Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Board of County Commissioners Meeting

April 19, 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
April 19, 2016 Meeting
Research Notes

Item No.	Research Notes
4A **160807**	ORDINANCE REGARDING PLANNING; AMENDING PROCEDURES AND PUBLIC HEARING REQUIREMENTS FOR APPLICATIONS TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN; INCREASING THE NUMBER OF ANNUAL FILING PERIODS FOR SUCH APPLICATIONS; AMENDING SECTION 2-116.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Notes	The proposed ordinance provides for the following:
	• Amends Section 2-116.1 of the County Code of Ordinances (Code) to modify the schedule and procedures related to processing Comprehensive Development Master Plan (CDMP) amendment applications;
	• Provides a process by which the Director of the Department, upon written request by an applicant, can transfer an application to the next scheduled application period prior to issuance of the Department's initial recommendations on the application.
	  o In such case, no additional fees will be required. Following issuance of the Department's initial recommendations but prior to the BCC's transmittal hearing, only standard amendment applications can be transferred to the next amendment cycle by the Director.
	  o Applications transferred following issuance of the Department's initial recommendations will be required to furnish payment in accordance with Implementing Order No.4-111 during the filing period of the next scheduled application period to which the application has been transferred.
	• No application will be transferred more than once;
	• Applications requesting to include additional land within the Urban Development Boundary, to modify the Urban Expansion Area boundary, or to redesignate to an urban use any land located outside the Urban Development Boundary filed every odd year May cycle will not be eligible for transfer;
	• Modifies the dates for filing of applications, public hearings and the publishing of required reports to provide more flexibility in the processing of applications while maintaining compliance with the timeframes established by State law.
	  o To ensure predictability in the processing of applications, the proposed ordinance requires the Department to include a schedule of proposed dates for public hearings and the publication of reports as part of the applications report to the BCC.
	
	The Code currently allows for the submission of applications to amend the CDMP in May and November of every year. The proposed ordinance will amend the Code to add a third annual CDMP amendment cycle and establishes the filing periods in January, May, and October.
	
	<u>Fiscal Impact/Funding Source:</u>
	The proposed ordinance will not have a fiscal impact on Miami-Dade County. Implementation of this proposed ordinance will not result in additional staffing needs or future operational costs for the County administration. Activities relating to the implementation of the proposed ordinance would be absorbed by the Department of Regulatory and Economic Resources (Department) as part of its day-to-day functions.
	
	The proposed ordinance provides for a process by which an application can be transferred to the next amendment cycle at the request of the applicant. When such application is transferred following release of the Department's initial recommendations, a corresponding fee will be required to offset the administrative costs associated with processing the application in the next amendment cycle. Such fee will be incorporated into Implementing Order No.4-111 through separate Board action.
	
	<u>Social Equity Statement:</u>
	The proposed ordinance is not anticipated to have a specific social equity benefit or burden as described under Ordinance No. 15-63. The proposed ordinance provides applicants more flexibility by allowing an additional CDMP amendment cycle per year as well as the transfer of CDMP amendment applications to the next scheduled application cycle under specified circumstances.

4B **160840**	ORDINANCE RELATING TO MIAMI-DADE PARKS, RECREATION AND OPEN SPACES DEPARTMENT'S RULES AND REGULATIONS; AMENDING CHAPTER 26, ARTICLE I OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; BANNING POLYSTYRENE IN PARKS IN CERTAIN CIRCUMSTANCES AND MAKING TECHNICAL AMENDMENTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE
Notes	The proposed ordinance, relating to Miami-Dade County Parks, Recreation and Open Spaces Department's rules and regulations, amends Chapter 26, Article I of the Miami-Dade County Code banning polystyrene in parks in certain circumstances. The proposed ordinance further defers enforcement until June of 2017 in order to educate the public about the ban and to limit the fines to $100.00 for first-time violators and to $200.00 for each subsequent violation. **<u>Background:</u>** Polystyrene is a petroleum-based plastic, most commonly known under the name of "Styrofoam," which is actually the proprietary trade name of a polystyrene foam product. The Environmental Protection Agency (EPA) named polystyrene as the fifth largest creator of hazardous waste. The biggest environmental health concern associated with polystyrene is the danger associated with Styrene, the basic ingredient in polystyrene, which has classified as a possible human carcinogen by the EPA and the International Agency for Research on Cancer. Numerous cities across the United States, including several within Miami-Dade County, have banned polystyrenes in parks and on beaches or their use altogether, including Miami Beach, FL, Key Biscayne, FL, Bal Harbour, FL, Bay Harbor Islands, FL, North Bay Village, FL, Surfside, FL, New York City, NY, Albany County, NY, Portland, OR, San Francisco, CA, Los Angeles County, CA, Malibu, CA, Oakland, CA, San Jose, CA, Seattle, WA, Amherst, MA, Minneapolis, MN, and Washington, D.C.

Board of County Commissioners
April 19, 2016 Meeting
Research Notes

<table>
<tr><th>Item No.</th><th>Research Notes</th></tr>
<tr><td></td><td>In 2010, the BCC adopted Ordinance No. 10-52 which increased the maximum fines and imprisonment associated with violations of the Park rule set forth in Chapter 26 of the County Code to $500.00 and 60 days in the County jail.</td></tr>
<tr><td>5A
160489</td><td>RESOLUTION AUTHORIZING THE COUNTY MAYOR OR MAYOR’S DESIGNEE TO USE MIAMI-DADE WATER AND SEWER DEPARTMENT EMPLOYEES AND EQUIPMENT TO DESIGN AND INSTALL APPROXIMATELY 7,000 LINEAR FEET OF 8-INCH WATER PIPELINES AND 750 FEET OF 16-INCH WATER PIPELINES FOR A PROJECT BOUNDED BY SW 116 STREET TO THE NORTH, SW 120 STREET TO THE SOUTH, 84 AVENUE TO THE WEST, AND THE SOUTH MIAMI-DADE BUSWAY TO THE EAST, LOCATED WITHIN THE KENDALWOOD NEIGHBORHOOD OF MIAMI-DADE COUNTY IN AN AMOUNT NOT TO EXCEED $1,771,546.03, INCLUDING CONTINGENCY, TO BE FUNDED FROM $1,600,000.00 OF BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND FUNDING PROJECT NO. 17 – “COUNTYWIDE WATER AND SEWER SYSTEM ENHANCEMENTS” AND THE BALANCE FROM FUNDS TO BE PROVIDED BY THE STATE OF FLORIDA IN ORDER TO FUND WATER SERVICE TO HOMEOWNERS AFFECTED BY CONTAMINATED PRIVATE WATER WELLS; FINDING INSTALLATION OF WATER PIPELINES BY MIAMI-DADE WATER AND SEWER DEPARTMENT FORCES TO BE IN THE PUBLIC’S BEST INTEREST AND NECESSARY TO THE PUBLIC’S HEALTH, SAFETY AND WELFARE</td></tr>
<tr><td>Notes</td><td>The proposed resolution directs the County Mayor or Mayor’s designee to use Miami-Dade Water and Sewer Department employees and equipment to design and install approximately 7,000 linear feet of 8-inch water pipelines and 750 feet of 16-inch water pipelines for a project bounded by SW 116th Street to the north, SW 120th Street to the south, 84th Avenue to the west, and the South Miami-Dade busway to the east, located within the kendalwood neighborhood in an amount not to exceed $1,771,546.03.

<u>Fiscal Impact/Funding Source:</u>
The estimated cost of designing and installing the Infrastructure in the Project Area using generally accepted cost-accounting principles that fully account for all costs associated with performing and completing the work, including employee compensation and benefits, equipment cost and maintenance, insurance costs, materials, and a ten percent (10%) contingency of $151,421.77 for unforeseen conditions is $1,771,546.03 (Project Cost). An amount not to exceed $1,600,000.00 of the Project Cost will be funded from Building Better Communities General Obligation Bond Program (Bond Program) Project No. 17 – “Countywide Water and Sewer System Enhancements” (Project No. 17). Project No. 17 has an original allocation of $222,000,000, and the balance of the Project Cost will be funded from the State of Florida. The Miami-Dade Water and Sewer Department has indicated that $3,296,519 of Project No. 17 funds remain available to be used and allocated to new projects.

<u>Background</u>:
Recently, Miami-Dade County residential wells within the Kendalwood Neighborhood of south Miami-Dade County have tested positive for Dieldrin, above exposure levels considered unsafe by the State Department of Health. Dieldrin and Aldrin were commonly used as a termiticide in residential developments from approximately 1950 to 1987 and Dieldrin exposure can impact humans’ nervous system, immune system, and endocrine system, and is of particular concern for pregnant women and children.

According to the US Center for Disease Control’s Agency for Toxic Substances and Disease Registry, EPA banned all uses of dieldrin in 1974, except to control termites, and in 1987, EPA banned all uses, because of concerns about damage to the environment and potentially to human health. Currently, 9 homes scattered throughout the Kendalwood community exceed the health advisory level for this contamination in the area bounded by SW 116 Street to the North, SW 120 Street to the South, 84 Avenue to the West, and the South Miami-Dade Busway to the East, in the Kendalwood Neighborhood of Miami-Dade County (Project Area).

Section 255.20(1)(c)(9), Florida Statutes, authorizes a county to use its own services, employees and equipment to perform public improvements with an estimated cost in excess of $300,000 upon a majority vote of the Board members, after at least twenty-one (21) days public notice, a public meeting, and a finding by a majority of the Board members present that it is in the public’s best interest to perform the improvements using the county’s own services, employees, and equipment.</td></tr>
<tr><td>5C
160755</td><td>ORDINANCE AMENDING CHAPTER 2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO FIRST SOURCE HIRING REFERRAL PROGRAM; AMENDING ORDINANCE NO. 12-32, AS AMENDED BY ORDINANCE NO. 14-33, TO REMOVE THE SUNSET PROVISION FOR FIRST SOURCE HIRING REFERRAL PROGRAM; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE</td></tr>
<tr><td>Notes</td><td>The proposed ordinance amends Chapter 2 of the Miami-Dade County Code relating to the First Source Hiring Referral Program (FSHRP) to remove the sunset provision for the FSHRP. The South Florida Workforce Investment Board continues to serve as the referral agency for the FSHRP

<u>Social Equity Statement:</u>
The removal of the sunset provision will continue to provide a benefit to prospective employees by referring County contractors to a register of qualified local candidates to fill jobs created to satisfy the requirements of County Contracts.

<table>
<tr><th colspan="2">Additional Information on Legislative History</th></tr>
<tr><td>Ordinance No. 12-32
5/1/2012</td><td>Established the First Source Hiring Referral Program.
The South Florida Workforce Investment Board will be the “Referral Agency” and will compile and maintain a First Source Register which will be a listing of unemployed persons, including graduates funded by the Workforce Investment Act to be made available to Contractors as a first source for employment needs.
The Referral Agency will be the first source for employees to fill jobs created to satisfy the requirements of County Contracts.
Includes provisions for referral procedure, monitoring/compliance, implementation and sanctions for violations.</td></tr>
</table>
</td></tr>
</table>

Item No.		Research Notes
		• The Mayor or his designee will prepare and submit the Implementing Order (IO) to the BCC for approval no later than ninety (90) days following the effective date of the ordinance. The IO was presented to the BCC on December 4, 2012. • The Mayor or his designee will prepare quarterly reports for the BCC. • The ordinance is to sunset in two (2) years from the effective date unless extended by the BCC. *On December 6, 2011, through File Number 112410, a motion to adopt an ordinance establishing the First Source Hiring Program resulted in a tie vote. However, the item was later amended and adopted on May 1, 2012.* **During the BCC meeting on May 1, 2012, the following was discussed:** • *BCC members recalled that Item 7C was considered by the BCC in December 2011, and failed by a tie vote of 6-6. BCC members pointed out that according to this item, prospective employees registered with SFWIB should be given priority by companies doing business with the County and emphasized that many unemployed County residents had never heard of the South Florida Workforce's One Stop Centers.* • *The Commission noted that companies doing business with the County had to hire 50 percent of their workers from the SFWIB list but that although companies were not required to hire individuals referred by SFWIB, "they should not commit to fill any vacancy until the end of the referral time, unless the agency notified the contractor in writing prior to the end of the qualifying time that qualified candidates were not available ..."* • *The Commission noted that the amendment submitted specified that the SFWIB centers and affiliated organizations were located throughout the County, including in Hialeah, Little Havana, Miami Beach, West Dade, and even Key West.* • *The Commission noted concerns that the BCC needed to reach out to the greatest number of unemployed people and pointed out that even with the amendment, the existing language provided that companies could not hire someone who was not on the SFWIB list until the three to five day referral period had elapsed, and stated that this would have a chilling effect on the other employment agencies and chambers.* • *The Commission indicated that even though the SFWIB had a number of centers and affiliated organizations, only one such center existed in Northeast Dade.* • *The Commission pointed out that the SFWIB had centers and affiliated organizations located throughout the County: Hialeah had six locations and Miami Beach had four, and stated that the South Florida Workforce, which was funded by tax payers, was responsible for matching applicants with employers and for training applicants to prepare them for work.* • *The Commission clarified that SFWIB had 24 hours to send the list to a company upon request, and the company then had three to five days to review the list and interview qualified applicants. If the company did not want to hire the SFWIB applicants, it could then open the recruitment to applicants who were not on the list.* • *The Commission proposed that the item be amended to include a two-year Sunset provision, to initiate the First Source Referral Program as a pilot program, and to request that a report be prepared by district for BCC members' review at the end of the pilot period. It was clarified that this proposal would apply to all companies with County contracts for goods and services and that it did not specify the amount of the contracts.* • *The Commission pointed out that the County's unemployment rate was higher than that of other counties in the State.* • *The County Attorney advised that Item 7C was first amended by the list of SFWIB Career Centers, community-based partners, and faith-based organizations, and secondly by the Sunset clause added during the deliberations. The BCC adopted Item 7C, as amended, to insert an additional "WHEREAS" clause on handwritten page 5, to read as follows: "Whereas South Florida Workforce Investment Board (SFWIB) provides employers and prospective employees access to a range of specialized services and resources through its career centers or community-based partners and faith-based organizations, a current list of SFWIB Career Centers, community-based partners, and faith-based organizations is attached as Exhibit A;" to include a two-year Sunset provision, to initiate the First Source Referral Program as a pilot program; and to request that a report be prepared by district for Board members' review at the end of the pilot period.*
	R-1047-12 *12/4/2012*	Created and approved Implementing Order No. 3-58, relating to the First Source Hiring Referral Program, to require uniform procedures for businesses awarded goods and services contracts with Miami-Dade County. **During the BCC meeting on December 4, 2012, the following was discussed:** • *The Commission noted that based on the passage of the ordinance, staff needed to determine how it would implement the program and urged committee members to approve the foregoing resolution.*

<table>
<tr><th>Item No.</th><th>Research Notes</th></tr>
<tr><td></td><td>
<table>
<tr><td></td><td>

The Commission noted concerns regarding this resolution requiring contractors to put forth good faith efforts to hire 50% of their workforce from one particular agency and noted it was unnecessary for the commission to mandate contractors to hire anyone through any particular agency.
The Commission also expressed concerns regarding the penalties within this resolution.
The Commission inquired whether any provisions for emergency hiring existed within this resolution to which the Assistant County Attorney noted it was a three to five day hiring process.

</td></tr>
<tr><td>October 22, 2013</td><td>An ordinance seeking to expand the First Source Hiring Referral program to all County contracts failed on first reading. Currently the Program pertains to the purchases of goods and services contracts.</td></tr>
<tr><td>Ordinance No. 14-33
4/8/2014</td><td>Amended Ordinance No. 12-32 to extend the sunset date by two years for the First Source Hiring Referral Program.

During the BCC meeting on April 8, 2014, the following was discussed:

In response to an inquiry regarding the four-year Sunset timeline, it was noted that four years would provide sufficient time to determine the effectiveness of the First Source Hiring Referral Program.
It was noted that the program only applied to contracts for goods and services.
Responding to an inquiry, the Assistant County Attorney advised that this proposed ordinance would sunset in May 2016, which would be four years from the date of the initial enacting ordinance.
In response to an inquiry regarding who was responsible to ensure that legal language was included in contracts approved by the BCC, the First Assistant County Attorney noted the responsibility was possibly a combination of the Administration and the County Attorney's office, depending on the structure of the legislation.

</td></tr>
</table>
</td></tr>
<tr><td>5D
160537</td><td>RESOLUTION AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO USE MIAMI-DADE WATER AND SEWER DEPARTMENT EMPLOYEES AND EQUIPMENT TO DESIGN AND INSTALL APPROXIMATELY 1,612 LINEAR FEET OF 8-INCH WATER PIPELINES FOR A PROJECT ALONG SW 107TH STREET, BETWEEN SW 87TH AVENUE AND SW 84TH AVENUE, IN THE CONTINENTAL PARK AREA OF MIAMI-DADE COUNTY IN AN AMOUNT NOT TO EXCEED $322,000.00, TO BE FUNDED FROM BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND FUNDING PROJECT NO. 17 – "COUNTYWIDE WATER AND SEWER SYSTEM ENHANCEMENTS" IN ORDER TO FUND WATER SERVICE TO HOMEOWNERS AFFECTED BY CONTAMINATED PRIVATE WATER WELLS; FINDING INSTALLATION OF WATER PIPELINES BY MIAMI-DADE WATER AND SEWER DEPARTMENT FORCES TO BE IN THE PUBLIC'S BEST INTEREST AND NECESSARY TO THE PUBLIC'S HEALTH, SAFETY AND WELFARE [SEE ORIGINAL ITEM UNDER NO. 160157]</td></tr>
<tr><td>Notes</td><td>The proposed resolution authorizes the County Mayor or Mayor's designee to use Miami-Dade Water and Sewer Department's services, employees and equipment to design and install approximately 1,612 linear feet of 8-inch water pipelines along SW 107th Street, between SW 87th Avenue and SW 84th Avenue. The cost of the project will not exceed $322,000.00 without further approval by the BCC and will be funded from the Building Better Communities General Obligation Bond Program (Bond Program) Project No. 17 – "Countywide Water and Sewer System Enhancements" (Project No. 17).

Pursuant to Section 255.20(1)(c)(9), Florida Statutes, the BCC has considered the Miami-Dade Water and Sewer Department's estimated cost of $322,000.00 and the accuracy of the estimated cost and finds by a majority vote of the BCC members that it is necessary to design and install water pipelines in the area along SW 107th Street, between SW 87th Avenue and SW 84th Avenue; and that it is in the public's best interest for the Miami-Dade Water and Sewer Department to utilize its own services, employees and equipment to design and install all improvements necessary to expeditiously provide county water to the subject area.

Section 255.20(1)(c)(9), Florida Statutes, authorizes a county to use its own services, employees and equipment to perform public improvements with an estimated cost in excess of $300,000.00 upon a majority vote of the BCC, after at least 21 days public notice and a public meeting, finding that it is in the public's best interest to perform the improvements using its own services, employees, and equipment. As of the time of the BCC's final action on this resolution, the County Mayor or Mayor's designee has provided the public notice required under Section 255.20(1)(c)(9), Florida Statutes.

A substitute was presented and forwarded to the BCC with a favorable recommendation at the March 16, 2016 Metropolitan Services Committee meeting. This substitute differs from the original item in that the substitute identifies the source of funding as GOB funds. The title was changed to include the course of funding and that the project is in the public's best interest.

<u>Background:</u>
The Miami-Dade County Health Department recently discovered concentrations of a pesticide above the State of Florida drinking water maximum contaminant limit in certain homes that use private well water. The Miami-Dade County Health Department has urged residents with concentrations above this limit to stop drinking or cooking with this water as 24 homes may be affected by the pesticide in the area along SW 107th Street, between SW 87th Avenue and SW 84th Avenue in the Continental Park area of Miami-Dade County.

<u>Fiscal Impact:</u>
The estimated cost of designing and installing the new water mains using generally accepted cost-accounting principles that fully account for all costs associated with performing and completing the work, including employee compensation and benefits, equipment cost and maintenance, insurance costs and materials is $322,000.00. The project will be funded from the Building Better Communities General Obligation Bond Program (Bond Program) Project No. 17 – "Countywide Water and Sewer System Enhancements" (Project No. 17).

<u>Additional Information – Metropolitan Services Committee Meeting Discussion:</u></td></tr>
</table>

Item No.	Research Notes
	During the Metropolitan Services Committee meeting, the following was discussed: • *The Commission inquired as to the prevalence of these "doughnut areas", and whether the department had developed a plan to deal with them. The Assistant Director of Legislative and Municipal Affairs for the Water and Sewer Department noted staff was aware of the existence of these areas, and a study conducted in 2013 pinpointed their location.* • *In response to questions regarding whether the department had policies to ensure that such "doughnut areas" would never again be created, the Assistant Director stated that any new project that was proposed had to meet certain requirements.* • *Responding to questions as to an estimated cost to connect all of these "doughnut areas" to the County's water and sewer pipelines, the Assistant Director said that she would provide him the cost at a later date.* • *Pursuant to questions as to whether the State would reimburse some of the cost, and whether the homeowners would pay a portion of the cost, the Assistant Director confirmed that the State would reimburse some of the cost and the homeowners would be required to abandon their wells, pay connection charges, a water allocation fee, and the plumbing costs to the meter box. She indicated that the homeowners had been made aware of these charges.* • *In response to questions as to the reason this street was not connected to the County's water and sewer pipelines, the Assistant Director said that staff would research the history of this block to attempt to understand why it was not connected and noted the State and the Department of Environmental Resource Management (DERM) verified the quality of water in the wells; and the Water and Sewer Department monitored the wells.* • *The Assistant Director for DERM of the Regulatory and Economic Resources Department said that his department became aware recently of the contamination of the water in this particular area. He explained that the water was contaminated with dieldrin which was a pesticide used in the past to treat the ground before the houses were built.* • *The Assistant Director for DERM stated that a few years ago the department advised property owners to test the water in their wells. He said that under the "feasible distance" rule if water was available any new construction would have to be connected. He noted however that the regulations did not compel the owners of the older homes to be connected. He stated that in the long run the policies were encouraging properties to be connected to the County's pipelines.* • *Responding to a question regarding how much it would cost for the residents to be connected to a pipeline located on a street close to their property, the Assistant Director of Legislative and Municipal Affairs stated that the approximate cost was $600, not including the plumbing and that payment plans were available for the connection charges.*
7A **152691**	ORDINANCE CREATING SECTION 12-14.2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO PROVIDE FOR REPORTING REQUIREMENTS FOR COUNTY AND MUNICIPAL ELECTED OFFICERS AND CANDIDATES REGARDING SOLICITATION OF CONTRIBUTIONS FOR POLITICAL COMMITTEES AND ELECTIONEERING COMMUNICATIONS ORGANIZATIONS; PROVIDING PENALTIES FOR FAILURE TO REPORT; PROVIDING FOR ENFORCEMENT BY THE COMMISSION ON ETHICS AND PUBLIC TRUST; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE
Notes	The proposed ordinance creates Section 12-1444.2 of the Miami-Dade County Code to provide for reporting requirements for County and Municipal elected officers and candidates regarding solicitation of contributions for political committees and electioneering communications organizations. The proposed ordinance further provides penalties for failure to report and enforcement by the Commission on Ethics and Public Trust. *Sec. 12-14.2. County and Municipal Elected Officer and Candidate Reporting Requirements for Political Committee and Electioneering Communication Organization Solicitations.* *(1) Each campaign treasurer designated by a candidate for County or municipal office in Miami-Dade County shall, at the time of filing any contribution or expenditure reports otherwise required by law, file an additional electronic report with the Supervisor of Elections or other applicable filing officer regarding solicitation activities on behalf of any political committee or electioneering communications organization. The report shall identify each contribution solicited, directly or indirectly, by the candidate, the name of the person or entity contributing the funds, the name of the political committee or electioneering communications organization on behalf of whom such funds were solicited, the amount of the contribution, and a description of the relationship between the candidate and the political committee or electioneering communications organization, if any. The report shall be filed on a form created by the Supervisor of Elections for such purpose.* *(2) Each County or municipal elected officer in Miami-Dade County who is not also a candidate for another County or municipal office shall, on a monthly basis commencing one year prior to the date such officer's office is to be filled by election, file an electronic report with the Supervisor of Elections or other applicable filing officer regarding solicitation activities undertaken on behalf of any political committee or electioneering communications organization during the preceding month. The report shall identify each contribution solicited, directly or indirectly, by the officer, the name of the person or entity contributing the funds, the name of the political committee or electioneering communications organization on behalf of whom such funds were solicited, the amount of the contribution, and a description of the relationship between the officer and the political committee or electioneering communications organization, if any. The report shall be filed on a form created by the Supervisor of Elections for such purpose.* *(3) Any County or municipal elected officer or candidate who fails to file a report as required by this section on the designated due date shall be subject to a fine of $50 per day for the first three (3) days and, thereafter, $500 per day for each day late not to exceed $5,000. Such fine shall not be an allowable campaign expense and shall be paid only from the personal funds of the candidate or officer. Any candidate or officer no change dispute the fine to the Miami-Dade County Commission on Ethics and Public Trust based upon, but not limited to, unusual circumstances surrounding the failure to file on the designated due date, and may request, and shall be entitled to, a hearing before the Commission on Ethics and Public Trust, which shall have the authority*

Item No.	Research Notes
	to waive the fine in whole or in part. Any such appeal or dispute shall be made within twenty (20) days after receipt of notice that payment is due or such appeal or dispute shall be waived. The proposed ordinance will become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, will become effective only upon an override by the BCC. *State law and the rules of the Florida legislature currently require that some state officers and legislators disclose when they fundraise for political committees or electioneering communication organizations.* **<u>Fiscal Impact Statement:</u>** Implementation of this ordinance will not have a fiscal impact to the County. Existing resources within the Elections Department and the Commission on Ethics and Public Trust will be able to manage the review and enforcement provisions of the ordinance with existing staff. **<u>Social Equity Statement:</u>** The proposed ordinance creates Sections 12-14.2 of the Miami-Dade County Code requiring County and municipal elected officers and candidates to report any solicitation of contributions for political committees and electioneering communications organizations. This ordinance has the potential to provide additional information to the public on fundraising activities by candidates and public officials to aid the transparency and accountability of government. **<u>Additional Information - Strategic Planning and Government Operations Committee Meeting Discussion:</u>** During the Strategic Planning and Government Operations Committee meeting on January 12, 2016, the following was discussed: *The Committee questioned if there would be an option on the filing form for candidates who did not have a political action committee, to which a representative from the elections department explained that for typical campaign finance reporting, if there is no activity there is a waiver of report that can be filed.* **<u>Additional Information – Relevant Legislation:</u>** During the Strategic Planning and Government Operations Committee meeting on April 12, 2016, File No. 160428 was discussed and deferred. File No. 160428 creates Section 12-14.2.1 of the Miami-Dade County Code to provide for reporting requirements for County and municipal elected officials and candidates regarding solicitation of contributions for organizations exempt from taxation under Section 501(C)(4) of the Internal Revenue Code and political parties. Additionally, the proposed ordinance provides penalties for failure to report and provides for enforcement by the Commission on Ethics and Public Trust. ***Sec. 12-14.2.1 County and Municipal Elected Officer and Candidate Reporting Requirements for Organizations Exempt Under Section 501(c)(4) of the Internal Revenue Code or Political Party Solicitations.*** ***(1) Each candidate for County or municipal office in Miami-Dade County shall insure that his or her designated campaign treasurer shall, at the time of filing any contribution or expenditure reports otherwise required by law, file an additional electronic report with the Supervisor of Elections or other applicable filing officer regarding solicitation activities on behalf of any organization exempt from taxation under Section 501(c)(4) of the Internal Revenue Code ("501(c)(4) Organization") or political party. The report shall identify each contribution successfully solicited, directly or indirectly, by the candidate, the name of the person or entity contributing the funds, the name of the 501(c)(4) Organization or political party on behalf of whom such funds were solicited, the amount of the contribution, and a description of the relationship between the candidate and the 501(c)(4) Organization or political party, if any. The report shall be filed on a form created by the Supervisor of Elections for such purpose. A candidate may comply with the reporting requirements of this subsection by filing a one-time report indicating that all contributions to an identified 501(c)(4) Organization or political party were solicited either directly or indirectly by the candidate. Upon filing such report, no further reports shall be required under this subsection for solicitations on behalf the identified 501(c)(4) Organization or political party during any reporting period.*** ***(2) Upon commencement of any solicitation activities undertaken on behalf of any 501(c)(4) Organization or political party, each County or municipal elected officer in Miami-Dade County who is not also a candidate for another County or municipal office shall, on a monthly basis for the remainder of the officer's term of office, file an electronic report with the Supervisor of Elections or other applicable filing officer regarding such solicitation activities during the preceding month. The report shall identify each contribution successfully solicited, directly or indirectly, by the officer, the name of the person or entity contributing the funds, the name of the 501(c)(4) Organization or political party on behalf of whom such funds were solicited, the amount of the contribution, and a description of the relationship between the officer and the 501(c)(4) Organization or political party, if any. The report shall be filed on a form created by the Supervisor of Elections for such purpose. A County or municipal elected official may comply with the reporting requirements of this subsection by filing a one-time report indicating that all contributions to an identified 501(c)(4) Organization or political party were solicited either directly or indirectly by the County or municipal elected official. Upon filing such report, no further reports shall be required under this subsection for solicitations on behalf the identified 501(c)(4) Organization or political party during the remainder of the County or municipal elected official's term.*** ***(3) Any County or municipal elected officer or candidate who fails to file a report as required by this section on the designated due date shall be subject to a fine of $50 per day for the first three (3) days and, thereafter, $500 per day for each day late not to exceed $5,000. Such fine shall not be an allowable campaign expense and shall be paid only from the personal funds of the candidate or officer. Any candidate or officer may appeal or dispute the fine to the Miami-Dade County Commission on Ethics and Public Trust based upon, but not limited to, unusual circumstances surrounding the failure to file on the designated due***

Item No.	Research Notes
	date, and may request, and shall be entitled to, a hearing before the Commission on Ethics and Public Trust, which shall have the authority to waive the fine in whole or in part. Any such appeal or dispute shall be made within twenty (20) days after receipt of notice from the Supervisor of Elections that payment is due or such appeal or dispute shall be waived.
7A Supp. 160640	SUPPLEMENT INFORMATION TO ORDINANCE CREATING SECTION 12-14.2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO PROVIDE FOR REPORTING REQUIREMENTS FOR COUNTY AND MUNICIPAL ELECTED OFFICERS AND CANDIDATES REGARDING SOLICITATION OF CONTRIBUTIONS FOR POLITICAL COMMITTEES AND ELECTIONEERING COMMUNICATIONS ORGANIZATIONS; PROVIDING PENALTIES FOR FAILURE TO REPORT; PROVIDING FOR ENFORCEMENT BY THE COMMISSION ON ETHICS AND PUBLIC TRUST
Notes	During the BCC meeting on February 2, 2016, the proposed ordinance was deferred to no-date-certain. Prior to deferral, the following amendments were adopted: o To Clarify that each candidate for office, rather than the campaign treasurer for that candidate, is ultimately responsible for insuring that the solicitation report is filed; o Clarify that only successful solicitations need be reported; o Change the time period for which County and municipal elected officials must file solicitation reports from one (1) year prior to election to the entire length of the term; o Allow candidates or elected officials to claim all solicitations to a political committee or electioneering communications organization as being solicited directly or indirectly by the candidate or elected official in lieu of reporting individual solicitations; o Clarify that any appeal of a fine will be made within twenty (20) days of receipt of notice from the Supervisor of Elections; and o Correct a scrivener's error. *Sec. 12-14.2. County and Municipal Elected Officer and Candidate Reporting Requirements for Political Committee and Electioneering Communication Organization Solicitations.* *(1) Each **candidate for County or municipal office in Miami-Dade County shall insure that their designated** campaign treasurer shall, at the time of filing any contribution or expenditure reports otherwise required by law, file an additional electronic report with the Supervisor of Elections or other applicable filing officer regarding solicitation activities on behalf of any political committee or electioneering communications organization. The report shall identify each contribution solicited, directly or indirectly, by the candidate, the name of the person or entity contributing the funds, the name of the political committee or electioneering communications organization on behalf of whom such funds were solicited, the amount of the contribution, and a description of the relationship between the candidate and the political committee or electioneering communications organization, if any. The report shall be filed on a form created by the Supervisor of Elections for such purpose. **A candidate may comply with the reporting requirements of this subsection by filing a one-time report indicating that all contributions to an identified political committee or electioneering communications organization were solicited either directly or indirectly by the candidate. Upon filing such report, no further reports shall be required under this subsection for solicitation on behalf of the identified political committee or electioneering communications organization during any reporting period.*** *(2) **Upon commencement of any solicitation activities undertaken on behalf of any political committee or electioneering communications organization e**ach County or municipal elected officer in Miami-Dade County who is not also a candidate for another County or municipal office shall, on a monthly basis **for the remainder of the officer's term of office**, file an electronic report with the Supervisor of Elections or other applicable filing officer regarding **such** solicitation activities during the preceding month. The report shall identify each contribution solicited, directly or indirectly, by the officer, the name of the person or entity contributing the funds, the name of the political committee or electioneering communications organization on behalf of whom such funds were solicited, the amount of the contribution, and a description of the relationship between the officer and the political committee or electioneering communications organization, if any. The report shall be filed on a form created by the Supervisor of Elections for such purpose. **A County or municipal elected official may comply with the reporting requirements of this subsection by filing a one-time report indicating that all contributions to an identified political committee or electioneering communications organization were solicited either directly or indirectly by the County or municipal elected official. Upon filing such report, no further reports shall be required under this subsection for solicitations on behalf of the identified political committee or electioneering communications organization during the remainder of the County or municipal elected official's term.*** *(3) Any County or municipal elected officer or candidate who fails to file a report as required by this section on the designated due date shall be subject to a fine of $50 per day for the first three (3) days and, thereafter, $500 per day for each day late not to exceed $5,000. Such fine shall not be an allowable campaign expense and shall be paid only from the personal funds of the candidate or officer. Any candidate or officer **may appeal** or dispute the fine to the Miami-Dade County Commission on Ethics and Public Trust based upon, but not limited to, unusual circumstances surrounding the failure to file on the designated due date, and may request, and shall be entitled to, a hearing before the Commission on Ethics and Public Trust, which shall have the authority to waive the fine in whole or in part. Any such appeal or dispute shall be made within twenty (20) days after receipt of notice **from the Supervisor of Elections** that payment is due or such appeal or dispute shall be waived.*
11A1 160469	RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN MIAMI-DADE COUNTY, FLORIDA DEPARTMENT OF TRANSPORTATION, CITY OF MIAMI AND CITY OF MIAMI BEACH FOR THE DEVELOPMENT OF THE BEACH CORRIDOR DIRECT CONNECTION PROJECT IN SUBSTANTIALLY THE FORM ATTACHED
Notes	The proposed resolution approves a Memorandum of Understanding between Miami-Dade County, Florida Department of Transportation, City of Miami, and City of Miami Beach for the development of the Beach Corridor Direct Connection Project. The Beach Corridor Direct

Item No.	Research Notes
	Connection Project would provide transportation alternatives for a mass transit connection between Downtown Miami, Midtown Miami, and Miami Beach. **Background:** Miami Beach, downtown Miami, and Midtown Miami are commercial and residential communities and are among the most congested areas of Miami-Dade County. On February 4, 2016, the Metropolitan Planning Organization's Policy Executive Committee, consisting of the Mayors of Miami-Dade County, Miami, and Miami Beach and the County Commissioners representing Districts 5 and 7 unanimously supported a Memorandum of understanding for the Beach Corridor Direct Connection Project.
11A7 160105	RESOLUTION URGING THE FLORIDA PUBLIC SERVICE COMMISSION TO OPPOSE THE PROPOSED ELECTRICITY RATE INCREASES BY FLORIDA POWER & LIGHT
Notes	The proposed resolution: • Urges the Florida Public Service Commission to oppose FPL's proposed electricity rate increases included in FPL's 2016 rate agreement filing; and • Directs the Clerk of the Board to transmit a certified copy of this resolution to the Chair and Members of the Florida Public Service Commission, and the Chair and Members of the Miami-Dade County State Legislative Delegation. **Background:** Florida Power & Light, Inc. (FPL) is the electric service provider for more than 1 million homes and businesses in Miami-Dade County, which is a larger share of FPL's 4.8 million customers than any other county. FPL recently filed a request with the Florida Public Service Commission (PSC) to raise the base rate of the monthly bill of a typical customer by $13 a month, which would be phased in over four years ($8.50 in 2017, another $2.50 in 2018 and $2 in 2019). The current PSC approved rate agreement will expire at the end of 2016. In its filing with the PSC, FPL maintains that it is requesting these increases to continue its investments to improve electricity service and reliability, reduce carbon emissions, improve fuel efficiency and strengthen the system to better handle severe weather, to address customer growth and to cover the estimated $1.3 billion needed to build a natural gas-fired power plant in Okechobee County. Under state law, FPL is allowed to earn an annual return on equity within a range established by the PSC, which is currently set between 9.5 percent and 11.5 percent. Additionally, under state law and the PSC regulations, FPL is required to pass on to customers savings resulting from reduced fuel charges, which has resulted in significant savings for its customers.
11A8 160812	RESOLUTION SUPPORTING THE UNITED STATES COAST GUARD MODIFICATION OF THE OPERATING SCHEDULE OF THE 63RD STREET BRIDGE ACROSS MIAMI INDIAN CREEK, MILE 4.0 AT MIAMI BEACH, PURSUANT TO DOCKET NUMBER USCG-2015-0940; URGING THE UNITED STATES COAST GUARD TO MODIFY THE OPERATING SCHEDULE OF THE BROAD CAUSEWAY BRIDGE; DIRECTING THE MAYOR OR DESIGNEE TO FILE A REQUEST WITH THE UNITED STATES COAST GUARD DISTRICT COMMANDER FOR A PERMANENT CHANGE TO THE BROAD CAUSEWAY BRIDGE OPERATING SCHEDULE CONSISTENT WITH THIS RESOLUTION
Notes	The proposed resolution: • Supports the United States Coast Guard modification of the operating schedule of the 63rd Street Bridge across Indian Creek, mile 4.0 at Miami Beach, pursuant to docket number USCG-2015-0940, to ease traffic congestion during peak hours and allow for better mobility among the Town of Surfside, the City of Miami Beach, and the City of Miami; • Urges the United States Coast Guard to modify the operating schedule of the Broad Causeway Bridge such that from Monday through Friday from 7 a.m. to 7 p.m. the bridge would only open on the hour and half hour, and from 7:10 a.m. to 9:55 a.m., and 4:05 p.m. to 6:59 p.m. the bridge would remain closed; • Directs the Mayor or designee to file a request, in coordination with the applicable cities, with the Commander for the United States Coast Guard Seventh District for a permanent change to the Broad Causeway Bridge operating schedule consistent with this resolution; • Directs the Clerk of the Board to send a certified copy of this resolution to the Members of the Miami-Dade County Congressional Delegation, the Secretary of Homeland Security, the Commandant for the United States Coast Guard and the Commander for the United States Coast Guard Seventh District, the Members of the City of Miami Beach Commission, the Members of the Town of Surfside Commission, the Members of the Bal Harbour Village Council, the Members of the Town of Bay Harbor Islands Council, the Members of the City of North Miami Council and the Members of the North Miami Beach Council; and • Directs the County's federal lobbyists to advocate for the modification of federal rules and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2016 and 2017 federal legislative packages when they are presented to the BCC. **Background:** The United States Coast Guard currently regulates drawbridges over navigable waters, including on the 63rd Street Bridge across Indian Creek at mile 4.0 and the Broad Causeway Bridge, between the Town of Bay Harbor Islands and the City of North Miami. Section 117.5 of 33 Code of Federal Regulations provides that, except as otherwise provided in Part 117, drawbridges must open promptly and fully for the passage of a vessel ''on signal'', in other words, whenever a vessel operator contacts the bridge tender, either by radio or by signal with the vessel's horn to request the opening. Presently the 63rd Street Bridge and the Broad Causeway Bridge are required to open on signal for the passage of vessels. The City of Miami Beach conducted traffic studies and reviewed the bridge logs, which show a 45 percent increase in vehicular traffic from 7 a.m. to 10 a.m. and 4 p.m to 7 p.m. with no corresponding increase in vessel traffic during those time periods. Based on these studies, the

<table>
<tr><th>Item No.</th><th>Research Notes</th></tr>
<tr><td></td><td>United States Coast Guard proposes to add a new regulation for the operations of the 63rd Street Bridge, Indian Creek mile 4.0, at Miami Beach that would implement three closure periods which would allow the bridge to remain closed during morning and afternoon peak vehicle traffic times. The following schedule is proposed:

From Monday through Friday from 7 a.m. to 7 p.m. the bridge would only open on the hour and half hour;
From 7:10 a.m. to 9:55 a.m., and 4:05 p.m. to 6:59 p.m. Monday through Friday, the bridge would remain closed;
From 10 a.m. to 4 p.m. during the seven days before and the four days following the City of Miami Beach Yacht and Brokerage Show in the second week of February, the bridge would only open for ten minutes at the top of the hour; and
For federal holidays, weekends, and other times the bridge would continue to open for vessels on signal.

These proposed changes would still allow vessels to pass through the bridge while taking into account the reasonable needs of other modes of transportation.

33 Code of Federal Regulations Section 117.8 provides that anyone may submit a written request to the District Commander for a permanent change to a drawbridge operating requirement and further provides that the request must include documentation supporting or justifying the requested change, and according to 33 Code of Federal Regulations Section 117.8, if the District Commander decides that a change may be needed after evaluating the request, he or she will begin a rulemaking to implement the change, while if the District Commander determines that the requested change is not needed, he or she will respond to the request in writing and provide the reasons for denial of the requested change.</td></tr>
<tr><td>11A9
160764</td><td>RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO DEVELOP, NEGOTIATE AND PRESENT AGREEMENTS WITH PROPERTY ASSESSMENT CLEAN ENERGY (PACE) PROVIDERS TO THIS BOARD; ESTABLISHING POLICY FOR THE COUNTY WITH RESPECT TO PROPERTY ASSESSMENT CLEAN ENERGY; CANCELLING THE REQUEST FOR A COMPETITIVE SOLICITATION FOR A PROPERTY ASSESSMENT CLEAN ENERGY PROGRAM; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PREPARE A REPORT ON HOW TO EXPEDITE PACE RELATED PERMITS [SEE ORIGINAL ITEM UNDER FILE NO. 160479]</td></tr>
<tr><td>Notes</td><td>The proposed resolution cancels the request for a competitive solicitation that was made pursuant to Resolution No. R-237-14 and directs the County Mayor or County Mayor's designee to:

Develop and negotiate proposed agreements between the County and PACE districts, specifically entities created pursuant to Section 163.01(7), Florida Statutes, who may wish to operate turnkey PACE programs within Miami-Dade County (referred to herein as "PACE districts" or "PACE providers"); and
Bring such proposed agreements, together with the County Mayor or County Mayor's designee's recommendations as to PACE districts, to the BCC for review and approval.

In making such recommendations, the County Mayor or County Mayor's designee will consider and address the experience and expertise of the PACE districts, including the experience and expertise of the PACE districts' direct affiliates, if applicable; and
The County Mayor or County Mayor's designee will bring negotiated agreements between the County and PACE districts to the BCC expeditiously so that the BCC may consider and approve the agreements within 90 days of the effective date of this resolution.

The agreements between Miami-Dade County and PACE districts will require, at a minimum:

Compliance with Miami-Dade County and Florida laws related to PACE programs;
The County's standard indemnification clause by which the PACE provider agrees to indemnify the County;
A commitment and disclosure by the PACE provider that outlines what each particular PACE provider will do, including but not limited to how PACE assessments will be collected and if they will be converted into other financial vehicles, in the event that Florida's PACE statute is struck down by a court or if the PACE assessments are determined by a court to not be special assessments;
If the PACE provider may issue bonds, a requirement that the bond disclosure include language, to be approved by the County Attorney's Office, which advises that PACE programs are new and relatively untested, and that there may be certain attendant risks to bondholders;
Provisions which would allow for the termination of the agreement under certain circumstances; and
Requirements that the PACE provider work with County staff to develop appropriate measures and mechanisms to provide timely information to the County regarding the PACE provider's work pursuant to its agreement with the County. At a minimum, the PACE provider shall provide quarterly reports to the County with the following information:

The dates of the reporting period.
A list of PACE projects started and/or completed during the quarter, separated by building type (e.g., office, retail, multifamily, single family) and by sector type (e.g., commercial, industrial, residential). The report shall include the following information about each PACE project identified:

The qualifying improvements made to the property;
If an energy audit is performed, the energy baseline of each PACE project, conducted by a third party; and the projected energy savings and/or the amount of potential renewable energy to be generated by the PACE project;
Start date and completion date for each PACE project;
If an energy audit is performed, financial information about each PACE project such as cost per kWh generated/saved; and
Any other resource saving, such as water savings, achieved by the PACE project.

Number of applications declined during the reporting period and why each was declined.

</td></tr>
</table>

Item No.	Research Notes
	o Jobs created for the reporting period, including local versus non-local jobs and permanent versus temporary jobs. The County Mayor or County Mayor's designee will prepare a report with recommendations from the County Mayor or County Mayor's designee on how PACE-related building permits can be expedited, similar to the green expedite program that the County already offers, and shall provide this report to the BCC within 90 days of the effective date of this resolution and place the completed report on an agenda of the BCC pursuant to Ordinance No. 14-65. This report will also include the Mayor's recommendation for how Miami-Dade County should be acknowledged or referenced in the PACE provider's promotional materials and contracts with consumers, so as to acknowledge the County's role but still making clear that the particular PACE program and consumer contract is with a non-County entity. ***File No. 160764 was presented as a substitute at the April 12, 2016 Unincorporated Municipal Service Area Committee meeting and forwarded to the BCC with favorable recommendation. This substitute differs from the original in that it changes the timeframe within which the Mayor would be required to bring negotiated agreements between PACE districts and the County to the BCC for review and approval. The original item would have allowed for 180 days, and this substitute shortens the timeframe to 90 days.*** **<u>Background:</u>** Individual residents of Miami-Dade County may wish to improve energy efficiency, install energy improvements or retrofits, and improve water conservation for commercial and residential properties. One way to facilitate such improvements to real property is through a Property Assessment Clean Energy (PACE) financing program which is a financing structure by which commercial or residential property owners may voluntarily opt into a special assessment district to receive a loan to finance energy improvements and retrofits, where those loans are repaid through an annual assessment on the property owner's property tax bill. A number of entities created pursuant to Section 163.01(7), Florida Statutes, may be interested in operating turnkey PACE programs within Miami-Dade County, and the County may not need to limit the number of PACE providers operating within the County. In 2014, the BCC approved Resolution No. R-237-14, which directed the County Mayor or County Mayor's designee to develop a solicitation for a turnkey PACE program and present it to the BCC for review, but no such solicitation has yet been finalized or presented to the BCC. PACE districts that have been created under Section 163.01(7), Florida Statutes, are local governments, and the County could select from those PACE districts and enter into interlocal agreements with the selected districts, without proceeding with a solicitation and such County agreements with PACE districts would include County requirements and protections, as directed by the BCC. **<u>Additional Information – Relevant Legislation:</u>** On March 8, 2016, the BCC adopted Ordinance No. 16-30, relating to Voluntary Energy Efficiency and Renewable Energy Program and Property Assessment Clean Energy (PACE), which amended Sections 2-2079, 2-2081, 2-2083, 2-2084, 2-2086, and 2-2090 of the Miami-Dade County Code. Additionally, Ordinance No. 16-30, repealed Section 2-2085 of the Miami-Dade County Code. • *Currently, the County Code allows for the County to issue bonds secured from non-ad valorem special assessments to provide funds to eligible participants to make qualifying improvements such as energy conservation, renewable energy improvements and wind resistant improvements. This ordinance rescinds this provision. Further, in additional to the County Mayor or designee, it allows for a separate legal entity selected by the BCC, as defined in Florida Statutes, to administer the program.* • *If the County serves as an administrator, County staffing requirements to perform assessments and meet notice and other program requirements will be evaluated based on the number of participants. However, as administrator, the County can include cost recovery provisions in the agreements with program participants to cover any associated staffing requirements.* **<u>Additional Information – Unincorporated Municipal Service Area Committee Meeting Discussion:</u>** During the Unincorporated Municipal Service Area Committee meeting on February 9, 2016, Ordinance No. 16-30 was discussed as follows: • *The President and Chief Executive Officer of Florida Association for Insurance Reform (FAIR), appeared before the committee to speak in support of this program. He requested that the County allow multiple PACE providers to operate since competition would help maintain the insurance rates low, and it would benefit consumers.* • *Pursuant to a question regarding the energy market and what could be done, the President and CEO that about seventy percent (70%) to eighty percent (80%) of the PACE projects completed were for wind mitigation with four percent (4%) to six percent (6%) being solar projects. He noted that many other opportunities remained opened, and property owners were able to qualify for the program without having a good credit score or history.* • *In response to a question regarding establishing minimum consumer protection and safety criteria, the President and CEO advised that his organization had already reviewed in detail one of the providers in the categories of consumer protection under the framework of federal lending laws, contractor controls, advertising and marketing, and functional underwriting guidelines. He noted he would like an opportunity to review additional PACE providers within the state.* • *The Vice President of Operations of Ygrene Energy Fund of Florida spoke in favor of the item and pointed out the County had a huge demand for this type of program, noting that he had already received over 500 applications from Miami-Dade County residents of unincorporated areas and continued to receive daily phone calls asking for the implementation date and timeframe.* • *A representative of Renew Financial spoke in support of the item and stated that her organization worked in 19 jurisdictions across Florida, and the industry had already financed over $1 billion in PACE projects nationwide. She suggested that vendors should be included in the process of establishing consumer protection criteria, and the vendors should be asked what constituted good*

Item No.	Research Notes
	practices and what their practices were. She advised three (3) primary vendors were currently operating within the State of Florida, who had already closed deals; but it was expected that other vendors would join the market. • *In response to an earlier question relating to how a foreclosure impacted the PACE assessment, the Assistant County Attorney clarified that, it was her understanding, the PACE assessment would run with the property if it was not paid in full at the time the foreclosed property was sold.* • *Pursuant to a question regarding disclosure of liability, the Assistant County Attorney affirmed a mechanism was in place to disclose those costs.* **<u>Additional Information – Property Assessed Clean Energy (PACE):</u>** **Property Assessed Clean Energy (PACE)[1]** PACE (Property Assessed Clean Energy) is a simple and effective way to finance energy efficiency, renewable energy, and water conservation upgrades to buildings. PACE can pay for new heating and cooling systems, lighting improvements, solar panels, water pumps, insulation, and more for almost any property – homes, commercial, industrial, non-profit, and agricultural. Property owners across the US are using PACE because it saves them money and makes their buildings more valuable. PACE pays for 100% of a project's costs and is repaid for up to 20 years with an assessment added to the property's tax bill. PACE financing stays with the building upon sale and is easy to share with tenants. State and local governments sponsor PACE financing to create jobs, promote economic development, and protect the environment. **Florida PACE Funding Agency[2]** The Florida PACE Funding Agency was created in June 2011 by general law through an interlocal agreement. The initial incorporators are Flagler County and the City of Kissimmee. The Agency's mission is to facilitate the implementation, planning, development, funding, financing, marketing and management of a statewide platform so that counties and cities can easily and economically take advantage of a uniform, scalable program for their property-owning constituents. The Florida PACE Funding Agency was designed to insulate local governments from liability and the heavy use of staff time for such a voluntary program. Florida's PACE legislation allows individual residential and commercial property owners to voluntarily seek financing for certain energy or wind resistant improvements in the form of a special assessment though their local government with payback occurring over a period of years and collected on the same bill as property taxes. The Florida Legislature in 2010 overwhelmingly passed bipartisan legislation that carefully details the authority and processes for a PACE program and assessments in Florida. To date, the Agency is the only source of PACE financing initially capitalized at $200 million, making funding available immediately. In addition, the Agency has been approved to capitalize up to $2 billion.

[1] http://www.pacenation.us/about-pace/

[2] http://floridapace.gov/about/