs the Clerk of the Board to transmit a certified copy of this resolution to the members of the Florida Congressional Delegation and the United States Secretary of Health & Human Services; and • Directs the County's federal lobbyists to advocate for the funding and directs the Office of Intergovernmental Affairs to include this item in the 2016 Federal Legislative Package when it is presented to the BCC. **Background:** Firefighters suffer a higher rate of cancer, especially respiratory and digestive cancers, compared to the general population, according to a large-scale, multi-year study led by the National Institute for Occupational Safety and Health. The University of Miami Sylvester Comprehensive Cancer Center has announced a new research partnership with the Miami-Dade County Fire Department and the Palm Beach County Fire Department to study the defining the risks of cancer posed to firefighters and ways to reduce those risks and shield firefighters from absorbing the dangerous chemicals associated with their jobs. The State of Florida has allocated nearly $1 million in funding to this partnership.
11A6 **160294**	RESOLUTION URGING THE UNITED STATES CONGRESS AND THE FLORIDA LEGISLATURE TO ALLOCATE FUNDING TO COMBAT THE SPREAD OF THE ZIKA VIRUS IN MIAMI-DADE COUNTY
Notes	The proposed resolution:

Item No.	Research Notes
	• Urges the United States Congress and the Florida Legislature to allocate funding to combat the spread of the Zika virus in Miami-Dade County; • Directs the Clerk of the Board to transmit certified copies of this resolution to the Members of the Florida Congressional Delegation, the Governor, the Senate President, the House Speaker, and the Chair and Members of the Miami-Dade County State Legislative Delegation; and • Directs the County's federal and state lobbyists to advocate for the funding and authorizes and directs the Office of Intergovernmental Affairs to amend the 2016 State Legislative Package to include this item and to include this item in the 2016 Federal Legislative Package when it is presented to the BCC. **Background:** Zika virus disease is a disease caused by the Zika virus for which no known cure exists, causing fever, rashes, joint pain, and conjunctivitis. Infections in pregnant women have been linked to subsequent birth defects, including microcephaly. The virus is primarily transmitted to humans from mosquitos; however, public health officials and epidemiologists alike have not been able to determine the full list of possible ways the virus may be transferred. On February 3, 2016, Florida Governor Rick Scott declared a public health emergency in four counties where a case of Zika had been diagnosed, including Miami-Dade County, pursuant to Executive Order Number 16-29. Because Florida currently has the capacity to test only 475 people for the Zika virus, Governor Scott also asked that the Centers for Disease Control and Prevention provide at least 1,000 Zika antibody tests for individuals, particularly pregnant women and new mothers, who have traveled to affected areas and displayed symptoms of Zika. Following the detection of a new case of the Zika virus in Broward County, Florida Governor Rick Scott asked the State Surgeon General to amend the declaration of public health emergency to include Broward County on February 4, 2016. Of the 12 Zika diagnoses statewide, four individuals have been identified in Miami-Dade County. **Additional Information on the Miami-Dade Mosquito Control Program:** On February 4, 2016, the Mayor issued a memo regarding the Miami-Dade Mosquito Control Program of the Department of Solid Waste Management (DSWM) Mosquito Control Section. According to the memo, the Mosquito Control Program is designed to be proactive in terms of surveillance and monitoring activities in order to control mosquito larvae and eliminate adult mosquito populations as much as possible. While mosquito control efforts take place year-round, the traditional mosquito season occurs during the period from May to October. This year's unusually rainy winter has created some of the conditions necessary for increased mosquito activity; however, the number of service requests for inspections to address mosquitoes as a nuisance has not been significant. Over the last three (3) weeks, DSWM has followed its standard mosquito control protocol in response to notifications from the Florida Department of Health in Miami-Dade (FDOH Miami-Dade) that there are suspected cases of the Zika virus. When the DSWM is notified of a suspected or confirmed case of a mosquito-borne illness, the Mosquito Control Section carries out the following steps to reduce the possibility that the illness will be spread locally: • Conducts property inspections to eliminate mosquito breeding; • Treats storm drains in the area; • Initiates local and area-wide insecticide applications; • Collects mosquito surveillance data to assess the mosquito population before and after the mosquito control measures are implemented; and • Collects mosquitos for laboratory screening to determine if they carry the mosquito-borne viruses. Spray activities are conducted to distribute safe, EPA-approved insecticide to areas of the County that have documented high concentrations of mosquitoes. All insecticides used in the operations are applied in strict accordance with label instructions and Florida Statutes as detailed in Chapter 388. In addition to the Mosquito Control operations, DSWM will continue to utilize the existing "Drain and Cover" public education campaign to increase public awareness of mosquito control efforts in partnership with the FDOH Miami-Dade. The educational materials associated with this campaign communicates simple measures that can be undertaken by residents to prevent mosquito breeding and to protect themselves from mosquito bites and transmission of mosquito-borne illnesses. **Additional Information on the Zika Virus[8]:** According to the Centers for Disease Control and Prevention (CDC), Zika virus is spread to people through mosquito bites. The most common symptoms of Zika virus disease are fever, rash, joint pain, and conjunctivitis (red eyes). The illness is usually mild with symptoms lasting from several days to a week. Severe disease requiring hospitalization is uncommon. In May 2015, the Pan American Health Organization (PAHO) issued an alert regarding the first confirmed Zika virus infection in Brazil. The outbreak in Brazil led to reports of Guillain-Barré syndrome and pregnant women giving birth to babies with birth defects and poor pregnancy outcomes. In response, CDC has issued travel notices for people traveling to regions and certain countries where Zika virus transmission is ongoing. Zika in the United States and its territories:

[8] http://www.cdc.gov/zika/index.html

Item No.	Research Notes

	• No locally transmitted Zika cases have been reported in the continental United States, but cases have been reported in returning travelers.
	• Locally transmitted Zika virus has been reported in the Commonwealth of Puerto Rico, the U.S. Virgin Islands, and America Samoa.
	• With the recent outbreaks, the number of Zika cases among travelers visiting or returning to the United States will likely increase.
	• These imported cases could result in local spread of the virus in some areas of the United States.
	
	Additional Information - CDC director: What we're doing about the Zika virus, CNN, February 2, 2016[9]:
	• *Vaccines and antibiotics have made many infectious diseases a thing of the past; we've come to expect that public health and modern science can conquer all microbes. But nature is a formidable adversary. And Zika is our newest threat, particularly to pregnant women.*
	• *New, unfamiliar and mysterious threats to our health are scary. At the Centers for Disease Control and Prevention -- where we identify, on average, one new health threat each year -- we work around the clock with an approach that prioritizes finding out what we need to know as fast as we can to protect Americans.*
	• *The CDC has some of the world's leading experts both in diseases spread by mosquitoes and in fetal abnormalities. We get the facts, base actions on science, tell people what we know when we know it and what we are doing to add to our knowledge, and act to protect Americans today as effectively as possible.*
	• *Who is at risk for Zika infection?*
	    o *Most people in the contiguous United States are unlikely to ever come into contact with the Zika virus, but two groups need particular attention. First, people living in the Commonwealth of Puerto Rico, a U.S. territory, the U.S. Virgin Islands, Caribbean or Pacific territories, and Central and South America are likely to see an increasing spread of Zika. In these areas, women who are pregnant need to protect themselves from mosquito bites by using repellants, permethrin-coated clothing, long sleeves and pants, and by staying indoors (ideally in places with air conditioning) as much as is practical. We advise pregnant women to postpone travel to areas where Zika is spreading.*
	    o *The spread of the virus through blood transfusion and sexual contact have been reported in isolated cases. However, for most of the nonpregnant population, there is no reason to think Zika presents a particular risk.*
	• *Will we see Zika in the U.S.?*
	    o *We have already seen the Zika virus in travelers returning from places where Zika is spreading, including, sadly, one woman in Hawaii who delivered an infant with microcephaly after being infected with the virus in Brazil last year. We will certainly see more travelers returning to the United States with Zika after being infected in parts of the world where the virus is spreading. But the big question many people have is whether Zika will spread widely within the United States.*
	    o *Science doesn't have a crystal ball, but the CDC has great laboratories and the world's best disease detectives. For a disease such as Zika to spread widely, two things are necessary. The first is the specific mosquito species that spreads the virus. The second is the conditions in communities; places that are crowded and don't have air conditioning enable viruses such as Zika to spread.*
	    o *So we do expect, unfortunately, that Puerto Rico and the U.S. Virgin Islands could have many infections with the Zika virus, and we will certainly see U.S. travelers returning with Zika infections, just as we saw travelers returning with dengue and chikungunya infections. We could see isolated cases and small clusters of infections in other parts of the country where the mosquito is present. But from the information we know now, widespread transmission in the contiguous United States appears to be unlikely.*
	• *What is the government doing?*
	    o *Since the first large Zika outbreak ever recognized, in 2007, the CDC has had boots on the ground responding. Our laboratories have developed a test that can confirm Zika in the first week of illness or in a sample from an affected child. Diagnosing prior infection with Zika is much more challenging, and CDC scientists as well as private companies are working to develop tests that can do this accurately. This is a priority, and we are working to do in weeks what would usually take months or years.*
	• *We are supporting laboratories in Puerto Rico and around the United States to provide testing, and we are using cutting-edge genomic methods in this effort. We are also working with Puerto Rico and other places at risk around the country to improve mosquito control efforts before we head into warmer weather when mosquitoes become a bigger problem. The CDC also provides support and guidance for health care providers and the public. You'll know of any new developments as soon as we do.*
	• *Across the Department of Health and Human Services, there is also important work related to Zika, particularly to speed the development of tests, treatments and vaccines.*
	• *Prevention will be key. Mosquito control is hard. States and cities that invest in mosquito control can track and fix many places where mosquitoes can breed to drive down mosquito populations. But this takes hard, meticulous work -- and money. We must maximize the use of today's tools to reduce the mosquitoes that can spread Zika and other diseases. We must also advance innovative mosquito control tools of tomorrow, such as promising new products that may be safer and more effective than today's methods.*
	• *There is no way to predict when or where health threats will emerge, but the plain fact is that we will continue to see new infectious disease threats such as Zika. The CDC's laser focus is protecting the health, safety and security of Americans; learning more about Zika and fighting it is a top priority.*

[9] http://www.cnn.com/2016/02/01/health/cdc-frieden-zika-explained/index.html