



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Board of County Commissioners Meeting

December 20, 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

**Board of County Commissioners
December 20, 2016 Meeting
Research Notes**

Item No.	Research Notes																		
4A 162832	ORDINANCE REPEALING ORDINANCE NOS. 13-70, 13-71, 15-67 AND 15-68 RELATING TO THE WEST END MUNICIPAL ADVISORY COMMITTEE (SECTION ONE) AND WEST END MUNICIPAL ADVISORY COMMITTEE (SECTION THREE) CREATED TO STUDY THE POSSIBLE INCORPORATION OF PORTIONS OF THE WEST END AREA; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE																		
Notes	<p>The proposed resolution repeals Ordinance Nos. 13-70, 13-71, 15-67 and 15-68 relating to the West End Municipal Advisory Committee (Section One) and the West End Municipal Advisory Committee (Section Three) created to study the possible incorporation of portions of the West End Area.</p> <table border="1" data-bbox="272 552 1484 1894"> <thead> <tr> <th colspan="2" data-bbox="272 552 1484 583">Legislative Timeline</th></tr> </thead> <tbody> <tr> <td data-bbox="272 583 443 678">R-235-01 3/8/2001</td><td data-bbox="443 583 1484 678">Created and established the West Kendall Area Municipal Advisory Committee and directed staff to prepare a study of the possible creation of a new municipality in the area of West Kendall.</td></tr> <tr> <td data-bbox="272 678 443 741">O-02-27 2/26/2002</td><td data-bbox="443 678 1484 741">Created and established the West Kendall Municipal Advisory Committee to prepare a study of the possible creation of a new municipality in the area of West Kendall.</td></tr> <tr> <td data-bbox="272 741 443 804">O-03-11 5/6/2003</td><td data-bbox="443 741 1484 804">Repealed O-02-27 relating to the creation of the West Kendall Municipal Advisory Committee.</td></tr> <tr> <td data-bbox="272 804 443 1056">O-13-70 7/2/2013 <i>Repealing</i></td><td data-bbox="443 804 1484 1056"> <p>Created and established the West Kendall (Section One) Municipal Advisory Committee to study the possible creation of a new municipality in the West Kendall (Section One) area.</p> <p>Study area boundaries:</p> <ul style="list-style-type: none"> • North: Tamiami Trail • South: Bird Road • East: The Florida Turnpike • West: The Everglades </td></tr> <tr> <td data-bbox="272 1056 443 1371">O-13-71 7/2/2013 <i>Repealing</i></td><td data-bbox="443 1056 1484 1371"> <p>Created and established the West Kendall (Section Three) Municipal Advisory Committee to study the possible creation of a new municipality in the West Kendall (Section One) area.</p> <p>Study area boundaries:</p> <ul style="list-style-type: none"> • North: Kendall Drive • South: SW 152 Street • East: The Florida Turnpike (between SW 88 Street and SW 104 Street (generally known as the "Calusa" area) and SW 137 Avenue between SW 104 Street and SW 152 Street • West: The Everglades </td></tr> <tr> <td data-bbox="272 1371 443 1402">4/23/2014</td><td data-bbox="443 1371 1484 1402">West Kendall (Section One) Municipal Advisory Committee was organized and began to meet.</td></tr> <tr> <td data-bbox="272 1402 443 1707">O-15-67 7/14/2015 <i>Repealing</i></td><td data-bbox="443 1402 1484 1707"> <p>Created to study the possible incorporation of a municipality in the West Kendall (Section One) Area. 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	<p>incorporation question to the resident electors of the West End South area, or (ii) 15 months from the effective date of this ordinance;</p> <ul style="list-style-type: none"> • Provided that in no event will the West End South MAC exist for more than two years from the effective date of O-15-68. <p>3/17/2015 The West Kendall (Section Three) Municipal Advisory Committee was organized and began to meet.</p>
4B 162844	ORDINANCE AMENDING CERTAIN PROVISIONS OF ORDINANCE NO. 05-49 TO MAKE CORRECTIONS TO PROCEDURAL CONDITIONS FOR ISSUING ADDITIONAL BONDS SECURED BY PLEDGED REVENUES OF THE PUBLIC HEALTH TRUST FOR REFUNDINGS; PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE
Notes	<p>The proposed resolution amends certain provisions of Ordinance No. 05-49 (Original Ordinance) enacted by the BCC on March 1, 2005 (the Original Ordinance and together with the Amending Ordinance, the Master Ordinance) to correct scrivener's errors in certain provisions of the Original Ordinance regarding the procedural conditions for issuing refunding bonds in order to conform such conditions to those typically required under other similar ordinances of the County.</p> <p>The Amending Ordinance will allow the County to issue refunding bonds without requiring a new ordinance.</p> <p><u>Fiscal Impact/Funding Source</u> Payment of the bonds issued under the Master Ordinance are secured by a pledge of revenues of the Public Health Trust (Trust) and backed by the County's covenant to budget and appropriate for any shortfalls in the Reserve Fund. The proposed ordinance will have no fiscal impact on the County.</p> <p>The Master Ordinance provides that bonds will be issued with a subsequent Series Resolution to be approved by the BCC. Each Series Resolution will provide a more detailed description of the Projects to be financed, the terms, maturities, interest rates, hedge arrangements and other details for each series of Bonds to be issued.</p> <p>The proposed ordinance does not contemplate changes to any authorized debt issuance and therefore there are no proposed new money bonds referenced in the item. <i>It is currently contemplated, however, that an approval will be sought in early 2017 from the BCC under separate cover for a resolution authorizing the issuance of Public Facilities Revenue Refunding Bonds (Jackson Health System), Series 2017 to refund, defease and redeem all or a portion of the Series 2005A Bonds and the Series 2009 Bonds.</i></p> <p><u>Background</u> The County has approximately \$306,435,000 of outstanding Public Facilities Revenue Refunding Bonds (Jackson Health System), of which \$34,195,000 are Series 2005 Bonds; \$74,070,000 are Series 2009 Bonds; and \$198,170,000 are Series 2015 Bonds.</p> <p>Due to a scrivener's error, the Original Ordinance currently requires a Supplemental Ordinance for refunding bonds which is not consistent with standard County practice. Other similar ordinances typically allow refunding bonds to be issued pursuant to a resolution only. The purpose of the proposed ordinance is to amend Section 2.09 of the Original Ordinance to correct the error in order to allow for refunding bonds to be issued without a Supplemental Ordinance. A conforming change is also included in the Amending Ordinance with respect to Section 5.07.</p> <p>Separately, on November 13, 2013, County voters approved the issuance of general obligation bonds in a principal amount not exceeding \$830 million in order to fund modernization, improvement and equipping of Jackson Health System facilities throughout the County (GO Bonds). Of the \$830 million authorized, the County has issued \$294,915,000. The GO Bonds are secured solely by a pledge of ad valorem taxes and not by a pledge of revenues of Jackson Health System or the Trust.</p> <p>The Amending Ordinance is expected to be placed as an item on the Trust's December 21, 2016 board meeting for approval.</p>
7A 162481	ORDINANCE RELATING TO ZONING, HOUSING, AND IMPACT FEES; CREATING MANDATORY WORKFORCE HOUSING DEVELOPMENT PROGRAM; AMENDING REQUIREMENTS FOR

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	<p>WORKFORCE HOUSING UNITS AND MODIFYING DENSITY BONUS AND DEVELOPMENT INTENSITY STANDARDS; AMENDING REQUIREMENTS FOR DECLARATIONS OF RESTRICTIVE COVENANTS REGARDING WORKFORCE HOUSING UNITS; PROVIDING FOR DEFERRAL OF ROAD IMPACT FEES FOR DEVELOPMENT OF WORKFORCE HOUSING UNITS; AMENDING ELIGIBILITY REQUIREMENTS RELATING TO WORKFORCE HOUSING DEVELOPMENT PROGRAM ADMINISTRATION; AMENDING ARTICLE XIIA OF CHAPTER 33, ARTICLE IX OF CHAPTER 17, AND SECTIONS 33E-6.1 AND 33E-18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEMS UNDER FILE NOS. 161255, 162305]</p>
Notes	<p>The proposed ordinance relating to zoning, housing, and impact fees provides for the following:</p> <ul style="list-style-type: none"> • Amends the existing voluntary Workforce Housing Development program making it mandatory; <ul style="list-style-type: none"> ○ <i>The County's existing ordinance is a local form of what is known nationally as an inclusionary zoning policy.</i> • Amends requirements for workforce housing units and modifies density bonus and development intensity standards; <ul style="list-style-type: none"> ○ <i>Like the existing voluntary program, applies to developments of 20 or more units and mandates a minimum of 10 percent of units be set aside for workforce housing, with a corresponding 15 percent density bonus;</i> ○ <i>The density bonus increases as the number of workforce units increases; for every one percent increase in workforce units, applicants receive an additional one percent density bonus, up to a maximum density bonus of 25 percent;</i> ○ <i>The minimum workforce units set aside in the existing voluntary ordinance varies from 5 to 20 percent based on CDMP designations, with a variable corresponding density bonus of up to 25 percent; and</i> ○ <i>Applies to projects of 20 units or more expanding their existing structure by more than 50 percent.</i> • Amends Requirements for declaration of restrictive covenants regarding workforce housing units; • Provides for deferral of road impact fees for development of workforce housing units; <ul style="list-style-type: none"> ○ <i>An impact fee deferral on workforce units is offered for a period not to exceed two years, which is not offered through the current voluntary program.</i> • Amends the existing voluntary ordinance definition of workforce households to apply to incomes ranging from 60 percent (rather than 65 percent) to 140 percent of area median family income (AMI) and requires that no less than 50 percent of the workforce units must target the 60 to 79 percent income range; <ul style="list-style-type: none"> ○ <i>For a family of four the annual income range would be from \$42,600 to \$99,400.</i> • Amends eligibility requirements relating to Workforce Housing Development Program administration; • Projects will be approved through an Administrative Site Plan Review Process instead of a public hearing; and • Amends Article XIIA of Chapter 33, Article IX of Chapter 17 and Sections 33E-6.1 and 33E-18 of the Miami-Dade County Code. <ul style="list-style-type: none"> ○ <i>Changes to Chapter 17 of the Code specify how the Public Housing and Community Development Department (PHCD) will administer this program, and to facilitate certain program elements related to financing from the Federal Housing Administration or other lenders.</i> <p>The proposed ordinance applies to municipalities, which may comply through adoption of appropriate legislation assessing workforce housing needs within their jurisdictions and adopting legislation, if necessary, to address the needs as assessed by the municipality.</p> <p><u>Fiscal Impact</u></p> <p>The proposed ordinance will have an estimated \$287,000.00 fiscal impact to the Public Housing and Community Development Department. It is anticipated that four positions, a Project Manager, a Compliance Officer, a Homeownership Specialist, and a part-time Finance and Budget Administrator will be required to support the functions necessary to administer this ordinance.</p>

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	<p>Additionally, the proposed ordinance will have an estimated \$158,000.00 fiscal impact on the Department of Regulatory and Economic Resources. It is anticipated that two positions, a Senior Planner and a Zoning Services Senior Plans Processor, will be required to support the functions necessary to administer this ordinance.</p> <p><u>Additional Information</u> During the Sunshine Meeting on December 1, 2016, to discuss and/or distribute proposed amendments to the Workforce Housing Development Program ordinance, Legistar #162481, the County Attorney's Office provided the following information:</p> <p style="text-align: center;">SUMMARY OF PROPOSED FLOOR AMENDMENTS FOR SECOND READING OF WORKFORCE HOUSING ORDINANCE 12/1/2016</p> <p><u>Sec. 33-193.5:</u> The amendment specifies that, in the event of conflicts with other regulations, the Workforce Housing ordinance will control.</p> <p><u>Sec. 33-193.6:</u> Definitions are revised to conform to proposed amendments.</p> <p><u>Sec. 33-193.7(A):</u> Deadlines for municipal requirements are updated to reflect new second reading date.</p> <p><u>Sec. 33-193.7(B):</u></p> <ul style="list-style-type: none"> • Workforce Housing Development Program is significantly revised to provide different mandates for single-family and multi-family developments. • Applicability to renovation or expansion of existing residential developments is revised. • Requirement that market-rate units and workforce units be development concurrently is clarified, and a different standard is provided for single-family developments than for multi-family developments. • Additional exemptions from the workforce housing requirements are provided for: applications submitted before the ordinance goes into effect; new developments that are in substantial compliance with prior approvals; and developments subject to a declaration of restrictions connected to the current voluntary workforce housing program. • Standards for Administrative Modifications from the new workforce housing requirements are clarified, and additional bases for modifications are specified. <p><u>Sec. 33-193.8:</u></p> <ul style="list-style-type: none"> • Restrictions are removed on provision of workforce units in condominium or other residential developments requiring assessment of fees. Whether cost of unit, including fees, satisfies income thresholds will be determined by PHCD in its assessment of the workforce housing unit sales price. • Radius within which off-site WHUs must be provided is expanded to 2 miles of the primary development for new developments. • Allows off-site WHUs to instead be provided through rehabilitation of existing properties within 3 miles of the primary development or anywhere within the Urban Infill Area or a transit corridor area (including the SMART corridors). • Allows for workforce housing requirement to be satisfied by conveyance of land acceptable to the County. • Portability of density bonus is expanded, and a certificate of portability is created to allow density bonuses to be sold or transferred to third parties. <p><u>Sec. 33-193.9:</u> Eliminates requirement that monetary contribution-in-lieu fee be based on unit cost.</p> <p><u>Sec. 33-193.11:</u></p> <ul style="list-style-type: none"> • Clarifies that intensity bonuses apply to portable density bonus units and to any other development that provides workforce housing units in accordance with this article. • Authorizes the Director to grant additional administrative adjustments of setback, lot coverage, and building spacing up to certain thresholds.

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	<p><u>Sec. 33-193.12:</u> Deletes certain design criteria and development parameters to provide more flexibility in constructing workforce housing units.</p> <p><u>Sec. 33-193.13:</u> Clarifies requirements of declaration of restrictive covenants regarding concurrent construction of market-rate and workforce units to conform to amendments to Sec. 33-193.7(B), allows WHUs to be converted to market-rate units by paying the contribution-in-lieu fee, and specifies that the Department shall have the authority to withhold permits for failure to comply with covenant terms.</p> <p><u>Sec. 33-193.15:</u> Deletes references to specific penalties and enforcement methods to instead cross-reference the general enforcement provision of Chapter 33.</p> <p><u>Sec. 33-193.16:</u> Permits grandfathered developments that are damaged by fire, flood, or other force majeure, or that are required to be repaired by an act of government such as an unsafe structure order, to be rebuilt without complying with workforce housing requirements; but specifies that other renovations may be required to comply in accordance with standard non-conforming use regulations.</p> <p><u>Sec. 17-140:</u></p> <ul style="list-style-type: none"> • Provides for developer to be authorized to issue certificates of qualification, subject to verification by PHCD. • Excludes from calculation of “equity build up” any cash down payment, the costs of sale of the property, and the value of certain property improvements (defined as “Qualified Improvements”) <p><u>Sec. 17-142:</u></p> <ul style="list-style-type: none"> • Clarifies County’s right of first refusal. • Amends equity share recapture fee so that it only applies for the 10 years of the control period and is reduced based on the allowed equity build up. • Allows for purchase price of WHU during control period to be increased based on increases in the Consumer Price Index • Allows control period to be terminated if the WHU owners predecease the control period, thereby allowing for inheritance of WHU. <p><u>Sec. 17-144:</u></p> <ul style="list-style-type: none"> • Clarifies County’s right of first refusal and clarifies that control period applies to developer prior to initial sale but allows PHCD Director to terminate if a qualified household cannot be found for the unit. • Allows for rental buildings to be converted to condominiums at any time, subject to payment of contribution-in-lieu fee if WHUs are reduced as a result of conversion <p><i>Provides that amendments to Chapter 33 will not take effect until 180 days from the effective date of this ordinance.</i></p> <p><i>Scrivener’s errors are corrected and technical amendments to conform to above-listed amendments are made.</i></p>
<p>7B 162552</p>	<p>ORDINANCE PERTAINING TO THE MIAMI-DADE EXPRESSWAY AUTHORITY; AMENDING ARTICLE XVIII OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; CREATING A PROCESS FOR BOARD OF COUNTY COMMISSIONERS APPOINTMENTS TO THE MIAMI-DADE EXPRESSWAY AUTHORITY, INCLUDING THE PROVISION OF AN OPINION FROM THE MIAMI-DADE COUNTY COMMISSION ON ETHICS AND PUBLIC TRUST AS TO WHETHER APPLICANTS COMPLY WITH CERTAIN PROVISIONS OF STATE LAW AND THE COUNTY CODE; CONFORMING THE CODE TO CERTAIN PROVISIONS OF STATE LAW AND THE COUNTY CODE PERTAINING TO THE MIAMI-DADE EXPRESSWAY AUTHORITY MEMBERSHIP; PROVIDING THAT DIVERSITY CONSIDERATIONS BE TAKEN INTO ACCOUNT FOR COUNTY COMMISSION APPOINTMENTS; PROVIDING FOR STAGGERING OF TERMS OF OFFICE OF MEMBERS APPOINTED BY THE COUNTY COMMISSION; PROVIDING THAT APPOINTEES ARE SUBJECT TO REMOVAL FOR FAILURE TO COMPLY WITH DISCLOSURE REQUIREMENTS IN CONFORMITY WITH STATE LAW; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 162366]</p>

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<p>Notes</p>	<p>The proposed ordinance pertaining to the Miami-Dade Expressway Authority provides for the following:</p> <ul style="list-style-type: none"> • Amends Article XVII of the Miami-Dade County Code; • Creates a process for BCC appointments to the Miami-Dade Expressway Authority, including the provision of an opinion from the Executive Director of the Miami-Dade County Commission on Ethics and Public Trust as to whether applicants comply with certain provisions of state law and the County Code; <ul style="list-style-type: none"> ○ Provides that members of the government body of the Authority be appointed by majority vote of Commissioners present; ○ Provides that the governing body of the Authority be nine (9) members; <ul style="list-style-type: none"> ▪ Three (3) voting members appointed by the Governor; ▪ Five (5) voting members appointed by the BCC; and ▪ The District Six Secretary of the Florida Department of Transportation. • Conforms the Code to certain provisions of state law and the County Code pertaining to the Miami-Dade Expressway Authority membership; • Provides that diversity considerations be taken into account for BCC appointments; • Provides for staggering of terms of office of members appointed by the BCC; and • Provides that appointees are subject to removal for failure to comply with disclosure requirements, in conformity with state law. <p><i>During the Transit and Mobility Services Committee meeting on November 9, 2016, this substitute was presented. The substitute differs from the original in that:</i></p> <ul style="list-style-type: none"> • <i>Instead of the Miami-Dade County Commission on Ethics and Public Trust (Ethics Commission) opining on a MDX nominee's compliance with certain state law and ordinance requirements, the opinion will be given by the Executive Director of the Ethics Commission; and</i> • <i>The duties of the Clerk of the Board are modified to require the Clerk to transmit the names and resumes of the nominees to the Executive Director of the Ethics Commission for review and to streamline the Clerk's duties in announcing the results of the ballots used by the BCC in selecting an MDX appointee.</i> <p><u>Background</u></p> <p>The Miami-Dade Expressway Authority (Authority) was created in December 1994 pursuant to chapter 348, Florida Statutes, to carry out certain powers related to the construction, extension or improvement of the expressway system or appurtenant facilities in Miami-Dade County. The Authority has the power to alter, charge, and collect tolls and other charges for services and facilities associated with the expressway system.</p> <p>The expressways under the jurisdiction of the Authority are:</p> <ul style="list-style-type: none"> • State Road 112/Airport Expressway • State Road 836/Dolphin Expressway • State Road 874/Don Shula Expressway • State Road 878/Snapper Creek Expressway • State Road 924/Gratigny Parkway; and <p>As of 2011, the Authority has invested over \$740 million in completed projects and another \$480 million in ongoing projects; contributed over \$400 million toward joint construction projects with other state and local governmental agencies; and is programmed to invest over \$360 million toward projects in the upcoming five years. The Authority enters into numerous contracts and conducts business with private contractors, officials, and property owners in carrying out its required functions.</p>
<p>8F1 162842</p>	<p>RESOLUTION APPROVING AMENDMENT NO. 3 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND LIVS ASSOCIATES FOR THE DESIGN OF A NEW ANIMAL SHELTER FOR THE ANIMAL SERVICES DEPARTMENT, ISD PROJECT NO. A05-ASD-01 GOB ESP, ISD CONTRACT NO. Z000108 GOB ESP, IN THE AMOUNT OF \$300,000.00 FUNDED FROM FUTURE FINANCING PROCEEDS AND INCREASING THE CONTRACT TIME BY 762 CALENDAR DAYS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME</p>

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Notes	<p>The proposed resolution authorizes Amendment No. 3 to the Professional Services Agreement (PSA) between Miami-Dade County and LIVS Associates (LIVS) for architectural and engineering services to design the new Pet Adoption and Protection Center for the Animal Services Department, Contract No. Z000108 ISD Project No. A05-ASD-01 GOB ESP. This amendment increases the value of the PSA by \$300,000, from \$1,844,208 to \$2,144,208, and aligns the term of the PSA with the General Contractor's contract for the construction of the facility. More specifically, this amendment does the following:</p> <ul style="list-style-type: none"> • Approves an increase of \$300,000 for unforeseen re-design changes, such as structural conditions; additional construction administration oversight; and regulatory-related changes. • Extends the original PSA term by 762 calendar days, from April 12, 2015 through May 13, 2017, resulting in a total contract term of 1,976 days. This aligns the term of the PSA with the General Contractor's construction contract. The time extension includes 365 calendar days for warranty administration services. <p>Amendment No. 3 is necessary as the current PSA does not address the unforeseen construction-related conditions, which have caused delays to the timely completion of the construction contract.</p> <p>This project was added to the County's Economic Stimulus Plan (ESP) approved projects list on July 17, 2008 through Resolution No. R-851-08 therefore this amendment does not require committee review.</p> <p><u>Fiscal Impact/Funding Source</u> The FY 2016-17 Proposed Budget and Multi-Year Capital Plan increases the project's overall budgeted amount to \$32.315 million, including design, construction, land acquisition, and information technology improvements. This amendment is funded using future financing proceeds.</p> <p>LIVS has met 90 percent of the Small Business Enterprise-A/E Services goal.</p> <p>A Temporary Certificate of Occupancy was received on May 13, 2016 and the new shelter opened on June 13, 2016.</p> <table border="1" data-bbox="282 1131 1474 1919"> <thead> <tr> <th colspan="2" data-bbox="282 1131 1474 1163">Additional Information – Legislative Timeline of New Animal Services Shelter</th></tr> </thead> <tbody> <tr> <td data-bbox="282 1163 461 1803">Background</td><td data-bbox="461 1163 1474 1803"> <p>LIVS was selected in 2006 as a result of a competitive consultant selection process conducted pursuant to the Consultants Competitive Negotiation Act.</p> <p>On October 5, 2006, the BCC approved a contract between the County and LIVS Associates for the design services of the new Animal Services shelter, which was executed on November 7, 2006.</p> <p>On November 22, 2006, a possible site was identified at the 58th Street landfill, a Miami-Dade County owned property. 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	<p>During the April 11, 2011 BCC meeting, the following was discussed:</p> <ul style="list-style-type: none"> • <i>The Director of the General Services Administration (GSA) noted the design of the new facility would likely accommodate more animals. However, she would refer to the current number of animals in the existing facility and once she received the information from the specific design of the new facility, she would bring back that information to the Board. She further noted that based on the plans and design the additional space would accommodate the animals.</i> • <i>The Commission expressed concerns on relying on uncertain proceeds from the sale of the existing animal service facility, to which the GSA Director noted the \$3 million sale amount was estimated based on an adjusted sale amount compared to the current market.</i> • <i>Discussion ensued between BCC members regarding the renegotiation on the price of the new facility, and the process that had taken place to consider other county property that was determined not to be more cost effective.</i> • <i>The County Manager noted that the GSA Director would be managing this project from a project management prospective and that the different components of the project would be handled through bids or existing contractors.</i> • <i>The County Manager noted the pricing of the construction was favorable to the County and noted the process and time spent by staff on this project, in terms of location and accessibility, and noted that the proposed resolution included a negotiated price for the property that was based on a comparable appraised value. She noted her concerns on attempting to renegotiate the contract and its implications of being costly as well as the issue of delaying the project.</i> • <i>The Commission suggested that the extensive documentation noted two years ago regarding the release of bonds to retrofit the building be provided.</i> • <i>In response to Commission's inquiry on looking into outsourcing some of the animal services, and would it be cost effective, the County Manager noted this was part of an ongoing study for many existing services. She also noted this study was in the growing stage and had implications that need to be analyzed, which would be discussed during budget processing.</i> <table border="1" data-bbox="284 1171 1477 1911"> <tr> <td data-bbox="284 1171 462 1234">R-527-11 7/7/2011</td><td data-bbox="462 1171 1477 1234">Approved a contract with LIVS Associates to provide professional services in the amount of \$457,897.00 for the design of a new animal shelter.</td></tr> <tr> <td data-bbox="284 1234 462 1423">R-1006-12 12/4/2012</td><td data-bbox="462 1234 1477 1423"> <p>Authorized Amendment No. 1 to increase the Professional Services Agreement (PSA) for design services of the new Animal Shelter facility between LIVS Associates (LIVS) and Miami-Dade County by \$449,335 and increase the contract time by 746 days.</p> <p>Further authorized proceeding with the design development/construction documents phase, which the BCC reserved the right to grant pursuant to R-527-11.</p> </td></tr> <tr> <td data-bbox="284 1423 462 1759">R-721-13 9/4/2013</td><td data-bbox="462 1423 1477 1759"> <p>Directed the County Mayor or County Mayor's designee to immediately procure the necessary contracts for, and commence the construction of, the new Animal Services Shelter utilizing the delegated authority provided by the Economic Stimulus Ordinance, to place the new Animal Services Shelter at the top of the County construction projects under the Economic Stimulus Ordinance, and to expedite the review of all building plans, permitting and related required approvals for the new Animal Services Shelter.</p> <p>Further directed the County Mayor or County Mayor's designee to provide a report to the BCC, within sixty (60) days, identifying all steps taken to commence construction of the new Animal Services Shelter and detail any additional authority or funding needed to complete the project.</p> </td></tr> <tr> <td data-bbox="284 1759 462 1911">Discussion Item 11/19/2013</td><td data-bbox="462 1759 1477 1911"> <p>During the BCC meeting on November 19, 2013, the following was discussed regarding the construction of the new Animal Services shelter:</p> <ul style="list-style-type: none"> • <i>The Internal Services Department (ISD), noted the RFP would go out in January, 2014 and once Administration awarded the bid, the BCC gave the authority to expedite the project.</i> </td></tr> </table>	R-527-11 7/7/2011	Approved a contract with LIVS Associates to provide professional services in the amount of \$457,897.00 for the design of a new animal shelter.	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According to the report, as part of the County's Economic Stimulus Program, the Administration has authority to expedite certain aspects of this project in accordance with Ordinance 08-92. Below is a summary of various actions that were taken to expedite this project:</p> <ul style="list-style-type: none"> Design – ISD aggressively negotiated with the Architect of Record to expedite completion of the design and construction documents. The design of the project was to be complete on December 18, 2013, when the architect would be providing all complete construction documents to the County. <i>This was an estimated time savings of two months from the original schedule.</i> <ul style="list-style-type: none"> <i>The selection of an artist for the Art in Public Places feature had been expedited to ensure collaboration and integration of the public art among the architectural design of the building.</i> Permitting – ISD had identified options to fast-track permitting of the project parallel with the advertisement and award process. The originally anticipated date to advertise for a general contractor was May 21, 2014. 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	<p>Resolution No. R-721-13 further directed that any additional funds or delegation of authority needed be requested, but at the time of the report, the project was not in need of additional funds or delegation.</p>
	<p>8/28/2014</p> <p>ISD Project No. Z000108 GOB ESP was approved for the construction of the new Miami-Dade County Animal Services Shelter with a very aggressive, 12 month schedule.</p>
	<p>R-1112-14 12/16/2014</p> <p>Authorized Amendment No. 2 in the amount of \$936,976.00 to the Professional Services Agreement between Miami-Dade County and LIVS Associates for design services of a New Animal Shelter for the Animal Services Department, Contract No. Z000108 ISD Project No. A05-ASD-01 GOB ESP.</p> <ul style="list-style-type: none"> • \$134,400 to align construction administration services with the projected construction term of 12 months, and to provide an onsite field representative as requested by the Animal Services Department. • \$50,000 as an allowance to fund continued, specialized professional services by a third-party animal shelter consultant under contract with LIVS. • \$100,000 as a dedicated allowance account to fund LIVS's services at the sole discretion of the County in the event that the Office of Art in Public Places wishes to integrate design concepts by the Art in Public Places artist into the permitted construction documents. • \$502,576 to address an increase in the scope of design services to incorporate additional features to the interior of the facility. The design consultant had completed this scope of work under an expedited schedule in order to begin the construction phase of the project as soon as possible. This amendment was for work completed by the design consultant and therefore modified the section of the contract that disallowed for work to be paid for after it is completed. • \$150,000 to replenish the original contingency allowance account to ensure the ability to address any unforeseen conditions that may arise through the completion of the project's construction and warranty administration period.
	<p>R-1150-15 12/15/2015</p> <p>Authorized Change Order No. 1 to the construction contract between Miami-Dade County and Lynx Construction Management, LLC for the New Miami-Dade County Animal Services Shelter, ISD Project No: A05-ASD-01 GOB ESP, ISD Contract NO. Z000108-C.</p> <p>This change order addressed two (2) issues:</p> <ul style="list-style-type: none"> • Replenished the contingency reserve back to its original allocated amount of \$1,254,500 by increasing the construction contract from \$14,252,660 to \$15,507,160 to cover a number of unforeseen conditions encountered on the site during construction. • This was an up-to amount that is required to complete the project and was to be used as needed to address known and unknown conditions on the site. • Increased the contract time by 127 calendar days to March 13, 2016. <p>As of December 2015, the project was 85% complete. What is the current status of the project?</p>
<p>11A1 162158</p> <p><i>Deferral Requested</i></p>	<p>RESOLUTION AUTHORIZING AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO ALLOW COUNTY EMPLOYEES TO DONATE ACCRUED ANNUAL AND HOLIDAY LEAVE TIME TO THE COUNTY TO BE USED TOWARDS A DONATION TO THE FLORIDA AGRICULTURAL AND MECHANICAL UNIVERSITY ("FAMU") FOUNDATION IN ORDER TO HONOR THE PASSING OF COUNTY COMMISSION AUDITOR CHARLES ANDERSON; SETTING THE CAP OF SUCH DONATIONS AT \$25,000.00; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO MAKE THE DONATION OF ACCRUED LEAVE TIME TO THE FAMU FOUNDATION ON BEHALF OF THE EMPLOYEES OF MIAMI-DADE COUNTY</p>
<p>Notes</p>	<p>The proposed resolution authorizes and directs the County Mayor or designee to immediately allow the donation by County employees of accrued annual and holiday leave time to the County to be used towards a donation to the Florida Agricultural and Mechanical University Foundation Charles Anderson Scholarship Fund in order to honor the passing of County Commission Auditor Charles Anderson up to a limit of \$25,000.00.</p>

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	<p>Additionally, the proposed resolution directs the County Mayor or designee to publicize and make available forms for employees to complete in order to authorize such accrued annual and holiday leave contributions and make the donation of the total value of County employee leave time contributions to the FAMU Foundation.</p> <p><u>Background</u> Charles Anderson began working with Miami-Dade County in 2004 as the first Commission Auditor for Miami-Dade County and served in this position until his passing on June 3, 2016. Mr. Anderson was selected to fill this important role following the creation of the Office of Commission Auditor by the voters of Miami-Dade County. Mr. Anderson held a Bachelor of Science degree in Accounting from the Florida Agricultural and Mechanical University (FAMU) and was a Certified Public Accountant and Certified Inspector General. The FAMU Foundation, a gift program established by Charles Anderson's alma mater, has created a scholarship program for accounting students in honor of Charles Anderson.</p>
<p>11A2 162797</p> <p>11A3 162798</p>	<p>RESOLUTION APPROVING 2017 STATE LEGISLATIVE GUIDING PRINCIPLES, "URGING" RESOLUTIONS ADOPTED BY THE BOARD, DEPARTMENTAL LEGISLATIVE REQUESTS, AND PRIORITIES OF THE PUBLIC HEALTH TRUST AND PROPERTY APPRAISER</p> <p>RESOLUTION APPROVING 2017 STATE LEGISLATIVE PRIORITIES</p>
<p>Notes</p>	<p><u>11A2 - 162797</u> The proposed resolution:</p> <ul style="list-style-type: none"> • Approves for the 2017 session the state legislative guiding principles, "urging" resolutions adopted by the BCC through and including the November 15, 2016 BCC meeting, departmental legislative requests, and priorities of the Public Health Trust and Property Appraiser; and • Directs the County's state lobbyists to advocate for the state legislative priorities for the 2017 session. <p><u>11A3 - 162798</u> The proposed resolution:</p> <ul style="list-style-type: none"> • Approves the state legislative priorities for the 2017 session; and • Directs the County's state lobbyists to advocate for the state legislative priorities for the 2017 session. <p><u>Background</u> The 2017 session of the Florida Legislature will begin on March 7, 2017 and committee meetings leading up to the 2017 session will began the week of December 12, 2016.</p> <p>On January 24, 2012, the BCC approved Resolution No. R-59-12, which directed the Office of Intergovernmental Affairs, when it presents the proposed federal or state legislative agenda respectively to the BCC, to include all "urging" resolutions and other resolutions related to federal or state legislation passed by the BCC to date for the current Congress or session.</p> <p>On September 17, 2013, the BCC approved Resolution No. R-764-13, which directed that the federal and state legislative packages each be presented to the BCC in two separate companion items, one consisting of no more than ten (10) priorities for distribution to the Miami-Dade Legislative Delegation and the other to include guiding principles, BCC "urging" resolutions enacted to date and departmental items for approval by the BCC. Resolution No. R-764-13 provided that, upon the priorities being approved and effective, incorporating any amendments by the BCC, the Chair of the BCC, or a County Commissioner designated by the Chair, will transmit the priorities to the respective federal or state legislative delegation.</p>
<p>11A4 162806</p>	<p>RESOLUTION URGING THE UNITED STATES CONGRESS AND FLORIDA LEGISLATURE TO INCREASE FINES, PASS SENTENCE ENHANCEMENT PENALTIES AND IMPOSE MANDATORY SENTENCING GUIDELINES FOR OFFENDERS CONVICTED OF DOMESTIC VIOLENCE CRIMES</p>
<p>Notes</p>	<p>The proposed resolution:</p> <ul style="list-style-type: none"> • Urges the United States Congress to pass legislation to increase fines, enhance sentencing penalties and impose minimum mandatory sentencing guidelines for offenders convicted of domestic violence crimes; • Urges the Florida Legislature to pass legislation to increase fines, enhance sentencing penalties and impose minimum mandatory sentencing guidelines for offenders convicted of domestic violence crimes;

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Research Notes**

Item No.	Research Notes
	<ul style="list-style-type: none"> • Directs the Clerk of the Board to transmit a certified copy of this resolution to the members of the Miami-Dade County Congressional Delegation, the Governor, Senate President, House Speaker, and the Chair and Members of the Miami-Dade County State Legislative Delegation; and • Directs the County's federal and state lobbyists to advocate for the legislative action and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2017 State and Federal Legislative Packages when they are presented to the BCC. <p><u>Background</u></p> <p>Domestic violence is a pattern of controlling behaviors, violence or threats of violence that one person uses to establish power over a current or former spouse, intimate partner or family or household member in order to control that person's actions and activities. Domestic violence may include threats, physical violence, sexual assault, stalking, kidnapping and many other types of unwanted behavior or any criminal offense resulting in physical injury or death.</p> <p>Domestic violence is most prevalent among women between the ages of 18-24 and one-third of women and one-fourth of men will encounter some form of physical violence from an intimate partner within their lifetimes. One in 15 children are exposed to domestic violence each year and according to the National Coalition Against Domestic Violence, a woman is assaulted or beaten every nine seconds in the United States.</p> <p>According to the United States Department of Justice, domestic violence accounts for at least 15 percent of all violent crime. The Florida's Domestic Violence Needs Assessment for 2006-2007 reports that the most recent domestic violence needs assessment produced by the Florida Department of Children and Families, barriers to getting help still exist for many victims of domestic violence, particularly persons who are disabled, elderly, living in poverty or in rural areas, experiencing language barriers or greater levels of acculturation, concerned with immigration status, or involved in homosexual relationships; thus greater efforts and resources are needed to reach and provide protection and services to these victims.</p> <p><u>Additional Information - Minimum Jail Time in Florida - Section 741.283 of the Florida Statutes¹</u></p> <p>Section 741.283 of the Florida Statutes, regarding minimum term of imprisonment for domestic violence, provides that if a person is adjudicated guilty of a crime of domestic violence and the person has intentionally caused bodily harm to another person, the court will order the person to serve a minimum of 5 days in the county jail as part of the sentence imposed, unless the court sentences the person to a nonsuspended period of incarceration in a state correctional facility. This section does not preclude the court from sentencing the person to probation, community control, or an additional period of incarceration.</p> <p><u>Additional Information –Restrictions on the Possession of Firearms</u></p> <p><u>Florida State Statute²</u></p> <p>Section 790.233 provides that person may not have in his or her care, custody, possession, or control any firearm or ammunition if the person has been issued a final injunction that is currently in force and effect, restraining that person from committing acts of domestic violence or from committing acts of stalking or cyberstalking. A person who violates this law commits a misdemeanor of the first degree.</p> <p><u>Federal Law³</u></p> <p>The 1968 Gun Control Act and subsequent amendments codified at 18 U.S.C. § 921(g)(9) prohibit anyone convicted of a felony and anyone subject to a domestic violence protective order from possessing a firearm. The intended effect of this new legislation is to extend the firearms ban to anyone convicted of a "misdemeanor crime of domestic violence."</p>

¹ http://archive.flsenate.gov/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0700-0799/0741/Sections/0741.283.html

² http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0700-0799/0790/Sections/0790.233.html

³ <https://www.justice.gov/usam/criminal-resource-manual-1117-restrictions-possession-firearms-individuals-convicted>

**Board of County Commissioners
December 20, 2016 Meeting
Research Notes**

Item No.	Research Notes
	<p>This bill passed with almost unanimous support and represents Congress's recognition that "anyone who attempts or threatens violence against a loved one has demonstrated that he or she poses an unacceptable risk, and should be prohibited from possessing firearms."</p> <p>Qualifying Offenses: As enacted the statute defines "misdemeanor crime of domestic violence" (MCDV) as any state or federal misdemeanor that - "has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim."</p>
11A5 162852	<p>RESOLUTION DISTRIBUTING FY 2015-16 CARRYOVER FUNDS FROM THE OFFICE OF THE COMMISSION AUDITOR, OFFICE OF INTERGOVERNMENTAL AFFAIRS, THE PROTOCOL DIVISION AND THE MEDIA DIVISION OF THE BOARD OF COUNTY COMMISSIONERS IN THE AMOUNT OF \$260,000.00 TO MEMBERS OF THE COUNTY COMMISSION ON AN EQUAL BASIS</p>
Notes	<p>The proposed resolution distributes \$116,000 of Carryover Funds from the Office of the Commission Auditor, \$132,000.00 of Carryover Funds from the Office of Intergovernmental Affairs, \$2,000.00 of Carryover Funds from the Protocol Division and \$10,000.00 of Carryover Funds from the Media Division of the Board, on an equal basis, to the office funds of the 13 members of the BCC.</p> <p>Using this formula, each Commissioner would receive additional office funds in the amount of \$20,000.00.</p> <p><u>Additional Information</u></p> <p>On December 6, 2016, the BCC, through Resolution No. R-1187-16, distributed \$100,000.00 of FY 2015-16 Carryover Funds from the Office of the Commission Auditor to the Miami-Dade North Arts & Humanities Foundation, Inc. in support of efforts to create the Miami Museum of Contemporary Art of the African Diaspora.</p> <p>File No. 162424 (Withdrawn) requested that \$316,000.00 of FY 2015-16 Carryover Funds from the Office of the Commission Auditor, \$132,000.00 of Carryover Funds from the Office of Intergovernmental Affairs and \$7,000.00 of Carryover Funds from the Protocol Division of the Board be distributed on an equal basis to the office funds of the 13 members of the BCC.</p>