



Miami-Dade Board of County Commissioners  
Office of the Commission Auditor

**Board of County Commissioners Meeting**

June 20, 2017  
9:30 A.M.  
Commission Chamber

Office of the Commission Auditor  
111 N.W. First Street, Suite 1030  
Miami, FL 33128  
(305) 375-2524

**Board of County Commissioners  
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| <b>4A<br/>171503</b> | ORDINANCE RELATING TO THE PUBLIC HEALTH TRUST; AMENDING SECTIONS 25A-3 AND 25A-4 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING REGULAR MEETINGS OF THE BOARD OF TRUSTEES OF THE PUBLIC HEALTH TRUST TO BE HELD AT CERTAIN DESIGNATED FACILITIES OF THE TRUST; PROVIDING THAT CERTAIN JOINT MEETINGS OF THE COUNTY COMMISSION AND TRUST SHALL CONTINUE TO BE HELD IN THE COMMISSION CHAMBERS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE   |
| <b>Notes</b>         | <p>The proposed ordinance amends Sections 25A-3 and 25A-4 of the Code of Miami-Dade County, Florida, as follows:</p> <p><b>Sec. 25A-3. Governing body</b><br/> (1) The Board of Trustees shall hold regular meetings in accordance with the bylaws of the Trust and the Board may hold such other meetings as it deems necessary. The Trust shall hold and televise regular meetings of the Board of Trustees &gt;&gt;<b>at the main campus of Jackson Memorial Hospital</b> or&lt;&lt; in Commission chambers. The regular meetings shall not conflict with the meeting schedule for the Board of County Commissioners or its committees. At the discretion of the Trust, other meetings may be held and televised in the Commission chambers.</p> <p><b>Sec. 25A-4. Powers and duties of the Trust</b><br/> (b) Health Care Delivery Policies</p> <p>(3) Submittal of planning recommendations for designated facilities. The Trust shall formally present its annual recommendations for health care delivery <del>[[in]]</del> &gt;&gt;<b>for</b>&lt;&lt; its designated facilities at an annual, joint meeting to be called by the Chairperson of the Board of County Commissioners and to be held between the Commission and the Trust &gt;&gt;<b>in Commission Chambers</b>&lt;&lt; no later than July 1st of each year.</p> <p><u>Input from the Public Health Trust</u><br/> The intent of the proposed change is to increase efficiency, save staff resources, and provide a cost savings to members of the public who attend PHT meetings. Currently, PHT staff, Board members, and members of the public leave Jackson Memorial after PHT committee meetings (which are held on the same day) to travel to the BCC Chambers, requiring them to pay for parking for the televised Trust meetings. Parking at Jackson Memorial is free for the first two hours. The PHT Board meetings are typically less than one hour long. The PHT is also upgrading its technology to support televising of regular meetings from Trust facilities, providing an additional viewing option for staff and the public. Meetings will continue to be available through the County's webcast program as is currently done.</p> |
| <b>4B<br/>171551</b> | ORDINANCE EXTENDING AMNESTY PERIOD CREATED BY ORDINANCE NO. 16-24 FOR AN ADDITIONAL NINE MONTHS, COMMENCING AUGUST 26, 2017 AND ENDING MAY 26, 2018; EXTENDING A LIMITED EXCEPTION FROM CIVIL PENALTIES AND LIENS FOR CODE VIOLATIONS RELATING TO AUTO REPAIR SHOP   |

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|                      | BUSINESSES UPON AN OWNER’S COMPLIANCE WITH THE BUILDING AND ZONING CODES; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE   |
| <b>Notes</b>         | <p>The proposed ordinance extends the amnesty period set forth in Ordinance No. 16-24 for an additional nine months, commencing August 26, 2017 and ending May 26, 2018. It further directs the Mayor or Mayor’s designee to provide written notice to the remaining businesses not in compliance that the limited extension of the amnesty period will constitute the final opportunity for compliance. Additionally, it directs the Mayor or Mayor’s designee to implement the necessary procedures and to develop the necessary documents to give effect to the intent of this ordinance.</p> <p>The proposed ordinance will not apply in the event that the County has commenced a civil action to collect on the civil penalties or to foreclose a lien and shall not serve as a defense against any such action or against any enforcement action brought by the County.</p> <p><u>Background</u><br/>Ordinance No. 16-24 provided a period of 18 months in which businesses would have the opportunity to come into compliance with the Building Code and Zoning Code. The Amnesty Period created by Ordinance No. 16-24 is due to end on August 26, 2017. In the time since the ordinance was adopted, many businesses have come into compliance, but others still remain out of compliance.</p> <p><u>Input from RER</u></p> <ol style="list-style-type: none"> <li>1. There is no significant fiscal impact to the County. This would just extend the period by which auto repair shops must become compliant.</li> <li>2. A notice with the new deadline will be sent to auto repair shops by neighborhood compliance staff in the Department of Regulatory and Economic Resources. Compliance is determined by whether the auto body repair shop is meeting the established Code standards.</li> <li>3. No procedures and documents have to be developed. Note that this item is extending an existing amnesty period.</li> </ol> |
| <b>4C<br/>171498</b> | ORDINANCE RELATING TO COUNTY EMPLOYEES WHO ARE DISABLED VETERANS; CREATING ARTICLE XI OF CHAPTER 11A OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; ESTABLISHING PAID LEAVE FOR MIAMI-DADE COUNTY AND PUBLIC HEALTH TRUST EMPLOYEES TO RECEIVE REEXAMINATION OR TREATMENT FOR MILITARY-SERVICE-CONNECTED DISABILITIES; REQUIRING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO DRAFT PROPOSED AMENDMENTS TO THE COUNTY LEAVE MANUAL AND IMPLEMENTING ORDER CONSISTENT WITH THIS ORDINANCE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE  |

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| <b>Notes</b> | <p>The proposed ordinance creates Article XI of Chapter 11A of the Code of Miami-Dade County, Florida, establishing a policy affording disabled military veterans paid leave for treatment for military-service-connected disabilities; it reads as follows:</p> <p><b>ARTICLE XI. – PAID LEAVE FOR MIAMI-DADE COUNTY AND PUBLIC HEALTH TRUST EMPLOYEES WHO ARE DISABLED VETERANS</b></p> <p>Sec. 11A-90. An employee of Miami-Dade County or the Public Health Trust who has been rated by the United States Department of Veterans Affairs or its predecessor to have incurred a disability connected to military service and has been scheduled by the United States Department of Veterans Affairs to be reexamined or treated for the disability shall be granted paid leave for such reexamination or treatment without loss of pay or benefits. However, all paid leave credited to an employee under this article may not exceed 24 hours per calendar year, inclusive of all disabilities. This leave shall apply to all full-time non-bargaining unit employees and to all other full-time employees covered by collective bargaining agreements whose agreements explicitly provide for this benefit for the employee.</p> <p>Sec. 11A-91. An employee who has a part-time or seasonal work schedule shall receive a proportionally equivalent amount of disabled veterans leave based upon the hours in the employee’s work schedule, as determined by the Directors of Human Resources for Miami-Dade County and the Public Health Trust.</p> <p>Sec. 11A-92. Any leave credited to an employee pursuant to this article that is not used during the calendar year shall be forfeited and may not be carried over.</p> <p>Sec. 11A-93. Employees on paid leave pursuant to this article shall be paid for the number of regularly scheduled work hours from which they are excused.</p> <p>Sec. 11A-94. To verify that an employee is eligible for the leave pursuant to this article, such employee shall submit to his or her agency or department head or designee, in such form and manner as the Directors of Human Resources for Miami-Dade County and the Public Health Trust may prescribe, documentation that such employee has been rated by the United States Department of Veterans Affairs or its predecessor or successor to have incurred a military-service-connected disability and has been scheduled by the United States Department of Veterans Affairs to be reexamined or treated for the disability.</p> <p>Sec. 11A-95. The Director of Human Resources for Miami-Dade County may propose such rules and policies necessary to carry out the purpose of this article, including, but not limited to, notification requirements for employees requesting leave, employee eligibility, determination of the amount of leave to be granted to part-time and seasonal employees, and documentation requirements, by preparing and submitting any proposed amendments to the Miami-Dade County Employee Leave Manual or Implementing Orders to the Board of County Commissioners for its action to accept, amend, or reject.</p> |

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|                      | <p>Sec. 11A-96. The Director of Human Resources for the Public Health Trust shall be responsible for issuing rules and policies applicable to Public Health Trust employees that are necessary to carry out the purpose of this article.</p> <p>Sec. 11A-97. The Miami-Dade County Employee Leave Manual and the Public Health Trust Employee Leave Manual shall be amended to include rules or policies consistent with the requirements of this Ordinance.</p> <p><u>Requirements</u><br/>Under the ordinance, the County Mayor or County Mayor's designee is directed to prepare and submit to the Board within 60 days of the effective date of this ordinance a report containing all proposed rules or policies consistent with the requirements of this ordinance, including a draft Implementing Order and draft amendments to the Miami-Dade County Leave Manual, and to place the report on an agenda of the Board pursuant to Ordinance No. 14-65, and for the purpose of providing this Board an opportunity to sponsor an agenda item accepting, amending, or rejecting any proposed rules or policies pursuant to Section 2-42(19) of the Code, the Miami-Dade County Personnel Rules for the Classified Service (Chapter VI), and BCC Rule 5.05(b)(1).</p> <p><u>Background</u><br/>According to statistics from the United States Census Bureau, the veteran population in Miami-Dade County is estimated at 56,367 in the years between 2011 and 2015. The United States and the State of Florida provide paid leave for employees with military-service-connected disabilities. The BCC wishes to establish paid disabled veterans leave for employees of Miami-Dade County and the Public Health Trust to receive reexamination or treatment for military-service-connected disabilities.</p> <p><u>Input from Human Resources Department</u><br/>There is no operational impact for HR to administer this ordinance. There should be no additional costs to the County because the 24 hours to be granted to employees who would be eligible would already be budgeted as part of their regular 2,080 hours for the year (FTE).</p> <p>HR would have to present this paid leave requirement to all unions as a proposal during the upcoming negotiations for the 2017-2020 collective bargaining agreements. This benefit would only be available to bargaining unit employees if the unions accept this and agree to add it to their CBAs as part of negotiations.</p> |
| <b>4D<br/>171492</b> | ORDINANCE AUTHORIZING ISSUANCE FROM TIME TO TIME OF MIAMI-DADE COUNTY, FLORIDA SEAPORT COMMERCIAL PAPER (CP) NOTES, IN ONE OR MORE SERIES, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$200,000,000.00 OUTSTANDING AT ANY ONE TIME, FOR PURPOSE OF PROVIDING INTERIM FINANCING OF SEAPORT CAPITAL IMPROVEMENT PROGRAM (CIP) PROJECTS, INCLUDING PAYING CP NOTES; AUTHORIZING ISSUANCE FROM TIME TO TIME OF  |

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|          | <p>NOT TO EXCEED \$400,000,000.00 AGGREGATE PRINCIPAL AMOUNT MIAMI-DADE COUNTY, FLORIDA SEAPORT REVENUE BONDS, IN ONE OR MORE SERIES, FOR PURPOSE OF FINANCING SEAPORT CIP PROJECTS, INCLUDING PAYING CP NOTES, PURSUANT TO SECTION 207 OF ORDINANCE NO. 88-66, AS AMENDED; PROVIDING FOR ESTABLISHMENT OF DETAILS OF CP NOTES AND BONDS BY SUBSEQUENT RESOLUTIONS; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO OBTAIN PROPOSALS FOR SELECTION OF COMMERCIAL PAPER DEALER(S), ISSUING AND PAYING AGENT(S) AND CREDIT PROVIDER(S) IN CONNECTION WITH CP NOTES; AND PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE</p>   |
| Notes    | <p>The proposed ordinance relating to commercial paper notes to support Seaport operations does the following:</p> <ul style="list-style-type: none"> <li>• Authorizes the issuance of Seaport Commercial Paper Notes in an amount not to exceed \$200 million at any one time, in one or more series, for the purposes of providing temporary financing for a portion of the cost of the Seaport Department's Capital Improvement Program (CIP) projects.</li> <li>• Authorizes issuance of up to \$400 million in Seaport revenue bonds to finance CIP projects.</li> <li>• Authorizes the procurement and selection of a credit provider, commercial paper dealer, and issuing and paying agent in connection with the notes.</li> </ul> <p><u>Fiscal Impact/Funding Source</u></p> <ol style="list-style-type: none"> <li>1) The issuance of notes to be paid from sources described in, or pursuant to, subsequent resolution or resolutions adopted by the BCC, which may include proceeds from Notes and/or additional bonds, net revenues, draws under a credit facility, and</li> <li>2) The issuance of a credit facility by a bank, which will secure the Notes and be secured by a covenant to budget and appropriate "legally available non-ad-valorem revenues" of the County.</li> </ol> <p><u>Background</u></p> <p>Seaport currently has \$1,040.4 million of outstanding debt, comprised of:</p> <ol style="list-style-type: none"> <li>a) \$569.1 million in Seaport revenue bonds,</li> <li>b) \$77.7 million in Seaport general obligation bonds,</li> <li>c) \$288.1 million in Sunshine state loans, and</li> <li>d) \$105.6 million in capital asset acquisition bonds.</li> </ol> <p>Seaport last issued debt in 2014 in the amount of \$201.5 million to support the completion of \$664 million worth of BCC-approved capital projects, comprised of: the Seaport Dredge Project, Seaport Infrastructure Projects (including terminal improvements, intermodal and rail construction, cargo yard improvements, gantry cranes and other port-wide improvements), and the Seaport Tunnel Project.</p> |

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|                      | <p>This Commercial Paper program will provide interim financing for the Seaport’s current five-year \$442 million CIP, the majority of which has already been approved by the BCC.</p> <p><u>Input from Seaport</u></p> <ol style="list-style-type: none"> <li>1. Commercial paper is a debt facility allowing funds to be drawn as needed up to the limit. \$200 million is the limit for this program. The draws are sold as interest-bearing short-term notes not exceeding 270 days. The notes continue to be bought and sold in the markets during the program term. This program term is up to 3 years. Commercial paper works on a spot interest rate, which is considerably lower than long-term fixed-rate debt.</li> <li>2. The largest portion of CIP projects are typically financed with debt. Portions of some projects are supported by grants or private party contributions. Terminal A is an exception where Royal Caribbean is financing the majority of the project cost. Terminal AA negotiations are not final but it is envisioned to have similarities. The required Master Plan update is in progress thus some long range needs are subject to change. Big projects over the long-term under consideration could include Cruise Terminal AAA and K, continued densification of other Terminal Operator cargo yards, completion of an inland port development and replacing aged infrastructure when it reaches the end of its useful life. The highest and best use for the Southwest Corner has yet to be determined and could become another long range project.</li> <li>3. The Finance Dept. selected the commercial paper dealer(s) using a competitive solicitation. Dealer(s) were selected based on their response to a solicitation including their costs and fees.</li> <li>4. The “Act” referenced in the ordinance refers to Florida Statutes Chapters 125 and 166 under which Miami-Dade County issues bonds. The \$200 million commercial paper notes will not be used to pay for non-CIP projects.</li> <li>5. The \$400 million in additional bonds include bonds issued to replace the \$200 million in commercial paper when it expires and additional revenue bonds to complete the CIP through FY 2021.</li> </ol> |
| <b>5A<br/>171314</b> | ORDINANCE RELATING TO ZONING; AMENDING SECTION 33-284.86 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING CERTAIN WALLS, FENCES AND HEDGES AT A HEIGHT TALLER THAN IS CURRENTLY ALLOWED BY THE COUNTY’S STANDARD URBAN CENTER DISTRICT REGULATIONS ON CERTAIN RESIDENTIAL PROPERTIES LOCATED IN BOTH TARGETED URBAN AREAS AND URBAN CENTER DISTRICTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE   |
| <b>Notes</b>         | The proposed ordinance amends section 33-284.86 of the Code, authorizing certain walls, fences and hedges at a height taller than is currently allowed by the County's Standard Urban Center District Regulations on certain residential properties located in both Targeted Urban Areas and Urban Center districts.   |

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|                             | <p><u>Background</u></p> <p>In Chapter 30A, Article VI of the County Code, this Board identified certain "Targeted Urban Areas" for which the County should take measures for urban economic revitalization to create jobs, increase the tax base, and promote business activity. Several of these Targeted Urban Areas (Model City/Brownsville, Goulds, Princeton/Naranja, Leisure City, and Perrine) are also areas where the County has established "Urban Center" zoning districts. As set forth in the County's Comprehensive Development Master Plan, Urban Centers are intended to be developed in "a more compact and efficient urban structure" and "are intended to be moderate-to high-intensity design-unified areas that will contain a concentration of different urban functions integrated both horizontally and vertically."</p> <p>Some Urban Center Districts that are also Targeted Urban Areas contain previously developed single-family residential areas. Although redevelopment of these areas is important to their economic revitalization, preserving the security of the residential areas is also important. To promote security in these areas, the proposed ordinance would authorize walls, fences, and hedges taller than are currently allowed by the County's Standard Urban Center District Regulations, as set forth in Section 33, Article XXXIII(K) of the County Code, regardless of location, on certain residential properties located in both Targeted Urban Areas and Urban Center districts. The amended language reads as follows:</p> <ul style="list-style-type: none"> <li>• <i>Notwithstanding any other provision of this chapter to the contrary, in Targeted Urban Areas defined pursuant to chapter 30A, article VI, walls, fences, and hedges associated with residential, single-family homes that were legally established prior to December 12, 2004, shall be permitted to a maximum height of <u>72 inches</u>, regardless of location.</i></li> </ul> <p><u>Input from RER</u></p> <ol style="list-style-type: none"> <li>1. Not including a sunset provision would render this a permanent provision of the Code.</li> <li>2. The current standard in urban centers is a maximum height of 3.5 feet for single-family homes because the building frontage is required closer to the street. Note, single-family homes outside of urban centers have a maximum height of up to 72 inches because the buildings are not required to be as close to the street. This proposed ordinance would allow legally established single-family homes prior to December 12, 2004 that are in both a TUA and urban center to have up to 72 inches (six feet).</li> <li>3. It is staff's understanding that some of the affected residents are waiting for the Code change in order to put up higher fences, hedges or walls for security purposes.</li> </ol> |
| <p><b>5C<br/>171467</b></p> | <p>RESOLUTION TAKING ACTION ON A CLASS IV PERMIT APPLICATION BY ATLANTIC CIVIL, INC. TO IMPACT A TOTAL OF 155.4 ACRES OF WETLANDS FOR A LAKE EXCAVATION AND TO RESTORE AND ENHANCE 343 ACRES OF WETLANDS AS MITIGATION, LOCATED BETWEEN SW 137 AVENUE AND CARD SOUND ROAD AND BETWEEN SW 360 STREET AND SW 408 STREET IN THE CITY OF FLORIDA CITY, MIAMI-DADE COUNTY, FLORIDA; AND AUTHORIZING THE ACCEPTANCE AND EXECUTION OF ASSOCIATED FLOWAGE EASEMENTS (Regulatory and Economic</p>   |

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| <b>Notes</b> | <p>The proposed resolution approves the issuance of a Class IV permit to permanently impact wetlands for the expansion of an existing rock quarry to Atlantic Civil, Inc. The permit application impacts 155.4 acres of wetlands for the construction of a rock quarry to a depth of 110 feet below National Geodetic Vertical Datum for the extraction of limestone and sand resources.</p> <p>The project site is located between SW 137 Avenue and Card Sound Road and between SW 360 Street and SW 408 Street, within Florida City, Florida, in Commission District 9.</p> <p><u>Fiscal Impact/Funding Source</u><br/>This resolution is a regulatory approval and does not have a fiscal impact.</p> <p><u>Background</u><br/>The applicant, Atlantic Civil Inc., currently operates a rock quarry on its property located in southeastern Miami-Dade County. A Class IV Wetlands permit was not required for the approval and construction of the existing quarry because it is not located within wetlands as defined by the Code of Miami-Dade County. However, the subject Class IV permit application proposes to expand mining activities into portions of the applicant's property that do contain wetlands as defined by the Code.</p> <p>Section 24-48.3 of the Code requires that DERM evaluate potential adverse environmental impacts associated with a proposed project including, but not limited to hydrology, water quality, water supply, and wetlands values, among other evaluation factors when deciding whether to recommend approval or denial of a proposed project. DERM staff review of the subject application considered the direct impact of the proposed project on wetlands, as well as any potential water quality impacts associated with construction of the proposed rock quarry. The proposed project involves excavation of a deep rock quarry lake in a region of the County that has historically been vulnerable to salt intrusion. In this area of the County, the location of the saltwater intrusion front extends several miles inland from the coast and recent work by the United States Geological Survey (USGS) indicates that movement of the saltwater intrusion front in this area has continued its westward migration moving further inland over the past five-year period. DERM staff's review of this project considered the potential for the proposed excavation to intersect portions of the aquifer that do not meet County water quality standards due to saltwater intrusion, as well as the potential for further movement of the saltwater intrusion front into the lake resulting in exceedances of County surface water quality standards.</p> <p>The project will require ongoing water quality monitoring. To mitigate for impacts to wetlands resulting from this project, the applicant is proposing to restore and enhance 343 acres of wetlands on neighboring property through the removal of exotic and nuisance vegetation and regrading the property to appropriate wetlands elevations to improve hydrology and support</p> |

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|                      | <p>wetland vegetation. Atlantic Civil shall also post a mitigation bond to ensure adequate funding for the monitoring and maintenance of the mitigation area.</p> <p>Board approval does not relieve the applicant from obtaining all applicable federal, state and local permits.</p>  |
| <b>7A<br/>170708</b> | <p>ORDINANCE RELATING TO BIDS FROM RELATED PARTIES AND BID COLLUSION; AMENDING SECTIONS 2-8.1.1 AND 10-33.02.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING THE DEFINITION OF RELATED PARTIES FOR THE PURPOSE OF ESTABLISHING A PRESUMPTION OF COLLUSION AND PRE-AWARD DISCLOSURES</p>   |
| <b>Notes</b>         | <p>The proposed amendments to the Collusion Ordinances expand the definition of related parties to include familial relationships. The applicable legislation is as follows: Section 2-8.1.1 of the County Code (Bids from related parties and bid collusion for the purchase of goods and services, leases, permits, concessions and managing agreements) and Section 10-33.02.1 (Bids precluded from related parties and colluding bidders).</p> <p><u>Background</u></p> <p>The Collusion Ordinances were adopted by the Board in March 1991 (see Ord. No. 91-32) and later amended in October 2008 (see Ord. No. 08-113); the amendment added a prohibition against collusive bidding for the purchase of goods and services and a requirement that vendors recommended for award submit an affidavit regarding their relationship to other bidders.</p> <p>This item was (1) adopted on first reading at the April 4, 2017 Board meeting; (2) forwarded to the Board with a favorable recommendation by the Government Operations Committee at its May 9, 2017 meeting; and (3) deferred at the June 6, 2017 Board meeting.</p> <p>The purpose of the Collusion Ordinances is to deter collusive bidding for County goods and services and construction contracts. In doing so, the ordinances require bidders to complete an affidavit attesting whether the bidder is related to any other party submitting a bid or proposal for the same contract prior to award of that contract. Under the ordinances, related parties are “bidders or proposers or the principals, corporate officers and managers thereof which have a direct or indirect ownership interest in another bidder or proposer.”</p> <p>The proposed amendment expands that definition to include familial relationships, i.e., “the spouse, domestic partner, parents, stepparents, siblings, children or stepchildren of a bidder or proposer.”</p> <p>The intent behind the amendment is to provide an added check on the integrity of the County’s procurement process. More specifically, the amendment assists in reducing the occurrence of bid rigging and other forms of anti-competitive practices amongst family members.</p> |

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|          | <u>Fiscal Impact</u><br>There is no fiscal impact to the County if this amendment were to be approved. The operational impact is limited to revising the existing collusion affidavit to reflect the specified familial relationships as constituting a related party. The revision would be completed by the Internal Services Department.  |   |                               |
|          | <u>Additional Findings</u><br>Neither Palm Beach County nor Broward County have a comparable collusion ordinance. The State of Florida issues a similar affidavit to its bidders on goods and services contracts.  |   |                               |
|          | <u>Code Comparison: Current v. Proposed</u>  |   |                               |
|          | <div>Code of Miami-Dade County, Florida<br/>Sections 2-8.1.1 and 10-33.02.1<br/>Code Comparison</div>  |   |                               |
|          | <div>Section</div>   | <div>Current</div>  | <div>Proposed Amendment</div> |
| 2-8.1.1  | <div>Bids from related parties and bid collusion for the purchase of goods and services, leases, permits, concessions and management agreements.<br/>Notwithstanding any other provision of this Code, where two (2) or more related parties each submit a bid or proposal for any County purchases of supplies, materials and services (including professional services, other than professional architectural, engineering and other services subject to section 2-10.4 and Section 287.055, Florida Statutes), lease, permit, licensing agreement, concession or management agreement, such bids or proposals shall be presumed to be collusive. The foregoing presumption may be rebutted by presentation of evidence as to the extent of ownership, control and management of such related parties in the preparation and submittal of such bids or proposals. Related parties shall mean bidders or proposers or the principals, corporate</div> | <div>Bids from related parties and bid collusion for the purchase of goods and services, leases, permits, concessions and management agreements.<br/>Notwithstanding any other provision of this Code, where two (2) or more related parties each submit a bid or proposal for any County purchases of supplies, materials and services (including professional services, other than professional architectural, engineering and other services subject to section 2-10.4 and Section 287.055, Florida Statutes), lease, permit, licensing agreement, concession or management agreement, such bids or proposals shall be presumed to be collusive. The foregoing presumption may be rebutted by presentation of evidence as to the extent of ownership, control and management of such related parties in the preparation and submittal of such bids or proposals. Related parties shall mean <i>the bidder or proposer; the principals, corporate officers, and managers of</i></div> |                               |

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|          |                | <p>officers, and managers thereof which have a direct or indirect ownership interest in another bidder or proposer for the same agreement or in which a parent company or the principals thereof of one (1) bidder or proposer have a direct or indirect ownership interest in another bidder or proposer for the same agreement. Bids or proposals found to be collusive shall be rejected.</p> | <p><i>a bidder or proposer; or the spouse. domestic partner, parents, stepparents, siblings, children or stepchildren of a bidder or proposer or the principals, corporate officers, and managers thereof</i> which have a direct or indirect ownership interest in another bidder or proposer for the same agreement or in which a parent company or the principals thereof of one (1) bidder or proposer have a direct or indirect ownership interest in another bidder or proposer for the same agreement. Bids or proposals found to be collusive shall be rejected.</p> |  |

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|                              | <p><b>10-33.02.1</b> <i>Bids precluded from related parties and colluding bidders.</i></p> <p>Notwithstanding any other provision of this Code, when two (2) or more related parties each submit a bid or proposal for any construction contract subject to this article, such bid or proposal shall be presumed collusive. The foregoing presumption may be rebutted by presentation of evidence as to the extent of ownership, control and management of such related parties in the preparation and submittal of such bids or proposals. Related parties shall mean bidders or proposers, or principals, corporate officers, and managers thereof which have a direct or indirect ownership interest in another bidder or proposer for the same contract or in which a parent company or the principals thereof of one (1) bidder or proposer have a direct or indirect ownership in another bidder or proposer for the same contract. Bids or proposals found to be collusive shall be rejected.</p> | <p><i>Bids precluded from related parties and colluding bidders.</i></p> <p>Notwithstanding any other provision of this Code, when two (2) or more related parties each submit a bid or proposal for any construction contract subject to this article, such bid or proposal shall be presumed collusive. The foregoing presumption may be rebutted by presentation of evidence as to the extent of ownership, control and management of such related parties in the preparation and submittal of such bids or proposals. Related parties shall mean <b><i>the bidder or proposer; the principals, corporate officers, and managers of a bidder or proposer; or the spouse, domestic partner, parents, stepparents, siblings, children or stepchildren of a bidder or proposer or the principals, corporate officers, and managers thereof</i></b> which have a direct or indirect ownership interest in another bidder or proposer for the same contract or in which a parent company or the principals thereof of one (1) bidder or proposer have a direct or indirect ownership in another bidder or proposer for the same contract. Bids or proposals found to be collusive shall be rejected.</p> |
| <p><b>801<br/>171462</b></p> | <p>RESOLUTION APPROVING SETTLEMENT AGREEMENT BETWEEN MIAMI-DADE COUNTY AND MIAMI SKYLINE CONSTRUCTION CORP. FOR PAYMENT OF \$222,297.48 TO MIAMI SKYLINE CONSTRUCTION CORP. TO SETTLE ALL CLAIMS BETWEEN BOTH PARTIES RELATING TO PROJECT NO. W-888R: JOHN E PRESTON WATER TREATMENT PLANT DRINKING WATER QUALITY LABORATORY IN CASE NO. 2016-000045-CA-01; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SUCH AGREEMENT AND EXERCISE ALL RIGHTS CONTAINED THEREIN</p>  |  |

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| <b>Notes</b> | <p>The proposed resolution related to the Water and Sewer Department (WASD) does the following:</p> <ul style="list-style-type: none"> <li>• Approves the Settlement Agreement between Miami-Dade County and Miami Skyline Construction Corp. for payment of \$222,297.48 to Miami Skyline Construction Corp. to settle all claims between both parties relating to Project No. W-888R: John E. Preston Water Treatment Plant Drinking Water Quality Laboratory in Case No. 2016- 000045-CA-01; and</li> <li>• Authorizes the County Mayor to execute such agreement and exercise all rights contained therein.</li> </ul> <p><u>Fiscal Impact/Funding Source</u><br/>Under this settlement agreement, the County will pay Skyline the amount of \$222,297.48 from water operating revenues. The payment of \$222,297.48 to Skyline is within the approved contract fund amounts and is funded through previously withheld contract fund amounts. The final construction cost, including the settlement amount, is \$2,219,330.90, which is less than the total contract amount of \$2,335,796.85. Accordingly, the settlement payment does not require an increase to the total contract amount.</p> <p><u>Background</u><br/>On November 24, 2008, the County entered into a contract with Skyline in the amount of \$2,133,000.00 for the construction of a two-story laboratory building and a parking facility at the Preston Plant. The contract was modified by change orders, which increased the total amount to \$2,335,796.85. Although the project was completed in 2011, there were disputes regarding additional compensation, contract time extensions and contract monies owed. To date, Skyline has been paid \$1,997,033.42.</p> <p>In 2016, Skyline sued for \$361,746.66 as compensation for nonpayment of work performed, additional work and delay damages, plus interest, costs and attorney's fees. The County asserted defenses and a counterclaim for Skyline's failure to complete the punchlist and provide final as-built drawings. Following discovery and negotiations, Skyline and WASD agreed to a settlement payment of withheld contract funds in the amount of \$222,297.48 without interest. Both parties will bear their own fees and costs. A condition of the settlement is the submittal of final as-built drawings to the satisfaction of the County. Upon payment, Skyline will dismiss the case with prejudice. Skyline has fully paid all subcontractors and has complied with the Small Business Enterprise (SBE) goal assigned to this construction project.</p> <p><u>Input from WASD</u></p> <ol style="list-style-type: none"> <li>1. Skyline was not subject to debarment proceedings.</li> </ol> |

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|          | <ol style="list-style-type: none"> <li>2. The County withheld \$152,000.00 as liquidated damages; \$55,483.27 that was withheld as retainage and \$14,814.21 withheld due to a subcontractor's underpayment of employees' wages for which such noncompliance was subsequently corrected and the employees paid. The County contested the contractor because the contractor could not justify project delays. Retainage money was not released because the contractor did not submit completed as-builts of the project.</li> <li>3. The original project timeline was 365 calendar days. The NTP was issued on January 20, 2009 and the original completion date was January 31, 2010. An additional 277 days (37 days from contingency account; 90 from change order 1; and 150 from change order 2) were granted for the contractor to complete extra work for a total 642 days. The revised completion date was October 23, 2010. This final negotiation does not include change orders but include the aforementioned monies for a total \$222,297.48.</li> <li>4. Change Order No. 1:<br/> <a href="http://intra.miamidade.gov/gia/matter.asp?matter=092359&amp;file=true&amp;yearFolder=Y2009">http://intra.miamidade.gov/gia/matter.asp?matter=092359&amp;file=true&amp;yearFolder=Y2009</a> – The first change order approved a 90-day non-compensable time extension to allow the contractor to comply with security specifications as required by Ordinance No. 02-68. The specifications were not part of the original scope of work so it could not have been anticipated by the contractor.</li> <li>5. Change Order No. 2:<br/> <a href="http://intra.miamidade.gov/gia/matter.asp?matter=102096&amp;file=true&amp;yearFolder=Y2010">http://intra.miamidade.gov/gia/matter.asp?matter=102096&amp;file=true&amp;yearFolder=Y2010</a> – The second change order 1) replenished the contingency allowance account, 2) requested additional funding for electrical changes, 3) requested additional funding for equipment upgrades, and 4) requested a non-compensable time extension.</li> <li>6. Due to omissions and errors during the design phase and unknown field conditions encountered during construction, the contingency allowance account was depleted as additional work was done to address unforeseen conditions and design revisions. Replenishment in the amount of \$98,750 was approved by the Board.</li> <li>7. The contractor had to re-wire some electrical panels, remove/reinstall surface mounted raceways, changed other electrical panels from low to high voltage, changed wiring for fans, procured new air conditioning compressor and installed additional light fixtures, junction boxes and parts for air conditioners. The negotiated price for the additional work was \$45,112.</li> <li>8. WASD ascertained that some equipment originally specified required upgrading, including new piping for hot/cold water, re-design of sanitary lines, and an elevator sump pit discharge pipe. WASD negotiated a price of \$27,828.60 with the contractor for this equipment upgrade.</li> <li>9. The original design plans included off-setting an 8-inch sewer pipe installed below the laboratory. The as-built plans for the sewer pipe were not correct and the 8" sewer pipe was not located. Consequently, the offset had to be performed where the pipe was eventually located (south of the Laboratory). A redesign had to be completed which delayed the project by 92 days to accommodate the offset of the sewer pipe. Additionally, a second non-compensable time extension of 58 days was requested to redesign the structural support beams for the second floor of the laboratory, as the</li> </ol> |

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|                        | <p>original design was in conflict with a concrete joist, and to accommodate changes to electrical and mechanical drawings, in addition to allotting proper time for permitting approval by the City of Hialeah. Therefore, a total of 150 days of non-compensable time was granted to the contractor.</p>   |
| <b>14A1<br/>171461</b> | <p>RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO ADVERTISE A REQUEST FOR QUALIFICATIONS FOR AND ON BEHALF OF MIAMI-DADE COUNTY TO OBTAIN STATE GOVERNMENTAL REPRESENTATION AND CONSULTING SERVICES IN TALLAHASSEE, FLORIDA, AND TO EXERCISE ALL OTHER RIGHTS CONTAINED THEREIN; APPOINTING AN EVALUATION COMMITTEE AND WAIVING THE REQUIREMENTS OF IMPLEMENTING ORDER 3-34 RELATED TO THE FORMATION AND PERFORMANCE OF SELECTION COMMITTEES; DELEGATING AUTHORITY TO THE CHAIRPERSON OF THIS BOARD TO APPOINT ONE ALTERNATE MEMBER OF EVALUATION COMMITTEE; WAIVING THE REQUIREMENTS OF SECTIONS 2-8.3 AND 2-8.4 OF THE COUNTY CODE, PERTAINING TO BID PROTESTS, BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; WAIVING THE REQUIREMENTS OF SECTION 2-8.5 OF THE COUNTY CODE RELATED TO LOCAL PREFERENCE; AND AUTHORIZING A DESIGNATED PURCHASE PURSUANT TO SECTION 2-8.1(B)(3) OF THE COUNTY CODE BY TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT, TO EXTEND THE EXISTING CONTRACTS (RFQ801A-C) ON A MONTH-TO-MONTH BASIS UNTIL THE CONTRACT(S) RESULTING FROM THIS REQUEST FOR QUALIFICATIONS IS AWARDED IN AN ANNUAL AMOUNT NOT TO EXCEED \$290,000.00 IN THE AGGREGATE</p>   |
| <b>Notes</b>           | <p>The proposed resolution authorizes the following:</p> <ul style="list-style-type: none"> <li>• Advertisement of a Request for Qualifications (RFQ) for the delivery of governmental representation and related consulting services before the State of Florida's executive and legislative branches;</li> <li>• Designates an evaluation committee via waiver of IO 3-34 relating to the formation and performance of selection committees;</li> <li>• Waives the requirements of Section 2-8.5 of the Code relating to local preference and Sections 2-8.3 and 2-8.4 of the Code pertaining to bid protests, as applied to the RFQ, by a two-thirds vote of the Board members present; and</li> <li>• Extends the existing contracts through a designated purchase on a monthly basis in an annual amount not to exceed \$290,000.00 until the contracts resulting from the RFQ are awarded; the designated purchase requires a two-thirds vote of the Board.</li> </ul> <p><u>Fiscal Impact/Funding Source</u><br/>The fiscal impact for the extension of the current contracts is \$25,000 per month. The contracts currently have an allocation of \$290,000 per year in the aggregate and are funded through the General Fund. The vendors are paid monthly for services performed at their yearly contract rate</p> |

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|                        | <p>divided by 12. As of June 16, 2017, the Bid Tracking System shows that of the \$726,667 allocation amount for the current term, \$648,316 has been released. The cost of the contracts resulting from the replacement solicitation will be determined by the Board.</p> <p><u>Background</u></p> <p>The Board's Office of Intergovernmental Affairs is responsible for monitoring the current contracts as well as the successor contracts. The contracts were initially approved by Board in December 2011 for a one-year term plus three, one-year options to renew. Subsequently, the term of the contracts was extended via a designated purchase, which was approved by the Board in July 2016. The designated purchase authorized additional time of up to one-year or until replacement contracts were awarded as well as an allocation of up to \$25,000 per month.</p> <p>There are currently three contracts (RFQ801 a-c) for governmental representation and consulting services in Tallahassee, FL.</p> <p>The proposed advertisement includes a Small Business Enterprise Selection Factor.</p> <p>The County has four contracts for Governmental Representation and Consulting Services in Washington, DC that are currently extended on a month-to-month basis.</p> |
| <b>15A1<br/>171485</b> | <p>RESOLUTION APPROVING THE INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN THE FLORIDA RESILIENCY AND ENERGY DISTRICT, MIAMI-DADE COUNTY, AND THE MIAMI-DADE COUNTY OFFICE OF THE PROPERTY APPRAISER TO PROVIDE SERVICES TO THE FLORIDA RESILIENCY AND ENERGY DISTRICT IN ACCORDANCE WITH THE UNIFORM METHOD FOR THE LEVY, COLLECTION AND ENFORCEMENT OF NON-AD VALOREM ASSESSMENTS CONTAINED IN SECTIONS 197.3632 AND 197.3635 OF THE FLORIDA STATUTES; AUTHORIZING THE COUNTY MAYOR OR DESIGNEE TO EXECUTE SAME AND EXERCISE PROVISIONS CONTAINED THEREIN, INCLUDING CANCELLATION</p>  |
| <b>Notes</b>           | <p>The proposed resolution related to the Office of the Property Appraiser:</p> <ul style="list-style-type: none"> <li>• Authorizes the Intergovernmental Cooperation Agreement (Agreement) by and among Miami-Dade County on behalf of the Tax Collector, Miami-Dade County Office of the Property Appraiser, and the Florida Resiliency and Energy District (District) to utilize the uniform method for the levy, collection and enforcement of non-ad valorem assessments, as prescribed in Section 197.3632, Florida Statutes; and</li> <li>• Authorizes the County Mayor or Mayor's designee to execute the Agreement on behalf of the County.</li> </ul>   |

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|          | <p><u>Fiscal Impact/Funding Source</u><br/> The District agrees that the County shall be entitled to retain two percent on the amount of special assessments collected and remitted to cover all of the County's associated costs. There is no negative fiscal impact to the County as a result of this Agreement.</p> <p><u>Background</u><br/> In accordance with Sections 197.3632 and 197.3635, Florida Statutes, and the Agreement, the District will charge separate non-ad valorem assessments for collecting its energy improvement assessments or such other assessments imposed by the District.</p> <p>The Agreement affords the District the convenience and financial savings of utilizing the TRIM notice and combined tax bill for collection of its non-ad valorem assessments. The term of this Agreement commences with special assessments collected in 2017, and continues until cancelled by either party.</p> <p>Under the Agreement, the District, Tax Collector and Property Appraiser must enter into written agreements evidencing the Tax Collector's and the Property Appraiser's agreement to place the District's non-ad valorem assessment on the TRIM Notice and tax bill.</p> <p><u>Applicable Statutes</u><br/> See the links below to the relevant governing sections of the Florida Statutes pertinent to the assessment/collection/billing process for ad valorem and non-ad valorem taxes.</p> <p>Uniform method of collection: FS 197.3632<br/> <a href="http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0100-0199/0197/Sections/0197.3632.html">http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0100-0199/0197/Sections/0197.3632.html</a></p> <p>Tax bill: FS 197.3635<br/> <a href="http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0100-0199/0197/Sections/0197.3635.html">http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0100-0199/0197/Sections/0197.3635.html</a></p> <p>PA assessment notice: FS 200.069<br/> <a href="http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0200-0299/0200/Sections/0200.069.html">http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0200-0299/0200/Sections/0200.069.html</a></p> <p>General Tax Collections: FS Chapter 197<br/> <a href="http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;URL=0100-0199/0197/0197ContentsIndex.html&amp;StatuteYear=2016&amp;Title=-%3E2016-%3EChapter%20197">http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;URL=0100-0199/0197/0197ContentsIndex.html&amp;StatuteYear=2016&amp;Title=-%3E2016-%3EChapter%20197</a></p> |