

Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Board of County Commissioners Meeting

October 18, 2016 9:30 A.M. Commission Chamber

Research Division

Office of the Commission Auditor 111 NW First Street, Suite 1030 Miami, Florida 33128 305-375-4354

Item No.		Research Notes			
4 A			S; REPEALING REGULATIONS PERTAIN		
162083		GS; DELETING SECTIONS 5-17 THROUGH 5-17.7 AND AMENDING SECTION 8CC-10 OF THE CODE			
		F MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND N EFFECTIVE DATE			
	AN EFFECTIVE DATE				
Notes	The proposed ordinanc				
			tions pertaining to pit bull dogs;		
		ons 5-17 through 5-17.			
	Amends Secti	on SCC-10 of the Mila	mi-Dade County Code relating to civil penalties		
		Additional Info	Additional Information on States with Pitbull Bans ¹		
		State	Number of Cities with Pit Bull Ban		
		Alabama	8		
		Alaska	1		
		Arkansas	27		
		Colorado	7		
		Florida	1 (Miami-Dade County)		
		Georgia	2		
		Idaho	3		
		Illinois	5		
		Indiana	4		
		Iowa	77		
		Kansas	61		
		Kentucky	16		
		Louisiana	6		
		Maryland	2		
		Michigan	16		
		Mississippi	12		
		Missouri	57		
		Montana	3		
		Nebraska	10		
		New Mexico	1		
		New York	1		
		North Dakota	12		
		Ohio	29		
		Rhode Island	1		
		Tennessee	20		
		Texas	1		
		Vermont	1		
		Washington	14		
		West Virginia	2		
		Wisconsin	34		
		Wyoming	2		

 <u>http://www.dogsbite.org/legislating-dangerous-dogs-state-by-state.php</u>
 <u>https://www.scribd.com/doc/56495216/Estimated-U-S-Cities-Counties-States-and-Military-Facilities-with-Breed-</u> Specific-Pit-Bull-Laws

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	Additional Information on Relevant Legislation:				
	During the Public Safety and Healthcare Administration Committee meeting on February 14, 2012, File No. 120173, which would place a non-binding straw ballot question on the August 14, 2012 primary election ballot regarding whether or not the electors support the County's ban on pit bull dogs, was discussed and tabled as				
	follows:				
	 The Committee noted the way dogs were socialized and trained determined whether they were dangerous and pointed out that the current dangerous dog ordinance served the same purpose as the ban on pit bulls. The Committee explained pit bulls were not high on the Animal Services Department list of aggressive 				
	 dogs and bites. The Committee expressed concern that the State Legislature was addressing this issue, which would preempt the County's Home Rule Charter and Amendment (Charter). It was noted that the State Legislature session would end March 9, which was prior to the next Committee meeting scheduled on March 13, 2012. It was suggested that the Committee defer this proposal to March 13. 				
	• The Committee asked the Animal Services Department Director to verify whether the fiscal impact to the County of the pit bull ban was \$3 million.				
	• The Director of the Animal Services Department pointed out that \$3 million was more than the department's entire budget for enforcement, and that pit bulls accounted for two percent of the enforcement expenses.				
	• The Committee requested an update on the legislation in Tallahassee that would preempt the Charter and end the County ban on pit bulls.				
	• The Director noted he spoke with that Assistant County Attorney earlier in the day, and the proposed legislation had committee meetings in both the Florida House of Representatives and the Florida Senate. He noted the committee meetings were not scheduled, and would require 36 hours advanced notice.				
	• The Committee questioned whether the ban on pit bulls resulted in a mass decrease in the number of dog maulings, to which the Director noted he did not have data dating back to 1989 when the ban on pit bulls was put in place. He explained that in 2011, approximately 400 pit bulls were in County animal shelters. He pointed out the number bites by pit bulls was very low.				
	• The Committee questioned how the County would handle a situation where a breed other than a pit bull mauled a child, to which the Director explained the County would treat that dog as a dangerous dog and quarantine it to check for rabies. He clarified the County would not treat the dog of another breed any different than a pit bull.				
	• It was suggested that the Committee wait until the State Legislative session ended before voting on this proposal.				
	• In response to a question regarding the impact of the State Legislature passing the related proposed legislation, the Assistant County Attorney advised that legislation would preempt the County law and make it unenforceable.				
	• It was moved by the Committee that this proposed resolution be tabled. The motion was seconded and approved.				
	• It was moved by the Committee that the County Attorney prepare an ordinance that would repeal County legislation that banned county residents from owning pit bulls with an effective date after the August 14, 2012, primary election and contingent upon the passage of a referendum by voters to repeal the pit bull ban. This motion was seconded and approved.				
	Chapter 5 Section 5-23 of the Miami-Dade County Code provides regulations for dangerous and aggressive dogs.				
	On May 1, 2012, the BCC, through Ordinance No. 12-33, repealed regulations pertaining to pit bull dogs. The provisions of Ordinance 12-33 were to become effective upon passage of a referendum during the August 14, 2012 primary election authorizing the ordinance to take effect.				
	 During the BCC meeting on May 1, 2012, Ordinance 12-33 was discussed as follows: The Assistant County Attorney advised that the ballot question would read: "Shall the ordinance repealing the County's 23 year-old law prohibiting the ownership of pit bulls as a dangerous breed of dogs become effective". 				

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	 The Assistant County Attorney explained that the proposed ordinance would remove the 23 year-old law from the books and that the proposed ordinance would give effect to the ballot question. The County Attorney further explained that the BCC was repealing the pit pull regulation with the proposed ordinance, subject to approval of the voters. If the voters did not pass the ballot question, the ordinance would not go into effect, he noted. The Assistant County Attorney explained that in this case, it was not possible to just have a ballot 		
	 referendum that would have the effect of repealing the 23 year-old law. He clarified that it was necessary to also have an ordinance, and by having the BCC pass the ordinance, if the ballot question was approved, it would come into effect immediately. The Commission further clarified that some State legislators wanted to pre-empt this proposed ordinance; 		
	however, the BCC and the State legislators agreed that the commissioners would vote on the ordinance.		
	Additional Information on August 14, 2012 Primary Election Ballot Results ³ :		
	On August 14, 2012 Miami-Dade County voters elected to retain the ban on pit bull dogs.		
	• Ballot question: "Shall the ordinance repealing the County's 23 year-old law prohibiting the ownership of pit bulls as a dangerous breed of dogs become effective".		
	 Results: 		
	• Yes – 36.72%		
40	\circ No - 63.28%		
4B 162296	ORDINANCE RELATING TO ROAD IMPACT FEES; AMENDING SECTION 33E-8 OF THE CODE OF MIAMI-DADE COUNTY; FLORIDA PROVIDING FOR A DISCOUNT FOR ROAD IMPACT FEES FOR		
	CERTAIN PEDESTRIAN-ORIENTED DEVELOPMENTS; PROVIDING CRITERIA AND PROCEDURES		
	FOR DETERMINATION OF DISCOUNTED ROAD IMPACT FEES APPLICABLE TO A PEDESTRIAN-		
	ORIENTED DEVELOPMENT AND FOR AN APPEAL OF SUCH DETERMINATION; DEEMING URBAN CENTER AND URBAN AREA DISTRICTS TO BE PEDESTRIAN-ORIENTED DEVELOPMENTS;		
	PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE		
Notes	The proposed ordinance relating to road impact fees provides for the following:		
	 Amends Section 33E-8 of the Miami-Dade County Code; 		
	• Provides for a 14.1 percent discount for road impact fees for certain Pedestrian-Oriented Developments (POD);		
	 Provides criteria and procedures for the determination of discounted road impact fees applicable to POD; and 		
	Deems Urban Center and Urban Area Districts to be POD.		
4C	ORDINANCE RELATING TO EDUCATIONAL EXPENSES REIMBURSEMENT FOR COUNTY		
162222	COMMISSIONERS; AMENDING THE CONFLICT OF INTEREST AND CODE OF ETHICS ORDINANCE, SECTION 2-11.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; CREATING CERTAIN		
	LIMITATIONS ON EXPENDITURES FROM COMMISSION DISTRICT OFFICE FUNDS FOR EDUCATIONAL PROGRAMS THAT SERVE A PUBLIC PURPOSE; PROVIDING THAT THE COUNTY'S TUITION REFUND AND REIMBURSEMENT PROGRAM SHALL BE THE EXCLUSIVE MEANS FOR OBTAINING REIMBURSEMENT FOR EDUCATIONAL EXPENSES PERTAINING TO ELIGIBLE COURSEWORK UNDER SUCH PROGRAM; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE		
Notes	The proposed ordinance relating to educational expenses reimbursed for County Commissioners provides for the following:		
	• Amends Section 2-11.1 of the Miami-Dade County Code relating to the Conflict of Interest and Code of		
	 Ethics Ordinance; Creates certain limitations on expenditures from Commission district office funds for educational programs 		
	• Creates certain limitations on expenditures from Commission district office funds for educational programs that serve a public purpose. Specifically, no County Commissioner may expend more than \$5,000 per fiscal year from Commission district office funds for educational programs; and		
	• Expenditure from Commission district funds that exceed \$5,000 will be permissible subject to BCC approval.		

³ <u>http://results.enr.clarityelections.com/FL/Dade/40545/96726/en/vts.html?cid=0242</u>

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Item No.	Provides that the County's tuition reimbursement program will be the exclusive means for ob-			
	 Provides that the County's tuition reimbursement program will be the exclusive means for obtaining reimbursement for educational expenses pertaining to eligible coursework under such program. No County Commissioner may expend Commission district funds for educational expenses pertaining to coursework eligible under the County's tuition reimbursement program; and No County Commissioner may expend Commission district funds, or any County funds, to pay for the half of the tuition not reimbursed by the County's tuition reimbursement program. 			
	Sec. 2-11.1. Conflict of Interest and Code of Ethics Ordinance.			
	(a) Designation. This section shall be designated and known as the "Miami-Dade County Conflict of Interest and Code of Ethics Ordinance." This section shall be applicable to all County personnel as defined herein, and shall also constitute a minimum standard of ethical conduct and behavior for all municipal officials and officers, autonomous personnel, quasi-judicial personnel, advisory personnel, departmental personnel and employees of municipalities in the County insofar as their individual relationships with their own municipal governments are concerned. References in the section to County personnel shall therefor be applicable to municipal personnel who serve in comparable capacities to the County personnel referred to.			
	(dd) Limitations on expenditures of Commission district office funds for educational programs.			
	(a) No County Commissioner may: (i) expend for himself or herself more than \$5,000 per fiscal year from Commission district office funds for educational programs that serve a public purpose, including, but not limited to, self-improvement courses, conferences, seminars, and local good governance courses designed to educate elected officials regarding specific and relevant topics related to their service; or (ii) expend Commission district office funds for educational programs that do not serve a public purpose. Any expenditure from Commission district office funds exceeding the above-stated \$5,000 threshold in a single fiscal year shall be permissible only if approved by resolution of the Board of County Commissioners.			
	(b) No County Commissioner may expend Commission district office funds for a Commissioner's educational expenses pertaining to coursework eligible under the County's tuition refund/reimbursement program (the "program") including, but not limited to, when a Commissioner elects to pursue a long-term educational program that culminates in the award of an academic degree, such as a B.A., M.A., or Ph.D. When a Commissioner participates in the program, the Commissioner shall not use Commission district office funds, or other County funds, to pay for the half of the tuition not reimbursed by the County through the program. Any expenses pertaining to ineligible coursework shall not be subject to reimbursement through the program and shall not be paid for, in whole or in part, with Commission district office fund expenditures.			
	Background: Currently, there is no formal policy regarding the use of Commission district office funds for educational purposes. In the past, any County Commissioner enrolled in an educational program could utilize the County's existing tuition reimbursement program available to all County employees to obtain partial reimbursement for the Commissioner's educational expenses, or allocate Commission district office funds to cover those costs in part or in full, provided that the Commissioner deemed the expense to be for the benefit of the Commissioner's district.			
	The Miami-Dade Commission on Ethics and Public Trust (Ethics Commission) recently recommended that a reasonable monetary limit be established for allocations by any Commissioner to pay for educational programs for himself or herself that serve a public purpose, including, but not limited to, self-improvement courses, conferences, seminars, and local good governance courses designed to educate elected officials on specific and relevant topics related to their service. The Ethics Commission recommended that any such expenditures in excess of \$5,000 for educational programs that serve a public purpose should require BCC approval. The Ethics Commission further recommended that when any Commissioner elects to pursue a long-term educational program that culminates in the award of an academic degree, such as a B.A., M.A., or Ph.D., and wishes to use County dollars to cover his or her educational expenses, the Commissioner should utilize the tuition reimbursement program available to all County employees.			

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	The County's existing tuition refund/reimbursement program, established in Administrative Order 7-4, was put in place to encourage County employees to improve their effectiveness by obtaining additional training, and provides that employees enrolled in accredited educational institutions may be reimbursed by the County for 50 percent of tuition costs (i.e., instruction and lab fees, but not including textbooks, exams, audit fees, or any other expenses), for approved coursework that will enable them to improve their performance in their current positions and prepare them for increased responsibilities.			
	Additional Information on Administrative Order No. 7-4 ⁴ : On August 27, 1963, the BCC established County policy to promote a program encouraging County employees to improve their effectiveness by obtaining additional training. The program provides that employees enrolled in accredited educational institutions may be reimbursed for 50 percent of tuition costs.			
	Qualifications			
	 Employees must achieve a "C" or higher for approved coursework Employees receiving financial assistance will be eligible for a refund of 50 percent tuition costs after the financial assistance has been applied 			
	Eligibility of Employee • Full-time career employee			
	 Completion of 13 pay periods of full time employment Receive an overall evaluation of "satisfactory" or higher on the latest employee performance evaluation 			
	Eligibility of Coursework			
	• Degree and certification programs at accredited institutions which relate directly to career opportunities within Miami-Dade County			
	• Online Internet courses and programs provided by accredited Florida-based educational institutions are eligible for tuition reimbursement			
	• For online Internet courses and programs at accredited educational institutions not based in Florida, the Tuition Refund Appeal Board will review requests for reimbursement			
	Obligation			
	All employees receiving reimbursement under this program will be obligated to remain as an employee of the County for a minimum of one (1) year following completion of coursework.			
4E 162150	ORDINANCE RELATING TO CRIMINAL HISTORY RECORDS CHECKS; AMENDING SECTION 2-30 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; CLARIFYING THAT THE BOARD IS AUTHORIZING BY ORDINANCE RATHER THAN IMPLEMENTING ORDER STATE AND NATIONAL CRIMINAL HISTORY SCREENING FOR CERTAIN COUNTY EMPLOYEES, APPOINTEES, CONTRACTORS, AND EMPLOYEES OF CONTRACTORS; REMOVING REFERENCES TO IMPLEMENTING ORDER 7-41; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE			
Notes	The proposed ordinance amends Section 2-30 of the Miami-Dade County Code to remove any reference to Implementing Order 7-41.			
	Specifically, the proposed amendment authorizes the County to perform comprehensive pre-employment fingerprint-based criminal history records checks for certain County employees, appointees and contractors, whether paid or unpaid, that are critical to security or public safety or who have direct contact with individual members of the public or access to any public facility or publicly operated facility where such contact or access is critical to security or public safety.			
	This amendment is required by the Federal Bureau of Investigation (FBI) to make clear that the authority for the County to conduct background checks that involve FBI databases is derived from an ordinance adopted by this Board and not by an implementing order. The purpose is to ensure compliance with Florida Statutes Section 125.5801, which requires that a local government base its authority to conduct background checks in a duly adopted			

⁴ http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO7-4.pdf

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	ordinance. This amendment to the Code is required to continue the Intergovernmental Agreement between Miami- Dade County and Florida Department of Law Enforcement (FDLE) to access state and national fingerprint-based criminal history records databases of the FDLE and the FBI.			
	Results from criminal history record checks are reviewed by the hiring departments' Departmental Personnel Representative in consultation with the Human Resources Department.			
	Fiscal Impact: There is no fiscal impact as a result of this amendment to the ordinance. The fees associated with criminal history background checks are incurred by the user departments and the rate is \$36.00 for applicants, contractors and contractual temporary personnel, and \$28.75 for volunteers and non-paid interns. These rates are established by the FDLE.			
	Additional Information on Implementing Order 7-41 ⁵ : Implementing Order 7-41 authorizes Miami-Dade County to perform pre-employment fingerprint-based criminal history record check on applicants, volunteers, interns, contractors, and contractual temporary personnel prior to commencement of employment or service with the County, who have been identified as critical to security or public safety. This order also applied to any private contractor, employee of a private contractor, vendor, repair person, or delivery person who have direct contact with individual members of the public or access to any public facility or publicly operated facility critical to security or public safety.			
	Additional Information on Ordinance No. 15-20: On March 17, 2015, the BCC, through Ordinance No. 15-20, created Section 2-30 of the County Code to authorize the County to perform comprehensive pre-employment fingerprint-based criminal history record checks for specified county employees, applicants, volunteers, interns, contractors, and contractual temporary personnel prior to the commencement of employment or service with the County. Ordinance No. 15-20 also authorized fingerprint- based criminal history records checks on any private contractor, employee of a private contractor, vendor, repair person, or delivery person who has direct contact with individual members of the public or access to any public facility or publicly operated facility in such a manner or to such an extent that the governing body of the County finds that preventing unsuitable persons from having such contact or access is critical to security or public safety.			
4F 162314	ORDINANCE PERTAINING TO ANIMALS; CREATING SECTION 5-18.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR THE REGULATION OF THE HARBORING OR KEEPING OF STRAY AND LOST DOGS BY PRIVATE INDIVIDUALS OR ORGANIZATIONS; AMENDING SECTION 8CC-10; PROVIDING FOR ENFORCEMENT BY CIVIL PENALTY; DIRECTING THE COUNTY MAYOR OR DESIGNEE TO CREATE AN ON-LINE LOST DOG REGISTRY; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE			
Notes	 The proposed ordinance pertaining to animals provides for the following: Creates Section 5-18.1 of the Miami-Dade County Code; Regulation of the harboring or keeping of stray and lost dogs by private individuals or organizations; Amends Section 8CC-10 and provides for enforcement by civil penalties; and Directs the County Mayor or Mayor's designee to create an online lost dog registry. 			
	Sec. 5-18.1 - Harboring or keeping of stray or lost dogs; on-line lost dog registry created. (a) For purposes of this section, "custodian" means any individual, animal rescue organization, veterinarian office, or other person or entity who comes into possession or custody of any stray or apparently lost dog and chooses to harbor or keep that dog rather than take it for impoundment at the County's Animal Shelter.			
	(b) Any custodian of a stray or apparently lost dog shall, within 72 hours of receiving the dog, have the dog scanned for a microchip and notify the Department of receiving possession or custody.			

⁵ <u>http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO7-41.pdf</u>

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	(1) If the microchip scan reveals that the dog is registered to an owner, the custodian shall contact the registered owner within 24 hours.					
	(2) Notification to the Department shall include the following information: a photograph of the dog; a physical description of the dog, including breed (if known), color, and gender; the date found; the location found; and the custodian's contact information.					
	to section 5-1	(c) The custodian may at any time bring the dog to the County's Animal Shelter for impoundment pursuant to section 5-18 of this chapter. The dog shall be impounded as a stray, and the confinement period shall commence from the date the Department receives the dog.				
			p a stray or lost dog for more than seven yout constituting a kennel, as defined in s			
	(e) The custo	dian shall notify	the Department as to the ultimate dispos	ition of the dog.		
	(f) Each dog violation of th		or kept in violation of the above requi	rements shall be d	leemed a separate	
	Sec. 8CC-10.	Schedule of civil	penalties.			
		Code Section	Description of Violation	Civil Penalty		
		5-18.1	Failure to notify Department of keeping stray or lost dog to update Department as to transfer or disposition of dog			
			First offense	Warning		
			Second offense	\$50.00		
			Third offense	\$100.00		
4G 162306	ORDINANCE ESTABLISHING A MINIMUM WAGE FOR EMPLOYEES OF CERTAIN COUNTY CONTRACTORS AND SUBCONTRACTORS; CREATING SECTION 2-8.9.1 OF THE CODE OF MIAMI- DADE COUNTY, FLORIDA; PROVIDING FOR INDEXING OF THE MINIMUM WAGE RATE; PROVIDING FOR ENFORCEMENT AND PENALTIES; REQUIRING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO ESTABLISH PROCEDURES FOR MONITORING COMPLIANCE; PROVIDING FOR DELAYED IMPLEMENTATION; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE					
Notes	The proposed ordi					
	 Creates Section 2-8.9.1 of the Miami-Dade County Code; Establishes a minimum wage of no less than \$15.00 per hour for employees of certain County contractors 					
			ing January 1, 2018;	proyees of certain C	Jounty Contractors	
		The minimum wa	ge requirement will not apply to:			
			its of County grants; of County permits, concessions, franchise	s or license agreem	ents.	
			agreements to purchase, lease and rent rea			
			ees that are covered by the Living Wage C			
			e minimum wage rate beginning January and penalties; and	1, 2019;		
			nt – a penalty in an amount equal to 20 pe	ercent of the amoun	t;	
	• Second underpayment – a penalty in an amount equal to 40 percent of the amount;					
	• Third and successive underpayment - a penalty in an amount equal to 60 percent of the amount; and					

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	 Fourth violation – default of the subject contract and may be cause for suspension or termination in accordance with debarment procedures. Requires the County Mayor of Mayor's designee to establish procedures for monitoring compliance. The County Mayor or Mayor's designee will designate a unit of County government (Compliance Unit) to conduct investigations of compliance.
	Additional Information on Minimum Wage Rates:
	Federal The federal minimum wage for covered nonexempt employees is \$7.25 per hour effective July 24, 2009. The federal minimum wage provisions are contained in the Fair Labor Standards Act (FLSA). Many states also have minimum wage laws. In cases where an employee is subject to both the state and federal minimum wage laws, the employee is entitled to the higher of the two minimum wages.
	The FLSA does not provide wage payment or collection procedures for an employee's usual or promised wages or commissions in excess of those required by the FLSA. However, some states do have laws under which such claims (sometimes including fringe benefits) may be filed. ⁶
	The Department of Labor's Wage and Hour Division administers and enforces the federal minimum wage law.
	State The minimum wage rate for Florida ⁷ is 8.05 per hour. Annual increases are based on the cost of living (Constitutional amendment 2004). ⁸
	 Florida requires employers to pay tipped employees above federal minimum wage⁹. Basic combined cash and tip minimum wage rate - \$8.05 Maximum tip credit against minimum wage - \$3.02 Minimum cash wage - \$5.03
	Miami-Dade County ¹⁰ The living wage for County contracts for covered services entered into BEFORE October 1, 2016 is \$12.83 per hour with qualifying health benefits valued at least \$1.86 per hour, otherwise \$14.69 per hour.
	The living wage for contracts for covered services entered into, extended, amended, or modified ON or AFTER October 1, 2016 and all services contractors operating under permits at Aviation Department facilities is \$12.63 per hour with qualifying health benefits valued at least \$1.83 per hour, otherwise \$14.46 per hour (effective October 1, 2016 through December 31, 2016). Effective January 1, 2017 through September 30, 2017, the living wage for these contracts will be \$12.63 per hour with qualifying health benefits valued at least \$15.52 per hour.
8F1 162155	RESOLUTION AUTHORIZING ACCESS OF BROWARD COUNTY CONTRACT NO. L1168501B1 FOR PURCHASE OF 15 DIESEL BUSES FOR THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS IN THE AMOUNT OF \$8,139,630.00; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE DOCUMENTS NECESSARY TO ACCESS SAME AND EXERCISE ALL PROVISIONS OF THE CONTRACT INCLUDING EXTENSIONS AND RENEWALS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3- 38
Notes	The proposed resolution approves accessing a competitively established Broward County, Contract No. L1168501B1, for 40 and 60 Foot Transit Buses for the purchase of 15 diesel buses for the Department of Transportation and Public Works.

⁶ <u>https://www.dol.gov/general/topic/wages/minimumwage</u>

⁷ https://www.dol.gov/whd/minwage/america.htm#Florida

 ⁸ <u>http://www.ncsl.org/research/labor-and-employment/state-minimum-wage-chart.aspx</u>
 ⁹ <u>https://www.dol.gov/whd/state/tipped.htm#Florida</u>
 ¹⁰ <u>http://www.miamidade.gov/smallbusiness/library/reports/2016-2017-living-notice.pdf</u>

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	Background: The contract was originally awarded to NABI Bus, LLC, in May 2014 for a one-year period, and subsequently extended to November 12, 2016. On August 31, 2015 NABI Bus, LLC was merged into New Flyer of America, Inc. (New Flyer). On October 26, 2015, Broward County and New Flyer signed a Memorandum of Understanding memorializing this change.				
	bus routes betw to pay for the	nt of Transportation and Public Works will use these veen Miami-Dade and Broward Counties. Florida D buses. Although the County issued a solicitation mpressed natural gas, that project is in the nego	epartment of Transportation funding will be used a for the conversion of its diesel bus fleet and		
	While the County remains committed to pursuing energy efficiency options for its vehicle fleet, the Department of Transportation and Public Works is in urgent need of replacing its aging bus fleet and the New Flyer diesel buses to be purchased on this contract are built and ready to be delivered within 90 days. Negotiations with the vendor resulted in a per bus price reduction of \$4,794, for a total savings of \$71,910, with the required specifications and options.				
	The fiscal impa	Funding Source: act for the 15 diesel buses on this contract is \$8,139	9,630 and the funding source is state funds.		
		nmended for Award America, Inc. 6200 Glenn Carlson Drive, St Cloud,	MN		
	 Applicable Ordinances and Contract Measures The two (2) percent User Access Program provision does not apply due to accessing an awarded contract. The Small Business Enterprise Bid Preference and Local Preference Ordinances do not apply due to accessing an awarded contract. The Living Wage Ordinance does not apply. 				
		Legislative Timeli	ne		
	Resolution	Summary	Additional Information		
	R-178-02 2/26/2002	Reaffirmed the BCC's prior decision to refrain from purchasing any additional articulated buses, and directed the County Manager to seek the BCC approval prior to purchasing any articulated buses in the			
	R-514-06 5/9/2006	future. Authorized the execution of a County Incentive Grant Program (CIGP) Agreement with the Florida Department of Transportation (FDOT) in the amount of \$3,747,000 to purchase up twenty three (23) conventional buses. It was further recommended that the Board authorize the receipt and expenditure of funds as specified in this CIGP, and commit up to \$3,747,000 in Charter County Transit System Surtax (Surtax) funding or Surtax backed funding as a local match.			
	R-482-08 5/6/2008	Authorized the execution of a Supplemental County Incentive Grant Program (SCIGP) Agreement with the Florida Department of Transportation (FDOT) to change the scope to allow for the purchase of up to twelve (12) 40 -	The supplemental agreement had no fiscal impact as it was only for the change in scope from diesel to hybrid (diesel-electric) and does not involve additional match funding over the original \$3,747,000, which was		

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		foot, heavy-duty, low floor hybrid (diesel- electric), transit buses instead of the originally programmed diesel only buses.	approved by the Board and the Citizens' Independent Transportation Trust (CITT) in May 2006. Resolution No. R-514-06 matched the State's \$3,747,000 funding contribution	
	R-350-09	Approved the award of a contract to purphase	equally with \$3,747,000 from Surtax or Surtax backed funding.	
	4/7/2009	Approved the award of a contract to purchase thirteen (13) forty foot diesel/electric hybrid mass transit buses in the amount of \$7,494,000 for Miami-Dade Transit. R-350-09 further authorized the award of this contract as a Bid Waiver because of the use of non-federal funding sources, as well as negotiated changes to bus component requirements.		
	R-508-09 5/5/2009	Approved the award of a contract to purchase twenty five (25) sixty foot diesel/electric hybrid mass transit buses in the amount of \$21,585,000.00 for Miami-Dade Transit. R-508- 09 further authorized award of this contract as a Bid Waiver because of negotiated changes to bus component requirements.		
	R-946-10 9/21/2010	Ratified the actions of the County Mayor or County Mayor's Designee, as authorized by Section 2-8.2.7 of the Code of Miami-Dade County, in approving the selection of Gillig LLC in the amount of \$3,254,904 for the purchase of five (5) Heavy Duty Hybrid Transit Buses for Miami-Dade Transit Department. R-946-10 further authorized the use of the Charter County Transportation Surtax Funds.	On January 22, 2010, the County Manager approved the purchase of five hybrid buses by accessing a competitively awarded contract from Central Florida Regional Transportation Authority (LYNX). The total cost of the five (5) hybrid buses is \$3,254,904, with a cost per bus of \$650,981. The National Clean Diesel Funding Assistance Program is providing \$731,850 in grant funds. The grant expired on May 31, 2011. The remaining funding amount of \$2,523,054 was from MDT operating funds. According to MDT, the Gillig buses must meet the more stringent EPA 2010 emission standards which increases the cost. The 2009 hybrid bus purchase did not have to meet this requirement. Also, the body construction used improved materials in the structure (Gillig used stainless steel and aluminum compared to carbon steel used by NABI). Additional improvements to the buses were the inclusion of the "mini" hybrid engine cooling package, break monitoring system, electric A/C, advanced power management system and composite flooring. These improvements along with the cost for the 2010 EPA engine and other modifications increased the price of the Gillig buses. In addition, the Gillig contract included maintenance, training and operator orientation – items that are not included in the 2009 NABI contract.	

Item No. Research Notes Board authorize the receipt and expenditure of funds as specified in the Agreement. Miami-Dade County proposed to provide an equal match of \$9,000,000 for this Agreement from Charter County Transportation Surtax Bond	
funds as specified in the Agreement. Miami- Dade County proposed to provide an equal match of \$9,000,000 for this Agreement from	
(Surtax) proceeds.	
 R-601-13 7/2/2013 Directed the County Mayor or County Mayor's designee to conduct a study as to: The feasibility and advisability as to the use of natural gas as a fuel alternative for County vehicles, including addressing: the feasibility of using compressed and/or liquefied natural gas to power County vehicles, the potential for utilization of public-private partnerships to supply such natural gas, and the revenue potential of allowing other governmental entities to purchase the natural gas from County facilities; and The feasibility and advisability of equipping existing County fuelservicing facilities with natural gas dispensing capabilities, and further directing that such study include a costs/benefits analysis of such measures. 	
A report containing the findings and recommendations resulting from this study was to be submitted to the BCC within 90 days of the adoption of this resolution. • Was this report issued?	
R-419-14Authorized the County Mayor or the County Mayor's designee to advertise a Request for Proposals (RFP) soliciting proposals from qualified firms to enter into a Master Developer Agreement with the County for the design, financing, construction, maintenance and operation of a Compressed Natural Gas (CNG) Program.The selected proposer for each RF invited to negotiate a Master•What is the status of this RFP?The selected proposer for each RF invited to negotiate a Master•Mayor's designee to advertise a Request for Proposals (RFP) soliciting proposals from qualified firms to enter into a Master Developer Agreement with the County for the design, financing, construction, maintenance and operation of a Compressed Natural Gas (CNG) Program.MDT, the conversion of the diese to CNG. Work orders will be u County to implement the specific p these services in accordance wi Dade County CNG Program Object	Developer berate and castructure, e RFP for el bus fleet sed by the rovision of th Miami-
R-420-14Authorized the County Mayor or the County Mayor's designee to advertise a Request for Proposals (RFP) soliciting proposals from qualified firms to enter into a Master Developer Agreement with the County for the design, financing, construction, maintenance, provision of buses, and operation of a Compressed Natural Gas (CNG) Program for the Miami-Dade Transit Department.April 7, 2014 FC Discussion: The Director of the Internal Department (ISD) explained that a program would be presented to including pumps and training for to 20 Public Works and Waste M Department trucks. He said procurement process was being ex this solicitation and that eff	pilot CNG the BCC staff on up anagement that the pedited for orts were
• What is the status of this RFP? underway to obtain a master de	veloper as

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			<i>quickly as possible. He estimated this process</i> <i>to take approximately two years.</i>
			The Commission inquired whether other agencies with heavy fleet vehicles were evaluated, to which the Director explained that the approach was for the County to clearly define its needs; to provide extensive details on trucks, stations, fuel usage, and mileage traveled. He noted federalized and non-federalized transit operations would be considered separately based upon funding limitations.
			The Commission inquired how the County would be able to move more aggressively to utilize CNG fuel options, to which the Director indicated that heavy fleet was the initial component of this process and that the plan was to stop buying diesel equipment and to begin converting the existing fleet to CNG. The Director explained that every CNG fueling station would have a lane accessible to the public and the County would receive fuel royalties.
	R-448-14 5/6/2014	Directed the Mayor or Mayor's designee to provide quarterly reports to the BCC on ridership numbers for articulated buses run by Miami- Dade County.	
	R-486-14 6/3/2014	Authorized the receipt and expenditure of funds as specified in the Agreement. Miami-Dade County proposed to provide an equal match of \$5,225,000.00 for the Agreement from Charter County Transportation Surtax Bond (Surtax) proceeds for a total Agreement of \$10,450,000.00. Authorized the execution of a Joint Participation Agreement (Agreement) with the Florida Department of Transportation (FDOT) to provide County Incentive Grant Program funding in the amount of \$5,225,000.00 for the purchase of eleven (11) 60-foot articulated, diesel-electric hybrid buses for an Enhanced Bus Service along the NW 27th Avenue Corridor from the Miami-Dade/Broward County Line (NW 215 Street and NW 27 Ave) to the Miami International Airport (MIA). This was a multi- year Agreement providing State funding for the project in Fiscal Years (FY) 2014 and 2015.	June 3, 2014 BCC Meeting Discussion: The Director of Miami-Dade Transit (MDT), explained this item covered the 27th Avenue corridor and noted there would be \$27 million available in 2019 to address the east/west corridor. The commission commented that the half-penny tax imposed was not used as intended and expressed concern with the amount of time taken to address the major corridors in the county, noting that in the 30 years since the inception of Metrorail, the corridor in the north end of the county had not been addressed. The commission stressed the need for new plans to include and explanation on how the existing system would be maintained.
		A waiver of Resolution No. R-178-02 was also requested.	

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Item No.	R-495-15 6/2/2015	Research Notes Research Notes Authorized the a Joint Participation Agreement (Agreement) with the Florida Department of Transportation (FDOT) to provide County Incentive Grant Program funding in the amount of \$5,373,000 for the purchase of twelve (12) 60-foot buses for the State Road (SR) 836 Express Enhanced Bus Service (EBS) with a total cost equal to \$10,746,000.	During the BCC meeting on June 2, 2015, R- 495-15 was amended to specify that the buses will either be Compressed Natural Gas (CNG) or diesel electric hybrid depending on the timing of this procurement and the outcome of our solicitation for CNG conversion. R-495- 15 was also amended to clarify that the SR 836 Express EBS will provide premium limited-stop transit service along SR 836 from Dolphin Station and Tamiami Station to Downtown Miami and Panther Station at Florida International University (FIU). This new service will provide the opportunity for commuters to switch from single occupancy car trips to transit, thus reducing traffic congestion along a heavily congested State Highway System.	
			March 11, 2015 TMSC Meeting Discussion: The committee expressed concern over minimizing instances in which the articulated buses were empty and asked if the buses acquired could not be used throughout other corridors. A representative from MDT noted that as per the grant specifications, buses could not be used elsewhere however, once service is met, buses can be used in another corridor to minimize the situations in which buses had no passengers.	
	R-564-15 6/30/2015	Approved award of Contract No. FB-00002 to New Flyer of America, Inc. for purchase of 60- Foot Articulated Hybrid Buses in the total	The committee also suggested that MDT analyze how to improve upon the use of buses during non-peak hours and whether or not a system similar to that of an airline could be implemented to ensure maximum capacity on articulated buses. During the Transit and Mobility Services Committee meeting on February 11, 2015, the proposed resolution was amended to reflect that NABL Bus. LLC was merged into Naw	
	R-204-16 3/8/2016	amount not to exceed \$71,387,000. Approved accessing the competitively- established Central Florida Regional Transportation Authority d/b/a LYNX Contract No. 14-C09 for the purchase of heavy duty transit buses for Miami-Dade Transit. Upon BCC approval of accessing this contract, Miami-Dade Transit intends to submit purchase	that NABI Bus, LLC was merged into New Flyer of America, Inc. effective December 28, 2014. The contract was awarded to Gillig, LLC in December 2013 for a five-year term for the manufacture and delivery of low-floor heavy duty transit buses to members of the Florida Public Transportation Association (FPTA), of which Miami-Dade County is a member.	
		orders to Gillig, LLC to purchase five (5) 40- foot buses to replace buses that have reached the end of their useful life.		

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	Additional Information on County Bus Fleet:
	According to the Department of Transportation and Public Works:
	• There are 846 buses currently in the County fleet:
	o 689 are 40 foot buses;
	• 68 are 60 foot articulated buses;
	• 12 are 45 foot over the road buses; and
	o 77 are 30 foot minibuses.
	<u>Additional Information - Ridership Report – Second Quarter 2015 (April 2015 through June 2015)</u> : According to the report dated December 17, 2015, from April 2015 through June 2015 the department's 25 articulated buses serviced their primary route assignments Monday through Friday (Kendall Enhanced Bus Service and I-95 Managed Lanes). On weekends, the buses were then placed on the following routes, which are experiencing a great deal of overcrowding: Route 119 (Collins Avenue), Route 11 (Flagler Street) and Route 38 (South Dade Busway). The ridership that these articulated buses experience for the weekend triples the number of boardings during their regular service on the Kendall Enhanced and I-95 Managed Lanes routes.
	Additionally, MDT requested and received authorization from the Federal Transit Administration (FTA) to remove these buses from the Kendall and I-95 routes and redirect them to those routes that are experiencing over-crowding. Following that approval, the articulated buses have been reassigned to the overcrowded routes that service the Miami Beach Corridor.
	In September 2015, MDT began accepting delivery of 43 new 60-foot articulated buses and began the post-delivery inspection process required by the FTA. Therefore, the Third Quarter report will reflect an increased articulated bus total. As of October 13, 2015, 24 buses have been placed into revenue service on Routes 34 (Busway Flyer) and 38 (Busway MAX) along the South Miami-Dade Busway. The remaining 19 buses will be placed in revenue service on the Biscayne and 27 Avenue corridors, as they become available. • When will the 2015 third quarter ridership report be issued?
11A1	RESOLUTION OPPOSING POLICY UNDERLYING AMENDMENT 1 ENTITLED "RIGHTS OF
162149	ELECTRICITY CONSUMERS REGARDING SOLAR ENERGY CHOICE" ON THE NOVEMBER 8, 2016 GENERAL ELECTION BALLOT
11A2 162216	RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT A BILL IMPLEMENTING THE PROVISIONS OF AMENDMENT 4 ENTITLED "SOLAR DEVICES OR RENEWABLE ENERGY SOURCE DEVICES; EXEMPTION FROM CERTAIN TAXATION AND ASSESSMENT" APPROVED BY FLORIDA VOTERS ON AUGUST 30, 2016; PRELIMINARILY IDENTIFYING THIS ISSUE AS A CRITICAL COUNTY PRIORITY FOR THE 2017 STATE LEGISLATIVE SESSION
Notes	<u>11A1 – 162149:</u> The proposed resolution disapproves of and opposes the policy underlying Amendment 1 entitled "Rights of Electricity Consumers Regarding Solar Energy Choice" to the BCC's previously expressed support for efforts to increase solar energy generation and other forms of renewable energy in the state of Florida.
	Amendment 1, entitled "Rights of Electricity Consumers Regarding Solar Energy Choice," will be presented to voters at the November 8, 2016 and is sponsored by an organization called Consumers for Smart Solar. Amendment 1 purports to provide a new "choice," for solar power in its title, but no new solar rights are provided, while at the same time placing critical restrictions on existing solar rights in the Florida Constitution.
	 <u>11A2 – 162216:</u> The proposed resolution: Urges the Florida Legislature to enact legislation implementing the provisions of Amendment 4 entitled "Solar Devices or Renewable Energy Source Devices; Exemption from Certain Taxation and Assessment" that was approved by Florida voters on August 30, 2016, which would exempt the assessed value of solar devices or renewable energy source devices subject to tangible personal property tax from ad valorem taxation and prohibit the consideration of the installation of a solar device or a renewable energy source device in determining the assessed value of real property for the purpose of ad valorem taxation;

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	• Preliminarily identifies the passage of the legislation as a critical County priority for the 2017 state legislative session;					
	• 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 County State Legislative Delegation; and					
	-		gislation and authorizes and directs the Office of			
	Intergovernmental Affairs to include this item in the 2017 State Legislative Package when it is presented to the Board and to preliminarily identify this item as a critical priority when the BCC determines priorities for the 2017 session as provided in Resolution No. R-764-13.					
	The voters of the State of Florida, on August 30, 2016 resoundingly passed Amendment 4, entitled "Solar Devices or Renewable Energy Source Devices; Exemption from Certain Taxation and Assessment" which was presented as the result of the unanimous passage of House Joint Resolution 193 by both the Florida House of Representatives and Florida Senate on March 9, 2016. Amendment 4 authorizes the Florida Legislature to exempt solar and other renewable energy systems from both residential and commercial property appraisals and from the tangible personal property tax, effective January 1, 2018, and for the subsequent 20 years.					
	 Specifically, Amendment 4 authorizes the Florida Legislature to do the following: Exempt the assessed value of solar devices or renewable energy source devices subject to tangible personal property tax from ad valorem taxation; and Prohibit the consideration of the installation of a solar device or a renewable energy source device in 					
	determinin	ng the assessed value of real property for the put	-			
		Additional Information on Amer				
	Amendment 1 ¹¹ Amendment 4 ¹² Florida Solar Energy Subsidies and Florida Property Tax Exemptions f Personal Solar Use Initiative Renewable Energy Equipment Amend					
	Will be on the November 8, 2016 ballot in Florida as an initiated constitutional amendmentPassed on August 30 Election resultVill be on the November 8, 2016 ballot in Florida as an initiated constitutional amendmentPassed on August 30 Election result0YES - 72 NO - 27.					
	Summary	This amendment establishes a right under Florida's constitution for consumers to own or lease solar equipment installed on their property to generate electricity for their own use. State and local governments shall retain their abilities to protect consumer rights and public health, safety and welfare, and to ensure that consumers who do not choose to install solar are not required to subsidize the costs of backup power and electric grid access to those who do.	Amended the State Constitution to authorize the Legislature, by general law, to exempt from ad valorem taxation the assessed value of solar or renewable energy source devices subject to tangible personal property tax, and to authorize the Legislature, by general law, to prohibit consideration of such devices in assessing the value of real property for ad valorem taxation purposes. This amendment takes effect January 1, 2018, and expires on December 31, 2037.			
		 The two main components of this initiative are as follows: Would put the right to produce solar energy, which is provided by state statute, into the state constitution; and 				

¹¹ <u>https://ballotpedia.org/Florida_Solar_Energy_Subsidies_and_Personal_Solar_Use,_Amendment_1_(2016)</u> 12

https://ballotpedia.org/Florida Property Tax Exemptions for Renewable Energy Equipment, Amendment 4 (A ugust_2016)

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	Support	 Would allow state and local governments to prevent people who do not choose to produce solar energy from being required to subsidize the production of solar energy. A vote <u>"for"</u> Amendment 1 supports adding a section in the state constitution giving 	A vote <u>"for"</u> Amendment 4 supported providing tax exemptions for solar power			
		residents of Florida the right to own or lease solar energy equipment for personal use while also enacting constitutional protection for any state or local law ensuring that residents who do not produce solar energy can abstain from subsidizing its production.	and other renewable energy equipment included in home, commercial, and industrial property values that would otherwise fall under the tangible property tax bracket.			
	Opposition	A vote <u>"against"</u> Amendment 1 opposes constitutionalizing the right to own or lease solar equipment and the protection of laws preventing subsidization of solar energy, thereby, leaving the personal use of solar power protected as a right by state statute, and not by the constitution.	A vote <u>"against"</u> Amendment 4 opposed providing additional tax exemptions for renewable energy equipment beyond the tax exemptions offered by the state as of the beginning of 2016.			
	Arguments in Support	 Supporters argue that Amendment 1 would: Guarantee the right of Florida residents to produce their own solar energy production; and Protect every Florida consumer, including those who do not produce their own solar energy, and address undesirable solar business practices like "third-party leasing". 	Supporters argue that Amendment 4 would promote investment in solar technologies and provide tax incentives for clean energy.			
	Arguments in Opposition	 Opponents argue that Amendment 1: Is backed by utilities and would extend their control over solar energy production while limiting customer solar production; Would potentially prohibit the practice of net metering; Is unnecessary and misleading because it would provide rights and protections that Florida residents already have; and Would create barriers for solar customers. 	Opponents argue that Amendment 4 favors certain industries over others and would harm the state's tax base.			
	Relationship between two amendments	2016. The other measure, Amendment 4, was for solar power equipment.Amendment 4, which appeared on the Augus ballot. Amendment 1, which will appear on th through a citizen-initiated signature collection.Amendment 1 was designed to (1) constitution.	nalize the right to personal solar equipment— atute—and (2) constitutionally protect any law			

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	Though the measures appeared on different ballots and are not directly related to each other, some argue that aspects of the two amendments are in conflict.			
	Amendment 4 was designed to provide property tax exemptions for solar power equipment so, property owners—both private and commercial—would not have to pay additional property taxes when property values increased through the addition of solar power equipment, making it cheaper for private property owners and businesses to install solar equipment.			
	According to Amendment 1 opponents, Amendment 1 could be used to restrict access to the power grid from residents and small businesses seeking to sell solar power, which could reduce incentives to install and generate solar power.			
	Lawsuit			
	Floridians for Solar Choice, a group that had submitted a competing measure for the 2016 ballot, announced on January 11, 2016, that they had filed a brief against Amendment 1 with the Florida Supreme Court. The brief claimed that Consumers for Smart Solar's measure is misleading, that it promises solar energy rights for voters that the state constitution already provides, and lures voters into thinking it will increase access to rooftop solar when it will actually reduce solar options.			
	On February 15, 2016, the Florida Supreme Court granted permission for oral arguments to be heard on May 5, 2016. On February 24, 2016, the court rescheduled oral arguments for March 7, 2016.			
	On March 31, 2016, the Florida Supreme Court ruled that Amendment 1 was not misleading and approved it to remain on the November ballot. In a 4-3 decision, the court stated that the measure was clearly worded and was compliant with the state's single-subject requirement for constitutional amendments.			
	Additional Information – WLRN - What Do Florida's Two Solar Amendments Actually Mean For The Sunshine State? ¹³ :			
	Amendment4:			
	• Homeowners already get tax cuts when they install solar, but businesses don't. Amendment 4 would change that.			
	• Amendment 4 would prevent solar panels from being counted towards your property value. But there's another part to this amendment having to do with tangible personal property tax. And that really is a tax on equipment.			
	• Hardly anyone opposes this amendment. A few people think its government overreach and that tax cuts would mean less money for public services.			
	• Other than that, it's got support across the board from the Christian Coalition to the Sierra Club to Broward County to Florida Power & Light.			
	Amendment 1:			
	• In order to understand what this means, you first have to understand the concept of net metering. Individuals or businesses with solar panels are rarely off the grid; they are still connected to power lines that bring in electricity from the utility companies like Florida Power & Light or Duke Energy.			
	• One way of approaching net metering is with a bi-directional meter that counts outflow and inflow of power.			
	• During the day, solar panels produce electricity and sometimes you generate more power than you need. That extra power goes out onto the grid, down the power lines and maybe to your neighbor's house. Nothing changes for them; they wouldn't even know that the power they're using came from the sun. You get paid for supplying this power.			
	 At night or when it is cloudy, by contrast, your solar panels are not generating electricity. So your building pulls power from the grid, power generated by the utilities. You have to pay for this power. The question Amendment 1 raises is: Who should pay for infrastructure like the power lines and power plants that any power generated? 			
L	plants that everyone uses?			

¹³ <u>http://wlrn.org/post/what-do-floridas-two-solar-amendments-actually-mean-sunshine-state</u>

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	 They way some see it, people who use solar and don't end up paying for electricity don't contribute enough to the maintenance of power lines and power plants. Some argue that even if you are generating more electricity than you use, you still rely on the grid for those dark hours and the ability to sell your excess. It's about convenience. 			
	 The way persons who own solar would pay their fair share is unclear. The language in this amendment does not specify. But people on both side of the issue suspect it could mean a change in the rates solar generators are paid for their excess power, or it could be in the form of some monthly fee. Supporters of Amendment 1 have raised millions of dollars, the vast majority from utility companies: FPL, Duke Energy, Tampa Electric Company and Gulf Power Company. The Executive Director of the Southern Alliance for Clean Energy, says utility companies are not fans of people with solar simply because they're losing out on revenue from customers. 			
	• Some fear Amendment 1 because they say the Legislature could use it to make solar prohibitively expensive or create more barriers to solar.			
	Additional Information on Relevant Legislation: On April 21, 2015, the BCC, through Resolution No. R-315-15, supported the expansion of solar photovoltaic energy by local governments in the state; welcomed the publication "Florida Solar Financing Action Plan, A Menu of Options" as a valuable resource for local governments seeking to expand the use of solar photovoltaic energy in their communities, without specifically endorsing or adopting any of the individual options contained within; and encouraged all other Florida counties to adopt R-315-15.			
	On September 7, 2016, the BCC, through Resolution No. R-806-16, approved the policy underlying Amendment 4 entitled "Solar Devices or Renewable Energy Source Devices; Exemption from Certain Taxation and Assessment" and expressed support for efforts to increase solar energy generation and other forms of renewable energy in the State of Florida.			
11A3 162298	RESOLUTION SUPPORTING MEDICAID EXPANSION IN FLORIDA PURSUANT TO THE AFFORDABLE CARE ACT AND URGING THE FLORIDA LEGISLATURE TO PASS LEGISLATION EXPANDING MEDICAID IN FLORIDA; PRELIMINARILY IDENTIFYING THIS ISSUE AS A CRITICAL COUNTY PRIORITY FOR THE 2017 SESSION; URGING THE FLORIDA ASSOCIATION OF COUNTIES TO ADOPT MEDICAID EXPANSION AS ONE OF ITS PRIORITIES FOR THE 2017 STATE LEGISLATIVE SESSION			
Notes	 The proposed resolution: Supports Medicaid expansion in Florida pursuant to the Affordable Care Act and urges the Florida Legislature to pass legislation expanding Medicaid in Florida; Preliminarily identifies the issue as a critical County priority for the 2017 state legislative session; Urges the Florida Association of Counties to support and adopt Medicaid expansion as one of its priorities for the 2017 state legislative session; Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade State Legislative Delegation, and the Executive Director of the Florida Association of Counties; and Directs the County's state lobbyists to advocate for the passage of legislation and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2017 State Legislative Package when it is presented to the BCC and to preliminarily identify this item as a critical priority when the BCC determines priorities for the 2017 session as provided in Resolution No. R-764-13. 			
	Background: The 111th United States Congress passed the Patient Protection and Affordable Care Act of 2010 (Affordable Care Act), and on March 23, 2010, the President signed the bill into law. One of the key components of the Affordable Care Act required states to expand Medicaid to a minimum national eligibility threshold of 138 percent of the federal poverty level effective January 1, 2014. This provision, however, was not upheld by the United States Supreme Court, in effect allowing states the option of whether or not to expand Medicaid. Under the Affordable Care Act, the federal government initially funds Medicaid expansion at 100 percent for the first three years. States gradually would be required to pay a share of the costs of Medicaid expansion beginning in the fourth year, starting at five percent in calendar year 2017 with a peak state contribution of 10 percent in calendar year 2020.			

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	Census Bureau figures show that 4.8 million Floridians, or 24.2 percent of the state's population, do not have health insurance, compared with 15.3 percent nationally. If Medicaid is expanded, Florida would receive approximately \$51 billion in federal funding over a nine year period, according to the Social Services Estimating Conference. Medicaid expansion would provide 877,000 Florida residents access to preventive and therapeutic health care services, improving health outcomes, social and behavioral outcomes, and the use of evidence-based medicine and best practices in health improvement plans.
	On September 16, 2015, the BCC passed Resolution No. R-783-15 which supported Medicaid expansion in Florida and urged the Florida Legislature to pass legislation expanding Medicaid in Florida during the 2016 state legislative session.
11A4	RESOLUTION URGING THE GOVERNOR AND AGENCY FOR HEALTH CARE ADMINISTRATION TO
162302	EXTEND THE LOW INCOME POOL BEYOND JUNE 30, 2017; URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION TO EXTEND THE LOW INCOME POOL; FURTHER URGING THE FLORIDA ASSOCIATION OF COUNTIES TO SUPPORT THE EXTENSION OF THE LOW INCOME POOL
Notes	The proposed resolution:
	• Urges the Governor and the Agency for Health Care Administration to request an extension of the Low Income Pool beyond June 30, 2017;
	 Urges the Florida Legislature to enact legislation to extend the Low Income Pool beyond June 30, 2017; Urges the Florida Association of Counties to support the extension of the Low Income Pool past its expiration of June 30, 2017;
	• Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade State Legislative Delegation, the Secretary of the Agency for Health Care Administration, and the Executive Director of the Florida Association of Counties; and
	• Directs the County's state lobbyists to advocate for the issues raised and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2017 State Legislative Package when it is presented to the BCC.
	Background: In 2005 the Centers for Medicare and Medicaid Services (CMS) approved the Low Income Pool (LIP) in Florida, thereby creating a supplemental Medicaid program to ensure continued government support for the provision of health care services to Medicaid, underinsured, and uninsured populations. While LIP is not a standalone health coverage program, it was created to support health care services to the uninsured provided by safety net hospitals and county health departments. LIP funds may be used for health care expenditures incurred by the state, hospitals, clinics, or other provider types for uncompensated medical care costs of medical services for uninsured individuals. The LIP program distributed \$1 billion a year from 2005 until the program was renewed in 2014, at which point funding grew to \$2.17 billion.
1145	In 2015, the federal government advised Florida that it would renew the LIP program for another two years, but reduce spending to \$1 billion in fiscal year 2015-16 and \$608 million in fiscal years 2016-17. The Governor and the Agency for Health Care Administration recently announced that Florida would forego its fair share of federal health care funding by not seeking additional federal funding or renewing the LIP program beyond June 30, 2017. RESOLUTION URGING PRESIDENT BARACK OBAMA AND THE UNITED STATES DEPARTMENT OF
11A5 162326	HOMELAND SECURITY NOT TO RESUME THE DEPORTATION OF HAITIANS
Notes	The proposed resolution:
TIOLES	 Urges President Barack Obama and the United States Department of Homeland Security not to resume the
	 Orges President Barack Oblana and the Onned States Department of Homerand Security not to resume the deportation of Haitians;
	 Directs the Clerk of the Board to transmit certified copies of this resolution to President Barack Obama,
	Secretary of Homeland Security Jeh Johnson, and the Chair and Members of the Miami-Dade
	Congressional Legislative Delegation; and
	• Directs the County's federal lobbyists to advocate for the legislation and authorizes and directs the Office of Intergovernmental Affairs to amend the 2016 Federal Legislative Package to include this item and add this item to the 2017 Federal Legislative Package when it is presented to the BCC.
	uns tiem to the 2017 rederat Legislative rackage when it is presented to the DCC.

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100111100	Background:			
	On September 22, 2016, Jeh Johnson, the Secretary of the United States Department of Homeland Security (DHS), announced that the federal government would resume deporting Haitian immigrants, citing "improved conditions in Haiti" since the earthquake and an increase in the number of Haitian nationals taking dangerous smuggling routes to apply for admission into the country. Although DHS states that conditions in Haiti have improved, Haiti has not recovered from the 2010 earthquake; the nation suffers from economic and political crisis, rampant Zika and Chikungunya cases, a steady rise in the number of cholera cases and deaths, and most recently, the devastating effects of Hurricane Matthew which was the first Category 4 hurricane to hit Haiti in 50 years. Hurricane Matthew left at least 1.4 million people in need of emergency aid, killed nearly 1,000 people, and has dramatically increased the number of cholera cases in Haiti.			
	DHS created the Haitian Family Reunification Program (HFRP) in March 2015, with the goal of saving lives and helping Haiti recover from the 2010 earthquake by allowing eligible United States citizens and lawful permanent residents to apply for the transfer of their family members from Haiti to the United States.			
	Additional Information - U.S. Suspends Haitian Deportation Policy After Hurricane Matthew – October 12, 2016 ¹⁴ :			
	 The U.S. government has placed a temporary hold on a recent policy change that may have put thousands of Haitians living in the U.S. in danger of being deported to a country devastated by Hurricane Matthew. Homeland Security Secretary Jeh Johnson said Tuesday that some flights to Haiti have been suspended in the wake of the storm, which has killed hundreds of Haitians and put thousands more at risk of starvation or cholera 			
	 An Obama administration directive unveiled last month was designed to put an end to temporary provisions that allowed Haitians to enter the U.S. without a visa. That policy came out of an extraordinary wave of migrants coming to the U.S. in the years since Haiti was hit by a devastating earthquake in 2010. As many as 5,000 Haitians were intercepted at the border within the last year alone, administration officials said last month, up from 339 entries the year before. Most entered through southern California. 			
	Additional Information After stay of Haitian departation policy level leaders approved but still fighting			
	Additional Information - After stay of Haitian deportation policy, local leaders encouraged but still fighting – October 12, 2016 ¹⁵ :			
	 After making an impassioned plea to the federal government to halt deportations of Haitians in the aftermath of Hurricane Matthew, local leaders welcomed an announcement that the deportations will be put on hold — at least for now. 			
	• U.S. Homeland Security Secretary Jeh Johnson announced the reversal Tuesday while speaking in Mexico City. Thousands of Haitians have been embarking on a 7,000-mile journey over land from Brazil to the Mexico at San Ysidro Port of Entry near San Diego, trying to gain entry into the United States.			
	• From October 2015 to early September, officials processed more than 5,000 Haitians at the California entry point, a significant increase from about 300 people in fiscal year 2015. Only about 75 Haitians are being processed per day at the San Ysidro entry, Mexican Interior Secretary Miguel Angel Osorio Chong			
	told the Associated Press.Local activists think that the refugees that are being detained in the Imperial Regional Detention Facility			
	just over the border in California should be released. They are also asking for additional Temporary Protected Status for Haitians impacted by the hurricane.			
16A1	RESOLUTION APPROVING CONFIDENTIAL PROJECT LOKI AS A QUALIFED TARGET INDUSTRY			
162136	BUSINESS PURSUANT TO SECTION 288.106, FLORIDA STATUTES; CONFIRMING THAT THE			
	COMMITMENT OF LOCAL FINANCIAL SUPPORT NECESSARY FOR CONFIDENTIAL PROJECT LOKI			
	EXISTS; AND PROVIDING THAT LOCAL FINANCIAL SUPPORT OF UP TO \$55,200.00 FROM			
	COUNTYWIDE GENERAL REVENUE FUNDS WILL BE AVAILABLE AS LOCAL PARTICIPATION IN			
	THE STATE OF FLORIDA QUALIFIED TARGET INDUSTRY TAX REFUND PROGRAM FOR FISCAL			

¹⁴ <u>http://www.nbcnews.com/storyline/hurricane-matthew/u-s-suspends-haitian-deportation-policy-after-hurricane-</u> matthew-n664936 ¹⁵ http://www.miamiherald.com/news/local/article107758807.html

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	YEARS 2018-2019 THROUGH 2023-2024 INCLUSIVE, OR OVER A TIME PERIOD AS DETERMINED BY THE STATE OF FLORIDA IN ITS APPROVAL OF CONFIDENTIAL PROJECT LOKI			
Notes	The proposed resolution authorizes the County Mayor or County's Mayor's designee to apply to the State of Florida Department of Environmental Protection (FDEP) Agency's State Revolving Fund (SRF) Program.			
	Participation in the program will allow the Miami-Dade Water and Sewer Department (WASD) to receive low- interest rate loans in an aggregate amount not to exceed \$250,000,000.00. The loans from the SRF Program, which is set forth in Chapter 62-552 of the Florida Administrative Code, will provide funding for a portion of the needed improvements to the County's water supply, treatment and distribution facilities, which are operated and maintained by WASD. These water system improvements are currently budgeted in WASD's Multi-Year Capital Plan.			
	Adoption of this ordinance authorizes the County Mayor or County Mayor's designee to apply for SRF loans, execute the related loan agreements and any amendments thereto that are consistent with the authorization provided by the BCC in this resolution; and accept and expend such funds. Loans are applied for on a project by project basis as projects are identified and approved by FDEP. Loan terms for each water project will require semi-annual payments over a 20-year period after the project reaches substantial completion, with the amount of each payment dependent upon the amount borrowed and the finance rate charged.			
	 The County must agree to: Maintain rates and charges, together with other pledged revenues, sufficient to provide net revenues not less than 1.15 times the amount required to make each semi-annual SRF loan payment; or Establish an escrowed reserve not less than the sum of two (2) semi-annual loan payments. 			
	As specific projects are approved for funding under the SRF Program, individual loan agreements will be executed to fund the water project without further BCC action; however, the planning, design and construction of such water projects will continue to conform to the County's selection and competitive bid processes.			
	Fiscal Impact/Funding Source: The fiscal impact will accumulate over time as WASD applies for loans from the SRF Program to finance its water system improvements on a project by project basis in an amount not to exceed \$250,000,000.00. It is projected that the County will save up to \$130,997,778 in project financing costs if low-interest rate loans in the maximum amount of \$250,000,000.00 is authorized and borrowed in lieu of WASD selling bonds to finance a portion of the needed improvements for the County's water system.			
	In accordance with Ordinance 15-59, WASD performed a fiscal analysis of the anticipated debt service payments for the first loan to be borrowed in the amount of \$9.1 million. Per the loan terms of the SRF Program, each semi- annual debt service payment including interest would total \$306,195, making for a total debt service payment of \$612,390 each fiscal year for 20 years, totaling \$12.2 million. Since the repayment of an SRF loan does not commence until the construction project reaches substantial completion, there will be no debt service payments in FY 2016-17 and FY 2017-18.			
	In addition, interest rates will be charged for each project loan application in accordance with Chapter 62-552 of the Florida Administrative Code, which is currently 60 percent of the market rate. The funding source to repay the loans is WASD operating revenues.			
	Background: In 1998, the BCC approved Ordinance No. 98-126, which authorized the County to apply for up to \$60,000,000.00 in low-interest loans from FDEP's Agency's SRF Program for upgrades to the water supply, treatment and distribution facilities. Since that time, the County has received \$44,600,000.00 in low-interest loans to fund water facility projects through the SRF Program. The County has committed the remaining balance of \$15,400,000.00 to			

recently awarded design-build projects. By participating in the SRF Program in lieu of issuing County bonds, the County anticipates to save a total of approximately \$36,732,001.00 from the \$60,000,000.00 authorized SRF loan as a result of lower interest rates, and shorter loan terms. The County is able to take advantage of additional reductions in interest rates for water projects that comply with: (a) the United States Department of Labor Davis-Bacon Act which requires construction contracts over \$2,000.00 to contain a clause setting forth federal labor

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	standards provisions for wage rates; and (b) the American Iron and Steel Requirement, which requires that iron and steel products used for construction projects must be produced in the United States.				
	Additional Information on Previous SRF Loans: According to the Water and Sewer Department, the annual debt service and outstanding principal amounts for previous SRF loans are as follows: Miami-Dade Water and Sewer Department State Revolving Program – Water Loan As of September 30, 2016				
	Loan No. Annual Debt Service Outstanding Principal				
		0010	2,815,859	15,339,895	
		0080	329,731	1,506,815	
		0200	12,991	142,412]
		0201	6,555	78,712]
		Total	3,165,136	17,067,834]