



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Board of County Commissioners Meeting

January 24, 2017
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
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes		
4A 162964	ORDINANCE RELATING TO WAGE THEFT; AMENDING SECTION 22-5 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; ENHANCING PENALTIES FOR FAILURE TO COMPLY WITH WAGE THEFT ORDERS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE		
Notes	The proposed ordinance relating to Wage Theft amends Section 22-5 of the Miami-Dade County Code to enhance penalties for failure to comply with Wage Theft Orders.		
	Code Comparison Chart Section 22-5 Miami-Dade County Code		
	Section	Current	Proposed
	Sec. 225. Enforcement of wage theft violations.	<p>(1) Order Issued. At the conclusion of a hearing and upon a finding of a wage violation, the Hearing Examiner shall issue a written order as follows:</p> <p style="padding-left: 40px;">(a) If the preponderance of the evidence demonstrates a wage theft violation, the Hearing Examiner shall order the employer to pay wage restitution to the affected employee in an amount equal to three times the amount of back wages that the respondent employer is found to have unlawfully failed to pay the complainant employee; this treble amount shall include the back wages in addition to liquidated damages as compensation for the economic losses suffered by reason of the employee not receiving their wage at the time it was due; and</p> <p style="padding-left: 40px;">(b) The County shall order the employer to pay to the Board of County Commissioners an assessment of costs in an amount not to exceed actual administrative processing costs and costs of the hearing.</p> <p>(2) Failure to Comply with Initial Order. If the County finds that any respondent employer has failed to comply with the Hearing Examiner's order within forty-five (45) days after written notice from the County, the County shall issue a further written order on the respondent employer as follows:</p> <p style="padding-left: 40px;">(a) The County may, upon request of the respondent, grant the respondent an additional forty-five (45) days to comply with any portion of the order, unless such an extension has previously been granted; and</p>	<p>(1) Order Issued. At the conclusion of a hearing and upon a finding of a wage violation, the Hearing Examiner shall issue a written order as follows:</p> <p style="padding-left: 40px;">(a) If the preponderance of the evidence demonstrates a wage theft violation, the Hearing Examiner shall order the employer to pay wage restitution to the affected employee in an amount equal to three times the amount of back wages that the respondent employer is found to have unlawfully failed to pay the complainant employee; this treble amount shall include the back wages in addition to liquidated damages as compensation for the economic losses suffered by reason of the employee not receiving their wage at the time it was due; and</p> <p style="padding-left: 40px;">(b) The County shall order the employer to pay to the Board of County Commissioners an assessment of costs in an amount not to exceed actual administrative processing costs and costs of the hearing.</p> <p>(2) Failure to Comply with Initial Order. If the County finds that any respondent employer has failed to comply with the Hearing Examiner's order within forty-five (45) days after written notice from the County, the County shall issue a further written order on the respondent employer as follows:</p> <p style="padding-left: 40px;">(a) The County may, upon request of the respondent, grant the respondent an additional forty-five (45) days to comply with any portion of the order, unless such an extension has previously been granted; and</p>

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes		
		<p>(b) The County shall order the employer, in addition to wage restitution ordered, to pay the prevailing complainant employee an amount equal to the applicable interest rate which accrues on the full amount of treble damages from the date upon which the finding of wage violation was made until the date upon which the amount is paid in full; and</p> <p>(c) The County shall order the employer, in addition to assessment of costs ordered, to pay to the Board of County Commissioners an amount equal to the applicable interest rate which accrues on the assessment of costs from the date upon which the Hearing Examiner's order is issued until the date upon which the amount is paid in full.</p>	<p>(b) The County shall order the employer, in addition to wage restitution ordered, to pay the prevailing complainant employee an amount equal to the applicable interest rate which accrues on the full amount of treble damages from the date upon which the finding of wage violation was made until the date upon which the amount is paid in full; and</p> <p>(c) The County shall order the employer, in addition to assessment of costs ordered, to pay to the Board of County Commissioners an amount equal to the applicable interest rate which accrues on the assessment of costs from the date upon which the Hearing Examiner's order is issued until the date upon which the amount is paid in full.</p> <p>(d) Respondents that fail to comply with and satisfy in full the obligations of an Initial Order within 45 days of its issuance or that fail to comply with and satisfy in full the obligations of any subsequent order, shall be liable for the assessment of reasonable attorney's fees and costs incurred to collect any amounts under the Initial Order and any subsequent order upon a request for payment of such attorney's fees and costs by a claimant pursuant to this Section.</p>
Additional Information on Legislative Timeline			
	Legislation	Summary	Discussion
	<p>O-10-16 2/18/2010</p>	<p>Established Chapter 22 of the Miami-Dade County Code prohibiting wage theft and providing for administrative procedures and private cause of action for wage theft. Specifically, Ordinance No. 10-16 aimed to:</p> <ul style="list-style-type: none"> • Define wage theft violations; • Outline procedures for filing wage theft complaints; • Provide criteria for respondents; • Provide subpoena power for the Hearing Examiner; • Outline applicability of Florida Rules of Civil procedure; • Provide standards for resolving factual disputes; 	<p>During the BCC meeting on February 18, 2010, O-10-16 was discussed as follows:</p> <ul style="list-style-type: none"> • <i>In response to an inquiry regarding whether a complainant had the ability to seek further relief from a State or Federal court once an award was made at the County level, the Assistant County Attorney responded that a complainant would be barred from pursuing the same claim in a State or Federal Court.</i> • <i>The Commission noted concerns that the County would be shouldering the burden of the State and Federal government; but that</i>

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes		
		<ul style="list-style-type: none"> • Address conciliation; • Outline procedures for hearings before Hearing Examiner; • Allow for representation by a non-lawyer advocate; • Provide for enforcement by private persons or by the State of Florida; and • Outline procedures for written orders and failure to comply with initial order. <p>Provided that the wage theft ordinance was subject to sunset review by the BCC five years from its effective date and that a fiscal report regarding the administrative cost associated with the implementation of the Ordinance be submitted within six months of its effective date and one year after its effective date. Thereafter, the fiscal report was to be submitted annually to provide quarterly statistical data about the number of inquiries, number of petitions for hearings, number of hearings scheduled, the cost of the hearings, and the results of the hearings.</p>	<p><i>a fiscal report would ensure the intent of the ordinance would be carried out.</i></p> <ul style="list-style-type: none"> • <i>Responding to an inquiry regarding the County's potential liability and recovery fees associated with this proposed legislation, the Assistant County Attorney advised that the County would not be liable in the event an employer prevailed in a lawsuit. He noted the Hearing Examiner would assess the cost of the hearing to the employer should he/she determine the employer was in violation of this proposed ordinance.</i>
	<p>O-10-37 <i>6/3/2010</i></p>	<p>Amended Chapter 22 of the Miami-Dade County Code to clarify that the reasonable time for payment be no later than fourteen calendar days from the date on which the work is performed unless the employer has established, by policy or practice, a pay schedule whereby employees earn and are consistently paid wages according to regularly recurring pay periods.</p>	<p>During the Government Operations Committee meeting on May 11, 2010, O-10-37 was discussed as follows:</p> <ul style="list-style-type: none"> • <i>In response to an inquiry concerning whether this ordinance was more helpful to private businesses than the original ordinance, the Assistant County Attorney noted to the extent the employer had established a pay period, this would give some relief to the employer.</i> • <i>In response to an inquiry regarding how many complaints the County had received since this legislation was implemented, and how many complaints had gone to a hearing, the Director of Department of Small Business Development (DSBD), noted DSBD had received nine (9) complaints, of which five (5) were for unpaid wages prior to adoption of the ordinance, and none had gone to a hearing. She noted the implementing order still needed to be approved by the Commission.</i>

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes		
			<ul style="list-style-type: none"> • <i>The Commission asked the Director to monitor and document complaints received regarding unpaid wages and to determine whether other legal means were available at the State and federal levels for individuals to voice their complaints.</i> • <i>The Director noted that this legislation would impact those businesses that typically did not fall under the Department of Labor's jurisdiction.</i> • <i>The Commission expressed an interest in knowing the impact of the first ordinance on the County; and if other avenues existed, he wanted the number of complaints to be tracked that had gone to the County, the federal government or Small Claims Court.</i>
	R-898-10 9/10/2010	Approved Implementing Order 3-54 relating to Miami-Dade County's Wage Theft Ordinance to provide uniform procedures for filing a wage theft complaint in accordance with Chapter 22 of the Miami-Dade County Code.	<p>During the Budget, Planning and Sustainability Committee meeting on July 13, 2010, R-898-10 was discussed as follows:</p> <ul style="list-style-type: none"> • <i>The Commission expressed concern that the State Department of Labor was improperly referring cases back to the County as a method to eliminate back log.</i> • <i>The Director explained that the employer would pay the \$3,500 for the hearing examiner if the employer lost the case, and that the County would pay all fees if the employer prevailed. She noted the County tried to reconcile the claims before a hearing was held. She pointed out that the County had returned 22 cases back to the State Department of Labor because they were under the State's jurisdiction.</i>
	O-15-05 2/3/2015	Amended Section 22-8 of the Miami-Dade County Code to extend the time for sunset review of the Wage Theft Ordinance from five years to ten years from its effective date.	<p>During the BCC meeting on February 3, 2015, the following was discussed:</p> <ul style="list-style-type: none"> • <i>The Commission inquired as to what amount had been collected, to date, as a result of this ordinance.</i> • <i>The Consumer Protection Division Director of the Regulatory and Economic Resources Division, stated claims of over \$1 million had been collected and conciliated.</i>

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes					
	<u>Additional Information on the Annual Fiscal Report Relating to the Wage Theft Program</u>					
	In response to Ordinance No. 10-16, on May 17, 2016, the Mayor issued the Annual Fiscal Report relating to the Wage Theft Program. The report was provided for the period of January 1, 2015 through December 31, 2015 and covered the third year of operation since being transferred to the Department of Regulatory and Economic Resources (RER) Office of Consumer Protection.					
	The following information was provided by the report:					
	Wage Theft Annual Report for the period of January 1-December 31, 2015					
		First Quarter	Second Quarter	Third Quarter	Fourth Quarter	Annual Total
	Number of complaints filed/opened or reopened	130	149	135	129	543
	Number of complaints referred out, inquiry only or abandoned	66	64	62	36	228
	Number of complaints qualified	64	85	73	93	315
	Number of complaints unable to effect service	5	2	5	11	23
	Number of complaints withdrawn or formal bankruptcy	5	20	14	5	44
	Number of successful conciliations	32	44	26	32	134
	Number of cases with finding of wage theft violation*	10	6	14	5	35
	Number of cases with no finding of wage theft violation*	11	9	8	10	38
	Cases remaining open from period	1	4	6	30	41
	Value of unpaid wages alleged	\$153,310	\$215,395	\$137,809	\$326,062	\$832,576
	Value of successful conciliations	\$57,042	\$52,507	\$22,930	\$54,899	\$187,378
	Amount of unpaid wages awarded at hearing	\$12,147	\$19,817	\$19,969	\$17,294	\$69,227
	Amount of penalties awarded at hearing	\$24,294	\$39,634	\$39,938	\$34,588	\$138,454
	*Figures reflect outcome of a complaint received during the quarter although it may have gone to hearing in a later quarter.					
	Additional Information on Previously Proposed State Legislation					
	HB 609/SB 862 (2012)	Wage Protection for Employees; Prohibiting a county, municipality, or political subdivision from adopting or maintaining in effect a law, ordinance, or rule that			HB 609 - Died in Community Affairs	

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes											
		creates requirements, regulations, or processes for the purpose of addressing wage theft; preempting such activities to the state; defining the term “wage theft”, etc.	SB 862 - Died in Judiciary Committee									
	HB 1125/SB 1216 (2013)	Employers and Employees; Providing jurisdiction of county courts over wage theft civil actions; providing a definition for the term “wage theft”; creating a civil cause of action for wage theft; providing the procedure for filing of a civil action for wage theft; requiring a claimant to notify the employer of the employee’s intention to initiate a civil action; authorizing a county, municipality, or political subdivision to establish a process by which a claim may be filed, etc.	HB 1125 - Died in Criminal Justice Committee SB 1216 - Died on Calendar									
	HB 957/SB 926 (2014)	Regarding Wage Theft; Expanding the original jurisdiction of county courts; describing the occurrence of a wage theft; authorizing an aggrieved employee to initiate a civil action for wage theft; granting county courts original and exclusive jurisdiction over actions involving wage theft; preempting regulation of wage theft to the state after a specified date; exempting certain counties, municipalities, and political subdivisions, etc.	HB 957 - Died in Local and Federal Affairs Committee SB 926 - Died on Calendar									
	HB 589/SB 1318 (2015)	Regarding State Minimum Wage; Prohibiting employer or any other party from knowingly procuring labor from any person with intent to defraud or deceive such person; provides penalty.	HB 589 - Died in Criminal Justice Subcommittee SB 1318 - Died in Appropriations Subcommittee on Criminal and Civil Justice									
4B 162965	ORDINANCE RELATING TO A SURCHARGE IN CRIMINAL PROCEEDINGS; AMENDING SECTION 11-13 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; CLARIFYING AN EXCEPTION FOR INDIGENT DEFENDANTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE											
Notes	The proposed ordinance relating to a surcharge in criminal proceedings amends Section 11-13 of the Miami-Dade County Code to clarify an exemption for indigent defendants.											
	<table><tr><th colspan="3">Code Comparison Chart Section 11-13 Miami-Dade County Code</th></tr><tr><th>Section</th><th>Current</th><th>Proposed</th></tr><tr><td>Sec. 11-13. Additional surcharge in criminal proceedings.</td><td>In addition to any other fine, penalty, or cost imposed by any other provision of law, an eighty-five dollar (\$85.00) surcharge is hereby imposed upon any conviction, plea of nolo contendere or finding of guilt regardless of whether adjudication is withheld, for each felony, misdemeanor, or criminal traffic offense. The court shall not waive this court cost. The Clerk of the Court shall collect, unless there has been a determination of indigency, the eighty-five dollar (\$85.00) surcharge established in this section and shall remit it to Miami-Dade County.</td><td>In addition to any other fine, penalty, or cost imposed by any other provision of law, an eighty-five dollar (\$85.00) surcharge is hereby imposed upon any conviction, plea of nolo contendere or finding of guilt regardless of whether adjudication is withheld, for each felony, misdemeanor, or criminal traffic offense. The court shall not waive this surcharge unless the court finds that the defendant is indigent, in which case the court shall not impose this surcharge on such indigent defendant. The Clerk of the Court shall collect the eighty-five dollar</td></tr></table>			Code Comparison Chart Section 11-13 Miami-Dade County Code			Section	Current	Proposed	Sec. 11-13. Additional surcharge in criminal proceedings.	In addition to any other fine, penalty, or cost imposed by any other provision of law, an eighty-five dollar (\$85.00) surcharge is hereby imposed upon any conviction, plea of nolo contendere or finding of guilt regardless of whether adjudication is withheld, for each felony, misdemeanor, or criminal traffic offense. The court shall not waive this court cost. The Clerk of the Court shall collect, unless there has been a determination of indigency, the eighty-five dollar (\$85.00) surcharge established in this section and shall remit it to Miami-Dade County.	In addition to any other fine, penalty, or cost imposed by any other provision of law, an eighty-five dollar (\$85.00) surcharge is hereby imposed upon any conviction, plea of nolo contendere or finding of guilt regardless of whether adjudication is withheld, for each felony, misdemeanor, or criminal traffic offense. The court shall not waive this surcharge unless the court finds that the defendant is indigent, in which case the court shall not impose this surcharge on such indigent defendant. The Clerk of the Court shall collect the eighty-five dollar
Code Comparison Chart Section 11-13 Miami-Dade County Code												
Section	Current	Proposed										
Sec. 11-13. Additional surcharge in criminal proceedings.	In addition to any other fine, penalty, or cost imposed by any other provision of law, an eighty-five dollar (\$85.00) surcharge is hereby imposed upon any conviction, plea of nolo contendere or finding of guilt regardless of whether adjudication is withheld, for each felony, misdemeanor, or criminal traffic offense. The court shall not waive this court cost. The Clerk of the Court shall collect, unless there has been a determination of indigency, the eighty-five dollar (\$85.00) surcharge established in this section and shall remit it to Miami-Dade County.	In addition to any other fine, penalty, or cost imposed by any other provision of law, an eighty-five dollar (\$85.00) surcharge is hereby imposed upon any conviction, plea of nolo contendere or finding of guilt regardless of whether adjudication is withheld, for each felony, misdemeanor, or criminal traffic offense. The court shall not waive this surcharge unless the court finds that the defendant is indigent, in which case the court shall not impose this surcharge on such indigent defendant. The Clerk of the Court shall collect the eighty-five dollar										

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes		
	<div data-bbox="269 243 954 306" data-label="Table"> <table> <tr> <td data-bbox="269 243 477 306"></td><td data-bbox="477 243 954 306"></td></tr> </table> </div> <div data-bbox="964 243 1487 306" data-label="Text"> <p>(\$85.00) surcharge established in this section and shall remit it to Miami-Dade County.</p> </div> <p><u>Additional Information on Previous Legislation</u> On June 21, 2005, the BCC, through Ordinance No. 05-123, created Sections 11-13 of the Miami-Dade County Code to impose additional surcharges on certain crimes and traffic offenses and violations. Specifically, Section 11-13 provides that the Clerk of the Court collect an eighty-five dollar (\$85.00) surcharge upon any conviction, plea of nolo contendere or finding of guilt, regardless of whether adjudication is withheld, for each felony, misdemeanor, or criminal traffic offense.</p> <p>On September 1, 2009, the BCC, through Ordinance No. 09-72, amended Section 11-13 of the Miami-Dade County Code to provide for an exception for indigents related to the collection of court surcharges.</p>		
4C 170064	ORDINANCE RELATED TO THE AFFORDABLE HOUSING TRUST FUND; AMENDING SECTION 17-132 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; INCREASING ADMINISTRATIVE COSTS CAP; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE		
Notes	<p>The proposed ordinance amends Section 17-132- Affordable Housing Trust Fund of the Code of Miami-Dade County increasing the administrative costs cap from the current five percent (5%) to ten percent (10%);</p> <ul style="list-style-type: none"> ○ <i>(a) No more than 10 percent of the monies in the Trust may be used to cover reasonable administrative expenses not reimbursed through processing fees, including reasonable consultant and legal expenses related to the establishment and/or administration of the Trust and reasonable expenses for administering the process of calculating, collecting, and accounting for any deferred County fees authorized by this section. No portion of the Trust may be diverted to other purposes by way of loan or otherwise.</i> <p><u>Background</u> On February 6, 2007, the BCC through Ordinance No. 07-15, established the Affordable Housing Trust Fund of Miami-Dade County, Florida. The purpose of the Trust Fund is (1) to establish a permanent, renewable source of revenue to meet, in part, the housing needs of the residents of Miami-Dade County; (2) to foster a housing supply accessible to a range of incomes in developments assisted by the Trust Fund; and (3) to disperse affordable housing units throughout the County.</p> <p>The Code presently provides that “no more than five percent of the monies in the Trust Fund may be used to cover reasonable administrative expenses not reimbursed through processing fees, including reasonable consultant and legal expenses related to the establishment and/or administration of the Trust Fund and reasonable expenses for administering the process of calculating, collecting, and accounting for any deferred County fees authorized by this section.” The limitation on administrative cost is not consistent with other affordable housing programs that are administered by the Miami-Dade Public Housing and Community Development Department.</p>		
5A 162696	RESOLUTION APPROVING DELETION OF BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NO. 315 – “GLORIA FLOYD – PINESHORE PINELAND PRESERVE” AND ADDITION OF PROJECT NO. 363 – “IMPROVEMENTS TO COUNTY-OWNED PARKS IN DISTRICT 8” TO BE FUNDED WITH \$250,000.00 OF SURPLUS FUNDS FROM DELETED PROJECT NO. 315, ALL AS IDENTIFIED IN APPENDIX A TO RESOLUTION NO. R-913-04, AFTER A PUBLIC HEARING; AND WAIVING REQUIREMENTS OF IMPLEMENTING ORDER 3-47 REGARDING ADDING NEW PROJECTS USING SURPLUS FUNDS		
Notes	<p>The proposed resolution provides for the following:</p> <ul style="list-style-type: none"> • Approves the deletion of Project No. 315 from Appendix A to Resolution No. R-913-04 (Parks Resolution); • Declares \$250,000.00 as surplus funds and waives the requirements of Implementing Order (IO) 3-47 regarding the addition of new projects to the Bond Program using surplus funds, including the requirement that surplus funds may fund new projects only after all projects have been completed or necessary funding for completion of all projects has been identified to the satisfaction of the BCC; • Approves the addition of Project No. 363 titled “Improvements to County-owned parks in District 8” to Appendix A to the Parks Resolution. 		

Research Notes

Item No.	Research Notes
	<p><u>Background</u></p> <p>Pursuant to the Parks Resolution, the voters of Miami-Dade County approved the issuance of general obligation bonds in a principal amount not to exceed \$680,258,000.00 to construct and improve neighborhood and regional parks and other recreational areas to include athletic fields and gymnasiums, courts, pools, playgrounds, marinas, restore beaches, and the preservation of endangered lands.</p> <p>One of the projects listed in Appendix A to the Parks Resolution is Project No. 315 – “Gloria Floyd – Pineshore Pineland Preserve” in County Commission District 8, a street address of SW 128th Street and SW 122nd Avenue, a project description that provides “General improvements to existing local parks include renovation, and upgrades,” and an original allocation of \$250,000.00 (Project No. 315). Currently, the entire allocation to Project No. 315 remains unused and is not anticipated to be expended for capital improvements to Project No. 315 because said project is an environmentally sensitive and healthy pineland preserve where construction would harm the pineland ecology.</p> <p>This item was considered by the Bond Program’s Citizens’ Advisory Committee at its meeting on November 16, 2016 and it received a favorable recommendation from the Committee.</p>
<p>5B 162844</p> <p>8D1 170054</p>	<p>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</p> <p>RESOLUTION AUTHORIZING ISSUANCE OF NOT TO EXCEED \$100,000,000.00 OF MIAMI-DADE COUNTY, FLORIDA PUBLIC FACILITIES REVENUE REFUNDING BONDS (JACKSON HEALTH SYSTEM), IN ONE OR MORE SERIES, PURSUANT TO MASTER ORDINANCE, AS SUPPLEMENTED, FOR: (I) REFUNDING CERTAIN OUTSTANDING BONDS ISSUED TO FINANCE IMPROVEMENTS FOR JACKSON HEALTH SYSTEM (WITH ESTIMATED NET PRESENT VALUE SAVINGS OF 6.20%, ESTIMATED COSTS OF ISSUANCE OF \$1,032,000.00 AND ESTIMATED FINAL MATURITY OF JUNE 1, 2039); (II) FUNDING DEBT SERVICE RESERVE FUND, IF NECESSARY, AND (III) PAYING COSTS OF ISSUANCE; PROVIDING CERTAIN DETAILS OF BONDS AND SALE BY NEGOTIATION; AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE, WITHIN CERTAIN LIMITATIONS, TO FINALIZE TERMS AND DETAILS OF BONDS; AUTHORIZING SELECTION OF PAYING AGENT, REGISTRAR AND ESCROW AGENT; APPROVING FORMS OF AND AUTHORIZING CERTAIN DOCUMENTS; AUTHORIZING COUNTY OFFICIALS TO TAKE ALL NECESSARY ACTIONS IN CONNECTION WITH ISSUANCE, SALE, AND DELIVERY OF BONDS; WAIVING PROVISIONS OF RESOLUTION NO. R-130-06, AS AMENDED; AND PROVIDING SEVERABILITY [SEE AGENDA ITEM NO. 5B]</p>
Notes	<p><u>5B - 162844</u></p> <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>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>The Amending Ordinance will allow the County to issue refunding bonds without requiring a new ordinance.</p> <p>The Amending Ordinance is expected to be placed as an item on the Public Health Trust’s December 21, 2016 board meeting for approval.</p>

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes
	<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>8D1 – 170054</u> The proposed resolution approves Series 2017 Resolution, which authorizes the following:</p> <ul style="list-style-type: none"> • Issuance of the Public Facilities Revenue Refunding Bonds (Jackson Health System), Series 2017 (Series 2017 Refunding Bonds) to refund, defease and redeem all or a portion of the outstanding Public Facilities Revenue and Revenue Refunding Bonds, Series 2005A and Series 2009 (together the Refunded Bonds); and • Waiver of the requirements of Resolution No. R-130-06 because the sale of the Series 2017 Refunding Bonds, which will set the final terms, will not occur until after the effective date of the Series 2017 Resolution. <ul style="list-style-type: none"> ○ <i>Resolution No. R-130-06 provides that any County contract with a third party be finalized and executed prior to its placement on an agenda. The sale of the Series 2017 Refunding Bonds, which will set the final terms, will not occur until after the effective date of the Series 2017 Resolution in order to provide the County with the maximum flexibility in the market as described above; therefore, a waiver of Resolution No. R-130-06 is required.</i> <p>The Series 2017 Resolution also provides for the following:</p> <ul style="list-style-type: none"> • Funding the cost of issuance, underwriter's discount and a Credit Facility or Reserve Facility, if any; • Funding the reserve requirement, if any, with proceeds of the Series 2017 Refunding Bonds. • Authorizes the County Mayor or County Mayor's designee and other County officials to take all action necessary to issue the Series 2017 Refunding Bonds. <p><u>Fiscal Impact/Funding Source</u> Based on market conditions as of December 15, 2016, the proposed refunding will generate a debt service savings of approximately \$8.108 million over the life of the Series 2017 Refunding Bonds, representing a net present value savings of \$4.823 million or 7.03 percent of the amount of the Refunded Bonds.</p> <p>Consistent with the County's refunding policy established by Resolution No. R-1313-09, the net present value savings that will be achieved by issuing the Series 2017 Refunding Bonds exceeds a five (5) percent threshold and the final maturity of the Series 2017 Refunding Bonds is not greater than the final maturity of the Refunded Bonds.</p> <p><u>Background</u> The BCC authorized the issuance of \$477 million in Public Facilities Bonds (Jackson Health System) pursuant to Ordinance Nos. 05-49 and 09-49 (Authorizations) of which \$383,315,000.00 were issued. The Refunded Bonds were issued to provide funds to pay a portion of the cost of certain projects included in the Trust's capital plan and refund the Series 1993 Public Facilities Bonds (Jackson Memorial Hospital).</p> <p>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>

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes
	<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>7A 162394</p>	<p>ORDINANCE RELATING TO IMPACT FEES AND WATER AND SEWER CONNECTION FEES; AMENDING SECTIONS 33E-11, 33H-12, 33I-10, 33I-14, 33J-11, 33J-15, AND 33K-10 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING REPORTING REQUIREMENTS FOR IMPACT FEE TRUST FUNDS; REQUIRING REPORTS ON THE COLLECTION AND EXPENDITURE OF IMPACT FEES, INCLUDING WITHIN EACH COMMISSION DISTRICT; REQUIRING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO PERIODICALLY REVIEW IMPACT FEE PROVISIONS AND MAKE RECOMMENDATIONS TO THE BOARD TO ENSURE THAT BENEFITS PAID BY A DEVELOPMENT ARE EQUITABLE TO THE COSTS OF NEW DEVELOPMENT; AMENDING SECTION 32-78 OF THE CODE TO REQUIRE REPORTS ON THE COLLECTION AND EXPENDITURE OF WATER AND SEWER CONNECTION FEES; CODIFYING EXISTING REQUIREMENTS RELATED TO WATER AND SEWER CONNECTION FEES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE</p>
<p>Notes</p>	<p>The proposed ordinance relating to impact fees and water and sewer connection fees provides for the following:</p> <ul style="list-style-type: none"> • Amends Sections 33E-11, 33H-12, 33I-10, 33I-14, 33J-11, 33J-15 and 33K-10 of the Miami-Dade County Code; • Revises reporting requirements for Impact Fee Trust Funds; • Requires reports on the collection and expenditure of impact fee, including within each Commission district; <ul style="list-style-type: none"> ○ Requires that financial and management reports outlining expenditures and unexpended funds within each impact fee benefit zone be placed on a BCC agenda within 30 days of receipt. ○ Requires a quarterly report providing information regarding impact fee collections within each Commission district to be placed on a BCC agenda. • Requires the County Mayor or Mayor's designee to periodically review impact fee provisions and make recommendations to the BCC to ensure that benefits paid by a development are equitable to the costs of new development; and • Amends Section 32-78 of the Miami-Dade County Code to require reports on the collection and expenditure of water and sewer connection fees and codifies existing requirements related to water and sewer connection fees. <p><u>Additional Information on Current Reporting Requirements</u></p> <p>Section 33E-11 Impact fee benefit districts¹ (Road) Currently provides that a financial and management report on the impact fee trust funds be prepared <u>annually</u> by the County Public Works Director and submitted to the County Mayor within one hundred twenty (120) days of the end of the County's fiscal year.</p> <p>Sections 33H-12 Impact fee expenditures² (Parks), 33I-14 Police Services Impact Fee Manual and periodic review³ (Police) and 33J-15 Fire Impact fee and periodic review⁴ (Fire and emergency medical services) Currently provides that, within one hundred twenty (120) days from the date of the end of the fiscal year, the Office of Capital Improvements will submit to the County Mayor a financial and management report on the impact fee trust funds. No later than thirty (30) days after submission of the report, the County Mayor will</p>

¹ https://www.municode.com/library/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33EROIMFEOR_S33E-11IMFEBEDITRAC

² https://www.municode.com/library/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33HPAIMFEOR_S33H-12IMFEEX

³ https://www.municode.com/library/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33IPOSEIMFEOR_S33I-14POSEIMFEMAPERE

⁴ https://www.municode.com/library/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33JFIEMMESEIMFEOR_S33J-15FIIMFEPERE

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes																																			
	<p>conduct a public meeting, for the purpose of presenting the report and receiving public comment on the report as well as the impact fee program. No later than thirty (30) days after the public meeting, the County Mayor will schedule the report, which will serve as the County's <u>Annual Impact Fee Report</u>, for BCC consideration. The County Mayor will provide a companion report to the BCC advising of any County Mayor recommended impact fee program changes and detailing comments received from the annual impact fee public meeting.</p> <p>Section 33I-10 Benefit zones and trust funds⁵ Currently provides that a financial report outlining expenditures and unexpended funds within impact fee benefit zones be prepared <u>annually</u> by the Miami-Dade Police Department and submitted to the County Mayor within one hundred twenty (120) days following the end of the County's fiscal year.</p> <p>Section 33J-11 Benefit zones and trust funds⁶ Currently provides that a financial and management report on the impact fee trust funds be provided <u>annually</u> by the Fire Director to the County Mayor within one hundred twenty (120) days of the end of the fiscal year.</p> <p>Sections 33K-10 Benefit districts and trust funds⁷ (Educational facilities) and 32-78⁸ Connection to public water supply and public sewer disposal in abutting streets and easements required Currently do not provide for reporting by County Departments.</p> <p><u>Additional Information on Most Recent Annual Impact Fee Report</u> Pursuant to Sections 33I-14(b), 33J-15(b) and 33H-12(d) of the Miami-Dade County Code, on July 6, 2016, the County's Annual Impact Fee Report was issued detailing the impact fee zone/district type, expenditures for FY 2012-13, FY 2013-14 and FY 2014-15 with the year-end balances for each fiscal year. As required in the Code, a public meeting was held on May 20, 2016 at the Stephen P. Clark Government Center, Conference Room 18-4 to review and present the information contained in the report.</p> <p>The following expenditure amounts were provided in the Report:</p> <table><tr><th></th><th colspan="2">FY 2013</th><th colspan="2">FY 2014</th><th colspan="2">FY 2015</th></tr><tr><th></th><th>Expenditure</th><th>Balance</th><th>Expenditure</th><th>Balance</th><th>Expenditure</th><th>Balance</th></tr><tr><td>Fire Impact Fee District</td><td>\$1,709,783.36</td><td>\$11,644,873.30</td><td>\$6,848,883.35</td><td>\$11,275,953.27</td><td>\$4,058,356.10</td><td>\$14,718,562.75</td></tr><tr><td>Police Impact Fee District</td><td>\$1,419,611.59</td><td>\$7,233,678.08</td><td>\$1,034,617.62</td><td>\$9,177,326.69</td><td>\$250,657.14</td><td>\$11,611,769.85</td></tr><tr><td>Park Impact Fee District</td><td>\$3,333,707.13</td><td>\$22,056,596.92</td><td>\$4,700,492.82</td><td>\$23,538,780.29</td><td>\$2,329,138.59</td><td>\$27,807,717.11</td></tr></table>		FY 2013		FY 2014		FY 2015			Expenditure	Balance	Expenditure	Balance	Expenditure	Balance	Fire Impact Fee District	\$1,709,783.36	\$11,644,873.30	\$6,848,883.35	\$11,275,953.27	\$4,058,356.10	\$14,718,562.75	Police Impact Fee District	\$1,419,611.59	\$7,233,678.08	\$1,034,617.62	\$9,177,326.69	\$250,657.14	\$11,611,769.85	Park Impact Fee District	\$3,333,707.13	\$22,056,596.92	\$4,700,492.82	\$23,538,780.29	\$2,329,138.59	\$27,807,717.11
	FY 2013		FY 2014		FY 2015																															
	Expenditure	Balance	Expenditure	Balance	Expenditure	Balance																														
Fire Impact Fee District	\$1,709,783.36	\$11,644,873.30	\$6,848,883.35	\$11,275,953.27	\$4,058,356.10	\$14,718,562.75																														
Police Impact Fee District	\$1,419,611.59	\$7,233,678.08	\$1,034,617.62	\$9,177,326.69	\$250,657.14	\$11,611,769.85																														
Park Impact Fee District	\$3,333,707.13	\$22,056,596.92	\$4,700,492.82	\$23,538,780.29	\$2,329,138.59	\$27,807,717.11																														
7B 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:																																			

⁵ https://www.municode.com/library/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33IPOSEIMFEOR_S33I-10BEZOTRFU

⁶ https://www.municode.com/library/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33JFIEMMESEIMFEOR_S33J-11BEZOTRFU

⁷ https://www.municode.com/library/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33KEDFAIMFEOR_S33K-10BEDITRFU

⁸ https://www.municode.com/library/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH32WASERE_ARTVWASASECO_S32-78COPUWASUPUSEDIABSTEARE

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes												
	<ul style="list-style-type: none">Creates Section 5-18.1 of the Miami-Dade County Code providing for regulation of the harboring or keeping of stray and lost dogs by private individuals or organizations;Amends Section 8CC-10 providing for enforcement by civil penalties; andDirects the County Mayor or Mayor’s designee to create an online lost dog registry. <p><i>The mechanism to report stray or lost dogs that are found currently exists through the PetHarbor program. The PetHarbor program includes all of the requirements outlined in the proposed ordinance.</i></p> <p><i>Sec. 5-18.1 - Harboring or keeping of stray or lost dogs; on-line lost dog registry created.</i></p> <p><i>(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.</i></p> <p><i>(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.</i></p> <p><i>(1) If the microchip scan reveals that the dog is registered to an owner, the custodian shall contact the registered owner within 24 hours.</i></p> <p><i>(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.</i></p> <p><i>(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.</i></p> <p><i>(d) The custodian may not keep a stray or lost dog for more than seven days if it would exceed the maximum number of dogs permitted without constituting a kennel, as defined in section 5-1 of this chapter.</i></p> <p><i>(e) The custodian shall notify the Department as to the ultimate disposition of the dog.</i></p> <p><i>(f) Each dog that is harbored or kept in violation of the above requirements shall be deemed a separate violation of this section.</i></p> <p><i>Sec. 8CC-10. Schedule of civil penalties.</i></p> <table><tr><th>Code Section</th><th>Description of Violation</th><th>Civil Penalty</th></tr><tr><td rowspan="4">5-18.1</td><td>Failure to notify Department of keeping stray or lost dog to update Department as to transfer or disposition of dog</td><td></td></tr><tr><td>First offense</td><td>Warning</td></tr><tr><td>Second offense</td><td>\$50.00</td></tr><tr><td>Third offense</td><td>\$100.00</td></tr></table> <p>Additional Information⁹</p>	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
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											

⁹ <http://www.miamidade.gov/animals/lost-and-found.asp>

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes
	<p>Animal Services provides Lost and Found services to the public. Animal Services provides helpful information on what to do if your pet is lost or if you find a stray dog.</p> <p>Per Chapter 5.7(c) every person owning, keeping, or harboring any dog over 4 months of age in Miami-Dade County, or bringing any dog over 4 months of age into Miami-Dade County, needs to register the dog with the Animal Services Department within 30 days of the dog entering the County, and obtain a license tag (dog tag), which the dog must wear at all times. (Cats are not required to be licensed.)</p> <p>Each license tag is to be renewed annually by the anniversary of the dog's most recent rabies vaccination. If the dog is not timely revaccinated, and the license tag not timely renewed, the due date for the renewal of the license tag will be the anniversary of the untimely revaccination.</p>
<p>7C 162395</p>	<p>ORDINANCE PERTAINING TO ZONING AND REAL PROPERTY TRANSACTIONS IN THE VICINITY OF HOMESTEAD AIR RESERVE BASE (HARB); AMENDING ARTICLE XXXV OF CHAPTER 33 OF THE CODE OF MIAMI-DADE COUNTY; REVISING ZONING REGULATIONS NEAR HARB; REVISING BOUNDARIES AND REGULATIONS RELATED TO AIRPORT HEIGHT ZONES AND AIRPORT LAND USE RESTRICTION AREA; REVISING PROCESS FOR GRANTING VARIANCES AND APPEALS; PROVIDING FOR ENFORCEMENT IN THE UNINCORPORATED AREA AND SETTING MINIMUM STANDARDS WITHIN MUNICIPALITIES NEAR HARB; PROVIDING AN EXCEPTION; REQUIRING CERTAIN DISCLOSURES OF PROXIMITY TO HARB IN REAL PROPERTY TRANSACTIONS; AMENDING SECTION 33-1; REVISING DEFINITIONS; AMENDING SECTION 33-311; CONFORMING COUNTY CODE TO STATE LAW RELATED TO VARIANCES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE</p>
<p>Notes</p>	<p>The proposed ordinance pertaining to zoning and real property transactions in the vicinity of Homestead Air Reserve Base (HARB) provides for the following:</p> <ul style="list-style-type: none"> • Amends Article XXXV of Chapter 33 of the Miami-Dade County Code; • Revises boundaries and regulations related to zoning airport height zones and airport land use restriction area; <ul style="list-style-type: none"> ○ Clear zone surface is an area that is 3,000 feet wide and that extends outward from each end of the runway, starting at the runway's threshold, for 3,000 feet; ○ Accident Potential Zone I (APZ I) is an area that is 3,000 feet wide and extends outward from each clear zone surface for a distance of 5,000 feet, so that the outer edges of the APZ I are 8,000 feet from the respective runway's thresholds; and ○ Accident Prone Zone II (APZ II) is an area that is 3,000 feet wide and that extends out 7,000 feet from each APZ I, so that the outer edges of the APZ II are 15,000 feet from the respective runway's thresholds. • Confirms the County Code to State Law related to variances; • Revises the process for granting variances and appeals; <ul style="list-style-type: none"> ○ In accordance with Section 333.025(4) of the Florida Statutes, no hearing will be held until the Aviation and Spaceports Office of the Florida Department of Transportation has received a copy of the variance application and has been provided a minimum of 15 days to comment; and ○ Appeals may be filed in accordance with Article XXXVI of the Miami-Dade County Code, or applicable municipal regulations. • Provides for enforcement in the unincorporated area and sets minimum standards within municipalities near HARB; and • Requires certain disclosures of proximity to HARB in real property transactions. <p><u>Background</u></p> <p>Pursuant to Chapter 163, Florida Statutes, incompatible development of land close to military installations can adversely affect the ability of such an installation to carry out its mission and also may threaten public safety because of the possibility of accidents occurring within the areas surrounding a military installation. Chapter 333, Florida Statutes, pertaining to Airport Zoning requires every political subdivision that contains an airport hazard area within its boundaries to adopt, administer, and enforce airport zoning regulations for such airport hazard areas.</p>

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes
	<p>In 2007, the Homestead Air Reserve Base completed an extensive analysis, known as the Air Installation Compatible Use Zone Study (AICUZ) that considered the effects of aircraft noise, accident potential, compatible land use, and development on present and future neighbors of the Homestead Air Reserve Base. On April 6, 2010, the BCC adopted Resolution No. R-357-10 accepting the Joint Land Use Study (JLUS) and the AICUZ, and authorizing the County's administration to implement JLUS strategies 1, 4, 7, 8, 10, and 11.</p> <p>Policies LU-4H and AV-7C of the Comprehensive Development Master Plan (CDMP) require the County to amend Article XXXV of Chapter 33 of the Code related to Homestead Air Force Base Zoning to consider the guidelines recommended in the JLUS and the AICUZ, and address the following compatibility criteria:</p> <ul style="list-style-type: none"> • Permitted uses and use restrictions; • Development density and intensity; • Building Floor Area Ratios and setbacks; • Height restrictions; • Lighting standards; • Noise attenuation; • Variances and appeals; • Real estate disclosure processes; and • Avigation easements. <p>Policy AV-5J of the CDMP's Aviation Subelement provides for the County to amend its zoning regulations to enhance and promote the compatibility of adjacent uses and development with the Homestead Air Reserve Base.</p>
<p>7D 162513</p>	<p>ORDINANCE RELATING TO ZONING; AMENDING SECTIONS 33-13 AND 33-16 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REGULATING REMOVAL OF FILL FROM LAKE EXCAVATION IN ZONING DISTRICTS OUTSIDE THE URBAN DEVELOPMENT BOUNDARY THAT AUTHORIZE RESIDENTIAL USES; PROHIBITING OFF-SITE TRANSFER OF SUCH FILL; PROVIDING FOR VARIANCES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE</p>
<p>Notes</p>	<p>The proposed ordinance amends Sections 33-13 and 33-16 of the Miami-Dade County Code regulating removal of fill from lake excavation in zoning districts outside the Urban Development Boundary that authorize residential uses. The proposed ordinance further prohibits off-site transfer of such fill.</p> <p><u>Background</u></p> <p>Currently, Section 33-16 of the Code defines which lake excavation based on location and type are subject to or are exempt from a public hearing in order to obtain approval, but the prohibition on transferring the fill off-site is not in the Code. Properties that do not require a public hearing go through an Administrative Site Review to obtain approval to excavate, contingent on the fill not being transferred. The proposed resolution codifies the prohibition of transferring the fill.</p> <p>Under the current regulations, a property owner west of the salt barrier line that wants to obtain approval to excavate a pond can do so subject to an Administrative Site Plan Review with the condition that the fill not be transferred. With the approval of this proposed ordinance, the same property owner can either:</p> <ul style="list-style-type: none"> • Go through the Administrative Site Plan Review if they wish to keep the fill on their property; or • Go through a public hearing process in order to obtain approval to excavate and transfer the fill, which takes longer than the Administrative Site Plan Review process. <p><u>Additional Information on Unincorporated Municipal Service Area Committee Meeting Discussion</u></p> <p>During the December 13, 2016 Unincorporated Municipal Service Area Committee meeting, the proposed ordinance was discussed and amended as follows:</p> <ul style="list-style-type: none"> • <i>It was explained that the intent of the proposed ordinance was to address and control unauthorized rock mining in Commission Districts 8 and 9. It was clarified that the item did not apply to the rock mining overlay zoning area.</i> • <i>The Committee requested clarification to which the Assistant County Attorney explained that the existing County Code already included the list of unusual and new uses referenced and noted that the item sought to add numbers to help identify and distinguish each activity/unusual use making it easier to read.</i>

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes
	<ul style="list-style-type: none"> <i>The Assistant County Attorney added that the specified uses/activities would not be permitted without prior approval and a public hearing conducted by a Zoning Board.</i>
8A1 162680	<p>RESOLUTION APPROVING OPTION TO RENEW FOR THE OPERATIONS AND MAINTENANCE AGREEMENT WITH CRYSTAL MOVER SERVICES, INC. FOR THE MIAMI INTERNATIONAL AIRPORT NORTH TERMINAL AUTOMATED PEOPLE MOVER SYSTEM, FOR A PERIOD OF FIVE YEARS AND IN AN AMOUNT NOT TO EXCEED \$38,506,756.53 AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS CONTAINED THEREIN, INCLUDING BUT NOT LIMITED TO TERMINATION PROVISIONS; AND APPROVING THE ADDITION OF \$6,359,722.89 INTO THE GENERAL ALLOWANCE ACCOUNT</p>
Notes	<p>The proposed resolution approves the five-year option to renew (OTR) the Operations and Maintenance (O&M) Agreement for the Miami International Airport (MIA) North Terminal Automated People Mover (APM) system (SkyTrain) with Crystal Mover Services, Inc. (Crystal Mover), in the amount of \$38,506,756.53, with an additional \$6,359,722.89 for the General Allowance Account (GAA) for a total of \$44,866,479.42.</p> <p><i>Additionally, Item 3(B)(11), File No. 170099, on the January 24, 2017 BCC agenda, is a resolution ratifying the County Mayor's Emergency Purchase Agreement with Crystal Mover Services, Inc. valued at \$1,000,000 to extend the services provided under the O&M Agreement for the MIA North Terminal APM.</i></p> <p><u>Background</u></p> <p>On July 30, 2015, MDAD requested the BCC approve the five-year OTR in the amount of \$37,385,200.00 with an additional GAA amount of \$7,357,900.00 to cover anticipated costs for system overhauls and upgrades and/or replacements of several key APM elements. The item was amended by the Trade and Tourism Committee to reduce the OTR to a one-year term at \$6,632,000.00 and the GAA to \$1,245,000.00 to synchronize the SkyTrain O&M Agreement expiration date with that of the MIA Mover APM (connecting MIA to the Rental Car Center) O&M Agreement. That would allow MDAD to undertake a competitive bid process for an O&M agreement covering both APM systems. Although Crystal Mover also handles the O&M for the MIA Mover and is in the first year of the first of two (2) five-year OTRs, the original O&M contracts for the two (2) APM systems were bid separately because they were not initialized at the same time.</p> <p>To address the Committee's request to synchronize the procurement, MDAD prepared a combined O&M agreement for both APM systems. During this time, however, the Transit Workers Union (TWU) filed a grievance asserting that TWU is required to be provided the opportunity to handle the O&M on the MIA Mover with Transit Department employees. The arbitration process for TWU's grievance regarding the MIA Mover is not complete and may take up to one year to resolve. It is therefore not possible to combine the contracts at this time.</p> <p><u>Additional Information- Trade and Tourism Committee Discussion</u></p> <p>The following discussion took place during the December 15, 2016 Trade and Tourism Committee meeting during consideration of the proposed resolution:</p> <ul style="list-style-type: none"> <i>Committee advised a memo from 2010 noted a clause that provides for a Mayoral review every two years to decide if county agencies could take over the operation and maintenance of these systems and also as a part of the contract the company would be required to train county workers and whether a review had ever been done and requested to see the reports;</i> <i>It was stated that the Transport Workers Union (TWU) was currently suing Miami-Dade County (MDC) in reference to their ability to take over the contract.</i> <i>Assistant Director of Facilities and Maintenance, MDAD, clarified that TWU is in discussion about the train that runs from the rental car facility to the airport and this items deals with Sky train in the North Terminal used by American Airlines. He reported the technology for the Metrorail and Metromover system was a completely different system than what was being used at the airport and MDC did not have any staff who could maintain this system and that the technology and trade secrets for the Mitsubishi system was proprietary information, therefore Crystal Movers Services was contracted to maintain the system and stated it was a part of the contract for Crystal Movers to train MDC personnel, but due to the proprietary information of the mechanical equipment in the trains and there could be some litigation issues that may arise.</i>

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes				
	<ul style="list-style-type: none"> • <i>Commissioners commented that it was not sensible to have an agreement clause that states MDC employees will be trained, but also have proprietary issues that prevent the training from taking place.</i> • <i>Assistant County Attorney stated that the proprietary information that may be asserted by Mitsubishi does not cross the whole spectrum of the contract and may relate to discreet portions of code base or design details. He indicated that he was not aware of any current pending assertions from Mitsubishi that prohibited training due to proprietary issues. He commented that it was within the discretion of the BCC to mandate that part of the contract.</i> • <i>MDAD, advised negotiations were halted once the TWU filed a grievance and indicated the purpose of this renewal was to allow for more time moving forward through the resolution of the grievance with the TWU. MDAD stated that contracts could be joined or terminated for convenience and a bid could be made at a later time to combine them as one entity.</i> • <i>The Assistant County Attorney reported TWU was in arbitration over whether the Miami Intermodal Center at Miami International Airport (MIC-MIA) mover positions should legally be given to the TWU as opposed to the county's ability to contract out. He announced that the determining factor for having multiple or joint contracts depends on how the TWU challenge gets resolved.</i> • <i>Committee inquired about the allotted time frame to blend these contracts and MDAD advised the department was given a year from the October 2015 Trade and Tourism Committee meeting; but was informed that the TWU litigation could take a year to be resolved; therefore this contract would have to move forward on its own, which they were requesting a 5 year contract extension.</i> • <i>Assistant County Attorney advised Commissioners that in order to link the contracts; the terms of this contract would have to be renegotiated and brought before the BCC for approval.</i> • <i>Commissioners asked why this matter was just coming before the Committee, knowing there was a December 31 deadline. MDAD stated that half of the year was spent in negotiations to write a new contract, but they had to change course once the TWU grievance was filed.</i> • <i>Assistant County Attorney advised Commissioners that the TWU prevailed in litigation and was currently in the arbitration stage; he noted a determination has not been made at this time on whether to appeal.</i> 				
	<table border="1"> <thead> <tr> <th colspan="2" data-bbox="267 1115 418 1146">Additional Information- Prior Legislation</th></tr> </thead> <tbody> <tr> <td data-bbox="267 1146 418 1875"> R-694-10 6/15/2010 </td><td data-bbox="418 1146 1489 1875"> <p>Approved the Operations and Maintenance (O&M) Agreement between Miami-Dade County and Crystal Mover Services, Inc. (CMSI) for the Miami International Airport North Terminal Automated People Mover (APM) System for an initial term of five years at a cost of \$33,414,783.</p> <ul style="list-style-type: none"> • <i>The BCC, amended the item prior to adopting it to require that execution of renewal options provided for in the agreement be subject to the approval of the BCC. In addition, the BCC, directed that upon completion of the initial 2 years of the agreement, the County Manager would submit a report to the BCC regarding the cost savings to the County obtained by County responsibility for the operation and maintenance of the North Terminal Automated People Mover (APM) System, with an additional analysis to be submitted every two years thereafter.</i> <p>During consideration of Resolution No. R-694-10, the following discussion ensued:</p> <ul style="list-style-type: none"> • <i>In response to inquiries regarding when the Automated People Mover (APM) cars had been taken over, and who had been maintaining them since then, the MDAD Director, noted they were taken over three years ago, the APM's manufacturer, had been maintaining them without the help of County staff since then.</i> • <i>In response to concerns that the County had not considered training County staff to maintain the APM cars so as to reduce costs, the MDAD Director noted the contract included a clause saying if the County did not want the manufacturer to operate and maintain the APM, the manufacturer would, for a fee, train employees of the County or any provider the County might hire to operate and maintain it. He clarified that the County had to request this training from the manufacturer a certain number of days ahead.</i> </td></tr> </tbody> </table>	Additional Information- Prior Legislation		R-694-10 6/15/2010	<p>Approved the Operations and Maintenance (O&M) Agreement between Miami-Dade County and Crystal Mover Services, Inc. (CMSI) for the Miami International Airport North Terminal Automated People Mover (APM) System for an initial term of five years at a cost of \$33,414,783.</p> <ul style="list-style-type: none"> • <i>The BCC, amended the item prior to adopting it to require that execution of renewal options provided for in the agreement be subject to the approval of the BCC. In addition, the BCC, directed that upon completion of the initial 2 years of the agreement, the County Manager would submit a report to the BCC regarding the cost savings to the County obtained by County responsibility for the operation and maintenance of the North Terminal Automated People Mover (APM) System, with an additional analysis to be submitted every two years thereafter.</i> <p>During consideration of Resolution No. R-694-10, the following discussion ensued:</p> <ul style="list-style-type: none"> • <i>In response to inquiries regarding when the Automated People Mover (APM) cars had been taken over, and who had been maintaining them since then, the MDAD Director, noted they were taken over three years ago, the APM's manufacturer, had been maintaining them without the help of County staff since then.</i> • <i>In response to concerns that the County had not considered training County staff to maintain the APM cars so as to reduce costs, the MDAD Director noted the contract included a clause saying if the County did not want the manufacturer to operate and maintain the APM, the manufacturer would, for a fee, train employees of the County or any provider the County might hire to operate and maintain it. He clarified that the County had to request this training from the manufacturer a certain number of days ahead.</i>
Additional Information- Prior Legislation					
R-694-10 6/15/2010	<p>Approved the Operations and Maintenance (O&M) Agreement between Miami-Dade County and Crystal Mover Services, Inc. (CMSI) for the Miami International Airport North Terminal Automated People Mover (APM) System for an initial term of five years at a cost of \$33,414,783.</p> <ul style="list-style-type: none"> • <i>The BCC, amended the item prior to adopting it to require that execution of renewal options provided for in the agreement be subject to the approval of the BCC. In addition, the BCC, directed that upon completion of the initial 2 years of the agreement, the County Manager would submit a report to the BCC regarding the cost savings to the County obtained by County responsibility for the operation and maintenance of the North Terminal Automated People Mover (APM) System, with an additional analysis to be submitted every two years thereafter.</i> <p>During consideration of Resolution No. R-694-10, the following discussion ensued:</p> <ul style="list-style-type: none"> • <i>In response to inquiries regarding when the Automated People Mover (APM) cars had been taken over, and who had been maintaining them since then, the MDAD Director, noted they were taken over three years ago, the APM's manufacturer, had been maintaining them without the help of County staff since then.</i> • <i>In response to concerns that the County had not considered training County staff to maintain the APM cars so as to reduce costs, the MDAD Director noted the contract included a clause saying if the County did not want the manufacturer to operate and maintain the APM, the manufacturer would, for a fee, train employees of the County or any provider the County might hire to operate and maintain it. He clarified that the County had to request this training from the manufacturer a certain number of days ahead.</i> 				

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes
	<ul style="list-style-type: none"> • <i>The Assistant County Manager (ACM) noted that the County Administration had been seeking opportunities to take over existing and proposed airport APM trains/cars, and did take over one of them. She noted that Miami-Dade Transit Agency (MDTA) Director, would be working with the County Administration in this endeavor.</i> • <i>ACM noted that the trains were out of warranty; and it was a disadvantage to have MDTA employees run the trains because it was critical for new technology to operate correctly from day one and added that completion of the Miami Intermodal Center (MIC)-Earlington Heights project, upgrades of mover systems, and take-over of the MIC-Miami International Airport (MIA) mover were slated to occur before the North Terminal APM system was taken over. She noted the County Administration's current recommendation was that the new technology would be debugged through working with the APM's manufacturer, which would take at least two years.</i> • <i>In response to comments that training of County staff should begin immediately, and continue simultaneously with O&M on the cars, County Manager noted it was necessary to develop a base of knowledge about operations for the next two years. He also noted that County staff would be preparing during the two year period to convert to an in-house operation and indicated the proposed contract would enable staff to make the APM cars operational as soon as possible to move travelers along.</i> • <i>Commissioners noted they wanted MDAD to take note of the operations at some point; the designers of the APM to be present to ensure the system operated well; and that County staff learn what was required of them to run the system, so that the County could take over operation, if it made financial sense.</i> • <i>Commissioners noted the proposed contract provided for the contractor to operate and maintain the system for five years, followed by a year-by-year renewal option for five years and asked County Attorney whether BCC approval of this resolution as presented would mean the County Manager and Mayor could renew the contract without submitting this renewal option to the BCC for consideration, County Attorney responded that this was correct, Commissioners offered an amendment to the resolution to require that the BCC, rather than the County's Mayor or Manager, consider renewal of this agreement for five separate one-year extensions and noted the reason was that if MDT was to be given the opportunity to take over the APM, the BCC needed a finding from the Manager annually.</i> • <i>It was noted that in 2007, when MIA ran into problems, it entered into an interdepartmental agreement for MDT to provide maintenance and limited inspection of MIA's existing people mover system resulting in a current operations approval rating of 100%.</i> • <i>In response to questions concerning how long it would take to train the County's staff to operate the North Terminal cars, MDT noted it would take six months. Commissioners expressed concern that the County had known for years that the trains were going to be out of warranty, but did not train people during those years.</i>
R-1065-15 12/1/2015	<p>Approved a one-year option to renew (OTR), covering year six (6) of the Operations and Maintenance (O&M) Agreement for the Miami International Airport (MIA) North Terminal Automated People Mover (APM) system with Crystal Mover Services, Inc., in the amount of \$6,632,000.00, for an adjusted agreement amount of \$40,046,783.00 (<i>and the not-to-exceed amount of \$1,245,000.00 for Change Order No. 1</i>).</p> <p>It also approved that the Mayor or designee be delegated the authority to negotiate and execute Change Order No. 1 for this Agreement in the not-to-exceed amount of \$1,245,000.00, which includes an increase to the general allowance account to cover additional anticipated costs for year six (6) for system overhauls and upgrades and/or replacements of several key system elements.</p> <ul style="list-style-type: none"> • <i>This item was amended at the October 15, 2015 Trade and Tourism Committee to approve the option to renew the O&M of the MIA North Terminal Automated People Mover System with Crystal Mover Services, Inc. for one year instead of five at a pro</i>

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes
	<p><i>rata cost of \$6,632,000.00 instead of \$37,385,200.00 for all five years; the amendment also reduced the increase in the amount that the County Mayor is authorized to add to the General Allowance Account from \$7,357,900.00 to \$1,245,000.00.</i></p> <p>During this renewal period, Crystal Mover Services would continue to provide all the labor, materials and equipment required to perform all work described in the O&M Agreement for the MIA North Terminal APM system which included performing regularly scheduled preventative maintenance of all equipment, components and trains. Crystal Mover Services was required to maintain a service system availability level of 99.5 percent or better and track and maintain all spare parts and consumables inventory levels.</p> <p>Additionally, MDAD requested authorization to negotiate Change Order No. 1 with Crystal Mover Services for the following:</p> <ul style="list-style-type: none"> • System Overhaul: The APM will begin its sixth year of operation this September. The system manufacturer, MHIA, requires that beginning in year six (6) and continuing through year ten (10) of in-service operations the various APM subsystems - vehicles (mechanical and electrical), train control, communications systems, supervisory control and data acquisition subsystem, guideway track switches and other key system elements - go through a detailed inspection and overhaul regimen to ensure continued reliability and safe operations; and • Capital Asset Replacement Program (CARP): Crystal Mover Services, as part of its O&M renewal proposal, recommended upgrades/replacements of older software and hardware system elements to enhance reliability and viability of the system in the future. These CARP items will be reviewed and authorized on a case-by-case basis by MDAD.
<p>8C1 162545</p>	<p>RESOLUTION APPROVING THE FUNDING OF 30 GRANTS FOR A TOTAL OF \$308,325.00 FROM THE FISCAL YEAR 2016-2017 FIRST QUARTER OF THE TOURIST DEVELOPMENT COUNCIL GRANTS PROGRAM ROOM TAX PLAN AND SURTAX CATEGORY TO PROMOTE MIAMI-DADE COUNTY TOURISM; WAIVING RESOLUTION NO. R-130-06, AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE GRANT AGREEMENTS WITH VARIOUS ENTITIES AND TO EXERCISE ALL PROVISIONS, INCLUDING CANCELLATION PROVISIONS CONTAINED THEREIN</p>
<p>Notes</p>	<p>The proposed resolution approves the funding of 30 grants for a total of \$308,325.00 from the FY 2016-17 Tourist Development Council Grants Program – First Quarter and waives Resolution No. R-130-06 (requiring contracts with non-governmental entities be signed by the other parties before being submitted to the BCC) in order to expedite the allocation of funding support for these time-sensitive, tourism-oriented, and community events.</p> <p><u>Fiscal Impact/Funding Source</u></p> <p>Funding for the Tourist Development Council (TDC) Grants Program comes from the two (2) percent Tourist Development Room Tax Revenue and the two (2) percent Hotel/Motel Food and Beverage Surtax revenues. In addition, the Greater Miami Convention and Visitors Bureau provides \$25,000.00 to the TDC pursuant to a multi-year agreement. Further, a remaining balance of \$50,097.00 from FY 2015-16 in unspent grant funds was carried over and is being appropriated as part of the FY 2016-17 program. Pursuant to Ordinance 16-104, \$1.2 million has been allocated for FY 2016-17 Tourist Development Council (TDC) Grants.</p> <p>The Tourist Development Council convened on September 26, 2016 to review 33 applications requesting \$570,900.00 for the First Quarter of the program. The TDC recommended funding 30 applicants for a total of \$308,325.00.</p>
<p>8C2 162623</p>	<p>RESOLUTION AUTHORIZING THE FUNDING OF 29 GRANTS FOR A TOTAL OF \$160,000.00 FROM THE DEPARTMENT OF CULTURAL AFFAIRS FISCAL YEAR 2016-2017 COMMUNITY GRANTS PROGRAM – SECOND QUARTER FOR VARIOUS ENTITIES; WAIVING RESOLUTION NO. R-130-06; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE GRANT AGREEMENTS AND TO EXERCISE ALL PROVISIONS, INCLUDING THE CANCELLATION PROVISIONS CONTAINED THEREIN</p>
<p>Notes</p>	<p>The proposed resolution approves the funding of 29 grants for a total of \$160,000.00 from the Fiscal Year 2016-17 Community Grants Program – Second Quarter and waives Resolution No. R-130-06 (requiring contracts with</p>

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes
	<p>non-governmental entities be signed by the other parties before being submitted to the BCC) in order to expedite the allocation of funding support for these time-sensitive, tourism-oriented, and community events.</p> <p><u>Fiscal Impact/Funding Source</u> Funding for the Community Grants Program comes from Department of Cultural Affairs' approved departmental revenues, as adopted in the Fiscal Year 2016-17 County budget ordinance. Upon adoption of the FY 2016-17 ordinance, under Grants to Programs for Artists and Non-Profit Cultural Organizations, a total of \$575,000.00 is allocated for FY 2016-17 Community (CG) Grants. A remaining balance of \$250,000.00 is to be used in the subsequent quarters of the program.</p> <p>The Community Grants Panel convened on November 3, 2016 to review 29 applications requesting \$229,250.00 for the Second Quarter of the program. The panel recommended funding 29 applicants for a total of \$160,000.00. The Cultural Affairs Council approved these recommendations at their meeting on November 16, 2016.</p>
<p>8F2 170106</p>	<p>RESOLUTION APPROVING AWARD OF CONTRACT NO. RFP-00318 TO WESTREC MANAGEMENT, INC. FOR OPERATION AND MANAGEMENT OF THE CRANDON PARK MARINA CONCESSION AND FUEL SERVICES FOR THE PARKS, RECREATION AND OPEN SPACES DEPARTMENT WITH AN ESTIMATED REVENUE TO THE COUNTY IN AN AMOUNT OF \$2,292,000.00 FOR THE INITIAL FIVE-YEAR TERM AND ONE, FIVE-YEAR OPTION TO RENEW TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND EXERCISE ALL PROVISIONS CONTAINED THEREIN, INCLUDING ANY CANCELLATION, RENEWAL AND EXTENSION PROVISIONS, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38 [SEE ORIGINAL VERSION UNDER FILE NO. 162383]</p>
<p>Notes</p>	<p>The proposed resolution approves award of Contract No. RFP-00318, Operation of Crandon Park Marina Concession and Fuel Services, to Westrec Marina Management, Inc. (Westrec) for the Parks, Recreation and Open Spaces Department for an initial five-year term, with a five-year option to renew.</p> <p>Under the contract, Westrec is responsible for the operation and management of the marina and fuel dock at Crandon Park. More specifically, Westrec will operate and manage the park's bait and tackle shop, boat rental facility, and fuel dock. All operational and management activity will be performed in conformance with the Crandon Park Master Plan.</p> <p><u>Fiscal Impact/Funding Source</u> The fiscal impact from estimated revenues during the five-year initial term is \$1,012,000. Should the County choose to exercise, at its sole discretion, the one (1), five-year option to renew, the contract's estimated cumulative revenue would be \$2,292,000. The revenue projections are based on a guaranteed monthly fee for operation of the shop and boat rental plus 10 percent of monthly gross receipts from goods and services sold at the shop, boat rental, and fuel dock.</p> <p><i>During the Unincorporated Municipal Service Area Committee meeting on December 13, 2016, the proposed resolution was amended to remove the words "up to" preceding the amount "\$2,292,000.00."</i></p> <p><u>Vendor Recommended for Award</u> A Request for Proposals was issued under full and open competition on February 25, 2016. The Request for Proposals method of award was used to obtain the best value for the County by conducting a qualitative review of proposals, including qualifications, experience, and financial capability. One (1) proposal was received in response to the solicitation.</p> <p>Westrec Marina Management, Inc.</p> <ul style="list-style-type: none"> • 16633 Ventura Boulevard, Sixth Floor, Encino, CA • 801 NE Third Street, Dania Beach, FL 19 <p>Number of Employee Residents</p> <ul style="list-style-type: none"> • Miami-Dade County – 19 • Broward County – 61

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes
	<ul style="list-style-type: none"> Percentage – 18% <p><i>Westrec is the current provider.</i></p> <p><u>Additional Information on Unincorporated Municipal Service Area Committee Meeting Discussion</u></p> <p>During the Unincorporated Municipal Service Area Committee meeting on December 13, 2016, the proposed resolution was discussed as follows:</p> <ul style="list-style-type: none"> <i>The Committee voiced concerns regarding the procurement process and questioned why there was only 1 bidder for the contract.</i> <i>The Director for Purchasing Division and Competition Advocate for Miami-Dade’s Internal Services Department (ISD) explained that the procurement process for the contract complied with Miami-Dade’s open and competitive bids policy and noted that while multiple vendors expressed interest in the contract by downloading the solicitation, they did not offer a proposal for consideration. He informed the Committee members that staff conducted a survey of the vendors to determine the reason for the lack of response to the Request for Proposals (RFP) and found that the majority of vendors believed the contract was outside the scope of work performed by their companies while one vendor stated that there was insufficient time to respond.</i> <i>The Committee asked whether the contract required highly specialized work to be performed.</i> <i>The Director stated that while the contract itself did not require highly specialized work to be performed, few companies offered the services to begin with making it somewhat of a niche market.</i> <i>The Committee questioned whether more vendors would respond to the bid in the event it were resolicited to which the Director explained to the Committee members that only one vendor stated that there was insufficient time to respond despite the 5 weeks deadline for the RFP and pointed out that there was no guarantee a re-solicitation would garner more interest or responses.</i> <i>The Committee inquired about Westrec Management Inc. (WMI), the locations the company served and whether staff attempted to further negotiate the contract amount upon receiving the bid proposal from WMI.</i> <i>The Director informed the Committee members that WMI worked out of California, Arizona, Georgia and Brazil; in addition to Florida and noted that no further negotiations were conducted based on the bid proposal which already included a significant reduction (approximately 26%) to the amount to be paid to WMI to oversee the operation of the Crandon Park Marina Concession and Fuel Services for the Parks, Recreation and Open Spaces Department.</i> <i>In response to a question regarding the Minimum Annual Guarantee (MAG) amount specified in the contract, the Director explained that the MAG amount for the first 2 to 10 years was \$9,000.00 with a 5% guaranteed annual increase.</i> <p><u>Additional Information on Previous Legislation</u></p> <p>On July 23, 2002, the BCC, through Resolution No. R-850-02, authorized the County Manager to advertise a Request for Proposals No. 304 for and on behalf of Miami-Dade County to obtain a vendor(s) to operate a bait and tackle shop and fuel dock facilities, boat rental facility and minor boat repair services at Crandon Park and Marina. According to the item, it was anticipated that that County would issue an agreement to the selected Proposer of each service for a five (5) year period, plus one (1) five (5) year option to extend at the County’s sole discretion. It was also anticipated that for each \$150,000 in permanent improvements made, the selected Proposer could have been eligible for an additional term of up to five (5) years. However, the term of the agreement was not to exceed twenty (20) years.</p> <p>The OCA posed the following questions to ISD followed by their responses:</p> <ul style="list-style-type: none"> What resulted from the advertisement of RFP 304? <ul style="list-style-type: none"> <i>According to ISD staff, Westrec was awarded on 1/30/2004 under the Mayor’s delegated authority for \$458,000; however, the contract expired on 11/30/2014 after the option to renew period (one, 5 year renewal) was exercised. There was a period that would allow for an “Option to Further Renew” (an additional 5 years), but that was only if permanent improvements were proposed and approved in writing by the County.</i>

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes
8F3 170107	<p>RESOLUTION APPROVING AWARD OF CONTRACT NO. RFP-00181 TO MIAMI-KITE BOARDING, INC. FOR OPERATION OF A WATERSPORTS CONCESSION AT CRANDON PARK FOR THE PARKS, RECREATION AND OPEN SPACES DEPARTMENT WITH AN ESTIMATED REVENUE TO THE COUNTY IN AN AMOUNT OF \$1,690,000.00 FOR THE INITIAL FIVE-YEAR TERM AND TWO, TWO-YEAR OPTION TO RENEW TERMS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND EXERCISE ALL PROVISIONS CONTAINED THEREIN, INCLUDING ANY CANCELLATION, RENEWAL AND EXTENSION PROVISIONS, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38 [SEE ORIGINAL VERSION UNDER FILE NO. 162384]</p>
Notes	<p>The proposed resolution approves award of Contract No. RFP-00181, Operation of Watersports Concession at Crandon Park, to Miami-Kite Boarding, Inc. for the Parks, Recreation and Open Spaces Department for a five-year term, with two, two-year options to renew.</p> <p>Under the proposed contract, Miami-Kite Boarding, Inc. is responsible for the operation and management of a watersports concession at Crandon Park. Operational activities include a diverse array of programs and services associated with the watersports industry, such as stand-up paddleboard rentals and instruction, kite boarding rentals and instruction, and kayak rentals. The contract allows for the sale of non-alcoholic beverages and prepackaged snacks to concession customers. All operational and management activity will be performed in conformance with the Crandon Park Master Plan.</p> <p><u>Fiscal Impact/Funding Source</u> The estimated revenue for the five-year term is \$890,000. Should the County elect to exercise, at its sole discretion, the two (2), two-year options to renew, the estimated cumulative revenue will be \$1,690,000. The estimated revenues are based on a guaranteed monthly rent of \$2,500 for the first two (2) years of the initial term and \$3,500 thereafter, including both option to renew terms. In addition, Miami-Kite Boarding, Inc. will pay the County 15 percent of the total monthly gross receipts for the entire term.</p> <p><i>During the Unincorporated Municipal Service Area Committee meeting on December 13, 2016, the proposed resolution was amended to remove the words "up to" preceding the amount "\$1,690,000.00."</i></p> <p><u>Vendor Recommended for Award</u> A Request for Proposals was issued under full and open competition on December 29, 2015. Three (3) proposals were received in response to the solicitation. The Request for Proposals method was used to obtain the best value for the County by conducting a qualitative review of proposals, including qualifications, experience, technical capability, project approach, and pricing.</p> <p><u>Miami-Kite Boarding, Inc. (SBE)</u> 6747 Crandon Boulevard, North Beach, Crandon Park, Key Biscayne, FL</p> <p>Number of Employee Residents</p> <ul style="list-style-type: none"> • Miami-Dade County – 3 • Broward County – 0 • Percentage – 100% <p><u>Vendors Not Recommended for Award</u> Adventure Sports, Inc. and Beachlife, LLC d/b/a TKS Miami were not recommended for award due to evaluation scores and ranking.</p> <p><u>Additional Information on Unincorporated Municipal Service Area Committee Meeting Discussion</u> During the Unincorporated Municipal Service Area Committee meeting on December 13, 2016, the proposed resolution was discussed as follows:</p> <ul style="list-style-type: none"> • <i>The Committee inquired from the Director for Purchasing Division and Competition Advocate for Miami-Dade's Internal Services Department (ISD,) whether the procurement process was fair and open and asked about local participation in the process. It was noted that while the contract was awarded to a</i>

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes																									
	<p><i>local entity there were concerns that the concession continued to operate under an expired permit and requested additional information related to the expired contract.</i></p> <ul style="list-style-type: none"><i>The Director assured the Committee members that the terms of the new contract were far more favorable to the County than the terms of the previous contract and deferred to the Deputy Director for Miami-Dade’s Parks, Recreation and Open Spaces (PROS) Department to explain the issue of the expired permits.</i><i>The Deputy Director informed the Committee members that the procurement process involved a bid protest which delayed the award of the contract. He added that during this time the permit had expired but the operating company continued to pay the County and provide the necessary services.</i><i>The Committee voiced concerns regarding the timeframe for extending permits and inquired how the process could be improved.</i><i>The Deputy Director explained that the Director for PROS had the limited authority to approve permits to conduct business for a 1 year period with a 1 year extension; with all other permit requests presented to the BCC for consideration and approval.</i> <p>The OCA posed the following questions:</p> <ul style="list-style-type: none">Was there a company operating a watersports concession at Crandon Park prior to RFP-00181? If so, what company provided services? What amount?<ul style="list-style-type: none"><i>According to ISD staff, Miami-Kite Boarding is currently operating under an expired permit.</i><i>The terms of the expired permit were: \$800/month for June-October and \$1200/month for November-May or 10% of gross receipts, whichever was greater.</i>Was the company awarded through a competitive process?<ul style="list-style-type: none"><i>According to ISD staff, the company was not awarded through a competitive process.</i>																									
8F4 162628	RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$2,565,000.00 FOR PREQUALIFICATION POOL NO. 8279-5/18-1 FOR PURCHASE AND INSTALLATION OF AUDIO VISUAL EQUIPMENT AND SUPPLIES FOR COUNTY DEPARTMENTS																									
Notes	<p>The proposed resolution authorizes increased expenditure authority of \$2,565,000 to Prequalification Pool No. 8279-5/18-1, Audio Visual Equipment and Supplies, for various County departments to purchase audio visual equipment, video and audio surveillance systems, microfilm cameras and accessories.</p> <p><u>Fiscal Impact/Funding Source</u></p> <p>The pool is currently in the option term, which expires on July 31, 2018. The existing cumulative allocation for the entire 10-year term of the pool is \$20,376,000. If this modification for additional expenditure authority of \$2,565,000 is approved, the cumulative allocation will be \$22,941,000.</p> <table><tr><th>Department/Agency/ Trust</th><th>Existing Allocation</th><th>Additional Allocation Requested</th><th>Modified Allocation</th><th>Funding Source</th></tr><tr><td>Aviation</td><td>\$2,052,000</td><td>\$0</td><td>\$2,052,000</td><td>Revenue Generating</td></tr><tr><td>Citizens Independent Transportation Trust</td><td>\$20,000</td><td>\$0</td><td>\$20,000</td><td>Proprietary Funds</td></tr><tr><td>Clerk of Courts</td><td>\$336,000</td><td>\$130,000</td><td>\$466,000</td><td>Clerk’s Revenues</td></tr><tr><td></td><td></td><td colspan="3"><i>To cover the cost of audio visual equipment maintenance for the Value Adjustment Board, Clerk of the Board and other miscellaneous audio visual products needed to support operations in the Clerk of Courts’ various locations.</i></td></tr></table>	Department/Agency/ Trust	Existing Allocation	Additional Allocation Requested	Modified Allocation	Funding Source	Aviation	\$2,052,000	\$0	\$2,052,000	Revenue Generating	Citizens Independent Transportation Trust	\$20,000	\$0	\$20,000	Proprietary Funds	Clerk of Courts	\$336,000	\$130,000	\$466,000	Clerk’s Revenues			<i>To cover the cost of audio visual equipment maintenance for the Value Adjustment Board, Clerk of the Board and other miscellaneous audio visual products needed to support operations in the Clerk of Courts’ various locations.</i>		
Department/Agency/ Trust	Existing Allocation	Additional Allocation Requested	Modified Allocation	Funding Source																						
Aviation	\$2,052,000	\$0	\$2,052,000	Revenue Generating																						
Citizens Independent Transportation Trust	\$20,000	\$0	\$20,000	Proprietary Funds																						
Clerk of Courts	\$336,000	\$130,000	\$466,000	Clerk’s Revenues																						
		<i>To cover the cost of audio visual equipment maintenance for the Value Adjustment Board, Clerk of the Board and other miscellaneous audio visual products needed to support operations in the Clerk of Courts’ various locations.</i>																								

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes				
	Communications	\$1,762,000	\$170,000 <i>To cover the cost of updating computers in the control room on the 25th floor of the Stephen P. Clark Center.</i>	\$1,932,000	General Fund
	Community Acton and Human Services	\$75,000	\$0	\$75,000	General Fund/Federal Funds
	Corrections and Rehabilitation	\$2,196,000	\$650,000 <i>To cover the cost of purchasing security cameras and other related audio visual equipment.</i>	\$2,846,000	General Fund
	Cultural Affairs	\$148,000	\$950,000 <i>To replace existing equipment that is currently unreliable, outdated, or obsolete, as well as to purchase new audio visual and surveillance equipment and systems.</i>	\$1,098,000	Proprietary Funds
	Economic Advocacy Trust	\$6,000	\$0	\$6,000	General Fund/Proprietary Funds
	Fire Rescue	\$2,669,000	\$0	\$2,669,000	Fire District
	Industrial Development Authority	\$17,000	\$0	\$17,000	General Fund
	Information Technology	\$1,535,000	\$0	\$1,535,000	Internal Service Funds
	Inspector General	\$40,000	\$0	\$40,000	General Fund/Proprietary Funds
	Internal Services	\$232,000	\$75,000 <i>To accommodate the purchase of projectors, screens, speakers, cables to connect audio/visual equipment, white-noise reduction services and for the installation and repair of existing systems at facilities maintained by the department.</i>	\$307,000	Internal Service Funds

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes				
	Library System	\$487,000	\$0	\$487,000	Library District
	Management and Budget	\$9,000	\$0	\$9,000	General Fund/Federal Funds
	Medical Examiner	\$210,000	\$0	\$210,000	General Fund
	Parks, Recreation and Open Spaces	\$291,000	\$205,000 <i>To cover the cost of purchase and repair of audio visual equipment and surveillance cameras for various facilities within Parks, Recreation and Open Spaces.</i>	\$496,000	General Fund
	Police	\$1,871,000	\$385,000 <i>To cover the cost of purchasing a video management system, cameras and microphones and video surveillance for the Special Victims Bureau.</i>	\$2,256,000	Capital Fund/General Fund/Grant Funds
	PortMiami	\$600,000	\$0	\$600,000	Proprietary Funds
	Property Appraiser	\$55,000	\$0	\$55,000	General Fund
	Public Housing and Community Development	\$546,000	\$0	\$546,000	Federal Funds
	Regulatory and Economic Resources	\$161,000	\$0	\$161,000	General Fund/Proprietary Funds
	Solid Waste Management	\$224,000	\$0	\$224,000	General Fund
	Transportation and Public Works	\$4,693,000	\$0	\$4,693,000	DTPW Operating
	Vizcaya Museum and Gardens	\$50,000	\$0	\$50,000	Proprietary Funds
	Water and Sewer	\$88,000	\$0	\$88,000	Proprietary Funds
	Unallocated	\$3,000	\$0	\$3,000	
	Total	\$20,376,000	\$2,565,000	\$22,941,000	

Prequalified Vendors

There are 40 prequalified vendors of which **14 are local**.

Additional Information

On March 4, 2008, the BCC, through Resolution No. R-228-08, approved award of Contract No. 8279-5/18 for various Miami-Dade County departments to purchase and/or install audio visual equipment and supplies in the amount of \$2,991,692. The pool was approved for a five-year initial term plus five (5), one-year options to renew. The five (5) one-year option to renew terms were subsequently combined for administrative efficiency.

- *The original pool for Contract No. 8279-5/18 consisted of six (6) firms of which four (4) were local firms.*

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes																																								
	<p>On January 21, 2010, the BCC, through Resolution No. R-33-10, modified Contract No. 8279-5/18 for additional spending authority and approved the use Transit Operating funds to allow the Miami-Dade Transit Department to purchase security and infrastructure upgrades. The additional amount requested was \$2,873,000.</p> <p>On February 1, 2011, the BCC, through Resolution No. R-75-11, modified Contract No. 8279-5/18 for additional spending authority to allow the Building and Neighborhood Compliance Department access, and provide additional spending authority to the Miami-Dade Public Library System to continue to purchase audio visual equipment and supplies. The additional amount requested was \$380,000.</p> <table border="1" data-bbox="454 520 1302 1890"> <thead> <tr> <th colspan="2">Contract No. 8279-5/18</th></tr> </thead> <tbody> <tr> <td>Original Contract 8279-5/18 R-228-08 8/1/2008-7/31/2013</td><td>\$2,991,692</td></tr> <tr> <td>Modification 4/10/2009</td><td>\$42,918</td></tr> <tr> <td>Modification 5/18/2009</td><td>\$500,264</td></tr> <tr> <td>Modification 9/30/2009</td><td>\$55,300</td></tr> <tr> <td>Modification R-33-10 1/21/2010</td><td>\$2,873,000</td></tr> <tr> <td>Modification 3/2/2010</td><td>\$1,292,000</td></tr> <tr> <td>Modification R-75-11 2/1/2010</td><td>\$380,000</td></tr> <tr> <td>Modification 4/26/2011</td><td>\$114,000</td></tr> <tr> <td>Modification 6/29/2011</td><td>\$100,000</td></tr> <tr> <td>Modification 7/20/2012</td><td>\$280,000</td></tr> <tr> <td>Modification 10/3/2012</td><td>\$55,000</td></tr> <tr> <td>Modification 1/22/2013</td><td>\$486,000</td></tr> <tr> <td>Modification 1/22/2013</td><td>\$1,826</td></tr> <tr> <td>Modification 3/6/2013</td><td>\$290,000</td></tr> <tr> <td>Modification 4/30/2013</td><td>\$300,208.80</td></tr> <tr> <td>Total Amount of Original Contract Term</td><td>\$9,762,208.80</td></tr> <tr> <td>Option to Renew 8279-5/18-1 8/1/2013-7/31/2018</td><td>\$9,762,208.80</td></tr> <tr> <td>Modification 5/23/2016</td><td>\$850,000</td></tr> <tr> <td>Total Amount for Option to Renew Period</td><td>\$10,612,208.80</td></tr> </tbody> </table>	Contract No. 8279-5/18		Original Contract 8279-5/18 R-228-08 8/1/2008-7/31/2013	\$2,991,692	Modification 4/10/2009	\$42,918	Modification 5/18/2009	\$500,264	Modification 9/30/2009	\$55,300	Modification R-33-10 1/21/2010	\$2,873,000	Modification 3/2/2010	\$1,292,000	Modification R-75-11 2/1/2010	\$380,000	Modification 4/26/2011	\$114,000	Modification 6/29/2011	\$100,000	Modification 7/20/2012	\$280,000	Modification 10/3/2012	\$55,000	Modification 1/22/2013	\$486,000	Modification 1/22/2013	\$1,826	Modification 3/6/2013	\$290,000	Modification 4/30/2013	\$300,208.80	Total Amount of Original Contract Term	\$9,762,208.80	Option to Renew 8279-5/18-1 8/1/2013-7/31/2018	\$9,762,208.80	Modification 5/23/2016	\$850,000	Total Amount for Option to Renew Period	\$10,612,208.80
Contract No. 8279-5/18																																									
Original Contract 8279-5/18 R-228-08 8/1/2008-7/31/2013	\$2,991,692																																								
Modification 4/10/2009	\$42,918																																								
Modification 5/18/2009	\$500,264																																								
Modification 9/30/2009	\$55,300																																								
Modification R-33-10 1/21/2010	\$2,873,000																																								
Modification 3/2/2010	\$1,292,000																																								
Modification R-75-11 2/1/2010	\$380,000																																								
Modification 4/26/2011	\$114,000																																								
Modification 6/29/2011	\$100,000																																								
Modification 7/20/2012	\$280,000																																								
Modification 10/3/2012	\$55,000																																								
Modification 1/22/2013	\$486,000																																								
Modification 1/22/2013	\$1,826																																								
Modification 3/6/2013	\$290,000																																								
Modification 4/30/2013	\$300,208.80																																								
Total Amount of Original Contract Term	\$9,762,208.80																																								
Option to Renew 8279-5/18-1 8/1/2013-7/31/2018	\$9,762,208.80																																								
Modification 5/23/2016	\$850,000																																								
Total Amount for Option to Renew Period	\$10,612,208.80																																								

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes																		
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Current Contract Total <i>According to the Bid Tracking System</i></td><td style="width: 40%; text-align: right;">\$20,374,417.60</td></tr> </table>	Current Contract Total <i>According to the Bid Tracking System</i>	\$20,374,417.60																
Current Contract Total <i>According to the Bid Tracking System</i>	\$20,374,417.60																		
8F5 162630	RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$300,000.00 FOR CONTRACT NO. 9504-2/17-2 FOR ADOBE SOFTWARE LICENSES AND MAINTENANCE SUPPORT FOR THE INFORMATION TECHNOLOGY DEPARTMENT																		
Notes	<p>The proposed resolution authorizes increased expenditure authority of \$300,000 to Contract No. 9504-2/17-2, Adobe Software Licenses and Maintenance Support, for the Information Technology Department. The additional funds will be used for the department to continue purchasing Adobe software licenses, maintenance support and subscription renewal services.</p> <p>This contract was established in June 2011 under delegated authority for a two-year term, with two (2), two- year option to renew terms. The Information Technology Department manages this contract on behalf of all County departments, resulting in administrative control and enhanced tracking and reporting.</p> <p>The additional funds are specifically needed to purchase Adobe Creative Cloud software licenses for the North Dade and South Dade Regional Libraries and to cover additional purchases through the remaining contract term. The software licenses provide access to design applications, including Photoshop, Illustrator, and InDesign as well as access to millions of royalty-free photos, graphics, templates and videos.</p> <p><u>Fiscal Impact/Funding Source</u> The contract is currently in its final, two-year option to renew term, which expires on June 30, 2017 and has an existing allocation of \$1,000,000. If this request is approved, the cumulative contract value would be \$1,300,000 for a total of six (6) years.</p> <p><u>Awarded Vendor</u> Carahsoft Technology Corp., 1860 Michael Faraday Drive Suite 100, Reston, VA</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 20px;"> <tr> <th colspan="2">Additional Information on Contract No. 9504-2/17</th></tr> <tr> <td style="width: 60%;"> Original Contract 9504-2/17 6/8/2011-6/30/2013 Awarded under delegated authority </td><td style="width: 40%; text-align: right;">\$300,000</td></tr> <tr> <td> First Option to Renew 9504-2/17-1 7/1/2013-6/30/2015 </td><td style="text-align: right;">\$350,000</td></tr> <tr> <td> Modification 4/14/2015 </td><td style="text-align: right;">\$25,000</td></tr> <tr> <td> Total Amount of First Option to Renew </td><td style="text-align: right;">\$375,000</td></tr> <tr> <td> Second Option to Renew 9504-2/17-2 7/1/2015-6/30/2017 </td><td style="text-align: right;">\$300,000</td></tr> <tr> <td> Modification 9/1/2016 </td><td style="text-align: right;">\$24,500</td></tr> <tr> <td> Total Amount of Second Option to Renew </td><td style="text-align: right;">\$324,500</td></tr> <tr> <td> Current Contract Total <i>According to the Bid Tracking System</i> </td><td style="text-align: right;">\$999,500</td></tr> </table>	Additional Information on Contract No. 9504-2/17		Original Contract 9504-2/17 6/8/2011-6/30/2013 Awarded under delegated authority	\$300,000	First Option to Renew 9504-2/17-1 7/1/2013-6/30/2015	\$350,000	Modification 4/14/2015	\$25,000	Total Amount of First Option to Renew	\$375,000	Second Option to Renew 9504-2/17-2 7/1/2015-6/30/2017	\$300,000	Modification 9/1/2016	\$24,500	Total Amount of Second Option to Renew	\$324,500	Current Contract Total <i>According to the Bid Tracking System</i>	\$999,500
Additional Information on Contract No. 9504-2/17																			
Original Contract 9504-2/17 6/8/2011-6/30/2013 Awarded under delegated authority	\$300,000																		
First Option to Renew 9504-2/17-1 7/1/2013-6/30/2015	\$350,000																		
Modification 4/14/2015	\$25,000																		
Total Amount of First Option to Renew	\$375,000																		
Second Option to Renew 9504-2/17-2 7/1/2015-6/30/2017	\$300,000																		
Modification 9/1/2016	\$24,500																		
Total Amount of Second Option to Renew	\$324,500																		
Current Contract Total <i>According to the Bid Tracking System</i>	\$999,500																		
8F6 162636	RESOLUTION AUTHORIZING A RETROACTIVE DESIGNATED PURCHASE IN A TOTAL AMOUNT OF UP TO \$379,000.00 FOR THE FIRST OPTION TO RENEW TERM AND A DESIGNATED PURCHASE IN A																		

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes
	TOTAL AMOUNT OF UP TO \$401,000.00 FOR THE SECOND OPTION TO RENEW TERM PURSUANT TO SECTION 2-8.1(B)(3) OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT FOR CONTRACT NO. RFP769 FOR PURCHASE OF ADDITIONAL SERVICES, PARTS AND EQUIPMENT FOR THE INTEGRATED SECURITY CONTROL SYSTEM FOR THE CORRECTIONS AND REHABILITATION DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38
Notes	<p>The proposed resolution approves designated purchases under Contract No. RFP769, Integrated Security Control System Replacement, for the Miami-Dade Corrections and Rehabilitation Department. Specifically, the proposed resolution provides for the following:</p> <ul style="list-style-type: none"> • Approval of a retroactive designated purchase for the first option term in the amount of \$379,000 is requested to correct an error that resulted in provision of an allocation that exceeded the amount approved by the BCC. <ul style="list-style-type: none"> ○ The allocation for the first option term was improperly calculated based on a proration of the initial term amount of \$1,800,000. ○ The additional allocation amount was used by the Corrections and Rehabilitation Department to purchase needed services, parts and equipment for ongoing projects to improve security, life safety conditions and the setup of intake and release functions at TKG as part of the consent agreement with the Department of Justice. ○ Once the allocation error was identified, staff corrected the error in the system and further purchasing was immediately discontinued. • Approval of a designated purchase for the second option to renew term is requested to authorize increased expenditure authority of \$401,000 for the purchase of services, parts and equipment for projects identified to continually improve safety and security efficiencies at facilities. <p>This contract was awarded by the BCC through Resolution No. R-966-11 in November 2011 to Black Creek Integrated Systems Corp. (Black Creek) for a three-year term, with two (2), two-year option to renew terms. Black Creek provided the department an automated, turnkey integrated security system to replace the prior legacy security system that had reached the end of its useful life. The system provides centralized control of all security systems, including integration with the intrusion alarm, closed circuit television, intercom, paging, door control and motion sensor systems at the Turner Guilford Knight (TGK) Correctional and Metro West Detention Centers (MWDC). The contract allows for the purchase of additional services, parts and equipment.</p> <p>These requests in the proposed resolution are presented for BCC approval as designated purchases, pursuant to Section 2-8.1(b)(3) of the Miami-Dade County Code, as the provision of these services, parts and equipment by another vendor would be impracticable given that Black Creek is the sole service provider for the existing systems at three of the facilities and a replacement system cannot be obtained without considerable expense and operational impact to the integrity of the security at our detention facilities.</p> <p><u>Fiscal Impact/Funding Source</u></p> <p>The contract was awarded with an initial term of three (3) years with an allocation of \$1,500,000 for the security system including software, hardware, installation, integration, and training. This amount was modified by a change order in the amount of \$300,000 for upgrades due to the centralization of intake and release functions at Turner Guilford Knight Correctional Center, an upgrade including additional cameras at Metro West Detention Center, and the integration of a new uninterruptible power supply system to support the new equipment resulting in a total initial contract amount of \$1,800,000.</p> <p>The two (2), two-year options to renew were approved by the BCC with an allocation of \$22,000 for the first option term and \$49,000 for the second option term to cover maintenance and support services. If the retroactive designated purchase of \$379,000 for the purchases that exceeded the allocation approved by the BCC and an additional amount for a designated purchase of \$401,000 are approved, the modified allocation for the contract will be \$2,651,000. The contract is in the first option to renew term which will expire November 30, 2016.</p> <ul style="list-style-type: none"> • <i>Spending in the First OTR was halted once the spending error was realized (at which point \$400,739.90 had been spent). The \$379,000 being retroactively requested in the proposed resolution is the amount that was spent over the \$22,000 actually approved by the BCC for the First OTR.</i>

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes														
	<ul style="list-style-type: none"> <i>The Bid Tracking System indicates that \$801,094.10 in funds remain unallocated as a result of the mix up. According to ISD staff, these funds will not be used. This term expires 1/31/17 and will not be accessible after that date.</i> <p>Awarded Vendor Black Creek Integrated Systems Corp., 2900 Crestwood Boulevard, Irondale, AL</p> <p><u>Additional Information</u> On November 15, 2011, the BCC, through Resolution No. R-966-11, approved an award to Black Creek Integrated Systems to purchase and implement an Integrated Security Control System Replacement for the Miami-Dade Corrections and Rehabilitation Department in the amount of \$1,500,000.</p> <table border="1" data-bbox="483 613 1273 1108"> <thead> <tr> <th colspan="2">Additional Information on RFP769 According to the Bid Tracking System</th></tr> </thead> <tbody> <tr> <td>Original Contract RFP769 R-966-11 12/1/2011-11/30/2014</td><td>\$1,500,000</td></tr> <tr> <td>Modification 7/31/2012</td><td>\$300,000</td></tr> <tr> <td>Total Amount of Original Contract Term</td><td>\$1,800,000</td></tr> <tr> <td>First Option to Renew RFP769-1(2) 12/1/2014-11/30/2016 According to the Bid Tracking System, the expiration date is now 1/31/2017.</td><td>\$1,200,000</td></tr> <tr> <td>Proration</td><td>\$1,834</td></tr> <tr> <td>Total Amount of First Option to Renew</td><td>\$1,201,834</td></tr> </tbody> </table> <p><u>Additional Information on Metropolitan Services Committee Meeting Discussion</u> During the Metropolitan Services Committee meeting on December 14, 2016, the proposed resolution was discussed as follows:</p> <ul style="list-style-type: none"> <i>In response a question as to when was the error first discovered and why was it not brought to the BCC's attention, the Division Director Purchase Division/Competition Advocate, Internal Services Department, Procurement Management (ISD) noted the error occurred when staff was preparing to exercise the second Option to Renew (OTR). The Division Director noted it was discovered in June, 2016.</i> <i>The Committee pointed out the allocation exceeded the amount that was approved by the BCC to which the Division Director indicated that the allocation amount was the reason for retroactive approval. He added that the original approved amount exceeded the oversight.</i> <i>The Committee pointed out that it was currently December; six months after the discovery.</i> <i>Pursuant to a question about the amount of time the BCC was given, the Division Director clarified that the error was first discovered when preparing the second OTR. He reported that staff was appearing before the Committee because of this discovery, noting they discontinued all expenditures based on the error.</i> <i>The Committee stated that the BCC previously allocated \$379,000 and inquired what would happen in the event that the proposed resolution was not approved, to which the Division Director noted it would be an unauthorized purchase and that the responsibility would revert to the employee who issued the authorization.</i> <i>In response to a question about the procurement process' length, the Division Director advised that procurement could be as short as a few weeks to a month or as long as 2 or 3 years, based upon its complexity.</i> <i>The Committee inquired about addressing the matter instantly before the procurement process, if it took a significant amount of time once the OTR had ended.</i> 	Additional Information on RFP769 According to the Bid Tracking System		Original Contract RFP769 R-966-11 12/1/2011-11/30/2014	\$1,500,000	Modification 7/31/2012	\$300,000	Total Amount of Original Contract Term	\$1,800,000	First Option to Renew RFP769-1(2) 12/1/2014-11/30/2016 According to the Bid Tracking System, the expiration date is now 1/31/2017.	\$1,200,000	Proration	\$1,834	Total Amount of First Option to Renew	\$1,201,834
Additional Information on RFP769 According to the Bid Tracking System															
Original Contract RFP769 R-966-11 12/1/2011-11/30/2014	\$1,500,000														
Modification 7/31/2012	\$300,000														
Total Amount of Original Contract Term	\$1,800,000														
First Option to Renew RFP769-1(2) 12/1/2014-11/30/2016 According to the Bid Tracking System, the expiration date is now 1/31/2017.	\$1,200,000														
Proration	\$1,834														
Total Amount of First Option to Renew	\$1,201,834														

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes
	<ul style="list-style-type: none"> • <i>The Division Director indicated that staff started the process 6 months to a year prior to the OTR's expiration.</i> • <i>Responding to a question as to whether the time was sufficient, the Division Director stated that the timing was usually sufficient; however, the issue was not to exercise the option to get a head start but related to the error.</i> • <i>The Committee highlighted that staff requested a second OTR for \$401,000 in addition to the approved \$379,000 to which the Division Director explained that staff authorized the retroactive \$379,000.00 approval without authority.</i> • <i>The Committee expressed concern about three retroactive approvals that appeared on the Agenda and inquired whether there was a countywide system for the BCC to monitor retroactivity over a period of time.</i> • <i>The Division Director stated that based on yesterday's (12/13) meeting; staff did not have the capacity to retract history and to retrieve that type of data because there were no queries for it.</i> • <i>The Committee requested that the Assistant County Attorney and Deputy Mayor prepare legislation to develop a tracking system for retroactive items, such as directives.</i> • <i>The Committee stated that staff continued to report they were cutting personnel without cutting services; however, the workload continued to increase for the individuals who remained.</i> <p><u>Additional Information on Relevant Legislation</u></p> <p>On June 4, 2013, the BCC adopted Resolution No. R-454-13 which provide for the following:</p> <ul style="list-style-type: none"> • Directed the County Mayor to bring any emergency contract to the BCC for ratification within one hundred twenty days (120) days of the date of the emergency or the date at which the administration became aware of the emergency and identify such date in any ratification item. <ul style="list-style-type: none"> ○ In the event the Mayor is unable to bring emergency contract ratifications to the BCC within one hundred twenty days (120) days, the Mayor will explain in writing the reason for the delay in bringing the ratification item to the BCC. • Directed the County Mayor to bring any retroactive contract modification to the BCC for approval within one hundred twenty days (120) days of effective date of the amendment and identify such date in any approval item. <ul style="list-style-type: none"> ○ In the event the Mayor is unable to bring such retroactive contract modification to the BCC within one hundred twenty days (120) days, the Mayor will explain in writing the reason for the delay in bringing the item to the BCC.
8F7 162637	<p>RESOLUTION AUTHORIZING DESIGNATED PURCHASE PURSUANT TO SECTION 2-8.1(B)(3) OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; AUTHORIZING AWARD OF ADDITIONAL TIME UP TO 12 MONTHS AND ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT OF UP TO \$6,267,000.00 FOR CONTRACT NO. 1070-5/14-5 FOR PURCHASE OF AUTOMOTIVE AND TRUCK REPLACEMENT PARTS AND SPECIALIZED REPAIR SERVICES FOR COUNTY DEPARTMENTS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38</p>
Notes	<p>The proposed resolution approves a designated purchase, pursuant to Section 2-8.1(b)(3) of the County Code, to authorize the extension of Contract No. 1070-5/14-5, Automotive and Truck Replacement Parts and Specialized Repair Services, by 12 months and increase expenditure authority by \$6,267,000 to ensure continuity of services while the replacement contract is finalized.</p> <p>In May 2009, this contract was approved by the BCC through Resolution No. R-504-09 in the amount of \$7,033,000 for a one-year term, with five (5) one-year option to renew terms. This contract is currently in its final option to renew term and is used by multiple County departments to purchase automotive and truck replacement parts, such as alternators, batteries, radios, compressors, pumps, belts, chemicals and valves, and specialized repair services, such as exhaust, charging, starting and air-conditioning systems, bumper, window tinting, and alarms.</p> <p>The current term was extended administratively by six (6) months under the Mayor's delegated authority to afford the time needed to develop a comprehensive consolidated replacement solicitation with Contract No. 5380-6/14-6, Mobile Equipment Manufacturer Replacement Parts and Services.</p>

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes																																																												
	<p>The OCA posed the following questions:</p> <ul style="list-style-type: none">• Has the consolidated replacement solicitation issued? If so, when?<ul style="list-style-type: none">○ According to ISD staff, the consolidated replacement solicitation was issued on June 2, 2016.• What is the status of the replacement solicitation?<ul style="list-style-type: none">○ According to ISD staff, the solicitation is currently under evaluation. ISD is considering the best course for these two heavily used contracts, and will soon come back to the BCC with an interim solution based on discussion at the Strategic Planning and Government Operations Committee meeting on Contract No. 5380-6/14. A monthly report will be provided to address the status of both contracts since they are interrelated. <p>This item is presented for BCC approval as a designated purchase because the Administration has exhausted its authority to further extend the contract and competition is not practicable at this time since a consolidated replacement solicitation, to consolidate this contract with the replacement solicitation for Contract No. 5380-6/14-6, Mobile Equipment Manufacturer Replacement Parts and Services, is currently underway. A designated purchase requesting additional time under Contract No. 5380-6/14-6 is also being presented to the BCC as a separate item. The consolidated replacement solicitation was advertised and the results are under evaluation.</p> <ul style="list-style-type: none">• Status of item requesting additional time under Contract No. 5380-6/14-6 (File No. 162939):<ul style="list-style-type: none">○ File No. 162939 was amended and passed at the January 17, 2017 Strategic Planning and Government Operations Committee meeting. The proposed resolution approves this request for a designated purchase under Contract No. 5380-6/14-6, Mobile Equipment Manufacturer Replacement Parts and Services, for multiple Miami-Dade County departments. <p><u>Fiscal Impact/Funding Source</u></p> <p>This contract is currently in its fifth and final option to renew term, which expires on November 30, 2016 and has an existing allocation of \$15,550,000. If this request for an additional allocation of \$6,267,000 is approved, the cumulative contract value would be \$57,108,000 for a total of eight (8) years and six (6) months.</p> <table><tr><th>Department</th><th>Existing Cumulative Allocation</th><th>Additional Allocation Requested</th><th>Modified Allocation</th><th>Funding Source</th></tr><tr><td>Aviation</td><td>\$1,357,000</td><td>\$156,000</td><td>\$1,513,000</td><td>Proprietary Funds</td></tr><tr><td>Fire Rescue</td><td>\$3,330,000</td><td>\$325,000</td><td>\$3,655,000</td><td>Fire District</td></tr><tr><td>Internal Services</td><td>\$33,189,000</td><td>\$4,300,000</td><td>\$37,489,000</td><td>Internal Service Funds</td></tr><tr><td>Parks, Recreation and Open Spaces</td><td>\$1,964,000</td><td>\$238,000</td><td>\$2,202,000</td><td>General Fund</td></tr><tr><td>Police</td><td>\$56,000</td><td>\$6,000</td><td>\$62,000</td><td>General Fund</td></tr><tr><td>PortMiami</td><td>\$68,000</td><td>\$0</td><td>\$68,000</td><td>Proprietary Fund</td></tr><tr><td>Solid Waste Management</td><td>\$384,000</td><td>\$80,000</td><td>\$464,000</td><td>Proprietary Funds</td></tr><tr><td>Transportation and Public Works</td><td>\$5,026,000</td><td>\$610,000</td><td>\$4,636,000</td><td>DTPW Operating</td></tr><tr><td>Water and Sewer</td><td>\$5,330,000</td><td>\$552,000</td><td>\$5882,000</td><td>Proprietary Funds</td></tr><tr><td>Unallocated</td><td>\$137,000</td><td>\$0</td><td>\$137,000</td><td></td></tr><tr><td>Total</td><td>\$50,841,000</td><td>\$6,267,000</td><td>\$57,108,000</td><td></td></tr></table> <p>Awarded Vendors</p> <ul style="list-style-type: none">• Arrow Muffler Co., Inc.<ul style="list-style-type: none">○ 14545 NW 7 Avenue, Miami, FL• Bennett Auto Supply, Inc.<ul style="list-style-type: none">○ 3141 SW 10 Street, Pompano Beach, FL• Cold Air Distributors Warehouse of Florida, Inc.<ul style="list-style-type: none">○ 3053 Industrial 31 Street, Fort Pierce, FL	Department	Existing Cumulative Allocation	Additional Allocation Requested	Modified Allocation	Funding Source	Aviation	\$1,357,000	\$156,000	\$1,513,000	Proprietary Funds	Fire Rescue	\$3,330,000	\$325,000	\$3,655,000	Fire District	Internal Services	\$33,189,000	\$4,300,000	\$37,489,000	Internal Service Funds	Parks, Recreation and Open Spaces	\$1,964,000	\$238,000	\$2,202,000	General Fund	Police	\$56,000	\$6,000	\$62,000	General Fund	PortMiami	\$68,000	\$0	\$68,000	Proprietary Fund	Solid Waste Management	\$384,000	\$80,000	\$464,000	Proprietary Funds	Transportation and Public Works	\$5,026,000	\$610,000	\$4,636,000	DTPW Operating	Water and Sewer	\$5,330,000	\$552,000	\$5882,000	Proprietary Funds	Unallocated	\$137,000	\$0	\$137,000		Total	\$50,841,000	\$6,267,000	\$57,108,000	
Department	Existing Cumulative Allocation	Additional Allocation Requested	Modified Allocation	Funding Source																																																									
Aviation	\$1,357,000	\$156,000	\$1,513,000	Proprietary Funds																																																									
Fire Rescue	\$3,330,000	\$325,000	\$3,655,000	Fire District																																																									
Internal Services	\$33,189,000	\$4,300,000	\$37,489,000	Internal Service Funds																																																									
Parks, Recreation and Open Spaces	\$1,964,000	\$238,000	\$2,202,000	General Fund																																																									
Police	\$56,000	\$6,000	\$62,000	General Fund																																																									
PortMiami	\$68,000	\$0	\$68,000	Proprietary Fund																																																									
Solid Waste Management	\$384,000	\$80,000	\$464,000	Proprietary Funds																																																									
Transportation and Public Works	\$5,026,000	\$610,000	\$4,636,000	DTPW Operating																																																									
Water and Sewer	\$5,330,000	\$552,000	\$5882,000	Proprietary Funds																																																									
Unallocated	\$137,000	\$0	\$137,000																																																										
Total	\$50,841,000	\$6,267,000	\$57,108,000																																																										

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes																				
	<ul style="list-style-type: none"> ○ 7311-13 NW 44 Street, Miami, FL • D & L Auto and Marine Supplies, Inc. <ul style="list-style-type: none"> ○ 5601 NW 79 Avenue, Miami, FL • Electric Sales and Service, Inc. <ul style="list-style-type: none"> ○ 340 NE 75 Street, Miami, FL • Genuine Parts Company d/b/a Napa Auto Parts <ul style="list-style-type: none"> ○ 2999 Wildwood Parkway, Atlanta, GA ○ 9250 NW 58 Street, Doral, FL • J D Distributors Automotive Supplies, Inc. (SBE/LDB) <ul style="list-style-type: none"> ○ 7301 NW 32 Avenue, Miami, FL • Palm Truck Centers, Inc. <ul style="list-style-type: none"> ○ 2441 South State Road 7, Fort Lauderdale, FL • Truckmax, Inc. d/b/a Truckmax <ul style="list-style-type: none"> ○ 6000 NW 77 Court, Miami, FL • Uni-Select USA, Inc. d/b/a Auto-Plus <ul style="list-style-type: none"> ○ 115 West Washington Street, Suite 700, South Indianapolis, IN <p><u>Additional Information</u></p> <p>The OCA found that the item states that if the request for an additional allocation of \$6,267,000 is approved, the cumulative contract value would be \$57,108,000 for a total of eight (8) years and six (6) months. However, according to the Bid Tracking System, the current contract total is \$51,234,177.90 which means that if the \$6,267,000 is approved, the cumulative contract value would be \$57,501,177.90.</p> <ul style="list-style-type: none"> • The OCA requested clarification on the cumulative contract total: <ul style="list-style-type: none"> ○ According to ISD staff, this is a scrivener's error that will be listed in the Changes Sheet. The correct modified cumulative value, will be reflected at \$57,502,000. <table border="1" data-bbox="461 1052 1295 1852"> <thead> <tr> <th colspan="2">Additional Information on Contract No. 1070-5/14 According to the Bid Tracking System</th></tr> </thead> <tbody> <tr> <td>Original Contract R-504-09 1070-5/14 6/1/2009-5/31/2010</td><td>\$7,033,000</td></tr> <tr> <td>First Option to Renew 1070-5/14-1 6/1/2010-5/31/2011</td><td>\$7,058,000</td></tr> <tr> <td>Second Option to Renew 1070-5/14-2 6/1/2011-5/31/2012</td><td>\$7,058,000</td></tr> <tr> <td>Third Option to Renew 1070-5/14-3 6/1/2012-5/31/2013</td><td>\$7,058,000</td></tr> <tr> <td>Modification 4/17/2013</td><td>\$350,000</td></tr> <tr> <td>Total Amount for Third Option to Renew</td><td>\$7,408,000</td></tr> <tr> <td>Fourth Option to Renew 1070-5/14-4 6/1/2013-5/31/2014</td><td>\$7,058,000</td></tr> <tr> <td>Modification 2/21/2014</td><td>\$70,000</td></tr> <tr> <td>Total Amount of Fourth Option to Renew</td><td>\$7,128,000</td></tr> </tbody> </table>	Additional Information on Contract No. 1070-5/14 According to the Bid Tracking System		Original Contract R-504-09 1070-5/14 6/1/2009-5/31/2010	\$7,033,000	First Option to Renew 1070-5/14-1 6/1/2010-5/31/2011	\$7,058,000	Second Option to Renew 1070-5/14-2 6/1/2011-5/31/2012	\$7,058,000	Third Option to Renew 1070-5/14-3 6/1/2012-5/31/2013	\$7,058,000	Modification 4/17/2013	\$350,000	Total Amount for Third Option to Renew	\$7,408,000	Fourth Option to Renew 1070-5/14-4 6/1/2013-5/31/2014	\$7,058,000	Modification 2/21/2014	\$70,000	Total Amount of Fourth Option to Renew	\$7,128,000
Additional Information on Contract No. 1070-5/14 According to the Bid Tracking System																					
Original Contract R-504-09 1070-5/14 6/1/2009-5/31/2010	\$7,033,000																				
First Option to Renew 1070-5/14-1 6/1/2010-5/31/2011	\$7,058,000																				
Second Option to Renew 1070-5/14-2 6/1/2011-5/31/2012	\$7,058,000																				
Third Option to Renew 1070-5/14-3 6/1/2012-5/31/2013	\$7,058,000																				
Modification 4/17/2013	\$350,000																				
Total Amount for Third Option to Renew	\$7,408,000																				
Fourth Option to Renew 1070-5/14-4 6/1/2013-5/31/2014	\$7,058,000																				
Modification 2/21/2014	\$70,000																				
Total Amount of Fourth Option to Renew	\$7,128,000																				

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes			
		Fifth Option to Renew 1070-5/14-5 6/1/2014-5/31/2015 <i>According to the Bid Tracking System, the expiration date is now 11/30/2016.</i>	\$7,128,000	
		Proration	\$8,421,177.90	
		Total Amount of Fifth Option to Renew	\$15,549,177.90	
		Total Contract Amount	\$51,234,177.90	
8F8 162632	RESOLUTION AUTHORIZING DESIGNATED PURCHASE PURSUANT TO SECTION 2-8.1(B)(3) OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN AN AMOUNT OF UP TO \$1,435,000.00 AND ADDITIONAL TIME OF ONE YEAR FOR CONTRACT NO. 5870-0/15, FIRE SUPPRESSION SYSTEMS SERVICES, FOR THE AVIATION DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38			
Notes	<p>The proposed resolution approves a designated purchase under Contract No. 5870-0/15, Fire Suppression Systems Services, for the Miami-Dade Aviation Department. Approval of a designated purchase is being requested pursuant to Section 2-8.1(b)(3) of the Miami-Dade County Code to authorize a time extension of one (1) year and increased expenditure authority of \$1,435,000. The extension will ensure continuity of services until a replacement contract is awarded.</p> <p>This contract was approved by the BCC through Resolution No. R-324-11 on May 3, 2011 for a five-year term and is used by the Aviation Department to service fire suppression systems at the Miami International, Homestead General Aviation, Miami Executive and Miami Opa Locka Executive airports.</p> <p>This contract expired on November 30, 2016. The issuance of the replacement solicitation was delayed due to workload issues and competing staff assignments. A staff member has recently been assigned to prioritize the replacement solicitation for issuance.</p> <p><u>Fiscal Impact/Funding Source</u> The contract was established with an allocation of \$6,369,000 for the five-year term and subsequently modified twice under delegated authority for a total of \$1,274,000 in additional expenditure. The contract term has been extended for six (6) months with \$765,000 in prorated funds, resulting in the existing \$8,408,000 allocation. If this designated purchase is approved, the contract would be extended to November 30, 2017 and valued at \$9,843,000.</p> <p><u>Awarded Vendors</u> National Fire Protection, LLC</p> <ul style="list-style-type: none">• 515 Dover Road Rockville, MD• 3125 W Commercial Boulevard, Suite 200, Ft. Lauderdale, FL <p>Sprinklermatic Fire Protection Systems, Inc.</p> <ul style="list-style-type: none">• 4740 Davie Road Davie, FL <p><u>Additional Information</u> On May 3, 2011, the BCC, through Resolution No. R-324-11 approved an award of Contract No. 5870-0/15 to purchase fire suppression systems, repair services, and parts for the Miami-Dade Aviation Department and the General Services Administration. The amount requested was \$6,369,000 for a five (5) year term.</p> <div>Additional Information on Contract No. 5870-0/15</div>			

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes			
		Original Contract 5870-0/15 R-324-11 6/1/2011-5/31/2016 <i>According to the Bid Tracking System, the expiration date was 11/30/2016.</i>	\$6,369,000 Modification 2/4/2013 \$480,000 Modification 1/4/2016 \$793,8000 Proration \$764,280 Total Contract Amount \$8,407,080	
8F9 162416 8F9 SUPP 162859	RESOLUTION APPROVING AWARD OF A MASTER DEVELOPER AGREEMENT, CONTRACT NO. 00096, COMPRESSED NATURAL GAS PROGRAM FOR MIAMI-DADE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS, TO TRILLIUM TRANSPORTATION FUELS, LLC IN A TOTAL AMOUNT NOT TO EXCEED \$428,773,000.00 FOR AN INITIAL TEN-YEAR TERM WITH AN OPTION TO RENEW UP TO TEN (10) YEARS; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF THIS AWARD, ISSUE THE APPROPRIATE PURCHASE ORDERS TO GIVE EFFECT TO SAME, EXECUTE THE CONTRACT INCLUDING THE SUB-AGREEMENTS WHICH ARE APPENDICES B, C, D AND G THERETO, AND EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE CODE AND IMPLEMENTING ORDER 3-38; AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR SUCH PURPOSES; WAIVING THE REQUIREMENTS OF RESOLUTION NO. R-130-06 AND DELEGATING TO THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE THE AUTHORITY TO FINALIZE NEGOTIATIONS, AWARD AND EXECUTE LEASE AGREEMENTS WHICH ARE SUB-AGREEMENTS TO THE CONTRACT AND APPENDICES E AND F THERETO, TO TRILLIUM TRANSPORTATION FUELS, LLC FOR COUNTY PROPERTY AT THE CENTRAL BUS DEPOT AND CORAL WAY BUS DEPOT, UPON APPROVAL OF THE LEASE AGREEMENTS BY THE FEDERAL TRANSIT ADMINISTRATION AND APPROVAL FOR LEGAL SUFFICIENCY BY THE COUNTY ATTORNEY'S OFFICE; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED IN THE LEASE AGREEMENTS EXCEPT WHERE A LEASE AGREEMENT EXPRESSLY RESERVES A RIGHT TO THE BOARD OF COUNTY COMMISSIONERS; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PROVIDE AN EXECUTED COPY OF THE LEASE AGREEMENTS TO THE PROPERTY APPRAISER'S OFFICE WITHIN 30 DAYS OF THEIR RESPECTIVE EXECUTIONS			
Notes	<p>The proposed resolution approves award of a Master Developer Agreement, Contract No. 00096, Compressed Natural Gas (CNG) Program for Miami-Dade Department of Transportation and Public Works, to Trillium Transportation Fuels, LLC in a total amount not to exceed \$428,773,000.00 for an initial ten-year term with an option to renew up to ten (10) years. Additionally, the proposed resolution authorizes the use of Charter County Transportation Surtax Funds for such purposes.</p> <p>The Master Developer Agreement allows for future expansion of the CNG Program with an optional third County CNG fueling station at the Northeast Bus Depot. While the Master Developer Agreement provides for the initial replacement of 300 buses, purchase of an additional 200 CNG buses is contemplated through a separate competitive contract, and the provision of fuel is included in this negotiated agreement.</p> <p>The OCA posted the following question, to which ISD staff responded:</p> <ul style="list-style-type: none"> • What is that status of competitive contract for the purchase of 200 additional CNG buses? <ul style="list-style-type: none"> ○ <i>According to ISD staff, Miami-Dade County is a party to the LYNX (FLORIDA CONSORTIUM) Contract #14-C-09 for the purchase of 40-foot buses. A year ago, the County accessed this contract through Resolution No. R-204-16. The County would anticipate using this competitive contract to procure the balance on new bus purchases.</i> 			

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes
	<ul style="list-style-type: none"> • If the County chooses to order the 200 additional buses, will a new Bus Purchase Agreement be required? <ul style="list-style-type: none"> ○ <i>According to ISD staff, this bus purchase agreement is only for 300 buses. The 200 additional buses would require a separate agreement, as stated above. The Central FL Regional Transportation Authority contract (dba LYNX) is already competitively established.</i> <p>The CNG Program includes the following:</p> <ul style="list-style-type: none"> • Finance, develop, construct, operate, and maintain County CNG fueling stations at the Central Bus Depot and Coral Way Bus Depot; • Conversion of existing facilities to accommodate CNG buses; • Purchase of 300 CNG buses; • Provision of CNG fuel; and • Lease of County property for public access CNG fueling stations. <p>Additionally, the proposed resolution delegates to the County Mayor the authority to finalize negotiations and award leases to Trillium Transportation Fuels, LLC, upon approval of the leases by the Federal Transit Administration. <i>Approval of the leases is required by the Federal Transit Administration, before final execution.</i></p> <ul style="list-style-type: none"> • Both leases will provide public access to CNG fueling stations, which will provide revenue to the County from the sale of CNG fuel, and will serve as back-up sites in case of any operational disruptions at a County CNG fueling station. Lease terms will include the financing, development, construction, operation, and maintenance of public access CNG fueling stations at the Central Bus Depot and Coral Way Bus Depot. <p><u>Fiscal Impact/Funding Source</u></p> <p>The fiscal impact for the initial ten (10) years is estimated to be \$321,660,000. This amount includes one-time costs up to \$174,867,000 for the buses and optional components and \$39,680,000 to build both County CNG fueling stations. The final cost to build the stations will decrease if the actual rate at the financial closing is lower. The fiscal impact includes estimated amounts of \$82,049,000 for the purchase of natural gas and \$25,064,000 to operate and maintain the CNG equipment at the two (2) County CNG fueling stations.</p> <p>The funding sources of the \$321,660,000 will be State and Federal Grant Funds, Financing Proceeds, PTP Surtax and DTPW Operating Funds.</p> <p><u>Credits</u></p> <p>The fiscal impact will be partially offset by the federal credits, and revenue earned from the leases at each CNG public access station. <i>Based on the current credit rate, provided the Alternative Fuel Excise Tax Credit is renewed beyond 2016, it is estimated that the credits to the County could be \$5,000,000 per year.</i></p> <ul style="list-style-type: none"> • The Renewable Natural Gas Credit is estimated to provide credits to the County of \$1,583,000 for the ten-year term. <p>Additionally, the County will receive monthly minimum rent for both CNG public access stations. The estimated revenue for the initial ten-year lease term for both stations, based on the anticipated CNG fuel sales, is \$3,100,500.</p> <p><u>Renewal Option</u></p> <p>The County may choose to continue the CNG Program for up to another ten (10) years. Such renewal would only include the provision of natural gas and the operation and maintenance of the CNG equipment estimated to be \$107,113,000. The renewal period may also include continuing the leases for the public access stations with combined estimated revenues of \$6,390,000, as the rent significantly increases during the renewal period.</p> <p><u>Awarded Vendor</u></p> <p>Trillium Transportation Fuels, LLC</p> <ul style="list-style-type: none"> • 1601 N. Pennsylvania Avenue, Oklahoma City, OK

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes
	<p><u>Bid Protest</u></p> <p>The award recommendation was filed with the Clerk of the Board and notice was sent to all proposers. Clean Energy filed a protest to the award recommendation and two (2) supplements to the protest. Essentially, the protest disputed the accuracy of a financial analysis prepared by the County’s consultant and claimed that the County negotiated a contract that included terms different than those in the solicitation and Trillium’s proposal. The protest requested that the County set aside the contract negotiated with Trillium, the highest ranked firm, and require Best and Final Offers (BAFO) from Trillium and the two (2) firms that tied for second, Clean Energy and Nopetro-OHL MDC.</p> <p>After the protest was heard, the Hearing Examiner’s Findings of Fact and Conclusions of Law rejected the protester’s arguments and determined that the request for a BAFO would provide the protester an unfair competitive advantage. The Hearing Examiner acknowledged that Clean Energy would not have been the highest ranked firm, even if it had scored all of the available points for the financial portion of the scoring and that the negotiated contract was not materially different than the solicitation requirements and proposal submitted by Trillium.</p> <p>The Hearing Examiner recommended that the bid protest of Clean Energy be denied and the recommendation of award to Trillium be affirmed.</p> <p><u>Additional Information - Highlights of Master Development Agreement</u></p> <p>Scope of work and County objectives for the Compressed Natural Gas (CNG) Program for DTPW</p> <ul style="list-style-type: none"> • Design, build, finance, operate and maintain County CNG fuel service stations; • Upgrade existing County infrastructure including upgrading and/or converting County maintenance facilities and existing fuel stations to provide CNG; • Obtain CNG powered buses, with the goal of replacing County diesel powered buses with CNG buses; • Supply CNG fuel for County buses; and • Generate revenues for the County through the sale of CNG Fuel to third parties. <p>Central Bus Depot CNG Facility Miami-Dade Transit, 3431 NW 31st Street, Miami, FL 33142</p> <p>Coral Way Bus Depot CNG Facility Miami-Dade Transit, 2776 SW 74th Avenue, Miami, FL 33155</p> <p>Bus Purchase Agreement</p> <p>Trillium’s proposal provided for the provision of buses manufactured by New Flyer of America, Inc. (New Flyer). New Flyer agrees to manufacture and deliver such buses to DTPW and the County agrees to provide payment for the ordered and delivered buses.</p> <p>To provide DTPW with heavy-duty transit buses in a timely and efficient manner, each party has a specific role as follows:</p> <ul style="list-style-type: none"> • The County will fund the purchase of buses ordered by Trillium and will ensure the delivered buses are promptly inspected, communicating in writing either acceptance or rejection of New Flyer buses; • Trillium will order buses, create payment procedure and mechanism for New Flyer to be timely paid for the manufacture and delivery of buses and will coordinate its obligations under the Master Developer Agreement with the bus delivery schedule; and • New Flyer will manufacture and deliver the buses to DTPW in accordance with the technical specifications. <p>The term of the Bus Purchase Agreement commences on the effective date and will continue until New Flyer has manufactured and delivered all of the subject buses.</p> <p>Bus Purchase Price</p>

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes																																										
	<p>The base bus price is inclusive of all costs associated with the supply and delivery of the buses including all warranties, shipping and delivery.</p> <p>Base bus prices will NOT include:</p> <ul style="list-style-type: none">• Changes due to optional components and pricing related to option for ultra-capacitor system and all electric HVAC;• Change orders requested by the County and approved by New Flyer;• The application of the stipulated formula associated with any change in Producer Price Index; and<ul style="list-style-type: none">○ According to the Price escalation provisions, there are no increase for buses ordered for delivery in 2017 or 2018. Prices are indexed for PPI 1413 Truck and Bus Bodies for buses ordered for delivery after 2018.• Any price adjustments resulting from regulatory changes.<ul style="list-style-type: none">○ The purchase of 2018 emission-compliant vehicles may be required. <p>Base Bus Pricing and Optional Components</p> <table><tr><th>Description</th><th>Price</th><th>Units</th><th>Quantity</th></tr><tr><td>Bus Price per the Technical Specifications up to 5 years</td><td>\$529,900</td><td>Each</td><td>300</td></tr><tr><td>Option for ultra-capacitor system per Technical Specifications</td><td>\$3,869</td><td>Each</td><td>300</td></tr><tr><td>Option for all electric HVAC per Technical Specifications</td><td>\$19,461</td><td>Each</td><td>300</td></tr></table> <p>Pricing for Training, Spare Parts and Special Tools</p> <table><tr><th>Description</th><th>Price</th><th>Units</th></tr><tr><td>Training Program per Technical Specifications</td><td>\$261,312</td><td>Lot</td></tr><tr><td>County option for additional training in 40 hour blocks per Technical Specifications</td><td>\$8,215</td><td>Each</td></tr><tr><td>Spare Parts and Equipment per Technical Specifications</td><td>\$2,474,193</td><td>Lot</td></tr></table> <p>Bus Order Quantity</p> <p>Trillium will submit the bus order for 300 buses at least six (6) months prior to a delivery date determined in contemplation of the completion and ready for service date of the Central Bus Depot CNG Fueling Station.</p> <p>Bus Delivery Schedule</p> <p>Unless otherwise agreed by the Parties, a maximum of 5 buses per week will be delivered to DTPW.</p> <table><tr><th>Project Milestone</th><th>Project Deadline (Weeks from receipt of bus order)</th></tr><tr><td>Receipt of Bus Order</td><td>0 weeks</td></tr><tr><td>Pre-Production Meeting</td><td>8 weeks</td></tr><tr><td>Line Entry of Lead Bus</td><td>26 weeks</td></tr><tr><td>Delivery of Lead Bus</td><td>33 weeks</td></tr><tr><td>Line Entry of First Production Bus</td><td>32 weeks</td></tr><tr><td>Production Buses Complete</td><td>107 weeks</td></tr></table> <p>Repairs by New Flyer</p> <p>DTPW will make any bus requiring repairs available to New Flyer or its designated representative for the purpose of completing such repair(s). New Flyer will provide, at its own expense, all spare parts, tools, personnel, and space required to promptly complete the repairs. At DTPW’s option, New Flyer may be required to remove the bus from DTPW’s property while repairs are being completed.</p>	Description	Price	Units	Quantity	Bus Price per the Technical Specifications up to 5 years	\$529,900	Each	300	Option for ultra-capacitor system per Technical Specifications	\$3,869	Each	300	Option for all electric HVAC per Technical Specifications	\$19,461	Each	300	Description	Price	Units	Training Program per Technical Specifications	\$261,312	Lot	County option for additional training in 40 hour blocks per Technical Specifications	\$8,215	Each	Spare Parts and Equipment per Technical Specifications	\$2,474,193	Lot	Project Milestone	Project Deadline (Weeks from receipt of bus order)	Receipt of Bus Order	0 weeks	Pre-Production Meeting	8 weeks	Line Entry of Lead Bus	26 weeks	Delivery of Lead Bus	33 weeks	Line Entry of First Production Bus	32 weeks	Production Buses Complete	107 weeks
Description	Price	Units	Quantity																																								
Bus Price per the Technical Specifications up to 5 years	\$529,900	Each	300																																								
Option for ultra-capacitor system per Technical Specifications	\$3,869	Each	300																																								
Option for all electric HVAC per Technical Specifications	\$19,461	Each	300																																								
Description	Price	Units																																									
Training Program per Technical Specifications	\$261,312	Lot																																									
County option for additional training in 40 hour blocks per Technical Specifications	\$8,215	Each																																									
Spare Parts and Equipment per Technical Specifications	\$2,474,193	Lot																																									
Project Milestone	Project Deadline (Weeks from receipt of bus order)																																										
Receipt of Bus Order	0 weeks																																										
Pre-Production Meeting	8 weeks																																										
Line Entry of Lead Bus	26 weeks																																										
Delivery of Lead Bus	33 weeks																																										
Line Entry of First Production Bus	32 weeks																																										
Production Buses Complete	107 weeks																																										

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes						
	<p>Repairs by DTPW If DTPW opts to make the repairs, it will use New Flyer specified parts available from its own stock or those supplied by New Flyer specifically required for such repair.</p> <p>Design and Construction Administration Agreement The Design and Construction Administration Agreement is part of the Master Development Agreement and outlines the general terms and conditions under which the Parties would move forward to design, develop, construct and maintain buildings and improvements to be constructed on the Project Sites.</p> <p>The Design and Construction Administration Agreement includes:</p> <ul style="list-style-type: none"> • The Central Bus Depot CNG Facility Scope of Work, Site Map and Drawings and Project Budget; • The Coral Way Bus Depot CNG Facility Scope of Work, Site Map and Drawings, Demolition Scope of Work and Project Budget; • Master Project Schedules; and • Updated Responsible Wages and Benefits. <p>CNG Vehicle Fuel Purchase Agreement The CNG Vehicle Fuel Purchase Agreement is between Trillium Transportation Fuels, LLC and Miami-Dade County. Through this agreement, the Trillium is required to provide sufficient natural gas to meet the County demands for fueling County vehicles 24-hours a day, seven days a week.</p> <p>Under the CNG Vehicle Fuel Purchase Agreement, the contractor will provide natural gas for compression at the County Stations however, the County may opt to purchase natural gas from another contractor for Trillium to compress.</p> <p>The term of the CNG Vehicle Fuel Purchase Agreement is for five (5) years and will commence on the Commercial Operations Date of the first County Station to begin operations. The County, at its sole discretion, may exercise the option to renew yearly, or for any period the Parties agree to, but in no event longer than the Master Development Agreement.</p> <p>The price for the natural gas is fixed and indexed according to the Platt's McGraw Hill Financial monthly report corresponding to the Florida Gas, Zone 3 location. A Firm Capacity and Transportation Charge and Distribution Charge will also be applied.</p> <p>Trillium will pursue credits, rebates and other forms of financial consideration based upon sales of CNG Fuel. Trillium will also provide Renewable Natural Gas (RNG) when available.</p> <p>Compression of Natural Gas and Maintenance of CNG Equipment Agreement Trillium is required to provide sufficient CNG fuel and to maintain the County Stations and all applicable CNG equipment for fueling county vehicles 24 hours per day, seven day a week.</p> <p>Lease Agreements Pursuant to the recommendation to award, upon FTA approval and finalizing negotiations, the following sub-agreements will be added to the CNG Program:</p> <ul style="list-style-type: none"> • Lease Agreement for CNG Public Access Station at Central Bus Depot • Lease Agreement for CNG Public Access Station at Coral Way Bus Depot <table border="1" data-bbox="272 1717 1481 1917"> <thead> <tr> <th colspan="2">Additional Information on Previous Legislation</th></tr> <tr> <th>Legislation</th><th>Summary</th></tr> </thead> <tbody> <tr> <td>R-1372-08 12/2/2008 <i>Sponsored by:</i></td><td>Directed to study the feasibility and advisability of utilizing compressed natural gas in County vehicles, including transit vehicles. The report shall include, but not be limited to: possible conversion of current vehicles; purchase of new vehicles; hybrid CNG technology; infrastructure costs to dispense CNG; the availability of natural gas; and any possible</td></tr> </tbody> </table>	Additional Information on Previous Legislation		Legislation	Summary	R-1372-08 12/2/2008 <i>Sponsored by:</i>	Directed to study the feasibility and advisability of utilizing compressed natural gas in County vehicles, including transit vehicles. The report shall include, but not be limited to: possible conversion of current vehicles; purchase of new vehicles; hybrid CNG technology; infrastructure costs to dispense CNG; the availability of natural gas; and any possible
Additional Information on Previous Legislation							
Legislation	Summary						
R-1372-08 12/2/2008 <i>Sponsored by:</i>	Directed to study the feasibility and advisability of utilizing compressed natural gas in County vehicles, including transit vehicles. The report shall include, but not be limited to: possible conversion of current vehicles; purchase of new vehicles; hybrid CNG technology; infrastructure costs to dispense CNG; the availability of natural gas; and any possible						

Board of County Commissioners
January 24, 2017 Meeting
Research Notes

Item No.	Research Notes	
	<p><i>Gimenez Sosa</i></p>	<p>funding sources, including federal and state grants. The Mayor will submit a report regarding his findings and recommendations to the BCC within thirty (30) days from the effective date of this resolution.</p>
	<p>R-601-13 7/2/2013</p> <p><i>Sponsored by: Sosa Bell Edmonson Jordan Moss Zapata</i></p>	<p>Directed the County Mayor or County Mayor's designee to conduct a study as to:</p> <ul style="list-style-type: none"> • 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 fuel-servicing facilities with natural gas dispensing capabilities, and further directing that such study include a costs/benefits analysis of such measures. <p>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.</p> <ul style="list-style-type: none"> • <i>According to DTPW staff, the County had conducted significant research in the marketplace through the Mayor's Compressed Natural Gas Planning Committee. Staff posted a draft scope of service for industry comment and a draft competitive solicitation was presented to the Finance Committee in Jan 2014. No feasibility study was conducted according to Legistar 140032.</i>
	<p>File No. 140032 2/4/2014</p> <p>Deferred</p> <p><i>Sponsored by: Sosa</i></p>	<p>Authorized the County Mayor or Mayor's designee to advertise a Request for Qualifications (RFQ 910) to establish a pool of proposers to provide energy/fuel saving services to Miami-Dade County, on an as-needed basis, to develop Public Private Partnerships for the provision of these services.</p> <p>During the January 14, 2014 Finance Committee, File No. 140032 was discussed as follows:</p> <ul style="list-style-type: none"> • <i>The Director of the Internal Services Department (ISD) explained the sub-contractor process, noting that teams would be established from a group of firms at the time of prequalification, each bringing a specific level of expertise and competition amongst the teams. He pointed out that the work orders would be reviewed for small business participation, noting that scope of services would be defined at the work order level, allowing ISD Small Business Development (SBD) to assign goals and bring in architecture and engineering firms that will fulfill the small business measures.</i> • <i>The Director confirmed that local preference would be considered and incorporated in the work orders. He noted that Internal Services had conducted meetings with several local firms who previously performed similar types of conversion work.</i> • <i>The Committee questioned the process of awarding contracts once the pools were established, to which the Director responded that contracts would be awarded through a competitive process either by best value for larger conversions or by straight bid for smaller awards. He proceeded to confirm that contracts would not be awarded outside the RFQ process and that there would be competition amongst members of the pool for conversion opportunities.</i> • <i>The Committee inquired about the number of companies that would be included in the competitive pool, to which the Director responded that the pool was not limited to a predetermined number of companies.</i> • <i>The Director indicated that the makeup of pools had not been defined and would be reviewed as part of the competitive process and approved by the BCC.</i> • <i>The Committee questioned whether any specific qualifications and experience requirements for subcontractors existed and whether there could be a specific process to hold subcontractors accountable.</i>

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes
	<ul style="list-style-type: none"> • <i>The Director responded that the team process was created because firms complemented one another with specific experience in various areas, thus giving the County greater value. He noted that it was Administration's responsibility through the prime contractor to ensure the subcontractor performed or would be removed from the contract.</i> • <i>The Committee expressed concern over issuing work orders without competition, to which the Director explained that there would be competition for work orders after the pool was established. He noted that solicitation included specific language permitting the County to waive formal bidding procedures under certain circumstances</i> • <i>The Committee questioned the reason why proposers were not required to meet all components of the scope in order to obtain cost savings, accountability and supervision efficiencies or if the proposed language intended to allow certain projects to be broken up.</i> • <i>The Director clarified that the intention was to provide additional flexibility to be able to allow firms to compete for specific opportunities within one area that may require certain skills that may not be required in another area. He noted that the work orders would protect the County's interest by specifying the scope of services and required qualification for each engagement.</i> • <i>The Director explained that there would be selection and evaluation criteria on the work order level. He noted the proposed resolution established the pool and a framework to handle competition. The Director confirmed that a pool of proposers would come together primarily in the heavy fleet operations.</i> • <i>The Committee inquired about the competitive process that would be used when a firm was providing a proprietary related item or service which they did not want to be shared with other firms in the pool, to which the Director responded that he did not anticipate a situation where a material or equipment would not be viable to the other vendors, and if so, then it would be hard for the County to mandate that one company shared a proprietary item with another company.</i> • <i>The Director noted that the Administration met with approximately twelve firms over the past year and there were no concerns identified by the private sector over sharing proprietary equipment or intellectual property.</i> • <i>The Committee suggested limiting the number of firms and offering greater volume in order to obtain lower prices and greater accountability.</i> • <i>The Director noted that the County spent between \$80 million and \$100 million annually on fuel, estimating that approximately one-half was spent on diesel fuel. He noted that the proposed contract would include the purchase of compressed natural gas at a lower cost in addition to other infrastructure enhancements.</i> • <i>The Committee noted the process needed to be clearly delineated and questioned whether having different entities responsible for converting equipment for different departments would present unforeseen circumstances, such as the need for separate fuel areas.</i> <p>During the BCC meeting on February 4, 2014, File No. 140032 was deferred.</p> <p>During the BCC meeting on February 19, 2014, File No. 140032 was also deferred. Prior to deferral, File No. 140032 was discussed as follows:</p> <ul style="list-style-type: none"> • <i>The Commission expressed concerns with the procurement process, noting an RFQ to establish who was legitimately qualified to assume this project was needed. It was noted that the RFQ set forth the technical experience requirements for the scope of the project, including: infrastructure, motor pool, vehicle transition, and the ability to secure grant funding or other loans.</i>

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes
	<ul style="list-style-type: none"> • <i>The Commission voiced concern that proprietary issues related to funding sources, retrofitting, infrastructure development, and vehicle transition would prevent companies from fully disclosing their options in the competitive process.</i> • <i>The Commission asked the Deputy Mayor to provide the BCC with a complete implementation plan before proceeding with the RFQ, noting the plan should 1) ensure sufficient competition during the second phase of the procurement process, 2) address the infrastructure requirements of all County facilities, and 3) address the potential impact to each County department.</i> • <i>The Commission commented that a RFP should be used to select a qualified company to provide the service and pointed out that more than one company could be qualified but they might not have the necessary resources.</i> • <i>The Director of the Internal Services Department (ISD) explained that the recommended process was already used by the County and modeled after the State of Florida's process to establish a pool of firms. He noted the pool was established up-front to obtain economies of scale and maximize infrastructure, pump and vehicle costs savings. He pointed out that a RFP approach would be used in order to obtain the best value for the County. He said the costs associated with establishing the initial pool would shift to pool members who would develop the implementation plan and the best price through a competitive process.</i> • <i>The Commission asked whether the RFP was issued after the RFQ pool of qualified companies was established in order to obtain industry input, to which the Director clarified that pool members would incur the costs; that the County would validate those costs; and that the County would conduct an audit of the competition.</i> • <i>The Director clarified that the proposed resolution for compressed natural gas (CNG) conversion mandated in the solicitation that all stations had pumps available for public access. He pointed out that residential home natural gas service was regulated by the State of Florida; that two operators existed in Miami-Dade County; and that the decision to provide natural gas services to additional neighborhoods was between the operator and the homeowner.</i> • <i>The Commission expressed concerns over requiring proposers to meet and share ideas in order for staff to produce work orders and noted there needed to be economies of scale so that the conversion of the County's fleet to CNG would be profitable for the selected company.</i> • <i>The Commission suggested soliciting best practices from the industry; letting the industry conduct market research and come up with ideas; and then determining internally what was in the County's best interest.</i> • <i>The Assistant County Attorney explained that the RFQ process established a pool; that the solicitation contemplated work orders which would allow for competition afterwards; that work orders would be issued after a cooperative engagement process with pool members; and that work orders were considered engagements and the basis of competitions. He said that although the RFQ allowed the County the right to waive competitive bidding, the County was committed to do so on the basis of the RFP and competition.</i> • <i>The County Attorney further explained that the RFP reserved additional discretion and did not absolutely require a competitive process. He noted there was also the option to make a selection from the RFQ without going through a competitive process.</i> • <i>The Director pointed out that work order solicitation would be used by the County to develop public private partnerships for the provision of these services. He said that there would be competition and that work orders represented a competitive process beyond the establishment of the pool.</i>
	<div style="display: flex; justify-content: space-between;"> <div style="width: 15%;"> R-419-14 5/6/2014 </div> <div style="width: 85%;"> Authorized 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 </div> </div>

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes
	<div style="display: flex;"> <div style="flex: 1; padding-right: 10px;"> <p><i>Sponsored by: Sosa</i></p> </div> <div style="flex: 2;"> <p>Agreement with the County for the design, financing, construction, maintenance and operation of a Compressed Natural Gas (CNG) Program.</p> <p>The selected proposer for each RFP would be invited to negotiate a Master Developer Agreement to design, build, operate and maintain CNG facilities and infrastructure, and additionally in the case of the RFP for MDT, the conversion of the diesel bus fleet to CNG. Work orders will be used by the County to implement the specific provision of these services in accordance with Miami-Dade County CNG Program Objectives.</p> <p>During the May 6, 2014 BCC meeting, R-419-14 was discussed as follows:</p> <ul style="list-style-type: none"> <i>The Mayor advised this was a program his administration had pursued since he became Mayor, and the County needed to establish this program because the cost of the energy was about forty percent (40%) less.</i> <i>The proposed resolution was amended to delete reference to the United States in Section 2.2(a) and to insert language indicating that “In the event that the proposer attempts to accomplish a portion of the County’s CNG Program objectives through third party contracting, the proposer’s CNG implementation plan shall describe the arrangements in detail including which portion is to be accomplished through such arrangements, the relationship of such portions to the balance of the project, the financial strength of the third party, and any past history of the success of similar arrangements.”</i> <i>The proposed resolution was also amended to insert the words “and/or subcontractors” following the reference to “third party contracting.”</i> <i>In response to an inquiry, the Assistant County Attorney advised the liability remained the same after the amendments.</i> </div> </div> <div style="display: flex; margin-top: 10px;"> <div style="flex: 1; padding-right: 10px;"> <p>R-420-14 5/6/2014</p> <p><i>Sponsored by: Sosa</i></p> </div> <div style="flex: 2;"> <p>Authorized 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.</p> <p>During the April 7, 2014 Finance Committee, R-420-14 was discussed as follows:</p> <ul style="list-style-type: none"> <i>The Director of the Internal Services Department (ISD) explained that a pilot CNG program would be presented to the BCC including pumps and training for staff on up to 20 Public Works and Waste Management Department trucks. He said that the procurement process was being expedited for this solicitation and that efforts were underway to obtain a master developer as quickly as possible. He estimated this process to take approximately two years.</i> <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.</i> <i>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.</i> </div> </div>
<p>8F10 170005</p>	<p>RESOLUTION APPROVING AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR’S DESIGNEE TO EXECUTE AN ASSUMPTION OF FLORIDA LEASEHOLD MORTGAGE, ASSIGNMENT OF LEASES AND RENTS AND SECURITY AGREEMENT AND OF OTHER LOAN DOCUMENTS AND TERMINATION OF SUBLEASE BY AND AMONG PARROT JUNGLE AND GARDENS OF WATSON ISLAND, INC, PJG WATSON, LLC, ESJ J.I. LEASEHOLD, LLC, BERNARD M. LEVINE, MARY LEVINE,</p>

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes
	AND MIAMI-DADE COUNTY, SUBJECT TO UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT'S APPROVAL; AND WAIVING THE REQUIREMENTS OF RESOLUTION NO. R-130-06
Notes	<p>The proposed resolution:</p> <ul style="list-style-type: none"> • Approves and authorizes the County Mayor or the County Mayor's designee to execute an Assumption of Florida Leasehold Mortgage, Assignment of Leases and Rents and Security Agreement and of Other Loan Documents and Termination of Sublease (Agreement) among Parrot Jungle and Gardens of Watson Island, Inc. (Parrot Jungle), PJG Watson LLC (PJG) (together collectively referred to as Parrot Jungle), ESJ J.I. Leasehold LLC (ESJ), Bernard M. Levine and Mary Levine, and Miami-Dade County (County); and • Waives Resolution No. R-130-06, which requires all contracts to be fully negotiated and executed by non-County parties prior to placing such contracts on the BCC's agenda. <p>This assignment of obligations related to Jungle Island, formerly known as Parrot Jungle (Attraction) will permit the sale of the property's leasehold interest to ESJ and will further release Mrs. Levine as guarantor.</p> <p>Specifically, the Agreement contemplates the release of Parrot Jungle from its obligations under the HUD Loan after the effective date of the Agreement, but they will remain liable for their obligations that arose prior to the effective date of the Agreement. The Agreement further contemplates that although Dr. Levine will remain liable for all of his obligations as guarantor, Mrs. Levine will be released from her obligations as guarantor. The release of Mrs. Levine as a guarantor is offset, in terms of credit quality, by a \$5.0 million indemnification to Dr. Levine by ESJ.</p> <p>Parrot Jungle and ESJ desire to obtain the County's consent to:</p> <ul style="list-style-type: none"> • The transfer of all right, title and interest in the Attraction and the ground lease between the City and Parrot Jungle, the leasehold interest secured by the HUD Loan; • The assumption by ESJ of Parrot Jungle's obligations under the HUD Loan, including the payments for the aviary and the additional loans approved pursuant to Resolution Nos. R-475-03, R-916-06 and R-886-7; • The assumption by ESJ of Parrot Jungle's obligations and liabilities pertaining to job creation and retention; and • Termination of the sublease and the subleasehold. <p>The City Commission, pursuant to Resolution No. R-16-0567, has approved the Agreement and should the BCC adopt the proposed resolution, the Agreement will be presented to HUD for its approval, which is the final authorization necessary for the sale to be executed. Waiver of Resolution No. R-130-06 is necessary because HUD approval is still required and because the amount of the total obligation due must be recalculated closer to the time of closing.</p> <p><u>Fiscal Impact/Funding Source</u></p> <p>The execution of the Agreement has no direct fiscal impact to Miami-Dade County. ESJ will assume all the obligations of the Parrot Jungle. Given the planned investment of capital into the property of approximately \$10 million upon sale, the obligations due the County should be better secured going forward as the operation of the facility should generate more revenues.</p> <p>There is a US Department of Housing and Urban Development (HUD) Section 108 loan outstanding on the property which requires 603 jobs to be created and retained. To date, the job creation goal has not been met. The Agreement will allow ESJ up to of five years to meet the original job creation goal of 603 full time equivalent jobs.</p> <p>As of September 30, 2016, all obligations due the County were current under the provisions of the agreement and totaled \$13,378,336. The obligation due will be recalculated by the County to account for additional interest accrued from October 1, 2016 until the date of closing.</p>

Board of County Commissioners
January 24, 2017 Meeting
Research Notes

Item No.	Research Notes
	<p style="text-align: center;">Additional Information on Previous Legislation</p>
	<p>In the fall of 1997, Miami-Dade County was approached by the owner of Parrot Jungle for the purpose of seeking financial assistance through the US HUD Section 108 Loan Program. The assistance was being requested to facilitate the relocation of the PJG attraction from its long-time home in South Dade to a new location on Watson Island in the City of Miami. The City of Miami was approached by the owners of PJG for Section 108 loan assistance, and due to the City's then financial crisis, the City was unable to provide such assistance.</p>
<p>O-98-28 2/3/1998</p>	<p>Provided for the following:</p> <ul style="list-style-type: none"> • Authorized the County Manger to apply to the U.S. Department of Housing and Urban Development (HUD) for a loan under the Section 108 Program (Section 108 Loan) in an amount not to exceed \$21,000,000 for the purpose of providing financial assistance for the development of a botanical garden attraction at Watson Island; • Approved Section 108 Loan application be contingent upon Miami-Dade County entering into a contract with the City of Miami (City) which provided that: <ul style="list-style-type: none"> ○ The County Section 108 Loan Guarantee be provided to Parrot Jungle only until such time as the City of Miami had a total CDBG Section 108 Loan capacity sufficient to substitute for at least 80% of the County's Section 108 guarantee; ○ At the time the capacity becomes available the City apply for a Section 108 Loan in the above amount to replace the County's loan; and ○ The City subordinate the lease payments due from Parrot Jungle for the lease of the Watson Island site to the loan payments from Parrot Jungle to Dade County made in connection with the Section 108 Loan; • As a condition of submitting the Section 108 loan application, Parrot Jungle and Gardens, Inc. committed to provide funding in the amount of \$100,000 per year for 20 years for the aviary at MetroZoo; <ul style="list-style-type: none"> ○ <i>Parrot Jungle's obligation to provide \$100,000 per year for 20 years to the aviary was not to be contingent upon whether the City of Miami replaced Miami-Dade County under the Section 108 Loan guarantee.</i> • All jobs created by the Project pursuant to the Section 108 loan be made available to residents of all areas of Miami-Dade County; and • Amended the County's Community Development Block Grant Consolidated Plan to reflect submission of the Section 108 Application proposed use of such funds.
<p>O-98-81 6/16/1998</p>	<ul style="list-style-type: none"> • Amended Ordinance No. 98-28 to increase the approved amount for a Section 108 Program Loan from up to \$21,000,000 to up to \$25,000,000 for the purpose of providing financial assistance for the development of the proposed Parrot Jungle Facility at Watson Island; and • Amended the Community Development Block Grant Consolidated Plan to reflect the Section 108 application and proposed use of such funds.
<p>O-99-120 9/21/1999</p>	<p>Amended Ordinance No. 98-28 to allow the County Manager to amend the Section 108 Program Loan Application of \$25,000,000 for the proposed Parrot Jungle facility at Watson Island to reflect the revised financial structure and loan terms.</p>
<p>R-475-03 5/6/2003</p>	<ul style="list-style-type: none"> • Approved the use of Community Development Block Grant (CDBG) funds for the repayment of an Economic Development Initiative (EDI) loan to PJG; <ul style="list-style-type: none"> ○ While the subject of this item entailed \$2.5 million in financial assistance, OCED's obligation to PJG was an amount not to exceed \$1,500,000. The repayment of the EDI account was to be secured by CDBG funds over a ten-year period. ○ The remaining balance of \$1 million was to be a loan to PJG to be amortized over a ten-year period at a fixed rate of 2%. <ul style="list-style-type: none"> ○ <i>Parrot Jungle was required to create up to an additional seventy-one (71) new jobs for low and moderate income persons.</i>
<p>R-856-03 7/22/2003</p>	<ul style="list-style-type: none"> • Approved an increase to the subordination on the PJG \$25,000,000 Section 108 loan from \$12,000,000 to \$15,776,000 subject to maintaining all required US HUD loan to value ratios, to reduce the interest rate on the loan from .05% to .025% above the US HUD rate effective August 1, 2003; and

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes
	<ul style="list-style-type: none"> ○ The subordination was recommended to enable PJG to access an additional \$3.8 million necessary to complete the project. All additional funding above this amount was to be limited to future working capital requirements and the expansion of exhibits. • Approved waiver of interest rate premium on PJG first interest payment to the County due on July 15, 2003.
R-916-06 7/18/2006	<ul style="list-style-type: none"> • Authorized a new loan to PJG in the amount of \$4,701,782 to cover the County's advanced payments to US HUD through February 2006 for loan repayments (including administrative costs) for which the anticipated revenue from PJG had not been received by the County; • Authorized PJG's request to defer payments on the \$25 million Section 108 Loan until January 2012, for which the County and City would make payments on the US HUD Section 108 Loan until January 2012; and • Authorized the County Manager to negotiate an assumption by the City at a minimum level of 80 percent of the US HUD Section 108 Loan.
	<p>R-886-07 7/24/2007</p> <p>Recommendation on the Loans</p> <p>Subsequent to the approval of Resolution No. R-916-06, County and City staff continued discussions to: 1) finalize the Amended Pledge Agreement and revised JPA; 2) restructure PJG's repayment schedules on the Section 108 loan and the County's \$4.702 million loan (loan #2); and 3) finalize PJG's repayment schedule on the new County/City loan of \$17.277 million loan (loan #3) as follows:</p> <ul style="list-style-type: none"> • Adjusted the \$4.702 million County loan (approved by the BCC in July 2006 through R-916-0) repayment commencement date of 2012 to 2014 to allow more time for PJG to strengthen its cash flow. This was to avoid any future monetary non-payment on the \$25 million US HUD Section 108 loan; • Deferred payments from PJG on the \$25 million US HUD Section 108 loan from August 2006 to July 2011; and <ul style="list-style-type: none"> ○ <i>Beginning with the August 1, 2006 payment and all the way through the payment due to US HUD on August 1, 2011, the County and City would pay US HUD their respective share of the Section 108 debt payment. The total amount of the deferred payments would total approximately \$17.277 million.</i> <ul style="list-style-type: none"> ▪ <i>The \$17.277 million County/City loan was to be repaid monthly over ten years at a five percent annual interest rate beginning in January 2020, after the \$25 million US HUD Section 108 loan is paid off. The loan will continue to be secured by a leasehold mortgage on the property and be personally guaranteed by Mr. Bern Levine, the majority owner of PJG.</i> • Waived the one-quarter percent administrative fee on the \$25 million US HUD Section 108 loan during the deferral period. <p>In addition to the repayments associated with the debt of the \$25 million US HUD Section 108 loan for the relocation of PGJ, two additional obligations by PJG to the County were in non-payment status. The following payment terms were recommended:</p> <ul style="list-style-type: none"> • That PJG be allowed to make a one-time balloon payment to the County in 2013 rather than make monthly payments through 2013. <ul style="list-style-type: none"> ○ <i>First, in 2003 the County extended two loans totaling \$2.5 million to address PJG's claim that the way the County drew down the \$25 million US HUD Section 108 loan funds increased the cost of the loan. One loan was forgivable in the amount of \$1.5 million, and the remaining \$1 million loan was to be repaid by PJG over ten years.</i> • That PJG be allowed to make a one-time balloon payment to the County in 2020 rather than make annual payments through 2020. <ul style="list-style-type: none"> ○ <i>Secondly, in the Development Agreement it was required of PJG to make annual payments to the Aviary at Metro Zoo from 2006 through 2020 totaling \$2 million.</i>

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes
	<ul style="list-style-type: none"> That PJG have the option to repay both obligations prior to the due date. <p>Recommendation on the Agreement Amended the Development Agreement to allow PJG to make a one-time balloon payment to the County in 2020 rather than make annual payments through 2020.</p> <p>O-10-18 3/2/2010</p> <ul style="list-style-type: none"> Granted Enterprise Zone Ad Valorem Tax Exemption to PJG pursuant to the provisions of Section 196.1995, Florida Statutes, and Miami-Dade County Ordinance No. 96-74. <p>Committee Discussion During the Housing and Community Development Committee meeting on February 10, 2010, the following was discussed:</p> <ul style="list-style-type: none"> <i>In response to a request for clarification on what would occur if the resources were not provided from the General Fund budget, the Department of Housing and Community Development Director explained the funding enabled businesses to meet the 20 percent requirement for hiring from within the Enterprise Zone and to maintain five new full-time positions, which totaled \$396,800 over a five year period.</i> <i>The Committee asked the Department of Housing and Community Development Director to provide a report identifying the number of jobs created within the Parrot Jungle & Gardens of Watson Island, Inc. Project, and identifying which jobs were filled with applicants from Overtown.</i> <i>In response to a Parrot Jungle & Gardens of Watson Island, Inc. at this time, the Director explained that this organization was eligible to participate since April 1988, when the BCC enacted the ordinance implementing this tax exemption program; however, they were slow in submitting their application for review by this Committee due to its taxes not being up-to-date.</i> <p>Report On March 2, 2010, the County Manager issued a report responding to inquiries at the Housing and Community Development Committee meeting on February 10, 2010 regarding the Parrot Jungle and Gardens of Watson Island Enterprise Zone ad valorem tax exemption.</p> <p>According to the report, the information provided by PJG identified both full-time and part-time employees living within the zip codes of 33125, 33128, and 33136, which encompass one desolated area and also takes into account the employees working for the attraction's concessionaires, not just the PJG business. In 2006, a total of 644 full-time and part-time employees worked at the attraction, of which 32 lived in these zip codes. In 2007, 54 of the 744 full-time employees lived in these zip codes, whereas 37 of 574 full-time and part-time employees lived in these zip codes during 2008.</p>
	<p><u>Additional Information – South Florida Business Journal - Jungle Island seeks approval for sale, \$10M in improvements planned, November 15, 2016¹⁰</u></p> <ul style="list-style-type: none"> <i>The Jungle Island wildlife park on Miami's Watson Island is seeking city approval to sell the business, with the new owner planning to spend \$10 million in improvements to the property.</i> <i>The 18-acre attraction, formerly known as Parrot Jungle, opened city-leased land on Watson Island in 2003 after relocating from Pinecrest. PJG Watson Island, led by Bernard Levine, built the animal-themed park with \$57 million in equity, government loans and a bank loan.</i> <i>At the time, the plan was to boost attendance by taking advantage of its proximity to downtown Miami, the cruise ships at Port Miami, and hotels on Miami Beach. Jungle Island President John Dunlap, whose company Iconic Attractions Group was brought in to manage the theme park said attendance has been consistently around 430,000 per year. That's about 300,000 short of what Levine predicted when the park opened.</i>

¹⁰ <http://www.bizjournals.com/southflorida/news/2016/11/15/jungle-island-seeks-approval-for-sale-10m-in.html>

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes
	<ul style="list-style-type: none"> • On Nov. 17, the Miami City Commission will consider a request by PJG Watson Island to assign its lease to ESJ II Leasehold, an affiliate of Aventura-based commercial real estate firm ESJ Capital Partners, led by Arnaud Sitbon and Gabriel Amiel. The terms of the city lease would not change, but the city would be due a lease transfer fee of at least \$150,000. • Miami approved Jungle Island's request to defer rent on the property through March 2013 to help its financial situation during the recession. Jungle Island has deferred \$2.8 million in rent plus \$195,783 in sales and use tax on that rent. Dunlap said Jungle Island started making rent payments once the deferment period ended and is current on payments. • Under the current terms of the lease, which would not change under the assignment to ESJ, Jungle Island could reduce its deferred rent and sales tax to \$856,000 if it repays its loan to the U.S. Department of Housing and Urban Development by Aug. 1, 2020. Dunlap said about \$5.84 million in principal is owed on the HUD loan, which shows considerable progress given that the loan was issued for \$25 million and, including interest, would have a total repayment of near \$50 million. • The county and HUD must also sign off on the lease assignment. • ESJ did not disclose the terms of the lease acquisition. Dunlap, who would continue managing Jungle Island, said ESJ would assume the entire \$28.8 million in principal debt, which is about \$32 million when both principal and interest are included, on the property. Previously, ESJ acquired a bank loan on Jungle Island. • Dunlap said the improvements would transform Jungle Island into an animal-themed park into an attraction that incorporates animal exhibits with eco adventure. The improvements would include a zip line and other sporty tree-top features, numerous water play elements, enhanced food and beverage offerings, and changes to the shows, he said. There won't be large-scale rides. He also plans to introduce more educational elements to the park so Jungle Island can partner with local schools. ESJ is active in charter school development. • Dunlap said the current ownership has made tremendous progress at Jungle Island. Levine's company has paid more than \$20 million in debt, counting both interest and principal, since opening the park, he said. In addition to the \$5.84 million it currently owes HUD, Jungle Island has loans of \$4.7 million and \$940,000 to Miami-Dade County.
8G1 162638	RESOLUTION APPROVING THE BUDGET TOTALING \$2,959,241.00 FOR FISCAL YEAR 2016-17 FOR THE NARANJA LAKES COMMUNITY REDEVELOPMENT AGENCY
Notes	<p>The proposed resolution approves the Naranja Lakes Community Redevelopment Agency's (Agency) FY 2016-17 budget for the Naranja Lakes Community Redevelopment Area (Area). The Agency's budget includes revenues and expenditures in the amount of \$2,959,241.</p> <p>The BCC must approve the Agency's budget prior to the Agency expending any funding in the Trust Fund, as required by Section III D of the Interlocal Agreement.</p> <p><u>Fiscal Impact / Funding Source</u></p> <p>The Agency's revenue source is tax increment financing (TIF), which is generated through the incremental growth of ad valorem revenues beyond an established base year, as defined in Section 163.387 of the Florida Statutes. The countywide TIF payment into the Agency's Trust Fund for FY 2016-17 is \$892,367 and the unincorporated municipal service area (UMSA) TIF payment into the Trust Fund is \$368,714, carryover from prior years \$1,693,660, and interest earnings \$4,500.</p> <p>For the second consecutive year the Area has benefited from an increase in taxable values. The preliminary 2016 tax roll has increased nine (9) percent from the 2015 tax roll, reflecting that the area continues the recovery trajectory from the recent economic downfall. As a result, the Area has benefited again from a small growth in TIF revenues to address slum and blight in accordance with Agency's mission. The County will continue to make payments to the Agency based on each year's growth of ad valorem revenues over the base year through 2033 when the Agency will sunset.</p> <p>Administrative expenditures total \$101,550 and represent eight (8) percent of TIF revenues, excluding the 1.5 percent County Administrative Charge (\$18,916), satisfying the 20 percent cap in administrative expenditures</p>

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes
	<p>required by the Interlocal Agreement. Administrative expenses are for direct County support (\$96,000), advertising (\$5,000), printing (\$500), and mail service (\$50).</p> <p>Operating expenditures total \$1,199,420 and include:</p> <ul style="list-style-type: none"> • \$400,000 for community policing; • \$376,000 for debt service payment; • \$125,000 for professional contractual services of an economic development coordinator; • \$100,000 for commercial redevelopment grants; • \$85,000 for community building operations, maintenance, and insurance; • \$50,000 for residential redevelopment grants; • \$40,000 for legal services; • \$20,000 for a commercial grant coordinator; • \$2,000 for marketing; and • \$1,420 for membership in the Florida Redevelopment Association and required state fees. <p>The Agency budget includes a \$1,639,355 contingency reserve. The reserve set aside for this fiscal year will be used for future debt service payments and for projects within the redevelopment area.</p> <p><u>Additional Information- Naranja Lakes Community Redevelopment Agency's FY 2015-16 Budget</u> On February 2, 2016, the BCC, through Resolution No. R-112-16, approved the Naranja Lakes Community Redevelopment Agency's (Agency) FY 2015-16 budget for the Naranja Lakes Community Redevelopment Area (Area). The Agency's budget includes revenues and expenditures in the amount of \$2,720,838.</p> <p>The Countywide TIF into the Agency's Trust Fund for FY 2015-16 is \$693,712 and the unincorporated municipal service area (UMSA) TIF payment into the Trust Fund is \$286,956.</p> <p>The Agency's FY 2015-16 budget of \$2,720,838 was approved by the Agency on September 15, 2015. The budget included revenue sources of County and UMSA TIF (\$693,712 and \$286,956, respectively), carryover from prior years (\$1,736,670), and interest earnings (\$3,500).</p> <p>Administrative expenditures total \$92,850 and represent nine (9) percent of TIF revenues, excluding the 1.5 percent County Administrative Charge (\$14,710), satisfying the 20 percent cap in administrative expenditures required by the Interlocal Agreement. Administrative expenses are for direct County support (\$90,000), advertising (\$2,500), printing (\$300), and mail service (\$50).</p> <p>Operating expenditures total \$1,067,920 and include:</p> <ul style="list-style-type: none"> • \$400,000 for community policing; • \$375,000 for projected debt service payment; • \$125,000 for professional contractual services for a boundary extension redevelopment plan and an economic development coordinator; • \$75,000 for community building operations, maintenance, and insurance; • \$50,000 for commercial redevelopment grants; • \$30,000 for legal services; • \$10,000 for a commercial grant coordinator; • \$2,000 for marketing; and • \$920 for membership in the Florida Redevelopment Association and required state fees. <p>The Agency budget included a \$1,545,358 contingency reserve.</p> <p><u>Additional Information</u> On March 8, 2016, the BCC, through Resolution No. R-187-16, approved the Finding of Necessity for the Naranja Lakes Community Redevelopment Area Expansion. Acceptance of the Finding of Necessity Study and the proposed resolution indicated that the rehabilitation, conservation, redevelopment, or a combination of the Expansion Area is in the interest of the public health, safety, morals or welfare of the residents of the County. This</p>

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes
	<p>was the first step in adding the Expansion Area to the existing Naranja Lakes Community Redevelopment Area (Area).</p> <p>The Study, prepared by PMG Associates, Inc., examined the conditions in the proposed area and concluded that conditions of slum and blight exist. The Study identified conditions including inadequate provision for sanitation, high population density and overcrowding, defective parking facilities and roadways, faulty lot layout, unsanitary conditions, inadequate and outdated building density pattern, and high vacancy rates.</p> <p>The Tax Increment Financing and Coordinating Committee reviewed the Study on June 18, 2015 and recommended its approval by the BCC.</p> <p>It is important to note that the South B Municipal Advisory Committee (South B) is studying the feasibility of incorporating an area in South Dade. The area being considered by South B includes the Agency's current boundaries. The Expansion Area goes beyond the South B study area, and, should the expansion be approved along with the South B incorporation effort, a portion the Agency will exist within the newly incorporated area and the unincorporated area. There are no community redevelopment agencies in Miami-Dade County that are split between jurisdictions.</p>
<p>8G2 162770</p>	<p>RESOLUTION APPROVING THE BUDGET FOR THE N.W. 79TH STREET CORRIDOR COMMUNITY REDEVELOPMENT AGENCY FOR FISCAL YEAR 2016-17 TOTALING \$181,809.00</p>
<p>Notes</p>	<p>The proposed resolution approves the NW 79 Street Corridor Community Redevelopment Agency's (Agency's) FY 2016-17 budget for the NW 79 Street Corridor Community Redevelopment Area (Area). The Agency's budget includes revenues and expenditures in the amount of \$181,809. The BCC must approve the Agency's budget prior to the Agency expending any funds.</p> <p><u>Fiscal Impact/Funding Source</u></p> <p>The Agency's revenue source is tax increment financing (TIF), which is generated through the incremental growth of ad valorem revenues beyond an established base year, as defined in Section 163.387, Florida Statutes. The countywide TIF payment into the Agency's Trust Fund for FY 2016-17 is \$130,419 and the unincorporated municipal service area (UMSA) TIF payment into the Trust Fund is \$53,888.</p> <p>The County will continue to make payments to the Agency based on each year's growth of ad valorem revenues over the base year through 2039, when the Agency and the Area will sunset.</p> <p>The Agency's FY 2016-17 budget of \$181,809 was approved by the Agency on November 16, 2016. The budget includes revenue sources of County and UMSA TIF (\$130,419 and \$53,888, respectively), a negative carryover from prior years (\$2,598), and interest earnings (\$100).</p> <p>Administrative services are provided by County staff. Because this is the first year the Agency will receive a TIF payment, the County has not charged the Agency for administrative costs. The County will continue to keep track of these expenses until such time as the Agency's revenue is sufficient to provide payment of administrative costs and redevelopment activities. The budget does include a 1.5 percent County administrative charge of \$2,765, and printing and publishing costs of \$500.</p> <p>The Agency's operating expenses total \$31,470 and include \$30,000 for a portion of the costs associated with the creation of the Agency. Depending on the revenue generated by the Agency, a minimum of \$30,000 will continue to be deducted annually until the creation expenses of \$119,125 have been reimbursed. Other operating expenses include \$700 for meeting room expenses; \$495 for the Florida Redevelopment Association membership; \$175 for a special district imposed by the State of Florida; and \$100 for a non-ad valorem assessment against real property.</p> <p>The remaining \$147,074 will be held in reserve for future projects and grants currently being identified by the Agency.</p> <p><u>Additional Information- NW 79 Street Corridor Community Redevelopment Agency's FY 2015-16 Budget</u></p>

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes
	<p>On February 2, 2016, the BCC, through Resolution No. R-111-16, approved the NW 79 Street Corridor Community Redevelopment Agency's (Agency) FY 2015-16 budget. The Agency's budget includes revenues and expenditures in the amount of \$159,039.00.</p> <p>Typically the Agency's revenue source is the incremental growth of ad valorem revenues beyond an established base year, tax increment financing (Tax Increment), as defined in Section 163.387 of Florida State Statutes. Though there was an increase in the Preliminary 2015 Tax Roll over the 2014 Tax Roll, values have not risen above the base year for the Area, therefore, the Agency will not receive any Tax Increment revenue for the current fiscal year. The County will make payments to the Agency, when applicable, based on each year's growth of ad valorem revenues over the base year through 2039, when the Agency will sunset.</p> <p><u>Background</u></p> <p>On May 05, 2009, the BCC adopted Resolution No. R-566-09, which declared the Area as slum or blighted. On July 19, 2011, the BCC adopted the Agency's Redevelopment Plan through Resolution No. R-604-11, establishing a Trust Fund and the resident board for the Area through Ordinance No. 11-55.</p> <p>The Agency held its first meeting on September 12, 2011. On October 3, 2011, the Agency adopted the Interlocal Agreement between the County and the Agency, which grants the Agency certain redevelopment powers. The Interlocal Agreement was approved by the BCC on January 24, 2012 through Resolution No. R-95-12. The Interlocal Agreement requires the Agency to submit for County approval an annual budget for the implementation of the Plan.</p> <p>On March 4, 2014, the BCC, adopted Resolution No. R-241-14, which conveyed a County-owned property located within the Area at 997 NW 79 Street to the Agency. The Agency issued a Request for Qualifications and is currently in the process of negotiating the sale of the property for an amount above the appraised value (\$157,281.00), along with a community benefits package that will include construction jobs and permanent job for residents of the Area. The sale of this property will bring additional funds to the Agency.</p> <p>The Agency's FY 2015-16 budget includes:</p> <ul style="list-style-type: none"> • \$175.00 for a special district fee imposed by the State of Florida; • \$70.00 for a non-ad valorem assessment; and • \$1,000.00 for maintenance on a property owned by the Agency. <p>The remaining \$157,786.00, which includes the proceeds from the sale of the above-mentioned property, will be held in reserve. The Agency's FY 2015-16 budget was approved by the Agency on October 8, 2015.</p>
<p>8H2 162705</p>	<p>RESOLUTION APPROVING POLICY WITH RESPECT TO DISTRIBUTION OF COMPLIMENTARY TICKETS FOR 2017 MIAMI OPEN TENNIS TOURNAMENT SPONSORSHIP BENEFITS PACKAGE AND 2017 MIAMI MARLINS BASEBALL SEASON</p>
<p>Notes</p>	<p>The proposed resolution approves a ticket distribution policy for the 2017 Miami Open tennis tournament and the 2017 Miami Marlins baseball season.</p> <p><u>Background</u></p> <p>The Miami-Dade Commission on Ethics and Public Trust approved a report regarding complimentary event tickets on March 1, 2012 titled "Guidelines and Recommendations Regarding 'Public Benefit' Clauses in Certain Government Contracts", and issued an addendum on March 29, 2012 clarifying "official function". On June 11, 2012, the County Mayor provided a report to the BCC that contained a summary of current agreements between the County and other entities which provide for complimentary tickets as well as other events/facilities for which the County also customarily receives complimentary tickets.</p> <p>Miami Open</p> <p>The current license agreement in effect between the County and International Players Championships, Inc. (IPC) for the annual tennis tournament at the Crandon Park Tennis Center was approved by the BCC under Resolution No. R-891-86 and was amended twice via Resolution No. R-712-88 and Resolution No. R-1187-90.</p>

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes
	<p>Beginning in 2012 and through the 2016 Miami Open, the BCC has annually approved a policy to receive a payment from IPC in lieu of the allotment of courtside boxes, tickets, and passes, and in 2016 the County received a payment of \$102,000.00 from IPC under BCC Resolution No. R-207-16. IPC has informed PROS that for the 2017 Miami Open it will provide the allotment of courtside boxes, tickets, and passes instead of a payment to the County, as is allowed under the current agreement in effect. The 2017 Miami Open runs from March 20 to April 2 and includes 24 sessions over 14 days. The County allotment consists of:</p> <ul style="list-style-type: none"> • 38 courtside box seats for all 24 sessions, or 912 tickets; • 24 inner circle reserved seat tickets for all 24 sessions or 576 tickets; • Up to 200 reserved seats to be used for sessions one through eight; • 16 VIP tennis center on-site parking passes; and • 32 VIP parking passes for parking lot 3 at Crandon Park. <p>Miami Marlins The Operating Agreement between the County and the Marlins Stadium Operator, LLC (Operator) for the Marlins Ballpark was approved by the BCC on March 23, 2009 under Resolution No. R-318-09. Section 7.3 of the Operating Agreement between the County and the Operator requires the Operator to provide the County and the City of Miami (City) a standard suite for public or charity use for 40 regular Major League Baseball home games each, with the home opener being shared by the County and the City. Each game represents 16 standard suite tickets and four (4) parking spaces. The home opener game represents eight (8) tickets and two (2) parking spaces each, for the County and the City.</p> <p>The contractual County ticket allocation for the entire 2017 Miami Marlins baseball season is 664 suite tickets for 40 home regular season games (16 tickets per game), and shared allocation with the City for the home opening day game (eight (8) County and eight (8) City), and one (1) exhibition game (16 tickets). Of the 16 Miami Marlins per-game tickets, two (2) will be reserved for the organization's chaperones, and 14 will be reserved for the organization's members. For the 2016 baseball season, the BCC directed the Clerk of the Board to conduct a ticket lottery for distribution of the County tickets. The ticket lottery was conducted and tickets were allocated to the Mayor and the 12 Commissioners who opted to participate. Tickets were distributed to youth participating in little league or some other charitable organization identified by the District Commissioner.</p> <p>Distribution via Random Lottery For the 2017 Miami Marlins baseball season and Miami Open tennis tournament it is recommended that the County use a ticket lottery procedure similar to that used for the 2016 allocation of the Miami Marlins tickets and to include the Mayor and the Commissioners that choose to participate.</p> <p>County Commissioners and the County Mayor are to advise the Clerk of the Board in writing as to his/her participation in the lottery and the organizations to which they want tickets distributed. The Clerk of the Board will distribute the tickets from the Clerk's Office, located at the Stephen P. Clark Center, 17 Floor, and will require that any recipient receiving the tickets present his or her driver's license or identification card with photo and sign for the package.</p> <p>Other Agreements With respect to the other events, facilities and activities the County has a partnership in, such as the City of Homestead/Homestead-Miami Speedway, Santa's Enchanted Forest, and Miami-Dade County Fair & Expo. Inc., and for which the County receives complimentary tickets, the BCC approved a policy and process for distribution of these tickets at its January 23, 2013 meeting under Resolution No. R-24-13. This policy and procedure will be continued and in effect.</p>
<p>8H3 162607</p>	<p>RESOLUTION APPROVING THE FIRST AMENDMENT TO THE JOINT USE AGREEMENT WITH THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA FOR PROPERTY LOCATED ON AN APPROXIMATELY 14-ACRE SCHOOL BOARD-OWNED SITE ADJACENT TO MIAMI KILLIAN SENIOR HIGH SCHOOL, KNOWN AS RON EHMANN PARK, LOCATED AT 10995 SW 97TH AVENUE IN UNINCORPORATED MIAMI-DADE COUNTY, TO BE JOINTLY USED BY THE SCHOOL BOARD AND THE COUNTY FOR EDUCATIONAL/RECREATIONAL USE AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SUCH AGREEMENT, TO EXERCISE ALL</p>

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes
	PROVISIONS CONTAINED THEREIN, AND TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME
Notes	<p>The proposed resolution approves the First Amendment to the Joint Use Agreement with the School Board of Miami-Dade County (District) at the site owned by the District known as Ron Ehmann Park, adjacent to Miami Killian Senior High School, and authorizing the County Mayor or designee to execute the First Amendment to the Joint Use Agreement.</p> <p>Specifically, this First Amendment to the Joint Use Agreement provides an extension of time of the Agreement through March 2, 2049 in order to access certain funding sources for capital construction projects and other site development activities within the Park, which require long-term site control.</p> <p>The Joint Use Agreement was approved by Resolution No. R-184-09 and permits the joint use of the approximately 14-acre portion of the District-owned land known as Ron Ehmann Park, located at 10995 SW 97 Avenue.</p>
8J1 162883	RESOLUTION APPROVING THE TERMS AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE ELECTRONIC SURVEILLANCE SUPPORT TEAM MULTI-AGENCY VOLUNTARY COOPERATION MUTUAL AID AGREEMENT AND THE COMPANION FINANCIAL ASSISTANCE AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT AND MIAMI-DADE COUNTY, BY AND THROUGH THE MIAMI-DADE POLICE DEPARTMENT, RELATING TO THE PARTICIPATION OF THE MIAMI-DADE POLICE DEPARTMENT IN THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT ELECTRONIC SURVEILLANCE SUPPORT TEAM TASK FORCE AND THE REIMBURSEMENT OF MIAMI-DADE COUNTY FOR OVERTIME EXPENSES INCURRED DURING TASK FORCE OPERATIONS; AUTHORIZING THE EXECUTION OF RENEWALS, AND THE EXERCISE OF CANCELLATION AND TERMINATION PROVISIONS CONTAINED THEREIN
Notes	<p>The proposed resolution approves and authorizes the County Mayor or County Mayor's designee action to execute the Electronic Surveillance Support Team Multi-Agency Voluntary Cooperation Mutual Aid Agreement and the Financial Assistance Agreement between the Florida Department of Law Enforcement (FDLE) and Miami-Dade County, through the Miami-Dade Police Department (MDPD).</p> <p>This Mutual Aid Agreement and companion Financial Assistance Agreement, which become effective when signed by the FDLE and Miami-Dade County, details the policies, procedures, and requirements of the FDLE Electronic Surveillance Support Team Task Force (Task Force). The Mutual Aid Agreement will be in effect through February 28, 2019, and may be renewed every four (4) years. The Financial Assistance Agreement is in effect through June 30, 2017, allowing for reimbursement to Miami-Dade County in accordance with statutory mandates for budget authority.</p> <ul style="list-style-type: none"> <i>The County Mayor or County Mayor's designee is authorized to execute the Agreements between the FDLE and Miami-Dade County, and to execute any renewals that may be necessary. Renewals allow the continued participation of the MDPD in the Task Force and also for the reimbursement of overtime costs for MDPD officers, so long as the FDLE has received statutory budget authority.</i> <p>Participation in this Task Force will support countywide services and may cross jurisdictional lines as necessary, depending on the investigative operations of the Task Force.</p> <p><u>Fiscal Impact/Funding Source</u> FDLE will provide the MDPD with specialized equipment and technical assistance at no cost to Miami-Dade County. Also, the FDLE is authorized to reimburse Miami-Dade County and the MDPD for an amount not to exceed \$300,000 of the MDPD's costs, and not to exceed \$17,500 per individual task force member to work overtime while participating in investigative operations of the Task Force.</p>
8J1 162804	RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND AECOM TECHNICAL SERVICES, INC. FOR PROGRAM MANAGEMENT CONSULTANT SERVICES IN AN AMOUNT NOT TO EXCEED \$5,500,000.00, INCLUSIVE OF A CONTINGENCY ALLOWANCE OF \$500,000.00; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME; TO EXERCISE ANY CANCELLATION AND OTHER PROVISIONS

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes
	CONTAINED THEREIN; AND TO APPROVE THE CONTINGENCY TIME EXTENSION AND CONTINGENCY EXPENDITURE LIMITED TO 10 PERCENT OF THE BASE CONTACT AMOUNT
Notes	<p>The proposed resolution approves a Professional Services Agreement, Program Management Consultant Services, Contract Number E15-SEA-02 between AECOM Technical Services, Inc. and Miami-Dade County (County) for a total contract amount not to exceed \$5,500,000.00, inclusive of a contingency allowance amount of \$500,000.00. The contract period consists of seven (7) years for professional services requested during the term of the contract, or until the money is depleted, whichever comes first.</p> <p>PortMiami needs a Program Management team to oversee over 250 million dollars in new infrastructure work that is in conjunction with PortMiami's Master Plan and coincides with the expected new cruise services and cargo yard efficiencies in the next seven (7) years. These improvements include new cruise terminal(s); new cruise berthing facilities; upgrades and expansions of existing cruise terminals; and other significant investments in our cargo terminal yards, gantry cranes, gate complexes, Ropax facilities, roadways and rail systems.</p> <p><u>Delegation of Authority</u> The authority of the County Mayor or designee to execute and implement this contract is consistent with those authorities granted under the Code of Miami-Dade County. Additional delegation of authorities requested for this contract are as follows:</p> <ul style="list-style-type: none"> • Authority to exercise the time extension and allowance account options limited to ten percent of the contract term and amount; • Authority to exercise the cancellation provisions in the contract; • Section IX of the PSA stipulates that any and all disputes will be decided by the Director of PortMiami; and • Authority to exercise all other provisions and County rights contained in the contract. <p><u>Contract Measures</u> SBE (G&S)- 2%- \$110,000 SBE (A&E)- 15%- \$825,000</p> <p><u>Sub-Consultants</u> CES Consultants, Inc.; Cristina Fandino Architect, Inc.; Charesse Chester & Associates, Inc.; Goal Associates, Inc.; HBC Engineering Company; Nancy Leikauf and Associates, LLC; Nova Consulting, Inc.; Program Controls, Inc.; URS Corporation Southern; and U.S. Cost Incorporated dba RIB U.S. Cost</p> <p><u>Additional Information</u> The OCA requested detailed information and the Seaport Staff provided the following:</p> <p>SBE-A/E Firms</p> <ul style="list-style-type: none"> • Nova Consulting, Inc. – 6% = \$330,000.00 • CES Consultants, Inc. – 6% = \$330,000.00 • HBC Engineering Company – 2% = \$110,000.00 • Program Controls Inc. – 5% = \$275,000.00 • <u>Christina Fandino Architects, Inc. – 4% = \$220,000.00</u> <p>Total – 23% (exceeds Contract Goal Requirement of 15%)</p> <p>SBE-G/S Firms</p> <ul style="list-style-type: none"> • Chareese Chester & Associates, Inc. – 1% = \$55,000.00 • <u>Goal Associates, Inc. – 1% = \$55,000.00</u> <p>Total – 2% (meets Contract Goal requirement of 2%)</p>
8J2 162805	RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND BERMELLO, AJAMIL & PARTNERS, INC. FOR PLANNING SERVICES IN AN AMOUNT NOT TO EXCEED \$3,000,000.00, INCLUSIVE OF A CONTINGENCY ALLOWANCE OF \$272,727.00; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME; TO EXERCISE ANY CANCELLATION AND OTHER PROVISIONS CONTAINED THEREIN; AND TO

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes
	APPROVE THE CONTINGENCY TIME EXTENSION AND CONTINGENCY EXPENDITURE LIMITED TO 10 PERCENT OF THE BASE CONTACT AMOUNT
Notes	<p>The proposed resolution approves a Professional Services Agreement, Planning Services, Contract Number E15-SEA-01 between Bermello, Ajamil & Partners, Inc. and Miami-Dade County (County) for a total contract amount not to exceed \$3,000,000.00, inclusive of a contingency allowance amount of \$272,727.00. The contract period consists of five (5) years for professional services requested during the term of the contract, or until the money is depleted, whichever comes first.</p> <p>The current PortMiami 2035 Master Plan has a 25-year planning horizon, which commenced in 2009. PortMiami's Master Plan must be updated every five (5) years as required by Section 331.14, of the Florida Statute. Therefore, a Professional Services Agreement (PSA) for Planning Services is necessary to assist in providing a five (5), ten (10), and 20-year forecast of port development, and cargo, cruise and other maritime related planning. In addition, the Planning Services' PSA will implement small area studies and site plan, which further analyze the implementation of ideas outlined in the Master Plan.</p> <p><u>Delegation of Authority</u> The authority of the County Mayor or County Mayor's designee to execute and implement this contract is consistent with those authorities granted under the Code of Miami-Dade County. Additional delegation of authorities requested for this contract are as follows:</p> <ul style="list-style-type: none"> • Authority to exercise the time extension and allowance account options limited to ten percent of the contract term and amount; • Authority to exercise the cancellation provisions in the contract; • Section IX of the PSA stipulates that any and all disputes will be decided by the Director of PortMiami; and Authority to exercise all other provisions and County rights contained in the contract. <p><u>Contract Measures</u> SBE-A&E 11.00% \$330,000.00</p> <p><u>Sub-Consultants</u> Cardno GS, Inc.; Cummins Cederberg, Inc.; David Plummer & Associates, Inc.; John C. Martin Associates, LLC; Labozan Associates, Inc.; Lambert Advisory, L.C.; Marlin Engineering, Inc.; and Miller, Legg & Associates, Inc.</p> <p><u>Additional Information</u> The OCA requested detailed information and the Seaport Staff provided the following: <u>E15-SEA-01 – Planning Services</u> SBE-A/E Firms</p> <ul style="list-style-type: none"> • Cummins Cederberg, Inc. – 7% = \$210,000.00 • <u>Miller, Legg & Associates, Inc. – 4% = \$120,000.00</u> <p>Total – 11% (meets Contract Goal Requirement of 11%)</p>
8L6 162655	RESOLUTION APPROVING CONTRACT BETWEEN MIAMI-DADE COUNTY AND THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR PETROLEUM CONTAMINATION CLEANUP SITE MANAGEMENT ACTIVITIES IN MIAMI-DADE COUNTY; RATIFYING THE EXECUTION OF SAID CONTRACT; AND AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS THEREIN
Notes	<p>The proposed resolution approves and ratifies Contract No. GC891 for Petroleum Contamination Cleanup Site Management Activities between the Florida Department of Environmental Protection and Miami-Dade County. The Contract is for a five-year term.</p> <p>Because the Contract was received from the Florida Department of Environmental Protection shortly before the existing contract (Contract No. S0480) expired on September 30, 2016, it was executed pursuant to Section 2-9 of the Code, which authorizes the execution of contracts with governmental entities on behalf of the County prior to BCC approval. Pursuant to Section 2-10 of the Code, the Contract is submitted for ratification by the BCC.</p> <p><u>Fiscal Impact/Funding Source</u></p>

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes
	<p>This Contract will compensate the County with an estimated \$1,211,340 in FY2016-17 to perform contracted services related to petroleum contamination cleanup site management. Similar annual compensation amounts are expected through the five-year period.</p> <p><u>Background</u> Since 1988, the Division of Environmental Resources Management has provided petroleum contamination cleanup services at sites Countywide under contracts with the Florida Department of Environmental Protection. Services include review of technical reports associated with the cleanup of petroleum contaminated sites, management of subconsultant/subcontractor activities, and all administrative duties required by the Petroleum Restoration Program. The State's delegation of these services to Miami-Dade County streamlines the petroleum contamination cleanup process for the public by combining the State and County reviews at the local level. Due to the County's past performance under these contracts, the Florida Department of Environmental Protection requested that the County continue these services under a new contract for an additional five (5) years.</p> <p>The previous such agreement with the State, Contract No. S0480, was approved by the BCC under Resolution No. R-214-10 and expired June 30, 2016. In late June 2016, the Florida Department of Environmental Protection requested a three (3) month extension to prepare the new contract. An amendment to extend Contract No. S0480 until September 30, 2016 was executed by the County Mayor's designee as allowed under Resolution No. R-214-10.</p>
<p>8N1 161918</p>	<p>RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF MIAMI WHEREBY THE COUNTY AGREES TO REPLACE AN EXISTING FENCE ON COUNTY PROPERTY AND THE CITY AGREES TO REIMBURSE THE COUNTY FOR ALL COSTS INCURRED AS A RESULT OF THE PROPOSED WORK ESTIMATED TO BE \$50,000.00; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME FOR AND ON BEHALF OF THE COUNTY AND TO EXERCISE ALL PROVISIONS CONTAINED THEREIN</p>
<p>Notes</p>	<p>The proposed resolution approves an Interlocal Agreement (Agreement) between Miami-Dade County (County) and the City of Miami (City). The Agreement provides for the County to replace an existing six (6) foot high fence with a proposed four (4) foot high fence on Metrorail right-of-way along US 1 between SW 27 Avenue and SW 24 Avenue, and for the City to reimburse the County for all incurred expenses.</p> <p><u>Fiscal Impact</u> There is no fiscal impact to the County. The estimated cost of the project is \$50,000; however, the Agreement requires the City to reimburse the County, within thirty (30) days of completion of the project, for all costs incurred in the design and replacement of the fence.</p> <p><u>Background</u> The City has requested that an existing six (6) foot high fence located on Metrorail right-of-way, between SW 27 Avenue and SW 24 Avenue, be removed and replaced with a four (4) foot high fence to allow greater visibility to the businesses located on the Northeast side of US-1, immediately adjacent to the Metrorail right-of-way. The County has determined that there would be no negative impact to County property, facilities, or operations as a result of the change in height of the fence. Under the terms of the Agreement, the County would remove the existing six (6) foot high fence and replace it with a four (4) foot high fence, the design of which the City and County have mutually agreed to. The fence will remain the property of the County.</p>
<p>8N2 162026</p>	<p>RESOLUTION AUTHORIZING AWARD OF MARKETING PARTNERSHIPS AGREEMENT (MPA-01) TO CIVIQ SMARTSCAPES LLC; WAIVING IMPLEMENTING ORDER 8-9 TO ALLOW ADVERTISING OF ALCOHOL; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND EXERCISE MODIFICATIONS, OPTIONS-TO-RENEW, CANCELLATION PROVISIONS AND ALL OTHER RIGHTS CONTAINED THEREIN</p>
<p>Notes</p>	<p>The proposed resolution approves a Marketing Partnerships Agreement (MPA-01) with CIVIQ Smartscales LLC (CIVIQ) to implement the CIVIQ Mobility Experience Project (Project), and waives Implementing Order 8-9 to allow the advertising of alcohol, which is consistent with advertising on County buses, metromover, metrorail, and bus benches and shelters. Placement of all advertisement will comply with Florida Statutes. Prospectively this Agreement will allow installations at any County facility including Miami International Airport and PortMiami.</p>

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes						
	<p>The Project will provide a comprehensive solution to the County, allowing CIVIQ to deploy interactive units countywide to enhance citizen experience and introduce new digital applications, advertisements, and content, including the implementation of the following:</p> <ul style="list-style-type: none">• Up to 300, but no fewer than 150 interactive touch screen kiosks with free WiFi, informational alerts, video surveillance cameras, and integration with County mobile access applications such as transit predictive arrivals;• 1,099 Wi-Fi devices to provide free Wi-Fi on all Metrobus, Metromover, and Metrorail Vehicles; and• 51 Wi-Fi devices to provide free Wi-Fi at all Metromover and Metrorail stations. <p>The OCA posed the following questions to which Information Technology Department (ITD) staff provided responses:</p> <ul style="list-style-type: none">• Is Wifi already provided on Metrobuses and Metrorail? If so, is CIVIQ replacing another provider?<ul style="list-style-type: none">○ <i>The Department of Transportation and Public Works (DTPW) currently owns the onboard modems that provide free Wifi and assumes the operating expense for maintenance and unlimited data via AT&T for modems installed on all rail/mover vehicles and 25% of Metrobus vehicles.</i> <p>As part of this Agreement, CIVIQ will initially invest approximately \$20 million in up-front capital costs and be responsible for recurring operating and maintenance costs. This will result in cost savings to the County of approximately \$2.1 million in cellular charges, and further cost avoidance of approximately \$6 million in Years 1 through 15. Additionally, updates to the technology and associated applications are included at CIVIQ’s expense to mitigate obsolescence of the systems. This project will enhance user experience by providing a comprehensive engagement solution and enable the County to utilize crowdsourced data to better plan mobility services.</p> <p>Through the implementation of the Project, CIVIQ will be responsible for:</p> <ul style="list-style-type: none">• Ensuring that when installed adjacent to an existing bus shelter or bench, kiosks do not obscure any existing advertisement panel;• All metering and utility costs; and• All costs related to Project implementation support. <p>This contract establishes a Marketing Partnership Program that will provide a financial benefit to the County in the form of non-tax revenue and in-kind services in exchange for access to the potential commercial marketing associated with certain County assets. This Marketing Partnership meets the criteria set forth in the applicable ordinance and the applicable implementing order. In this instance, direct negotiations were utilized because the use of the competitive method would not have added significant value to the Marketing Partnership and because of the time sensitivity of the agreement.</p> <p>The OCA posed the following questions to which ITD staff provided responses:</p> <ul style="list-style-type: none">• How were discussions regarding this Agreement initiated?<ul style="list-style-type: none">○ <i>CIVIQ technology was demonstrated at the eMERGE AMERICAS conference, thereafter CIVIQ approached the County with an offering via the Implementing Order 8-9.</i>• If there are direct negotiations with this vendor does that mean there is no competitive process?<ul style="list-style-type: none">○ <i>The Implementing Order 8-9 allows for directed negotiations under the “Methods For Establishing Marketing Partnership Agreements Section.”</i> <p><u>Fiscal Impact/Funding Source</u></p> <p>The initial term of this Agreement is 15 years with two (2), five-year options to renew. There are no up-front costs to the County, with cost savings of \$2.1 million and revenue sharing.</p> <ul style="list-style-type: none">• Are there future costs associated with the Agreement? <table><tr><th>Gross Revenue</th><th>Agreement Year from Effective Date</th><th>Term</th></tr><tr><td>3%</td><td>Up to 6</td><td>Initial Term</td></tr></table>	Gross Revenue	Agreement Year from Effective Date	Term	3%	Up to 6	Initial Term
Gross Revenue	Agreement Year from Effective Date	Term					
3%	Up to 6	Initial Term					

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes		
		4%	Up to 12
		5%	Up to 17
			Initial Term
			1 st Renew Term
Recommended Marketing Partner CIVIQ Smartscales LLC, 430 Fortune Blvd., Milford, MA 01757			
<u>Additional Information on the Miami-Dade County Marketing Partnerships Program</u> On July 15, 2014 the BCC adopted Ordinance No. 14-99 creating the Miami-Dade County Marketing Partnerships Program; creating Article CXLIII of the County Code. A key strategy of the Program is to leverage County assets (properties, programs, etc.) across departments to enhance the County’s position to attract major sponsors/partners. Through the Program, the County pursues revenue from private corporations and small enterprises; other governmental entities; foundations and charitable groups; and philanthropists and individuals.			
The Program supports and does not supplant current private-sector partnership/revenue generation programs that are already active in various departments unless there is a greater potential to increase revenue generation by inclusion in the new program through marketing partnership agreements.			
<u>Additional Information on Implementing Order No. 8-9</u> On October 7, 2014, the BCC, through Ordinance No. 14-99, established the County’s Marketing Partnerships Program (Program). This Countywide Program is designed to create revenue generating opportunities through mutually beneficial “marketing partnerships” that are creative and non-traditional.			
Implementing Order No. 8-9 governs the procedure for implementing and managing the Marketing Partnerships Program. It establishes the roles and responsibilities of the Office of Management and Budget (OMB), strategies to engage with qualified private/corporate or public sector partners in marketing partnerships, and the authority to negotiate and award marketing partnership agreements. The following guidelines are established to maintain flexibility in developing mutually beneficial marketing relationships with participating partners or sponsors.			
Methods For Establishing Marketing Partnership Agreements The contracting mechanisms for marketing partnership agreements will include: marketing partnership opportunity notices (MPONs); corporate initiated offers/direct negotiations; County initiated offers; and consultant/broker deals.			
Corporate Or County Initiated Offers/Direct Negotiations The County may elect to directly negotiate with and enter into a marketing partnership with external partner(s) who approach the County with a unique marketing opportunity. The partnership must be deemed appropriate and meet criterion set forth in the program. Direct negotiations may be utilized when it is determined that the use of the competitive method will not add significant value to a marketing partnership and when the opportunity may be time-sensitive.			
8N3 162514	RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE VILLAGE OF KEY BISCAIYNE FOR THE PROVISION OF PUBLIC TRANSPORTATION SERVICES AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO EXECUTE SAME AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN		
Notes	The proposed resolution approves an Interlocal Agreement (Agreement) for Public Transportation Services between Miami-Dade County (County), through the Department of Transportation and Public Works (DTPW), and Village of Key Biscayne (Village) for the operation of public transportation service in and around the Village. This Agreement allows the Village to provide public transportation services in accordance with Chapter 31, Article III, and Section 31-113 of the County Code, which allows municipalities to operate public transportation services in accordance with Interlocal Agreements with the County. Key provisions of this Agreement include: <ul style="list-style-type: none">• The Village will adhere to all county, federal, state and local transit operating and reporting requirements.		

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes
	<ul style="list-style-type: none"> • This Agreement will remain in force for five (5) years and is subject to one (1) five-year automatic renewal. Each party has the right to terminate for cause or without cause. • DTPW and the Village will work collaboratively to exchange route and schedule information for the benefit of riders. • The Trolley will operate 6:30 AM to 9:00 PM, Monday through Friday. On Saturday and Sunday, the service will operate between 8:00 AM to 8:00 PM. • The Mast Academy stop will be served Monday through Friday 7:00 AM to 9:00 AM, and 2:30 PM through 5:30 PM. • The route will include stops at the following locations: Village Green Park, Village Hall, Winn Dixie Shopping Center, United States Post Office located on Crandon Boulevard, and Lake Park. • The Village Trolley will connect to the County Bus Route B. • The Village is responsible for bus stop passenger amenities, such as bus shelters and benches at all bus stops, served by the proposed route. <p><u>Fiscal Impact</u> There is no fiscal impact to the County for this Agreement. The Village will be responsible for all operating and maintenance costs of the service and has advised that the service will be funded from the Village's share of the Charter County Transportation Surtax Allocation. The Village Trolley is a fare-free service. In the case where the Village may charge a fare, similar to other agreements for service, this Agreement requires the Village to enact a fare structure to include the acceptance of all DTPW passes, transfers, or identification entitling an eligible passenger to ride the service without paying an additional fare (i.e., Patriot Passport and Golden Passport) or for half fare (i.e. kindergarten - 12th grade students).</p> <p><u>Background</u> According to the most recent Village of Key Biscayne Transit Mobility study, "over the last 11 years there have been 15 similar efforts to study traffic and transportation. In each, their conclusion has been ... that there is a lot of traffic." As a part of the Village's community outreach efforts, the Village focused on multiple levels of communication including meetings with community stakeholders, staff, and elected officials. A public workshop was held as a part of the Village of Key Biscayne Transit Mobility Study.</p> <p>The Village of Key Biscayne is currently served by the County's Route B Bus. On May 10, 2016, the Village Council adopted Resolution R-2016-14, approving an Interlocal Agreement with Miami-Dade County relating to the public transportation service. The new Interlocal agreement will authorize the operation of a new Village Trolley, which will operate in Key Biscayne. The purpose of the new Trolley route is to provide local residents, seasonal residents, tourist, visitors, and workers with a mode of public transportation that improves mobility, and enhances connections to existing local and regional transit. The new service is expected to provide relief from local traffic congestion while reducing parking issues.</p> <p>Consistent with Section 31-113, this Agreement (Section 2.10 and Section 3.1) requires that the County to have the right to bid for this service should the City outsource the operations of its transit system. On June 16, 2016, the City provided the County with an opportunity to bid on the Village Trolley and the County made a decision not to submit a bid.</p>
11A1 162957	RESOLUTION DIRECTING THE PRIME CONTRACTOR UNDER STATE LOBBYING CONTRACT NO. RFQ801B TO TERMINATE SUBCONTRACTOR RELATIONSHIP WITH GOMEZ BARKER ASSOCIATES, INC.; PROHIBITING GOMEZ BARKER ASSOCIATES, INC. AND LOBBYIST FAUSTO GOMEZ FROM ENTERING INTO A LOBBYING CONTRACT WITH THE COUNTY FOR THREE YEARS
Notes	<p>The proposed resolution:</p> <ul style="list-style-type: none"> • Directs the prime contractor under state lobbying Contract No. RFQ801b to terminate its subcontractor relationship with Gomez Barker Associates, Inc.; and • Prohibits Gomez Barker Associates, Inc. and lobbyist Fausto Gomez from entering into a lobbying contract with the County for a period of three years. <p>Gomez Report</p>

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes						
	<p>In April 2016, the Miami-Dade Commission on Ethics & Public Trust (Ethics Commission) began an investigation as to whether Gomez Barker, led by lobbyist and principal Fausto Gomez, failed to disclose a potential conflict between its representation of the Miami-Dade Expressway Authority (MDX) and its representation of the County with respect to transportation legislation submitted in the County's name during the period leading up to the 2016 state legislative session.</p> <p>On November 10, 2016, the Ethics Commission released a report (Gomez Report) detailing the findings of its investigation which found that Gomez Barker failed to disclose a significant and potentially costly conflict of interest with respect to its representation of MDX during the 2016 state legislative session. Specifically, the Gomez Report found that Gomez Barker, led by its principal and lobbyist Fausto Gomez, subverted the County's interests to those of MDX with respect to the County's transportation plan—listed among the County's "critical priorities" for the 2016 state legislative session—and that, as a result, the County lost a potential opportunity to receive nearly \$1 billion in state transportation funding for light rail and other mass-transit projects over the next 30 years and also lost a potential opportunity to create additional mechanisms for tax increment financing that would have generated as much as \$1.5 billion for transportation projects over that same period.</p> <p>The Gomez Report further found that, rather than actively promote the County's transportation-related legislative proposals among state lawmakers, Gomez Barker effectively undermined the County's efforts to obtain funding for local mass-transit by submitting legislation in the County's name that was in fact developed by and designed to promote the interests of MDX.</p> <p><u>Additional Information on the Miami-Dade Commission on Ethics and Public Trust Investigative Report</u> During the Commission on Ethics & Public Trust's review, it was learned that several lobbyists were simultaneously representing Miami-Dade County (County) and the Miami-Dade Expressway Authority (MDX), including lobbyists from Gomez Barker Associates, Inc.</p> <p>According to the Miami-Dade Commission on Ethics and Public Trust Investigative Report, the County Attorney's Office (CAO) had designated Gomez Barker to represent the County on transportation issues during the most recent legislative session however, Gomez barker was removed and another firm was assigned to represent the County on transportation issues once this potential conflict become known to the County's legal team.</p> <p>The Investigative Report asserts that the County's transportation bills (House Bill 1377 and Senate Bill 1372) failed as a result of subsequent concerns over the content of the legislation after it was submitted.</p> <p><u>Additional Information on House Bill 1377 and Senate Bill 1372</u> House Bill 1377¹¹ was referred to the House Transportation and Ports Subcommittee on January 15, 2016, was placed on the February 2, 2016 meeting agenda, and was temporarily postponed. House Bill 1377 died on March 11, 2016.</p> <p>Senate Bill 1372¹² was referred to the Senate Transportation Committee on January 14, 2016 and died on March 11, 2016.</p> <table border="1" data-bbox="269 1556 1489 1799"> <thead> <tr> <th colspan="2" data-bbox="269 1556 1489 1591">Legislative Timeline on County Lobbying Contracts</th></tr> <tr> <th data-bbox="269 1591 456 1623">Legislation</th><th data-bbox="456 1591 1489 1623">Summary</th></tr> </thead> <tbody> <tr> <td data-bbox="269 1623 456 1799"> R-1236-99 11/16/1999 <i>Sponsored by:</i> <i>Souto</i> <i>Ferguson</i> </td><td data-bbox="456 1623 1489 1799"> Provided for the following: <ul style="list-style-type: none"> Directed the County Manager to report at least weekly during the Florida Legislature's legislative session and on a monthly basis during the remainder of the year on those issues important to the County at both the state and federal levels and the actions taken on such issues by County staff and contract lobbyists; </td></tr> </tbody> </table>	Legislative Timeline on County Lobbying Contracts		Legislation	Summary	R-1236-99 11/16/1999 <i>Sponsored by:</i> <i>Souto</i> <i>Ferguson</i>	Provided for the following: <ul style="list-style-type: none"> Directed the County Manager to report at least weekly during the Florida Legislature's legislative session and on a monthly basis during the remainder of the year on those issues important to the County at both the state and federal levels and the actions taken on such issues by County staff and contract lobbyists;
Legislative Timeline on County Lobbying Contracts							
Legislation	Summary						
R-1236-99 11/16/1999 <i>Sponsored by:</i> <i>Souto</i> <i>Ferguson</i>	Provided for the following: <ul style="list-style-type: none"> Directed the County Manager to report at least weekly during the Florida Legislature's legislative session and on a monthly basis during the remainder of the year on those issues important to the County at both the state and federal levels and the actions taken on such issues by County staff and contract lobbyists; 						

¹¹ <http://www.flsenate.gov/Session/Bill/2016/1377>

¹² <http://www.flsenate.gov/Session/Bill/2016/1372>

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes
	<ul style="list-style-type: none"> • Each County contract lobbyist will prepare regular monthly reports advising the Commission of the current status of all issues that the lobbyist is monitoring or tracking that may affect Miami-Dade County, the actions taken on such issues, and recommendations for future actions on such issues. Such lobbyists will also raise, discuss and recommend any affirmative legislative action that may benefit the County; • The County Manager will provide all reports to the BCC during Commission meetings; • All County contracts and subcontracts for lobbying or representation at the state or federal level and/or all individuals and firms hired to represent the County on intergovernmental issues will be approved by the BCC; • All County contract lobbyists and their subcontractors will faithfully present and advocate for the County's best interests and policy positions as determined by the County's legislative package, as approved by the BCC, and resolutions passed by the BCC, as well as other County interests that may arise over the course of the legislative process; • All County contract lobbyists and their subcontractors will be held accountable for their individual actions and inactions that impact the County; • All County contract lobbyists and their subcontractors will, by December 15, 1999, provide written notice to the County Manager and County Attorney of any other party the lobbyists or his or her firm wish to represent during the upcoming legislative session and the nature of the proposed representation; and • No County contract lobbyist and his or her subcontractors will represent any client and/or issue that may be adverse to the County without first requesting and obtaining permission from the County.
<p>O-00-64 5/9/2000</p> <p><i>Sponsored by:</i> Carey-Shuler Sorenson Souto Diaz de la Portilla</p>	<p>Provided for the following:</p> <ul style="list-style-type: none"> • No person or entity, whether an individual, firm, partnership or corporation, which receives compensation from the county for lobbying on behalf of the county or any of its agencies or instrumentalities at either the state, national or municipal level will represent any entity in any forum to support a position in opposition to a position of the county unless this BCC grants a specific waiver for a specific lobbying activity; • The failure of any county lobbyist to comply with these provisions will result in either or both of the following: <ul style="list-style-type: none"> ○ That lobbyist's contract with the county being voidable by the county; ○ A prohibition, for a period of up to three years, as determined by the BCC, on the lobbyist's entering into a lobbying contract with the county.
<p>R-56-10 1/21/2010</p> <p><i>Sponsored by:</i> Sorenson</p>	<p>Provided for the following:</p> <ul style="list-style-type: none"> • No person or entity, whether an individual, firm, partnership or corporation, that receives compensation from the county for lobbying on behalf of the county or any of its agencies or instrumentalities at the federal, state or local level will represent any entity in any forum to support a position in opposition to a position of the County unless the BCC first grants a specific waiver for the representation; <ul style="list-style-type: none"> ○ A position in opposition to a County position is not limited to a position that conflicts with an express provision of the County's legislative package. An actual or perceived conflict may also arise in other areas. All County contract lobbyists will be under an affirmative duty to remain mindful of the County's policy and fiscal interests and positions with regard to the contract lobbyists' other clients. • No contract or work order for lobbying will be awarded or payment made until the contract lobbyist, including all subcontractors and lobbyists hired under work orders pursuant to the contract, seeks in writing and obtains a waiver from the BCC for any actual or perceived conflicts of interest. If the contract lobbyist has no conflicts, then

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes
	<p>the lobbyist will provide a written statement that the contract lobbyist has no conflicts prior to award;</p> <ul style="list-style-type: none"> • No renewal of a contract or work order for lobbying will be entered or payment made until the contract lobbyist, including all subcontractors and lobbyists hired under work orders pursuant to the contract, seeks in writing and obtains a waiver from the BCC for any actual or perceived conflict of interest. If the contract lobbyist has no conflicts, then the lobbyist will provide a written statement that the contract lobbyist has no conflicts prior to renewal; • Contract lobbyists, including all subcontractors and lobbyists hired under work orders, are under a continuing, affirmative duty during the term of the lobbying contract and any renewal terms to promptly seek in writing and obtain a waiver from the BCC for any conflict of interest prior to representing any entity in any forum, including but not limited to lobbying activity, that is adverse to the County or that could be perceived to be adverse to the County; • All conflict waiver requests will be submitted directly to the Chairman of the BCC who will place the item on the agenda of the next available BCC meeting; and • Directed to include language reflecting the policies set forth in this resolution in all future federal and state lobbying requests for qualifications, other procurement documents as applicable, contracts and renewals.
11A3 170098	RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO DEVELOP A PLAN TO PROVIDE A REASONABLE PUBLIC NOTICE PRIOR TO REMOVAL OF TRAFFIC CONTROL DEVICES FROM COUNTY ROADS; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PROVIDE A REPORT AND PLACE THE REPORT ON AN AGENDA OF THIS BOARD WITHIN 90 DAYS OF THE EFFECTIVE DATE OF THIS RESOLUTION [SEE ORIGINAL ITEMS UNDER FILE NOS. 162754, 162856]
Notes	<p>The proposed resolution directs the County Mayor or County Mayor's designee to:</p> <ul style="list-style-type: none"> • Develop a plan to provide a reasonable public notice and comment period prior to removal of traffic control devices from County roads, which period should be no less than a minimum of fourteen business days prior to the removal of any traffic control device unless a shorter period is necessitated by virtue of immediate public safety concerns; and • Provide a report regarding this plan to the BCC within 90 days of the effective date of this resolution and place the completed report on a BCC agenda. <p><i>During the Transit and Mobility Services Committee meeting on December 14, 2016, the proposed resolution was amended to change the time period of notice to 14 business days.</i></p>
11A4 162841	RESOLUTION DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO IDENTIFY LAND ON WHICH TO LOCATE AN INLAND PORT AND STUDY THE POTENTIAL DESIGN, DEVELOPMENT, CONSTRUCTION AND OPERATION, INCLUDING IMPACTS ON THE SURROUNDING AREA, OF AN INLAND PORT FOR THE BENEFIT OF THE SEAPORT DEPARTMENT AND PROVIDE A REPORT TO THIS BOARD WITHIN 120 DAYS; DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO APPLY FOR AND RECEIVE ANY FEDERAL FIXING AMERICA'S SURFACE TRANSPORTATION ACT FUNDING AND FLORIDA DEPARTMENT OF TRANSPORTATION GRANT FUNDING AVAILABLE TO ASSIST THE COUNTY WITH THE COST OF DEVELOPING AND CONSTRUCTING AN INLAND PORT; AND SETTING THE DEVELOPMENT AND CONSTRUCTION OF AN INLAND PORT AS A PRIORITY ITEM IN THE COUNTY'S APPLICATION FOR FIXING AMERICA'S SURFACE TRANSPORTATION ACT FUNDS
Notes	<p>The proposed resolution provides for the following:</p> <ul style="list-style-type: none"> • Directs the County Mayor or designee to identify a parcel of land within the County which could be developed into an inland port (Proposed Inland Port); • Conduct a study of the identified location to determine the costs involved in the design, development and construction of the Proposed Inland Port, including the impact on surrounding areas and traffic flow in such areas and consistency with the Comprehensive Development Master Plan and applicable zoning ordinances;

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes
	<ul style="list-style-type: none"> • Directs the County Mayor or designee to identify all funding available for the development of the Proposed Inland Port; • Directs the County Mayor or designee to direct the engineering firm selected to develop the PortMiami 2040 Master Plan to include the Proposed Inland Port in the 2040 Master Plan; • Establishes a priority the development of the Proposed Inland Port in the County's application for Fast Act Funds grants; • Directs the County Mayor or designee to apply for Fast Act funds as a priority, apply for FDOT grant funds, and investigate and apply for any other grant funds which may be available; and • Provide the Inland Port Study to the BCC within 120 days.
11A5 162570	RESOLUTION AMENDING RESOLUTION NOS. R-1237-07 AND R-630-10 TO APPROVE THE CHANGE IN LOCATION OF THE CHI CHILDREN'S CENTER PROJECT FROM 840 W MOWRY DRIVE, HOMESTEAD, FL 33030 TO 10300 SW 216TH STREET, MIAMI, FL 33190
Notes	<p>The proposed resolution amends Resolution No. R-1237-07 and Resolution No. R-630-10 to approve the change in location of the CHI Children's Center Project from 840 W Mowry Drive, Homestead, FL 33030 to 10300 SW 216th Street, Cutler Bay, FL 33190. All other provisions of Resolution No. R-1237-07 and Resolution No. R-630-10 remain unchanged and in full force and effect.</p> <p>CHI has recently requested to change the proposed location of the CHI Children's Center Project from 840 W Mowry Drive, Homestead, FL 33030 to 10300 SW 216th Street, Miami, FL 33190.</p>
11A6 162748	RESOLUTION DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO CONDUCT A COMPREHENSIVE TRAFFIC STUDY OF THE SCHENLEY PARK AREA
Notes	<p>The proposed resolution directs the Mayor or Mayor's designee to:</p> <ul style="list-style-type: none"> • Conduct a comprehensive traffic study of the Schenley Park area; and <ul style="list-style-type: none"> ○ The traffic study should include, but should not be limited to, an assessment of the need to implement additional traffic and speed calming devices such as, but not limited to, traffic signage, striping, sidewalks, speed humps, and additional law enforcement. ○ Additionally, the study should include the appropriate investigation to determine and recommend whether there are any roads within the study area where the posted speed limit of 30 mph should be reduced to 25 mph. • Provide a report regarding the traffic study identified to the BCC within 120 days of the effective date of this resolution and place the completed report on a BCC agenda.
11A7 162750	RESOLUTION DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO CONDUCT A COMPREHENSIVE TRAFFIC STUDY OF THE CORAL VILLA ESTATES AREA
Notes	<p>The proposed resolution directs the Mayor or Mayor's designee to:</p> <ul style="list-style-type: none"> • Conduct a comprehensive traffic study of the Coral Villa Estates area; and <ul style="list-style-type: none"> ○ The traffic study should include, but should not be limited to, an assessment of the need to implement additional traffic and speed calming devices such as, but not limited to, traffic signage, striping, sidewalks, speed humps, and additional law enforcement. ○ Additionally, the study should include the appropriate investigation to determine and recommend whether there are any roads within the study area where the posted speed limit of 30 mph should be reduced to 25 mph. • Provide a report regarding the traffic study identified to the BCC within 120 days of the effective date of this resolution and place the completed report on a BCC agenda.
11A8 170082	RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION THAT PROVIDES THAT A SIGNIFICANT PERCENTAGE OF THE REVENUES IN EXCESS OF THE OPERATING COSTS AND DEBT OBLIGATIONS OF THE MIAMI-DADE EXPRESSWAY AUTHORITY SHALL BE TRANSFERRED TO MIAMI-DADE COUNTY FOR TRANSPORTATION INFRASTRUCTURE PROJECTS
Notes	<p>The proposed resolution:</p> <ul style="list-style-type: none"> • Urges the Florida Legislature to enact legislation that provides that a significant percentage of the revenues in excess of the operating costs and debt obligations of the Miami-Dade Expressway Authority be transferred to Miami-Dade County for transportation infrastructure projects; • 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, and the Chair, Members, and Executive Director of the Miami-Dade Expressway Authority; and

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes
	<ul style="list-style-type: none"> Directs the County's state lobbyists to advocate for the legislation and authorizes and directs the Office of Intergovernmental Affairs to amend the 2017 State Legislative Package to include this item.
11A9 170080	RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION THAT WOULD CREATE THE SOUTHEAST FLORIDA CORAL REEF ECOSYSTEM PROTECTION AREA AND AUTHORIZE THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION TO PARTNER WITH THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION TO DEVELOP A SOUTHEAST FLORIDA CORAL REEF ECOSYSTEM MANAGEMENT PLAN
Notes	<p>The proposed resolution:</p> <ul style="list-style-type: none"> Urges the Florida Legislature to enact legislation that would create the Southeast Florida Coral Reef Ecosystem Protection Area and would authorize the Florida Department of Environmental Protection to partner with the Florida Fish and Wildlife Conservation Commission to develop a Southeast Florida Coral Reef Ecosystem Management Plan; 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, the Florida Department of Environmental Protection, and the Florida Fish and Wildlife Conservation Commission; and Directs the County's state lobbyists to advocate for the passage of the legislation and authorizes and directs the Office of Intergovernmental Affairs to amend the 2017 State Legislative Package to include this item. <p><u>Additional Information on the Florida Department of Environmental Protection Coral Reef Conservation Program¹³</u></p> <p>The Coral Reef Conservation Program (CRCP) coordinates research and monitoring, develops management strategies, and promotes partnerships to protect the coral reefs, hardbottom communities, and associated reef resources of southeast Florida.</p> <p>Through its role in supporting Florida's membership on the U.S. Coral Reef Task Force, and the U.S. All Islands Committee, the CRCP leads the implementation of the Southeast Florida Coral Reef Initiative and contributes to the National Action Plan to conserve coral reefs. The CRCP is also charged with coordinating response to vessel groundings and anchor damage incidents in southeast Florida, and developing strategies to prevent coral reef injuries.</p> <p>Coral reefs are valuable natural resources. They protect our coasts by reducing wave energy from storms and hurricanes. They serve as a source of food and shelter and provide critical habitat for numerous species, including commercially important fisheries. Many medicines as well as other health and beauty products are derived from marine plants, algae and animals found on coral reefs.</p> <p>Coral reefs are a resource for recreation, education, scientific research, and public inspiration. Millions of tourists and local residents enjoy scuba diving, snorkeling, and fishing on Florida's coral reefs. These activities provide a tremendous source of income for Florida and its coastal communities. It is estimated that natural reefs in Martin, Palm Beach, Broward and Miami-Dade counties generate \$3.4 billion in sales and income and support 36,000 jobs in the region each year.</p>
11A10 170073	RESOLUTION SUPPORTING HB 6003, OR SIMILAR LEGISLATION THAT WOULD MODIFY THE CURRENT PREEMPTION IN STATE LAW TO ALLOW LOCAL GOVERNMENTS GREATER ABILITY TO REGULATE SHORT-TERM VACATION RENTALS AT THE LOCAL LEVEL
Notes	<p>The proposed resolution:</p> <ul style="list-style-type: none"> Supports House Bill (HB) 6003, or similar legislation that would modify the current preemption in state law to allow local governments greater ability to regulate short-term vacation rentals at the local level; Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, the Senate President, the House Speaker, Representative David Richardson, the Chair and Members of the Miami-Dade State Legislative Delegation, and the President and Executive Director of the Florida Association of Counties; and

¹³ <http://www.dep.state.fl.us/coastal/programs/coral/>

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes
	<ul style="list-style-type: none"> • Directs the County’s state lobbyists to advocate for the legislative and authorizes and directs the Office of Intergovernmental Affairs to amend the 2017 State Legislature Package to include this item. <p><u>Background</u></p> <p>In 2011, the Legislature amended section 509.032, Florida Statutes, to preempt local governments from enacting any law, ordinance, or regulation that restricted or prohibited the use of vacation rentals based on classification, use, or occupancy, subject to an exception for local regulations enacted on or before June 1, 2011. In 2014, the Legislature further amended the statute to permit local governments to regulate vacation rentals, provided those regulations do not prohibit vacation rentals or restrict the duration or frequency of vacation rentals, with the same exception for local regulations pre-dating June 1, 2011.</p> <p>Section 509.032, Florida Statutes, currently provides that “[a] local law, ordinance, or regulation [enacted by a local government] may not prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals,” provided that the preemption “does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011”.</p> <p>House Bill 6003 has been filed for consideration during the Florida Legislature’s 2017 session by Representative David Richardson (D – Miami Beach) and would eliminate the current preemption in state law, noted above, and authorize local ordinances and regulations to prohibit vacation rentals or regulate duration and frequency of vacation rentals.</p> <p><u>Additional Information – Town of Surfside approves Voluntary Collection Agreement for Resort Tax¹⁴</u></p> <p>On January 16, 2017, the Town of Surfside adopted Resolution No. 17-2415 approving a Voluntary Collection Agreement for Resort Tax collection and remittance between Airbnb, Inc. and the Town of Surfside.</p> <p><u>Additional Information - How hard has Airbnb hit hotels? It’s not as bad as they thought, Miami Herald, January 19, 2017¹⁵</u></p> <ul style="list-style-type: none"> • Is Airbnb a significant threat to the hotel industry? For the past few years, that question has been a hot topic for hospitality associations, city councils, hoteliers and tourism promoters across the globe. Now industry-watchers are getting a window into Airbnb’s place in the business. • On Thursday, data and analytics firm STR, the leading tracker of hotel performance, released the first independent comparison of Airbnb data and hotel industry performance. • In an analysis that compared daily data directly from Airbnb against STR’s own hospitality data over a two-and-a-half-year period, STR confirmed what most suspected: that Airbnb is hitting the industry in its bottom line. But, the study concludes, it is still too early to determine how large that impact may be. • While Airbnb is growing exponentially every year — with some markets seeing triple-digit growth in the number of units — the home-sharing units represent less than 4 percent of room nights sold and less than 3 percent of revenue in the overall industry. • STR analyzed 13 global markets, including Miami-Dade, from Dec. 1, 2013, to July 31, 2016. But travelers still booked far more hotel rooms than Airbnb units. Predictably, hotels commanded higher average room rates than Airbnb hosts. But Airbnb guests also tended to stay longer than hotel guests, an important finding on a platform that is far more focused on the leisure traveler than the business traveler. • In Miami-Dade, the fourth-largest Airbnb market in the U.S., many of the global trends play out in extreme ways. • Among the seven U.S. markets analyzed — Boston, Los Angeles, New Orleans, San Francisco, Seattle and Washington, D.C. — some of the largest disparities between hotels and Airbnb were in Miami-Dade. • On average, during the 12 months ending in July, 77.5 percent of hotel rooms were booked in Miami-Dade compared with only 30.9 percent of available Airbnb units. That disparity is the largest gap among the U.S. markets in the study.

¹⁴

http://www.townofsurfsidefl.gov/Pages/SurfsideFL_Clerk/SurfsideFL_PDocs/SurfsideFL_Resolutions/2017/RESO%2017-2415%20AIBNB%20INC..pdf

¹⁵ <http://www.miamiherald.com/news/business/article127358484.html>

Research Notes

Item No.	Research Notes
	<ul style="list-style-type: none"> Hotels also charged \$193 a night on average during the same time period, \$44 more than the average Airbnb rate of \$149. That, too, was the biggest gap among the U.S. regions included in the report and nearly double the next-highest market, San Francisco, where hotels commanded rates \$25 higher on average than Airbnb. \$149 Average Airbnb nightly rate in Miami-Dade County from July 2015 to July 2016. It's \$44 cheaper than the hotel average hotel rate. Overall, Airbnb's market share in Miami-Dade continues to be a small slice of the entire industry. Of all the lodgings available for short-term rental in Miami — hotels included — only 8.5 percent were Airbnb units. Airbnb rentals accounted for 3.6 percent of room nights sold in the overall hotel industry from July 2015 and July 2016. And the platform's revenues constituted 2.8 percent of all revenue in Miami-Dade's lodging industry during that time period. A Miami-based industry leader for hospitality and leisure at PwC, said that hotel managers he's spoken to are still concerned about Airbnb, largely because the platform doesn't pay the 6 percent Miami-Dade resort tax. (Airbnb is expected to reach a tax agreement with the county early this year.) Airbnb has faced the most fierce opposition in hotel-heavy Miami Beach, where the city has imposed a \$20,000 fine on homeowners violating the rental policy. As of this week, the city had fined residents \$4.2 million, said Hernan Cardeno, director of Miami Beach's code compliance department. According to the STR report, the number of nights when hotels can command higher rates (called "compression nights") has remained fairly consistent in the last three years. The study looked at New Year's Eve 2015 as a case study and found that in Miami, hotels still charged rates 37 percent higher than average. In fact, Miami-Dade had the highest rates of the cities studied at \$409 a night on average during New Year's Eve in 2015, compared with the average Airbnb rate of \$257 during the same time. In ads running in the county, Airbnb has argued that it brings more money into the region by attracting guests to areas of town that don't traditionally have hotels and incentivizes them to frequent local shops and restaurants per the recommendations of their local hosts. According to an Airbnb report released in December, the platform's guests spent \$130 million in the city of Miami last year, including \$50 million at local restaurants. As of November 2016, Airbnb reported more than 3 million listings worldwide, nearly three times the size of the next-biggest lodging company, Marriott International, which acquired Starwood Hotels & Resorts Worldwide in a \$13 billion deal in September.
11A11 170071	RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION THAT EITHER PROHIBITS THE CARRYING OF A CONCEALED WEAPON OR FIREARM INTO A GOVERNMENT BUILDING OR ALLOWS LOCAL GOVERNMENTS TO IMPOSE SUCH REGULATIONS WITH RESPECT TO BUILDINGS OWNED OR OPERATED BY THAT LOCAL GOVERNMENT
11A16 170118	RESOLUTION OPPOSING SB 140, HB 6001, HB 6005, OR SIMILAR LEGISLATION WHICH WOULD REMOVE FLORIDA'S PROHIBITION PREVENTING CONCEALED CARRY LICENSEES FROM OPENLY CARRYING THEIR HANDGUNS OR CONCEALED WEAPONS AND FIREARMS INSIDE COLLEGE OR UNIVERSITY FACILITIES, CITY OR COUNTY COMMISSION MEETINGS, AND AIRPORT PASSENGER TERMINALS
Notes	<p><u>11A11 – 170071</u> The proposed resolution:</p> <ul style="list-style-type: none"> Urges the Florida Legislature to enact legislation that either (1) prohibits the carrying of a concealed weapon or firearm into a government building or (2) allows local governments to impose such regulations with respect to buildings owned or operated by that local government; 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 Directs the County's state lobbyists to advocate for the legislation and authorizes and directs the Office of Intergovernmental Affairs to amend the 2017 State Legislative Package to include this item, and to include this item in the 2018 State Legislative Package when it is presented to the BCC. <p><u>11A16 – 170118</u> The proposed resolution:</p>

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes
	<ul style="list-style-type: none"> • Opposes Senate Bill (SB) 140, House Bill (HB) 6001, HB 6005, or similar legislation which would remove Florida's prohibition preventing concealed carry licensees from openly carrying their handguns or concealed weapons and firearms inside college or university facilities, city or county commission meetings, and airport passenger terminals; • Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, Senator Greg Steube, Representatives Jake Raburn and Scott Plakon and the Chair and Members of the Miami-Dade State Legislative Delegation; • Directs the County's state lobbyists to advocate against the legislation and authorizes and directs the Office of Intergovernmental Affairs to amend the 2017 State Legislative Package to include this item. <p><u>Background</u></p> <p>Section 790.06(12)(a), Florida Statutes, already prohibits the carrying of a concealed weapon or firearm into a police station; detention facility; courthouse; polling place; meeting of the governing body of a county, municipality, or school board; meeting of the Florida Legislature; athletic event; school facility; career center; establishment primarily devoted to dispensing alcoholic beverages; and passenger terminal of an airport. The current law, however, does not include a general prohibition on the carrying of a concealed weapon or firearm into a government building, such as the Stephen P. Clark Center on days when the BCC is not in session, commission offices, or other County administrative buildings.</p> <p>SB 140 would amend Section 790.06, Florida Statutes, to permit concealed carry licensees to openly carry a handgun or carry a concealed weapon or firearm into: (1) any meeting of the governing body of a county, public school district, municipality, or special district; (2) any college or university facility; and (3) inside passenger terminals at airports. SB 140 would also permit concealed carry licensees to carry a concealed weapon or firearm into any meeting of the Florida Legislature or a committee thereof.</p> <p>HB 6001 and HB 6005 have also been filed by Representative Jake Raburn (R-Valrico) and Representative Scott Plakon (R-Longwood), respectively, for consideration during the 2017 session. HB 6001 would remove the prohibition in Florida on openly carrying a handgun or carrying a concealed weapon or firearm into an airport passenger terminal. HB 6005 aims to repeal Florida's prohibition on carrying a weapon or firearm into a college or university facility; and</p> <p>On November 17, 2015, the BCC adopted Resolution No. R-1044-15, which urged the Florida Legislature to oppose legislation that would permit the open carry of handguns or concealed carry of weapons or firearms into a meeting of the governing body of a county by a concealed carry licensee. Similarly, on February 18, 2015, this Board adopted Resolution No. R-178-15, which urged the Florida Legislature to oppose legislation permitting concealed carry licensees to carry a firearm into public college and university facilities.</p> <p><u>Additional Information - Concealed Carry Weapon Laws and College Campuses – National Conference of State Legislators (NCSL):</u></p> <p>According to the National Conference of State Legislators (NCSL), in 2013, at least 19 states introduced legislation to allow concealed carry on campus in some regard and in the 2014 legislative session, at least 14 states introduced similar legislation. In 2013, two bills passed, one in Kansas that allows concealed carry generally and one in Arkansas that allows faculty to carry. The Kansas legislation creates a provision that colleges and universities cannot prohibit concealed carry unless a building has "adequate security measures." Governing boards of the institutions, however, may still request an exemption to prohibit for up to 4 years. Arkansas' bill allows faculty to carry, unless the governing board adopts a policy that expressly disallows faculty to carry. In 2015, Texas became the most recent state to allow concealed carry weapons on college campuses.</p> <p>On the other hand, recent shootings also have encouraged some legislators to strengthen existing firearm regulations. In 2013, five states introduced legislation to prohibit concealed carry weapons on campus. None of these bills passed.</p> <p><u>Concealed Carry Weapon Laws and College Campuses</u></p> <p>All 50 states allow citizens to carry concealed weapons if they meet certain state requirements. Currently, there are 19 states that ban carrying a concealed weapon on a college campus: California, Florida, Georgia, Illinois,</p>

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes
	<p>Louisiana, Massachusetts, Michigan, Missouri, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, South Carolina, Tennessee and Wyoming.</p> <p>In 23 states the decision to ban or allow concealed carry weapons on campuses is made by each college or university individually: Alabama, Alaska, Arizona, Arkansas, Connecticut, Delaware, Hawaii, Indiana, Iowa, Kentucky, Maine, Maryland, Minnesota, Montana, New Hampshire, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, Washington and West Virginia.</p> <p>Because of recent state legislation and court rulings, eight states now have provisions allowing the carrying of concealed weapons on public postsecondary campuses. These states are Colorado, Idaho, Kansas, Mississippi, Oregon, Texas, Utah and Wisconsin. During the 2015 legislative session, Texas' legislature passed a bill permitting concealed weapons on campus and making it the eighth state to permit guns on campus. The legislation will take effect in August 2016.</p> <p>Utah remains the only state to have statute specifically naming public colleges and universities as public entities that do not have the authority to ban concealed carry, and thus, all 10 public institutions in Utah allow concealed weapons on their property. Recently passed Kansas legislation creates a provision that colleges and universities cannot prohibit concealed carry unless a building has "adequate security measures." Governing boards of the institutions, however, may still request an exemption to prohibit for up to four years. Wisconsin legislation creates a provision that colleges and universities must allow concealed carry on campus grounds. Campuses can, however, prohibit weapons from campus buildings if signs are posted at every entrance explicitly stating that weapons are prohibited. All University of Wisconsin system campuses and technical community college districts are said to be putting this signage in place. Legislation passed in Mississippi in 2011 creates an exception to allow concealed carry on college campuses for those who have taken a voluntary course on safe handling and use of firearms by a certified instructor.</p> <p>Recent court cases have also overturned some long-standing systemwide bans of concealed carry on state college and university campuses. In March 2012, the Colorado Supreme Court ruled that the University of Colorado's policy banning guns from campus violates the state's concealed carry law, and in 2011 the Oregon Court of Appeals overturned the Oregon University System's ban of guns on campuses, allowing those with permits to carry concealed guns on the grounds of these public colleges (Oregon's State Board of Higher Education retained its authority to have internal policies for certain areas of campus, and adopted a new policy in 2012 that bans guns in campus buildings). In both cases, it was ruled that state law dictates only the legislature can regulate the use, sale and possession of firearms, and therefore these systems had overstepped their authority in issuing the bans. See the "Guns on Campus: Campus Action," page for more information on these rulings, board policies and other campuses that allow concealed carry on their grounds.¹⁶</p>
11A12 170069	RESOLUTION OPPOSING PROPOSED REGULATION BY THE UNITED STATES DEPARTMENT OF EDUCATION WHICH MAY NEGATIVELY IMPACT ENGLISH LANGUAGE LEARNERS IN FLORIDA SCHOOLS
Notes	<p>The proposed resolution:</p> <ul style="list-style-type: none"> • Opposes Proposed Regulation 34 C.F.R. § 299.19(c)(3) put forth by the United States Department of Education which may negatively impact English Language Learners in Florida schools by standardizing entry and exit criteria for English Learner (EL) programs and prohibiting parent and teacher input into such decisions; • Directs the Clerk of the Board to transmit a certified copy of this resolution to the Members of the Florida Congressional Delegation, and the United States Secretary of Education; and • Directs the County's federal lobbyists to oppose the proposed regulation and authorizes and directs the Office of Intergovernmental affairs to include this item in the 2017 Federal Legislative Package when it is presented to the BCC. <p><u>Background</u></p>

¹⁶ <http://www.ncsl.org/research/education/guns-on-campus-overview.aspx>

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes
	<p>In May 2016, the United States Department of Education proposed Regulation 34 C.F.R. § 299.19(c)(3) which would require states to set uniform procedures that include standardized “criteria” for entrance into and exit from English Learner (EL) programs which must be applied statewide, but also prohibits “local option[s] which cannot be standardized”. Entry and exit criteria for EL programs determine which students may be eligible for the benefits of program participation, how students become eligible, and for how long they remain eligible. Many states and municipalities, including Miami-Dade County, use a number of different child-specific criteria to determine whether a student is ready to exit his or her English language program.</p>
11A13 170070	<p>RESOLUTION OPPOSING RECENT INCREASE IN PROPERTY INSURANCE RATES BY CITIZENS PROPERTY INSURANCE CORPORATION; URGING THE GOVERNOR AND FLORIDA LEGISLATURE TO FIND SOLUTIONS TO CONTROL RATE INCREASES BY CITIZENS PROPERTY INSURANCE CORPORATION</p>
Notes	<p>The proposed resolution:</p> <ul style="list-style-type: none"> • Opposes the recent property insurance rate increases enacted by Citizens Property Insurance Corporation; • Urges the Florida Legislature and Governor to find solutions to control rate increases by Citizens Property Insurance Corporation; • 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 County State Legislative Delegation, Florida’s Insurance Commissioner, and the President of the Citizens Property Insurance Corporation; and • Directs the County’s state lobbyists to advocate for the matter 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. <p><u>Background</u></p> <p>In Resolution No. R-167-16, the BCC supported the Miami-Dade County Legislative Delegation’s long-term goal of achieving parity between Miami-Dade County’s property insurance market and similarly situated property insurance markets by ensuring that private and public wind storm loss models treat policyholders in Miami-Dade County fairly rather than burden them with relatively higher prices and lower coverage.</p> <p>In June 2016, Citizens proposed a rate increase for 2017 that was just short of the 10 percent maximum increase allowed under state law. The Florida Office of Insurance Regulation subsequently approved that rate increase in September 2016.</p>
11A14 170075	<p>RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION TO CONTAIN ELECTRIC UTILITY RATES IN FLORIDA; AND URGING THE FLORIDA PUBLIC SERVICE COMMISSION TO PROMULGATE REGULATIONS TO CONTAIN SUCH RATES AND TO DENY THE CURRENTLY PROPOSED RATE INCREASE BY FLORIDA POWER & LIGHT</p>
Notes	<p>The proposed resolution:</p> <ul style="list-style-type: none"> • Urges the Florida Legislature to enact legislation to contain electric utility rates in Florida; • Urges the Florida Public Service Commission to promulgate regulations to contain such rates, and to deny the currently proposed rate increase by Florida Power & Light (FPL); • Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, the Senate President, the House Speaker, the Chair and Members of the Miami-Dade State Legislative Delegation, and the Chair and Members of the Florida Public Service Commission; and • Directs the County’s state lobbyists to advocate for the legislation and administrative action described and authorizes and directs the Office of Intergovernmental Affairs to amend the 2017 State Legislature Package to include this item. <p><u>Background</u></p> <p>In Resolution No. R-322-16, the BCC opposed the rate increase proposed by Florida Power & Light (FPL) in early 2016 because of its potentially adverse impact on certain sectors of the population, particularly on those elderly residents and others who rely on fixed incomes to pay for their daily needs.</p>

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes															
	<p>In November 2016, the Florida Public Service Commission (PSC) approved that rate increase requested by FPL. Rate increase will allow FPL to collect from customers an additional \$400 million in 2017, followed by an additional \$211 million in 2018, and another \$200 million in June 2019. Just two months after obtaining approval of the aforementioned rate increase, FPL filed another request with the PSC seeking an additional rate increase of \$318.5 million, this time to recoup its costs from responding to Hurricane Matthew and to replenish storm reserves. This additional rate increase, if approved, would begin to take effect in March 2017, with a typical customer seeing an additional \$3.36 increase per month. Rather than shouldering FPL’s customers with yet another rate increase, such costs should instead be borne by FPL’s shareholders.</p> <p>In Resolution No. R-502-16, the BCC also opposed any electricity rate increase or special assessment proposed by FPL to pay the costs of remediating the environmental impacts of the Turkey Point Power Plant.</p>															
11A15 170077	RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION THAT INCREASES THE AMOUNT OF STATE FUNDING FROM UP TO 12.5 PERCENT TO UP TO 25 PERCENT FOR TRANSIT PROJECTS THAT DO NOT RECEIVE FEDERAL FUNDING; WAIVING REQUIREMENTS OF RESOLUTION NO. R-764-13 LIMITING NUMBER OF STATE LEGISLATIVE PRIORITIES; AMENDING RESOLUTION NO. R-1217-16 TO REVISE THE BOARD’S STATE LEGISLATIVE PRIORITIES FOR THE 2017 LEGISLATIVE SESSION TO INCLUDE THIS ISSUE AS A PRIORITY															
Notes	<p>The proposed resolution:</p> <ul style="list-style-type: none">• Urges the Florida Legislature to enact legislation that increases the amount of state funding from up to 12.5 percent to up to 25 percent for transit projects that do not receive federal funding;• Waives requirements of Resolution No. R-764-13 and amends Resolution No. R-1217-16 to include this issue as an additional state legislative priority for the 2017 session;• 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, and the Secretary of the Florida Department of Transportation; and• Directs the County’s state lobbyists to advocate for the legislation and authorizes and directs the Office of Intergovernmental Affairs to amend the 2017 state legislative package to include this issue as a priority. <p><u>Background</u></p> <p>Section 341.051, Florida Statutes, allows the state to fund up to 50 percent of the nonfederal share of the costs, not to exceed the local share, of any eligible public transit capital project or commuter assistance project that is local in scope. However, section 341.051, Florida Statutes, provides that the state participation in the final design, right-of-way acquisition, and construction phases of an individual fixed-guideway project which is not approved for federal funding will not exceed an amount equal to 12.5 percent of the total cost of each phase.</p> <p>On April 21, 2016, the Miami-Dade Metropolitan Planning Organization (MPO) Governing Board adopted Resolution No. 26-16 endorsing the Strategic Miami Area Rapid Transit (SMART) Plan, an initiative to advance six of the People’s Transportation Plan’s (“PTP”) rapid transit corridors along with a network system of Bus Express Rapid Transit service in order to implement mass transit projects in Miami-Dade County. On May 12, 2016, the Citizens’ Independent Transportation Trust (CITT) expressed its support for the SMART Plan.</p> <p>On June 7, 2016, the BCC adopted Resolution No. R-523-16 endorsing the SMART Plan as approved by the MPO.</p> <table><tr><th colspan="5">Additional Information on Rapid Transit Corridors to be advanced through the SMART Plan:¹⁷</th></tr><tr><th>Corridor</th><th>From</th><th>To</th><th>Lead Agency</th><th>Additional Information¹⁸</th></tr><tr><td>Beach Corridor</td><td>Midtown Miami</td><td>Miami Beach</td><td>DTPW</td><td><ul style="list-style-type: none">• PD&E to start in 2016• Estimated Cost</td></tr></table>	Additional Information on Rapid Transit Corridors to be advanced through the SMART Plan: ¹⁷					Corridor	From	To	Lead Agency	Additional Information ¹⁸	Beach Corridor	Midtown Miami	Miami Beach	DTPW	<ul style="list-style-type: none">• PD&E to start in 2016• Estimated Cost
Additional Information on Rapid Transit Corridors to be advanced through the SMART Plan: ¹⁷																
Corridor	From	To	Lead Agency	Additional Information ¹⁸												
Beach Corridor	Midtown Miami	Miami Beach	DTPW	<ul style="list-style-type: none">• PD&E to start in 2016• Estimated Cost												

¹⁷ <http://miamidademppo.org/smartplan.asp>

¹⁸ <http://miamidademppo.org/library/reports/upwp-task-5-15-implementation-of-the-smart-plan-2016-07-22-updated.pdf>

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes				
			Convention Center		<ul style="list-style-type: none"> ○ Environmental Document – \$10 million ○ SMART Plan Implementation Activities - \$2 million • MPO Resolution #40-16 authorized the development of the PD&E • Funding Source: <ul style="list-style-type: none"> ○ FDOT District 6 - \$5 million ○ CITT - \$3.75 million ○ Miami-Dade County - \$417,000 ○ City of Miami - \$417,000 ○ City of Miami Beach - \$417,000 • City of Miami Beach started the environmental study from the Convention Center to Alton Road and 5th Street
	East-West Corridor (SR-836)	Miami Intermodal Center	Florida International University	DTPW	<ul style="list-style-type: none"> • Planning Phase • Estimated Cost <ul style="list-style-type: none"> ○ Environmental Document – \$9 million ○ SMART Plan Implementation Activities - \$1.2 million • MPO Resolution #34-16 authorized the development of the PD&E • Funding Source: 100% Local
	Kendall Corridor	Dadeland area Metrorail Stations	SW 167 th Ave	FDOT District 6	<ul style="list-style-type: none"> • PD&E in progress • Estimated Cost <ul style="list-style-type: none"> ○ Environmental Document – \$4 million ○ SMART Plan Implementation Activities - \$800,000 • Funding Source: 100% State • Start Date: June 2016 • Completion Date: May 2018
	North Corridor	Martin Luther King, Jr. Metrorail Station	NW 215 th Street	FDOT District 6	<ul style="list-style-type: none"> • PD&E in progress • Estimated Cost <ul style="list-style-type: none"> ○ Environmental Document – \$4.2 million ○ SMART Plan Implementation Activities - \$840,000 • MPO Resolution #01-15 authorized the development of the PD&E • Funding Source: 100% State • Start Date: March 2016 • Completion Date: February 2018
	Northeast Corridor (Tri-Rail Coastal Link)	Downtown Miami	City of Aventura	FDOT District 4	<ul style="list-style-type: none"> • PD&E in progress • Estimated Cost <ul style="list-style-type: none"> ○ Environmental Document – \$5.7 million ○ SMART Plan Implementation Activities - \$1.14 million

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes				
	South Dade TransitWay	Dadeland South Metrorail Station	Florida City	DTPW	<ul style="list-style-type: none">• PD&E to start in 2016• Estimated Cost<ul style="list-style-type: none">◦ Environmental Document – \$7 million◦ SMART Plan Implementation Activities - \$1.2 million• MPO Resolution #35-16 authorized the development of the PD&E• Funding Source: 100% Local
	Total				<ul style="list-style-type: none">• Environmental Document – \$39.9 million• SMART Plan Implementation Activities - \$7.18 million
	Bus Express Rapid Transit (BERT) Complimentary Network				
	BERTs	Description			
	Beach Express	<ul style="list-style-type: none">• North – Miami Beach Convention Center to Golden Glades via I-95• Central – Miami Beach Convention Center to Civic Center via Julia Tuttle Causeway• South – Miami Beach Convention Center to Downtown Miami via MacAurthur Causeway			
	Flagler Limited Express	Downtown Miami to West Dade via Flagler Street			
	Florida’s Turnpike Express	Doral area to South Miami-Dade via the Florida’s Turnpike			
	Northwest Express	Palmetto Metrorail Station to Miami Gardens Drive Park-n-Ride via Palmetto Expressway and I-75			
	South Express	Dadeland North Metrorail Station to southern Miami-Dade County via SR-878, SR-874, and Florida’s Turnpike			
	Southwest Express	Dadeland North Metrorail Station to Miami Executive Airport via SR-878 and SR-874			
11A16 170118	RESOLUTION OPPOSING SB 140, HB 6001, HB 6005, OR SIMILAR LEGISLATION WHICH WOULD REMOVE FLORIDA’S PROHIBITION PREVENTING CONCEALED CARRY LICENSEES FROM OPENLY CARRYING THEIR HANDGUNS OR CONCEALED WEAPONS AND FIREARMS INSIDE COLLEGE OR UNIVERSITY FACILITIES, CITY OR COUNTY COMMISSION MEETINGS, AND AIRPORT PASSENGER TERMINALS				
Notes	See 11A11				
11A17 170120	RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION PROVIDING THAT VIOLATIONS OF THE STATE RESIDENCY REPORTING REQUIREMENTS BY A SEXUAL PREDATOR OR OFFENDER CLAIMING A TRANSIENT RESIDENCE SHALL, AT A MINIMUM, CARRY A SENTENCE OF COMMUNITY CONTROL WITH ELECTRONIC MONITORING				
Notes	<p>The proposed resolution:</p> <ul style="list-style-type: none">• Urges the Florida Legislature to enact legislation providing that an initial violation of the state residency reporting requirements by a sexual predator or offender claiming a transient residence will, at a minimum, carry a sentence of 6 months of community control with electronic monitoring and providing that subsequent violations of such reporting requirements shall carry increasing sentences of community control with electronic monitoring;• 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• Directs the County’s state lobbyists to advocate for the legislation and authorizes and directs the Office of Intergovernmental Affairs to amend the 2017 State Legislative Package to include this item and to include this in the 2018 State Legislative Package when it is presented to the BCC.				

**Board of County Commissioners
January 24, 2017 Meeting
Research Notes**

Item No.	Research Notes
11A18 170121	RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION AMENDING THE DEFINITIONS OF PERMANENT, TEMPORARY, AND TRANSIENT RESIDENCE IN THE FLORIDA SEXUAL PREDATORS ACT TO REDUCE THE NUMBER OF CONSECUTIVE OR AGGREGATE DAYS NECESSARY FOR BOTH SEXUAL PREDATORS AND OFFENDERS TO ESTABLISH A NEW RESIDENCE
Notes	<p>The proposed resolution:</p> <ul style="list-style-type: none"> • Urges the Florida Legislature to enact legislation amending the definitions of permanent, temporary, and transient residence in the Florida Sexual Predators Act to reduce the number of consecutive or aggregate days necessary for both sexual predators and offenders to establish a new residence; • 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; • Directs the County's state lobbyists to advocate for the legislation and authorizes and directs the Office of Intergovernmental Affairs to amend the 2017 State Legislative Package to include this item and to include this in the 2018 State Legislative Package when it is presented to the BCC. <p><u>Background</u></p> <p>A sexual predator or sexual offender is required to comply with a number of residency reporting requirements, such as providing an address of legal residence and address of any temporary residence to the local sheriff's department within 48 hours of sentencing or of establishing a residence and failure to provide accurate information is punishable as a third-degree felony. The purpose of these requirements is to ensure that law enforcement is aware of where sexual predators and offenders are living, and to allow local law enforcement to notify child care centers and schools within a one-mile radius of where sexual predators and offenders are living pursuant to state law. In addition, these requirements also allow local law enforcement to notify the community of the presence of the sexual predator or offender in an appropriate manner, which is often achieved by posting such information on the local law enforcement website including the sexual predator or offender's address.</p> <p>In Chapter 2010-92, Laws of Florida (HB 119), the Florida Legislature created a new "transient" address classification for sexual predators and offenders so that offenders claiming a transient address could no longer simply list their addresses as "transient" with local law enforcement and on their driver's licenses, and were instead required to provide an address, the place or county where they are staying. The laws relating to transient sexual predators and offenders were further strengthened by Chapter 2014-05, Laws of Florida, which required offenders claiming a transient address to report in person every 30 days to their local sheriff's office and provided that the failure to report is also punishable as a third-degree felony, which can carry fine of up to \$5,000.00 and a term of imprisonment of up to five years.</p> <p>Section 775.21, Florida Statutes (The Florida Sexual Predators Act) provides the relevant definitions for permanent, temporary, and transient residence for purposes of the registration requirements for both sexual predators and offenders and defines a permanent residence as "a place where the person abides, lodges, or resides for 5 or more consecutive days".</p>