



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

Board of County Commissioners (BCC) Meeting

October 3, 2017
9:30 A.M.
Commission Chambers

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

**BCC Meeting: October 3, 2017
Research Notes**

**Item No. 3A11
File No. 172074**

Researcher: PGE

RESOLUTION DECLARING ONE 2004 FORD E-350 PASSENGER VAN SURPLUS; AUTHORIZING ITS DONATION TO MAHOGANY YOUTH CORPORATION; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE A COMMUNITY BASED ORGANIZATION AGREEMENT, TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN AND TO TAKE ANY AND ALL ACTIONS NECESSARY TO EFFECTUATE THE FOREGOING

ISSUE/REQUESTED ACTION

Whether the Board should: (1) declare a 2004 Ford E-350 passenger van surplus County property; (2) authorize its donation to Mahogany Youth Corporation (MYC); and (3) authorize the County Mayor or Mayor's designee to execute a community based organization agreement with MYC.

APPLICABLE LEGISLATION/POLICY

Section 274.05 of the Florida Statutes (Surplus Property) authorizes local governments to classify obsolete or uneconomical property as surplus and donate such property to nonprofit agencies.

Section 2-11.2.1 of the County Code (Disposition of County Surplus Property) prescribes a process for the sale and donation of surplus property. The section requires the County to offer surplus property in the following order of preference: first to the Parks, Recreation and Open Spaces Department at no cost; then to other County departments and agencies at no cost; and thereafter by sale or donation to other governmental units located in the County for use in the County or to eligible community based organizations.

Under Section 2-11.2.1, surplus property to be offered to eligible community based organizations by sale or donation shall be used by such organization in Miami-Dade County. The offer shall disclose the value, condition, and intended use of the surplus property. Prior to the County Commission approving a sale, donation or other disposition of surplus property to a community based organization, the organization shall specify to the County the intended use of such property. The community based organization shall predominantly use such property for the intended use, and shall not resell such property at a profit or otherwise transfer such property without County approval for no less than three years from the date of receipt of the surplus property. The three-year requirement may be waived administratively by the Mayor or designee upon a showing that it is in the best interest of the County. Agreements between the County and a community based organization shall include a reverter clause in the event surplus property is not used for the stated purposes within the three-year time period. The community based organization shall notify the County when it disposes of the surplus property.

Administrative Order No. 8-2 further articulates the County's policy for the use, care, control and disposal of County property.

PROCEDURAL HISTORY

N/A

FISCAL IMPACT

The estimated value of the model year 2004 Ford E-350 passenger van is \$3,450.

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ANALYSIS

MYC is classified as a public charity exempt from federal income tax under the Internal Revenue Code. MYC's mission is to empower kids and enhance their self-esteem through its "Teach a Child to Fish" program. The program aims to steer kids away from drugs and gang activity. As of September 4, 2017, the Florida Division of Corporations shows MYC's status as active and categorizes the entity as a nonprofit corporation.

Per the information provided on the Surplus Property Allocation Application, MYC desires to use the van to transport "youth and staff for our in school, out of school, summer camp and Saturday programs. We will be able to bring kids from down south up to our office in Miami Lakes for training. We can take kids to Biscayne National Park, Frost Museum and more."

No other County department expressed an interest in the vehicle during the surplus process which is administered by the Internal Services Department. The vehicle's condition is fair, and it has 66,120 miles.

On October 13, 2015, the Unincorporated Municipal Service Area Committee presented a proclamation to Mahogany Youth Corporation for exemplary community service.

A similar item declaring a Dodge Ram Wagon surplus and authorizing its donation to a nonprofit, Bilingual School of Business and Performing Arts, Inc., was approved by the Board through Resolution No. R-472-17 on May 2, 2017.

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Research Notes**

Item No. 3B2

File No. 171737

Researcher: PGE

RESOLUTION RATIFYING THE ACCEPTANCE AND EXECUTION OF SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT NO. 2 TO JOINT PARTICIPATION AGREEMENT 429531-1-94-01 WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$2,000,000.00 FOR THE TERMINAL-WIDE RE-ROOFING PROJECT AT MIAMI INTERNATIONAL AIRPORT AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS CONTAINED THEREIN, INCLUDING THE TERMINATION PROVISIONS

ISSUE/REQUESTED ACTION

Whether the Board should ratify the County Mayor's acceptance and execution of Supplemental Joint Participation Agreement (SJPA) No. 2 with the Florida Department of Transportation (FDOT) for \$2,000,000 for the terminal-wide re-roofing project at Miami International Airport (MIA).

APPLICABLE LEGISLATION/POLICY

Section 332.006(6) of the Florida Statutes (Duties and Responsibilities of the Department of Transportation) authorizes FODT to "administer department participation in the program of aviation and airport grants."

Section 2-285 (6) of the County Code prescribes the power of the County Mayor to execute state joint participation agreements subject to Board ratification.

PROCEDURAL HISTORY

On May 5, 2015, the Board, pursuant to Resolution No. R-365-15, approved the original Joint Participation Agreement between the Aviation Department (MDAD) and FDOT in the amount of \$1,891,711 to partially fund the terminal building re-roofing project at MIA.

On March 21, 2017, the Board, pursuant to Resolution No. R-294-17, approved the ratification of SJPA No. 2 with FDOT in the amount of \$5,279,167 to partially fund the re-roofing project.

FISCAL IMPACT

The MIA re-roofing project will cost an estimated \$60 million. SJPA No. 2 adds \$2 million to the \$7,170,878 in FDOT funds already provided under the Joint Participation Agreement and first supplement for a total of \$9,170,878 in FDOT funding. The balance of the cost not funded by FDOT will be funded by MDAD.

ANALYSIS

Per the JPA, the purpose of the agreement is to remove and replace the existing terminal roof and perform work as required for the installation of a new roofing and insulation system, overflow emergency supers, with the necessary structural piping supports, access ramps and bridging. FDOT, consistent with Florida law, has a duty to cooperate and coordinate with federal, state and local or private organizations and individuals in planning airport systems in the state, promoting the development and improvement of air routes, airport facilities and landing fields and protecting their approaches and to stimulate the development of aviation commerce and air facilities (see Chapter 332 of the Florida Statutes).

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In 2007, MDAD determined that the roofs for the terminal should undergo an eight-year temporary repair. In 2015, the roof systems exhibited significant failures leading to leaks. The project's scope involves the removal of the entire roof of the terminal building in phases. The project will be implemented sequentially to minimize operational impacts. The contract time as specified in SJPA No. 2 is through June 30, 2020.

According to MDAD, no contracts for the execution of this project have been established, and the project scope is currently being finalized. Most of the roofing work will take place in the Central terminal area.

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Research Notes**

Item No. 3B3

File No. 171738

Researcher: PGE

RESOLUTION RATIFYING THE ACCEPTANCE AND EXECUTION OF JOINT PARTICIPATION AGREEMENT NO. 429271-1-94-01 WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$800,000.00 FOR REALIGNMENT OF PERIMETER ROAD AND REPLACEMENT OF THE CANAL BRIDGE AT MIAMI INTERNATIONAL AIRPORT AND AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS CONTAINED THEREIN, INCLUDING THE TERMINATION PROVISIONS

ISSUE/REQUESTED ACTION

Whether the Board should ratify the County Mayor's acceptance and execution of the Florida Department of Transportation (FDOT) Joint Participation Agreement (JPA) in the amount of \$800,000 for the realignment of Perimeter Road and the replacement of the canal bridge at Miami International Airport (MIA).

APPLICABLE LEGISLATION/POLICY

Section 332.006(6) of the Florida Statutes (Duties and Responsibilities of the Department of Transportation) authorizes FDOT to "administer department participation in the program of aviation and airport grants."

Section 2-285 (6) of the County Code prescribes the power of the County Mayor to execute state joint participation agreements subject to Board ratification.

PROCEDURAL HISTORY

The item was deferred at the July 18, 2017 meeting of the Board.

FISCAL IMPACT

The project will cost an estimated \$22,672,000. Under this JPA, FDOT's participation is for \$800,000 toward the project. It is FDOT's intent to reimburse the County 50 percent of the total non-federal share of eligible project cost up to FDOT's maximum participation amount (i.e., \$1,600,000). The balance of the cost not funded by FDOT will be funded by the Aviation Department (MDAD).

ANALYSIS

Per the JPA, the purpose of the agreement is to design and construct a new bridge replacement for the Tamiami Canal Bridge, including demolition of the existing bridge, relocation of railroad crossing, improving existing conditions, signalized intersection at Perimeter Road, and maintenance of traffic and storm water pollution. The mayoral memo explains that the re-aligned road will ultimately provide unhindered public access to MIA's terminal building while the replacement bridge will connect the employee parking lot to Perimeter Road. The replacement bridge will have two lanes in each direction. Both MDAD and FDOT agree that the JPA will be completed on or before December 31, 2021.

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Research Notes**

Item No. 3B5

File No. 171997

Researcher: TD

RESOLUTION RATIFYING THE ACCEPTANCE AND EXECUTION OF REIMBURSEMENT AGREEMENT AJW-FN-ESA-17-SO-001283 WITH THE FEDERAL AVIATION ADMINISTRATION (FAA) FOR REIMBURSEMENT TO THE FAA OF ESTIMATED COSTS OF \$49,372.57 FOR DESIGN REVIEW OF REPLACEMENT GLIDE SLOPE EQUIPMENT FOR RUNWAY 12 AT MIAMI INTERNATIONAL AIRPORT, AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS CONTAINED THEREIN, INCLUDING THE TERMINATION PROVISIONS

ISSUE/REQUESTED ACTION

This resolution seeks acceptance and execution of reimbursement agreement AJW-FN-ESA-17-SO-001283 with the Federal Aviation Administration (FAA) for reimbursement to the FAA of estimated costs of \$49,372.57 for design review of replacement glide slope equipment for runway 12 at Miami International Airport.

PROCEDURAL HISTORY

This item is before the BCC for first reading.

FISCAL IMPACT

This agreement fully funds the cost of a design review and implementation study for the siting of the new glide slope antenna for Runway 12-30. The work will be performed by the FAA and its contractors, but the FAA requires the Miami-Dade Aviation Department (MDAD) to prepay the costs of \$49,372.57. The funds for this design project are available in Facility Development Operating Budget.

ANALYSIS

A glide slope is a navigational aid that provides vertical guidance to approaching aircraft on final approach. It guides the approaching aircraft on a three-degree slope until it touches down on the runway and lands. All glide slopes have a critical area that cannot be breached. MDAD is rehabilitating the pavement on Taxiways R, S, and T. Taxiway R requires an extension and realignment, which, in turn, requires the relocation of the existing glide slope for Runway 12. The proposed Taxiway R extension will interfere with a critical area of Runway 12's existing glide slope near the approach end of the runway. In order to minimize any delay on the Taxiways R, S, and T pavement extension and rehabilitation project, it was necessary to execute a standard reimbursable agreement with the FAA to allow for a timely review of the engineering plans and technical specifications of the replacement glide slope.

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**Item No. 3B6
File No. 172005**

Researcher: PGE

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO APPLY FOR, RECEIVE AND EXPEND UP TO \$29,138.00 IN GRANT FUNDS FROM THE STATE OF FLORIDA'S DIVISION OF EMERGENCY MANAGEMENT, TO CONDUCT SITE SPECIFIC HAZARD ANALYSIS AND HAZARDOUS MATERIAL MANAGEMENT ACTIVITIES IN THE STATE OF FLORIDA'S FISCAL YEAR 2017-2018; TO EXECUTE THE GRANT AGREEMENT IN SUBSTANTIALLY THE FORM ATTACHED; TO APPLY FOR, RECEIVE AND EXPEND ADDITIONAL FUNDS SHOULD THEY BECOME AVAILABLE UNDER THIS GRANT DURING THE CURRENT STATE OF FLORIDA'S FISCAL YEAR 2017-2018, INCLUDING EXECUTING ANY NECESSARY AGREEMENTS; AND TO EXECUTE AND EXERCISE ANY RENEWAL AND CANCELLATION PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should: (1) authorize the County Mayor or Mayor's designee to apply for, receive and expend up to \$29,138 in grant funds from the State of Florida's Division of Emergency Management to conduct site specific hazard analysis and hazardous material management activities in the State of Florida's Fiscal Year 2017-18; and (2) authorize the County Mayor or Mayor's designee to apply for, receive and expend additional funds should they become available under the grant in the State of Florida's Fiscal Year 2017-18.

APPLICABLE LEGISLATION/POLICY

The Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986 was created to help communities plan for chemical emergencies. It requires industry to report on the storage, use and release of hazardous substances to federal, state and local governments. That reported information is used by state and local governments to prepare their community from potential risks.

Section 215.971 of the Florida Statutes governs agreements funded with federal or state assistance.

PROCEDURAL HISTORY

The last State-Funded Grant Agreement totaling \$32,402 for site-specific hazard analysis in the State of Florida's Fiscal Year 2016-17 was approved by the Board on June 21, 2016 through Resolution No. R-545-16.

FISCAL IMPACT

The grant provides \$29,183 in state funds for hazardous site analysis in Fiscal Year 2017-18. The grant does not require any matching or in-kind funds. The funding source is the State of Florida's Division of Emergency Management. The grant stipulates that funds received shall not be used to supplant current fire-rescue expenditures.

ANALYSIS

The Division of Emergency Management plans for and responds to both natural and man-made disasters, ranging from floods and hurricanes to incidents involving hazardous materials or nuclear power. The division prepares and implements a statewide Comprehensive Emergency Management Plan and routinely conducts extensive exercises to test state and county emergency response capabilities. The division is the state's liaison with federal and local agencies on emergencies of all kinds.

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This item proffers a State-Funded Grant Agreement between the County and the State of Florida Division of Emergency Management for the County to conduct site specific hazard analysis for facilities identified by the State Emergency Response Commission. The grant funds are allocated to conduct hazard analysis of County facilities that use, manufacture, and/or transport significant quantities of hazardous substances. Upon approval of the hazard analysis by the Division of Emergency Management, the Miami-Dade County Fire Rescue Department will notify response agencies and Section 302 facilities (i.e., facilities storing extremely hazardous substances above certain thresholds) of the availability of the hazard analysis data.

The grant agreement commences on July 1, 2017 and ends on June 30, 2018. The State of Florida's performance and obligation to pay under the Agreement is contingent upon an annual appropriation by the Legislature. The Division of Emergency Management will reimburse the County only for allowable costs incurred for the successful completion of deliverables. The maximum reimbursement amount for the entirety of the agreement is \$29,183. The agreement has four deliverables as specified in Attachment B to the agreement.

At the state level, the Florida Division of Emergency Management serves as the lead agency responsible for oversight and coordination of the local planning efforts required by EPCRA. At the district level, Regional Planning Councils coordinate the activities of a Local Planning Committee that collects data on hazardous materials stored within its geographical boundaries. At the local level, each of Florida's 67 counties performs a hazards analysis. The County hazards analysis is used as input to the Local Planning Committee Emergency Response Plan for Hazardous Substances required under EPCRA.

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Research Notes**

Item No. 3B7

File No. 171985

Researcher: PGE

RESOLUTION RATIFYING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE'S ACTION IN APPLYING FOR AND EXECUTING A GRANT AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES FOR THE JAIL IN-REACH TEAM PROJECT IN THE AMOUNT OF \$1,200,000.00, AND COMMITTING THE MIAMI-DADE CORRECTIONS AND REHABILITATION DEPARTMENT TO COLLABORATE IN THE JAIL IN-REACH TEAM PROJECT THROUGH AN IN-KIND MATCH IN THE AMOUNT OF \$216,039.00 ANNUALLY FOR THE THREE-YEAR GRANT PROJECT AND A CASH MATCH IN THE AMOUNT OF \$120,000.00; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SUCH CONTRACTS AND AGREEMENTS AS ARE REQUIRED FOR THE COUNTY TO ACT AS THE GRANTEE AND, PURSUANT TO RESOLUTION NO. R-79-03, AS THE FISCAL AGENT FOR THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA IN ASSOCIATION WITH THE GRANT FOR THE JAIL IN-REACH TEAM PROJECT; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE TERMINATION AND AMENDMENT PROVISIONS CONTAINED IN SUCH CONTRACTS AND AGREEMENTS; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE ANY CONTRACTS, AGREEMENTS, OR AMENDMENTS THAT MAY BE NECESSARY FOR THE RECEIPT OF ADDITIONAL AVAILABLE FUNDS FOR THE JAIL IN-REACH TEAM PROJECT

ISSUE/REQUESTED ACTION

Whether the Board should: (1) ratify the County Mayor or Mayor's designee's action in applying for and executing a grant agreement with the State of Florida Department of Children and Families (DCF) for the Jail In-Reach Team Project in the amount of \$1,200,000; and (2) authorize the County Mayor or Mayor's designee to execute such contracts and agreements as are required for the County to act as grantee and as the fiscal agent for the Eleventh Judicial Circuit of Florida in association with the grant.

APPLICABLE LEGISLATION/POLICY

Florida Statutes Section 394.658 prescribes the award process and requirements for the Criminal Justice, Mental Health and Substance Abuse (CJMHS) Reinvestment Grant. Under the section, the application criteria for a three-year implementation or expansion grant requires information from a county that demonstrates its completion of a well-established collaboration plan that includes public-private partnership models and the application of evidence-based practices.

Resolution No. R-79-03, approved by the Board on January 23, 2003, designates the County as the fiscal agent for the Eleventh Judicial Circuit of Florida in connection with certain grants provided to the circuit.

PROCEDURAL HISTORY

On March 4, 2008, pursuant to Resolution No. R-218-08, the Board approved the County Mayor's receipt of CJMHS Reinvestment Grant funds for the initial implementation of the jail diversion program. The project's scope involved grant funds totaling \$999,000 for a three-year period for 200 mentally ill persons arrested on low-level, third-degree felonies.

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FISCAL IMPACT

The DCF grant award for the three-year period totals \$1,200,000. The grant agreement requires an in-kind match by the County's Corrections and Rehabilitation Department in the form of two correctional officers who will assist in determining program participant eligibility and a corrections re-entry counselor for a total of \$216,039 annually. The agreement also requires a cash match of \$120,000. The total combined match for the Corrections and Rehabilitation Department is \$768,117 over the three years.

ANALYSIS

The services provided under the grant will be delivered through a collaborative partnership involving the Eleventh Judicial Circuit's Administrative Office of the Courts (AOC), the Public Health Trust (PHT), the Corrections and Rehabilitation Department (MDCR) and South Florida Behavioral Health Network (SFBHN). The project aims to divert approximately 375 individuals with severe mental illness who are involved in or at risk for becoming involved in the justice system during the three-year grant period. More specifically, the target population includes adults with serious mental illnesses who have histories of repeated involvement in the justice, acute care treatment and/or homeless systems and who are: (1) arrested and booked into the county jail; (2) eligible to participate in one of the provided diversion programs; (3) assessed to be at moderate to high risk of future recidivism to the justice system, acute care treatment and/or other institutional settings; and (4) screened to ensure they do not have significant histories of violence and are not likely to pose public safety concerns. The program's ultimate goal is to reduce the cycle of arrest and incarceration for people who need behavioral health treatment and support.

As grantee and fiscal agent for AOC, the County received the CJMHSA grant award from DCF in the amount of \$1,200,000 for the project. The grant term is from March 1, 2017 to February 28, 2020. The award letter was received on March 7, 2017. The short turnaround time imposed by DCF's application deadline and the subsequent grant award did not allow sufficient time for the processing of the resolution to the Board prior to submission of the application and receipt of the grant award.

The County, as grantee, is directed by DCF to execute a Memorandum of Agreement (MOA) between the County, the AOC and PHT. A Professional Services Agreement shall also be executed by those parties and SFBHN. Under the MOA, the parties are required to: (1) gather and review information necessary to make determinations regarding eligibility for participation in diversion programs; (2) develop and implement evidence-based transition and reentry plans emphasizing continuity and coordination of care; (3) monitor ongoing linkages to evidence-based treatment and services in the community; and (4) measure outcomes to facilitate performance improvement and demonstrate impact on criminal justice, behavioral health and recovery outcomes.

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Research Notes**

**Item No. 3B8
File No. 171936**

Researcher: PGE

RESOLUTION RATIFYING A JOINT PARTICIPATION AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE VILLAGE OF PALMETTO BAY, PURSUANT TO SECTIONS 2-9 AND 2-10 OF THE CODE OF MIAMI-DADE COUNTY, TO PROVIDE THE VILLAGE OF PALMETTO BAY WITH FUNDING IN AN AMOUNT UP TO \$356,930.97 FOR THE CONSTRUCTION OF A TRAFFIC CIRCLE AT THE INTERSECTION OF SW 82 AVENUE AND SW 168 STREET; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should ratify a Joint Participation Agreement (JPA) between the County and the Village of Palmetto Bay (Village) wherein the County provides the Village up to \$356,930.97 for the construction of a traffic circle at the intersection of SW 82 Avenue and SW 168 Street.

APPLICABLE LEGISLATION/POLICY

Section 255.20 of the Florida Statutes (Local bids and contracts for public construction works) requires a county or municipality seeking public construction work to competitively award the project to an appropriately licensed contractor.

Section 2-9 of the County Code authorizes the County Mayor to enter into contracts with municipalities or other governmental units for services.

Section 2-10 of the County Code requires County Commission ratification of all contracts entered into pursuant to Section 2-9 of the Code.

Implementing Order No. 10-13 requires recipients of County capital improvement funding to incorporate a Public Involvement Plan as a component of capital improvement infrastructure projects exceeding \$1 million in construction cost.

PROCEDURAL HISTORY

N/A

FISCAL IMPACT

The County will provide up to \$356,930.97 from Road Impact Fee District 5 funds.

ANALYSIS

This item proposes to ratify a JPA between the County and the Village for the construction of a traffic circle at the intersection of SW 82 Avenue and SW 168 Street, including a landscaped raised center island with mountable curb and concrete pavers, splitter concrete islands and pedestrian crossings. On September 19, 2016, the Village Commission approved the JPA, and the JPA was fully executed on July 28, 2017. The Internal Services Department Small Business Development Division reviewed the JPA and established a 20 percent SBE-Construction contract measure.

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Under the JPA, the Village is required to do the following:

- Complete at its sole expense, the construction plans, technical specifications, special provisions, pay items and cost estimates for the project to the satisfaction of the County Department of Transportation and Public Works Director;
- Obtain all necessary permits and utility adjustments;
- Procure the services of a licensed contractor holding an engineering contractor's license to construct the project in accordance with Section 255.20 of the Florida Statutes, which affords the most competitive price for construction of the project; and
- Notify the County Department of Transportation and Public Works Director in writing when claims or change orders arise.

Under the JPA, the County agrees to provide funds up to \$356,930.97, including a 10 percent contingency, for eligible costs incurred by the Village for project construction. Eligible costs are defined as those pertaining to the construction of project elements that are standard items normally provided for by the County in County road improvement projects.

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Research Notes**

Item No. 4G

File No. 171833

Researcher: SAP

ORDINANCE RELATING TO THE LIVING WAGE; AMENDING SECTION 2-8.9 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; INCREASING WAGE AND HEALTH BENEFIT RATES; PROVIDING FOR APPLICABILITY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend Section 2-8.9 of the Code relating to the Living Wage, to increase wage and health benefit rates.

APPLICABLE LEGISLATION/POLICY

Section 2-8.9 of the County Code – Living Wage Ordinance for County service contracts and County employees.

PROCEDURAL HISTORY

On May 11, 1999, the Board adopted the Living Wage Ordinance. Since 1999 the wage rate and health benefit differential of the Living Wage Ordinance has been adjusted annually utilizing the consumer price index, calculated by the U.S. Department of Commerce as applied to Miami-Dade County.

ANALYSIS

A living wage is the amount of income needed to provide a decent standard of living. The purpose of a living wage is to guarantee full time workers sufficient income to live above the federal poverty level and avoid homelessness. Unlike the federal minimum wage and states' minimum wages, it is an alternative measure of basic needs and should pay the cost of living in any location and be adjusted to compensate for inflation. The Massachusetts Institute of Technology (MIT) developed a living wage calculator showing the hourly rate needed to pay for typical basic costs in a given location. These costs are usually food, healthcare, housing, transportation, childcare and other basic necessities (e.g., clothing and personal care items). The living wage draws on these cost elements and the rough effects of income and payroll taxes to determine the minimum employment earnings necessary to meet a family's basic needs while also maintaining self-sufficiency. Based on the MIT calculator, the living wage for Florida is \$11.15 per hour.

In 1999, the Board adopted Ordinance 99-44, the Living Wage Ordinance establishing a living wage requirement for employees under a County service contract, because the County recognized that it has a responsibility when spending public funds to set a community standard that permits full-time workers to live above the poverty line. In adopting the Living Wage Ordinance, the County found that sub-poverty level wages do not serve the public purpose because such wages place an undue burden on taxpayers and the community to subsidize employers paying inadequate wages by providing their employees social services such as health care, housing, nutrition, and energy assistance.

The ordinance was codified at Section 2-8.9 of the Miami-Dade County Code and specifically prescribes a living wage for County service contracts involving a total contract value over \$100,000 per year for services such as food preparation and distribution, security, custodial, clerical, transportation and landscaping. The ordinance also applies to any service provided by a service contractor at the County's Aviation Department, irrespective of the contract value. For covered service contracts, the current living wage for Fiscal Year 2016-17 is \$12.83 per hour with qualifying health benefits valued not less than \$1.86 per hour; otherwise the rate is \$14.69 per hour. For covered Aviation Department contracts, the rate is \$12.63 per hour with qualifying health benefits valued not less than \$2.89 per hour; otherwise it is \$15.52 per hour.

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The Ordinance established a Living Wage of no less than \$8.56 per hour with health benefits or a wage rate of \$9.81 per hour without health benefits which meant that the cost of qualifying health benefits was set at \$1.24 per hour. Since 1999, the wage rate and health benefit differential of the Living Wage Ordinance has been adjusted annually utilizing the Consumer Price Index calculated by the U.S. Department of Commerce as applied to the County of Miami-Dade. The indexed wage rate has effectively kept pace with inflation, ensuring wages are sufficient to permit workers to live about the poverty line.

In a 2014 health benefits survey, the Kaiser Family Foundation found that “the average annual premiums for employer-sponsored health insurance are \$6,025 for single coverage and \$16,834 for family coverage.” Assuming a 40 hour workweek, this translates to a minimum of \$2.89 per hour for a health benefit plan. According to ISD’s website, the Living Wage applies to contracts valued greater than \$100,000 and all service contractors at Miami-Dade Aviation Department facilities regardless of contract value for various covered services as defined in the provisions of Miami-Dade County’s Living Wage Ordinances Section 2-8-9 of the Code.

LIVING WAGE COMMISSION

The Living Wage Commission is responsible for overseeing the implementation for the Miami-Dade County Living Wage Ordinance. This oversight includes reviewing the effectiveness of our County Ordinance, certifications submitted by covered employers to the County, complaints filed by employees, and making recommendations to the Mayor and the County Commission. Over the past few years, the Living Wage Commission has reviewed numerous complaints of underpayment of the Living Wage from employees at Miami International Airport.

According to the Living Wage Commission, the issues motivating this amendment are 1) an observation that the health benefit portion of the living wage was not increasing at a rate that would address the health needs of service contractors, and 2) a calculation discrepancy that allowed for two different levels of health benefits and apparently some workers were not receiving the required health benefit. This amendment would allow for all service contractors to receive comparable amount for the health portion of the living wage. The Living Wage Commission supports this amendment.

ADDITIONAL INFORMATION – LIVING WAGE RATE REPORTS¹

Contracts awarded pursuant to the provisions of Miami-Dade County’s Living Wage Ordinances Section 2-8-9 of the Code of Miami-Dade County stipulate that all covered employees providing service pursuant to the service contractor’s contract will be paid a living wage of no less than a stipulated dollar amount per hour inclusive of a stipulated dollar amount per hour for health benefits, such health benefits will consist of a set dollar value per hour towards the provisions of health care benefits for employees and their dependents.

In the event of any underpayment of the required wage rates, the contractor will be liable to the underpaid employee for the amount of such underpayment. Underpayment by a service contractor or subcontractor to the stipulated wages constitutes a wage violation under the provisions of the Living Wage.

¹ <http://www.miamidade.gov/smallbusiness/living-wage-reports.asp>

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Research Notes**

**Item No. 40
File No. 172154**

Researcher: AIP

ORDINANCE RELATING TO HYPODERMIC SYRINGES OR NEEDLES; AMENDING CHAPTER 21, ARTICLE IV OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING PHARMACIES TO SELL OR DISTRIBUTE HYPODERMIC SYRINGES OR NEEDLES; REQUIRING PHARMACIES TO SECURELY STORE AND MAKE HYPODERMIC NEEDLES AND SYRINGES AVAILABLE ONLY UPON REQUEST; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should approve the amendment to the Miami-Dade County Code Chapter 21, article IV, which will allow pharmacies to sell hypodermic needles and syringes upon request – but requires the pharmacies to secure the needles and only make them available upon request.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code Chapter 21, Article 21, specifically Section 21-38 which currently prohibits the sale of the needles without a prescription.

PROCEDURAL HISTORY

Item was introduced on September 21st, 2017.

FISCAL IMPACT

No fiscal impact determined.

ANALYSIS

Hypodermic needles can be life-saving for individuals who are living with cancer, diabetes, rheumatoid arthritis, pernicious anemia, hemophilia, infertility, among many other afflictions. Due to the large amount of people who live with these afflictions, it would be much more convenient and affordable to be able to buy the hypodermic needles without a prescription.

Furthermore, it has been proven that the access to hypodermic needles can significantly reduce the spread of HIV and other transmittable diseases. Research shows access to clean needles reduced needle sharing by 40%. This would be beneficial for the county, considering that the Center for Disease Control and Prevention (CDC) has attested to the fact that Miami-Dade County has the highest rate of new HIV infections of any metropolitan area in the country.

Although this cannot prevent illegal drug use, it will reduce the infection rates from reusing needles, as well as the amount of resources used by these infections, that the Miami-Dade County taxpayers have been paying – therefore, saving the County taxpayers money.

Palm Beach County is currently the only county in the tri-county area that allows pharmacies to sell the needles. Neither Broward County, nor Miami-Dade County currently allow the sale of the needles without prescription, and back in 2016, Broward County Mayor Barbara Sharief said “she thinks it might be time to rethink those rules, and the head of the county's pharmacy association would also like to see the law repealed.” And that “It's a piece of antiquated law that needs to go”. (Sun-Sentinel)

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The item takes into account that security measures must be implemented, so it also includes in its amendment to the code that pharmacies must maintain an inventory of the needles and syringes. The item also acknowledges that the needles and syringes are typically stored behind the pharmacy counters, so the potential for theft is largely diminished.

Sun-Sentinel Article : <http://www.sun-sentinel.com/local/palm-beach/fl-syringe-sale-rules-20161213-story.html>

County Code: https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH21OFMIPR_ARTIVMI_S21-38HYSYNESAPRWIPRDIPRWIDEMUPASE

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Item No. 4P

File No. 172144

Researcher: PGE

ORDINANCE RELATING TO THE MISCELLANEOUS CONSTRUCTION CONTRACTS PROGRAM; AMENDING SECTION 2-8.2.7.01 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; UPDATING REFERENCES TO CONFORM PROGRAM TO EXISTING SMALL BUSINESS ENTERPRISE PROGRAMS AND PROCEDURES; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend the Miscellaneous Construction Contracts Program to align it with the current Small Business Enterprise Program, Board directives and the countywide departmental consolidation.

APPLICABLE LEGISLATION/POLICY

Section 2-8.2.7.01 of the County Code sets forth the Miscellaneous Construction Contracts Program, which is intended to enhance the construction contracting opportunities of certified or prequalified small business enterprises through a set-aside plan and an open competitive plan.

Implementing Order No. 3-53 sets forth the policies and procedures for use of the Miscellaneous Construction Contracts Program by contractors and County departments; the Implementing Order establishes a structure for use of the program's 7040 and 7360 Plans.

PROCEDURAL HISTORY

This ordinance is before the Board on first reading.

FISCAL IMPACT

As of September 27, 2017, a Fiscal Impact Statement for this item has not been published with the preliminary agenda.

ANALYSIS

On November 3, 2009, the Board adopted Ordinance No. 09-101, revising and codifying the Miscellaneous Construction Contracts (MCC) Program. The program governs the prequalification, registration and award of small-scale construction contracts to local small business enterprises. There are two contracting plans under the program – (1) the 7040 Plan, which is a rotational set-aside for certified construction firms and (2) the 7360 Plan, which is an open competitive plan that requires bidders to be prequalified prior to award. The Small Business Development Division of the Internal Services Department administers and monitors the program. The MCC process has a direct beneficial impact on all Commission Districts by accelerating small construction projects, facility repairs and neighborhood improvements valued up to \$2.5 million.

To participate in the MCC Program, a firm must satisfy the following:

1. Be a licensed construction contractor;
2. Be registered and active in the Florida Department of State Division of Corporations;
3. Be a registered vendor with the County's Internal Services Department, Procurement Management Services Division;

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4. Complete the MCC Registration process online through the Vendor Portal; and
5. Provide proof of insurance for general liability, workers compensation and automobile liability.

The MCC Program Ordinance has been previously amended as follows:

- (1) Ordinance No. 16-19, adopted by the Board on February 2, 2016, amended the MCC Program to require contracts with small business measures meet at least 85 percent of the small business goals applicable to the portion(s) of the contract work performed to date before a change order or contract amendment is considered for mayoral approval.
- (2) Ordinance No. 17-27, adopted by the Board on May 2, 2017, amended the MCC Program to except non-compensatory time extensions from the requirement that contracts with small business measures meet at least 85 percent of the small business goals applicable to the portion(s) of the contract work performed to date before a change order or contract amendment is considered for mayoral approval.

This item proffers to further amend the MCC Program Ordinance, as codified in Section 2-8.2.7.01 of the County Code, to conform the program to existing small business enterprise program requirements, Board directives and the countywide departmental consolidation. The suggested changes, if approved, would necessitate, for consistency purposes, the same changes to Implementing Order No. 3-53, Policies and Procedures for Usage of the OCI Miscellaneous Construction Contracts Program.

Bulleted below is a summary of the proposed amendments to the MCC Program Ordinance:

- Replaces the Office of Capital Improvements with the Small Business Development Division of the Internal Services Department as the County department responsible for administering the program, including developing specifications and contracting procedures;
- Updates CSBE (Community Small Business Enterprises) with SBE-Con (Small Business Enterprise-Construction) as the required certification category for program participation;
- For the 7040 Plan, SBD replaces the SBD Review Committee as the entity that determines the Community Workforce Program (CWP) goal applicable to each contract in accordance with applicable CWP requirements; the requirement of applying goals to contracts with construction costs of more than \$100,000 has been removed;
- For the 7360 Plan, CWP goals shall be established for each award by SBD, not the SBD Review Committee; and
- Replaces the Office of Strategic Business Management with the Office of Management and Budget or its successor office as the entity that reviews and approves operational considerations in the award or rejection of bids, including the Notice to Proceed, for construction contracts.

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Item No. 5A

File No. 171740

Researcher: SAP

ORDINANCE RELATING TO THE PUBLIC HEALTH TRUST; CREATING SECTION 25A-10 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROHIBITING CERTAIN CONDUCT AT DESIGNATED FACILITIES OF THE PUBLIC HEALTH TRUST, INCLUDING CONDUCT RELATING TO THE PRESERVATION OF PROPERTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 171641]

ISSUE/REQUESTED ACTION

This ordinance proposed changes to the County Code, relating to Public Health Trust. Creating Section 25A-10 Prohibited Conduct and Preservation of Property.

APPLICABLE LEGISLATION/POLICY

Section 25A of the Miami-Dade County Code governing the Public Health Trust.
Also see Florida Statutes Chapter 154.11 governing Public Health Facilities.

PROCEDURAL HISTORY

The foregoing proposed ordinance was adopted on first reading and tentatively set for public hearing before the Public Safety and Health Committee meeting on Wednesday, September 13, 2017.

ANALYSIS

The proposed amendment urges the Board to add provisions related to prohibited conduct and the preservation of property at all Public Health Trust facilities and would prohibit certain conduct, including public intoxication, use of illegal drugs, and smoking, as well as ensure proper sanitation at Trust facilities. Jackson has a fiduciary responsibility to protect its taxpayer-owners' investment in Trust facilities and infrastructure. This ordinance states that the Trust is engaging in a program of community awareness regarding the integrity of the grounds of Trust facilities and the importance of the health, safety, and well-being of all workers, patients, and family members at Trust facilities. The amendment to Chapter 25A would include the following:

- Make it unlawful for any person to remain in or any area at the designated facilities of the Trust, unless such person has a bona fide purpose for being in such area;
- Prohibit smoking in all properties or parking garages belonging to the Trust and its designated facilities;
- Prohibit any person from destroying, injuring, disturbing, or tampering with any property belonging to the Trust;
- Prohibit the disposal or dumping of any material and the pollution of any waters within the designated facilities of the Trust;
- Make it unlawful for any person to drink intoxicating liquors on any portion of the designated facilities of the Trust, except in restaurants properly designated by the Trust; and
- Prohibit the prescription, dispensing, or sale, of any controlled substance as defined by State or Federal law except by duly qualified clinical professionals while on designated facilities of the Trust.

If the Board amends the Code to add Section 25A-10, the Trust could further regulate and safeguards its facility against damage to property, the use of illicit drugs, or improper sanitation. Similar provisions to those set forth in this ordinance are already part of the Code, for the Aviation, Seaport, and Park, Recreation and Open Spaces Departments. The Board previously enacted Ordinance No. 10-2010 and Ordinance No 15-1584, which allow civil citations as a penalty for non-violent misdemeanors.

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Section 25A-10 of the Code is created as such - **Prohibited Conduct and Preservation of Property**

- a) General Prohibited Conduct
- b) Preservation of Property
- c) Sanitation
- d) Sanitation Pollution of Waters (Fountains)
- e) Intoxication
- f) Drugs

Schedule of Civil Penalties under Chapter 8CC of the Code. *The "descriptions of violations" below are for informational purposes only and are not meant to limit or define the nature of the violations or the subject matter of the listed Code sections, except to the extent that different types of violations of the same Code section may carry different civil penalties. For each Code section listed in the schedule of civil penalties, the entirety of that section may be enforced by the mechanism provided in this Chapter 8CC, regardless of whether all activities proscribed or required within that particular section are described in the "Description of Violation" column. To determine the exact nature of any activity proscribed or required by this Code, the relevant Code section must be examined.*²

County Code	Description of Violation	Civil Penalty
25-2-1.5	Trespassing	\$ 250.00
25-2.3	Preservation of property	250.00
25-2.9	Prohibited conduct	150.00
25-2.10	Sanitation	150.00
25-2.11	Intoxication	150.00
25-2.15	Weapons	250.00
25-5.7	Water pollution	250.00
25-5.8	Air pollution	150.00

² http://miamidade.fl.elaws.us/code/coor_ptiii_ch8cc_sec8cc-10

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Item No. 5B

File No. 171615

Researcher: TD

RESOLUTION DECLARING SURPLUS 12 COUNTY-OWNED PROPERTIES AND REVISING THE INVENTORY LIST OF REAL PROPERTY, AFTER A PUBLIC HEARING, TO INCLUDE SUCH PROPERTIES ON THE LIST IN ACCORDANCE WITH SECTION 125.379(1), FLORIDA STATUTES; AUTHORIZING THE CONVEYANCE OF A TOTAL OF 17 PROPERTIES, INCLUSIVE OF THE 12 SURPLUS PROPERTIES, TO HABITAT FOR HUMANITY OF GREATER MIAMI, INC., A NOT-FOR-PROFIT 501(C)(3) CORPORATION, AT A PRICE OF \$10.00 PURSUANT TO SECTION 125.379(2), FLORIDA STATUTES, FOR THE DEVELOPMENT OF SUCH PROPERTIES THROUGH THE INFILL HOUSING INITIATIVE PROGRAM; AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE A COUNTY DEED; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO ENSURE PLACEMENT OF APPROPRIATE SIGNAGE; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTION NECESSARY TO EFFECTUATE THE CONVEYANCE OF THE PROPERTIES AND TO ENFORCE THE PROVISIONS AS SET FORTH IN THE COUNTY DEED

ISSUE/REQUESTED ACTION

This resolution seeks to declare certain properties excess and then convey those properties to Habitat for Humanity Inc. utilizing Florida Statute 125.379(1). Any property conveyed under that statute must be declared surplus under Resolution No. R-527-12.

A total of 17 properties have been selected and must be used for the purpose of creating affordable housing.

APPLICABLE LEGISLATION/POLICY

Applicable Florida statute supports the transference of property to an approved non-profit organization to create affordable housing. Florida Statute 125.379 Disposition of county property for affordable housing Section 2 says in part "The properties identified as appropriate for use as affordable housing on the inventory list adopted by the county may be offered for sale and the proceeds used to purchase land for the development of affordable housing...or may be donated to a nonprofit housing organization for the construction of permanent affordable housing."

Florida Statutes 420.0004 Definitions further define Affordable "that monthly rents or monthly mortgage payments including taxes, insurance, and utilities do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income for the households..."

PROCEDURAL HISTORY

This item was forwarded from the Housing and Social Services Committee with a favorable recommendation. This is a first reading before the Commission.

FISCAL IMPACT

There is no negative fiscal impact to Miami Dade County as the properties in question are surplus. Additionally the properties, when filled with new owners, would generate payment of ad valorem taxes. An estimate on ad valorem tax impact is unavailable.

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ANALYSIS

Florida Statutes cited above support the transference of surplus property to a non-profit like Habitat for Humanity for the purpose of constructing affordable housing as defined in Florida Statute. This transference supports the county's Infill Housing Initiative Program "to increase the availability of affordable homes for very low-, low- and moderate-income persons and households, maintain a stock of affordable housing; redevelop urban neighborhoods by eliminating the blight of vacant, dilapidated or abandoned properties; equitably distribute homeownership opportunities within the Infill Target Areas, and generate payment of ad valorem taxes. The Infill Program shall encourage the sale or transfer of County-owned properties to Infill Developers."

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**Item No. 5D
File No. 171612**

Researcher: SAP

RESOLUTION APPROVING, AFTER A PUBLIC HEARING, SIGNIFICANT MODIFICATION TO BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NO. 200 - "CORAL GABLES – HOMELAND SECURITY", AS IDENTIFIED IN APPENDIX A TO RESOLUTION NO. R-915-04, TO MODIFY PROJECT DESCRIPTION TO ALLOW FOR THE CONSTRUCTION OF A NEW PUBLIC SAFETY BUILDING

ISSUE/REQUESTED ACTION

Whether the Board should approve, after a public hearing, significant modification to the Public Safety Resolution to modify its project description to allow for the construction of a new public safety building in Coral Gables.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-915-04: Building Better Communities Construct and Improve Public Safety Facilities. The voters of Miami-Dade County approved the issuance of general obligation bonds to promote public safety.

PROCEDURAL HISTORY

This item was forwarded to the Board with a favorable recommendation by the Infrastructure and Utilities Committee at the July 11, 2017 meeting.

This item was presented, for informational purposes, to the Citizen's Advisory Committee on April 27, 2017.

At that Committee, there was discussion on the following:

- *The Committee inquired on the original question posed to the voters on significant modification GOB projects. The purpose of the GOB projects was not to construct new buildings in municipalities, but to retrofit, update and update buildings.*
- *The County Attorney explained that the original modification was for renovation; however, this item modification will be to construct a new building.*
- *The Committee noted that this modification is not the same as the original intent; however, it will be a worthwhile project.*

ANALYSIS

The Building Better Communities General Obligation Bond Program authorizes funding for projects to construct and improve public safety facilities. On November 2, 2004, a General Obligation Special Election was held, for the purpose of submitting to the qualified electors of Miami-Dade County, Florida the following question:

Building Better Communities – Construct and Improve Public Safety Facilities

To promote public safety by constructing and improving detention centers, justice centers, courthouse, police, fire and lifeguard stations, and new animal care and control facilities, described in Resolution No. 915-04, adopted July 20, 2004, shall Miami-Dade County issue General Obligation Bonds to pay costs of such projects in a principal amount not exceeding \$341,087,000, bearing interest not exceeding maximum legal rate, payable from ad valorem taxes?

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The program provides the County with the capability of responding to the community's longstanding unfunded capital infrastructure needs in a comprehensive manner. All additions, deletions and significant modifications to individual projects shall require a majority vote of the Board after public hearing. The City of Coral Gables has determined that it is in the best interest of the City and its residents that a new public safety building be erected, rather than simply a retrofit and modification of existing municipal buildings.

The 2004 Building Better Communities Bond Program Recommended List of Projects to Public Safety Resolution No. 915-04, lists projects eligible for funding from the Building Better Communities General Obligation Bond Program. The recommended lists of projects provides a multi-faceted approach which addresses the need for facilities and infrastructure as well as economic development concerns. Of the projects listed is Project 200 – “Coral Gables – Homeland Security”, to retrofit and modify existing municipal buildings to provide for building security. These projects are located in Commission Districts 6 and 7.

Bond Program - Public Safety Projects³

Coral Gables

GOB Project #	Site #	Site Description	GOB Funding	Address
200	#70621	Youth Center	\$0	405 University Drive
200	#70633	Fire Station #1	\$700,000	2815 Salzedo Street
200	#70634	Fire Station # 2	\$0	525 S. Dixie Highway
200	#70635	Fire Station # 3	\$0	11911 Old Cutler Road
200	#70636	Biltmore Hotel Fueling Facility	\$0	1150 Anatasia Avenue
200	#70637	US1 Fueling Facility	\$0	525 S. Dixie Highway
200	#70638	Maintenance	\$0	2800 SW 72 Ave
200	#70645	Police Station	\$800,000	2801 Salzedo St
200	#70648	City Hall	\$0	405 Biltmore Way
200	#70650	Homeland Security	\$0	Various

³ <http://www.miamidade.gov/bondprogram/projects-public-safety.asp?NAV=10>

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Item No. 5I (File No. 171750)

Item No. 5I Supplement (File No. 172124)

Researcher: PGE

ORDINANCE GRANTING PETITION OF S.W. 112 INVESTMENTS, LLC, FOR ESTABLISHMENT OF A COMMUNITY DEVELOPMENT DISTRICT GENERALLY BOUNDED ON THE NORTH BY SW 232 STREET, ON THE EAST BY HOMESTEAD EXTENSION (FLORIDA TURNPIKE), ON THE SOUTH BY SW 236 STREET, AND ON THE WEST BY SW 112 AVENUE; CREATING AND ESTABLISHING LANDINGS AT MIAMI COMMUNITY DEVELOPMENT DISTRICT; PROVIDING FOR NAME, POWERS AND DUTIES; PROVIDING DESCRIPTION AND BOUNDARIES; PROVIDING INITIAL MEMBERS OF BOARD OF SUPERVISORS; ACCEPTING PROFERRED DECLARATION OF RESTRICTIVE COVENANTS; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should adopt the ordinance creating the Landings at Miami Community Development District (CDD) in District 8 subject to restrictive covenants running with the lands.

APPLICABLE LEGISLATION/POLICY

Article VIII, Section 6(1) of the Florida Constitution provides for exclusive County Charter authority to establish all governmental units within the County and to provide for their government and prescribe their jurisdiction and powers.

Section 1.01(A)(21) of the County Charter grants the Board the authority to exercise all powers and privileges granted to municipalities, counties and county officers by the Constitution and laws of the state.

Chapter 190 of the Florida Statutes (Uniform Community Development District Act) was established because the Legislature found that there is a need for uniform, focused and fair procedures in state law to provide a reasonable alternative for the establishment, power, operation and duration of independent districts to manage and finance basic community development services; and that based upon a proper and fair determination of applicable facts, an independent district can constitute a timely, efficient, effective, responsive and economic way to deliver these basic services, thereby providing a solution to the state's planning, management, and financing needs for delivery of capital infrastructure in order to service projected growth without overburdening other governments and their taxpayers.

Chapter 75 of the Florida Statutes governs the bond validation process for any county, municipality, taxing district or other political district or subdivision of the state.

Resolution No. R-413-05 requires all real property within community development districts to be subject to a declaration of restrictive covenant with respect to disclosure.

Resolution No. R-883-06 amends Resolution No. R-413-05 to add a disclosure regarding an option to pay capital assessments in full at time of closing in lieu of annual assessments.

PROCEDURAL HISTORY

This item was adopted on first reading at the July 18, 2017 Board meeting.

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FISCAL IMPACT

The establishment of the Landings at Miami CDD will have no fiscal impact to the County as CDD funding is derived from assessments levied against the properties within the CDD.

The cost to operate a CDD is borne by those who benefit from its services. A CDD allows the developer to finance the costs of construction with a CDD bond through tax-free municipal bonds. The property owners in the CDD are then subject to a non-ad valorem assessment, which appears on their annual property tax bill from the county tax collector and may consist of two parts: (1) an annual assessment for operations and maintenance, which can fluctuate up and down from year to year based on the budget adopted for that fiscal year; and (2) an annual capital assessment to repay bonds sold by the CDD to finance community infrastructure and facilities. The bond repayment portion are generally fixed for the term of the bonds. (see: <http://www.jimersoncobb.com/blog/2016/11/community-development-districts-florida-considerations/>).

The Petitioner, SW 112 Investments LLC, paid a \$15,000 filing fee for its application to create the Landings at Miami CDD. That application was filed on June 12, 2017.

ANALYSIS

A CDD is a local, special-purpose government framework authorized by Chapter 190 of the Florida Statutes and is an alternative to municipal incorporation for managing and financing infrastructure required to support development of a community. As of 2012, Florida has over 600 CDDs with municipal bonds totaling \$6.5 billion (see: https://en.wikipedia.org/wiki/Community_development_district).

SW 112 Investments LLC is the owner of the Landings at Miami Development, a proposed 75.49-acre residential development lying in the County. The Landings at Miami CDD is designed to provide a financing mechanism for community infrastructure, facilities and services. The area of land within the district is part of a unified plan of development. The land encompassing the district is of sufficient size and is sufficiently compact and contiguous to be developed as one functional interrelated community. The development plan includes construction of 168 single-family units and 300 townhomes with associated roadway improvements, stormwater management, water distribution, wastewater collection and recreational area improvements, estimated to cost \$13.144 million. The district shall finance this cost. A Special Taxing District will be created to maintain the development's infrastructure should the CDD be dissolved or fail to fulfill its maintenance obligations.

A declaration of restrictive covenants was submitted and provides for (1) notice in the public records of the projected taxes and assessments to be levied by the Landings at Miami CDD; (2) individual prior notice to the initial purchaser of a residential lot or unit within the development; and (3) provisions for remedial options to initial purchasers whose contract for sale did not include timely notice of the existence and extent of CDD liens and special assessments.

Note that the District has a Board of Supervisors with five designated members.

Supplement

The supplement to this item communicates the results of background research conducted by the Office of the Commission Auditor on the initial members of the CDD's Board of Supervisors – Graig Perry, Deborah Perry, Julie Ann Moyers, Michael Govern and Samantha Arteaga. That research was conducted pursuant to Resolution No. R-636-14, adopted by the Board on July 1, 2014, which requires the Office of the Commission Auditor to complete background research on applicants being considered to serve on County Boards and Trusts that require nominations and/or appointments by the Board and to prepare a report detailing the findings of such research. The Office of the

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Commissioner Auditor completed its research which revealed no adverse findings on any member of the Board of Supervisors.

Input from the Parks, Recreation and Open Spaces Department

1. Has the Petitioner, SW 112 Investments LLC, created other Community Development Districts in the County or other counties in the state; if so, provide the name(s) of the district(s), including location; if the petitioner has created other districts, what's the status of those development projects, including information regarding project default, if applicable; **Answer: PROS is unaware if this petitioner has filed for creation in other counties or Miami-Dade County.**
2. Summarize the petition process, including information on the scope of the financial review conducted; **Answer: According to State statute Chapter 190.005, Petitioner shall file a petition with the county commission.**
 - a. A metes and bound description is checked and verified along with land ownership
 - b. Written consent – verify that documents are signed by the landowners
 - c. Ensure a complete resume of all board members is submitted
 - d. Check for consistency in construction timetable, the statement of estimated and regulatory costs (SERC), and land use map
 - e. Submittal of check for filing fees
3. What's the timeline for this project, from commencement to completion. **Answer: July 2017 to September 2019 - See Exhibit 6 and 7**
4. What is the estimated sale price of the standard single-family home and townhouse in the district. **Answer: PROS is unaware of sales prices. Disclosure of the sales price is not a requirement of Chapter 190.**

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**Item No. 7A
File No. 172080**

Researcher: PGE

ORDINANCE RELATING TO WAGE THEFT; AMENDING SECTIONS 22-2, 22-4 AND 22-5 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; IMPOSING A JURISDICTIONAL LIMIT FOR COMPLAINTS; CLARIFYING THAT WAGE THEFT PROVISIONS DO NOT CREATE A PRIVATE CAUSE OF ACTION; ENHANCING PENALTIES FOR REPEAT OFFENDERS, PROVIDING FOR DISMISSAL PROCEDURES AND APPEALS; PROVIDING THAT COUNTY CONTRACTORS OR VENDORS THAT DO NOT SATISFY A FINAL ORDER MAY BE SUBJECT TO DEBARMENT OR BE DEEMED INELIGIBLE TO BID ON OR PARTICIPATE IN COUNTY CONTRACTS; EXTENDING SUCH INELIGIBILITY TO CERTAIN OFFICERS, DIRECTORS AND SHAREHOLDERS OF SUCH CONTRACTORS AND VENDORS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should approve amending the County's Wage Theft Ordinance to (1) impose jurisdictional parameters for complaints; (2) clarify that the wage theft provisions do not create a private cause of action; (3) enhance penalties for repeat offenders; (4) provide dismissal procedures and appeals; and (5) prescribe penalties for County vendors and contractors that are in violation.

APPLICABLE LEGISLATION/POLICY

Chapter 22 of the County Code codifies the Wage Theft Ordinance, which was approved by the Board on February 18, 2010 (see Ord. No. 10-16). The ordinance was later amended on March 7, 2017 to heighten penalties for failure to comply with wage theft orders (see Ord. No. 17-14).

Implementing Order No. 3-54 outlines the administrative procedures for pursuing a wage theft complaint.

PROCEDURAL HISTORY

This item was adopted on first reading at the June 20, 2017 Board meeting. The item was amended as follows at the July 11, 2017 Government Operations Committee meeting:

- (1) To include new language in the first sentence of Subsection 9(a)(i), handwritten page 8, reading, "this chapter does not, and was never intended to, create a private right of action for claim of wage theft pursuant to enforcement of this chapter in court, provided however that final orders are enforceable as judgements in court."
- (2) To include new language at the end of the second sentence of Subsection 9(a)(i), handwritten page 8, reading, "if during pendency of a wage theft complaint a complainant employee initiates or seeks available administrative or court remedies under State or Federal law."
- (3) To correct a scrivener's error found on the top of handwritten page 9, replacing the term "complaint employee's complaint" to "complainant's employee complaint."
- (4) To add new language to Clause (d) of Section 22.5(2) found on handwritten page 11, reading, "a County vendor or contractor (including a lessee or concessionaire of County property or permittee to conduct private business on County property) which has not paid an amount due under a Final Order issued pursuant to this chapter, in whole or in part, and its officers, directors, principals, owners, and shareholders owning a controlling interest in the vendor or contractor, shall be presumed not to be responsible to receive a County

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contract award, lease of County property, a concession on County property or a permit to conduct private business on County property.”

- (5) To add a new clause, identified as “Clause (e)” to Section 22.5(2) on handwritten page 11, reading, “all final orders and additional orders issued by a hearing examiner pursuant to this chapter shall be recordable and enforceable as judgements in Court.”

FISCAL IMPACT

The Fiscal Impact statement accompanying this item states that implementation of the ordinance will not create a fiscal impact to the County as it will not result in additional staffing needs or create future operational costs.

ANALYSIS

It is County policy in the exercise of its police power for public safety, health and general welfare, to eliminate and prevent wage theft. Eliminating the underpayment or nonpayment of wages earned by persons working in the County serves the public purpose of promoting economic security and dignity for those working in the County. Under the ordinance, an employee is defined as a natural person who performs work within the geographic boundaries of Miami-Dade County while being employed by an employer, excluding any bona fide independent contractor. The ordinance applies to all private employers with employees who are performing work within the County irrespective of the employer’s physical location. Any employer who fails to pay any portion of wages due to an employee according to the wage rate applicable to that employee, and within a reasonable time from the date on which that employee performed the work for which those wages were compensation shall be guilty of wage theft under the ordinance.

To file a wage theft claim, employees complete and submit an affidavit to the County’s Office of Consumer Protection. The affidavit shall satisfy the following criteria: (1) work must have been performed in the County; (2) amount owed exceeds \$60; (3) the individual must be or have been an employee of the business; and (4) work must have been performed within the previous 12 months. Once a complaint affidavit has been received, a complaint file is opened and an investigative analyst is assigned. Where the criteria is met, a notification is sent to the employer. The first step in the resolution process is conciliation which is administered by the Consumer Protection Mediation Center.

If conciliation fails, an administrative hearing process is the next recourse and is the only opportunity for both the claimant and respondent employer to present their case before a Hearing Examiner. 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 back wages in addition to liquidated damages as compensation for the economic losses suffered by reason of the employee not receiving his/her wage at the time it was due.

Broward County has a comparable wage theft ordinance, and the State of Florida, under Section 448.110 of the Florida Statutes (State minimum wage; annual wage adjustment; enforcement), provides relief for unpaid minimum wages for aggrieved employees.

This item proposes to amend the existing Wage Theft Ordinance to accomplish the following:

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- (1) Establishes jurisdictional parameters – between \$60 and \$15,000 – for filing a wage theft complaint; the threshold amount is for unpaid or underpaid wages and excludes other amounts such as sanctions, penalties, liquidated damages, fees or costs;
- (2) Clarifies that the ordinance does not create a private cause of action for claim of wage theft in court, provided however that final orders are enforceable as judgements in court;
- (3) Assesses additional penalties where the employer has been found guilty of wage theft in the last five years, i.e., the Hearing Examiner may assess additional penalties against the respondent in the amount of 20 percent above the underpayment found in the current proceeding, an additional amount of 40 percent above the underpayment amount if it is a third offense and an additional 60 percent above the underpayment amount if it is a fourth offense;
- (4) Provides appeal procedures for a complaint that has been dismissed; in that scenario, the complainant may appeal the dismissal to a Hearing Examiner by submitting a written notice of appeal of such dismissal to the County within 20 days of the date of the County's written dismissal. If timely requested, a Hearing Examiner shall be assigned who shall only consider written submissions to evaluate whether the dismissal was an abuse of discretion; and
- (5) Provides that a County vendor or contractor (including a lessee or concessionaire of County property or permittee to conduct private business on County property) which has not paid an amount due under a Final Order, in whole or in part, and its officers, directors, principals, owners, and shareholders owning a controlling interest in the vendor or contractor, shall be presumed not to be responsible to receive a County contract award, lease of County property, a concession on County property or a permit to conduct private business on County property.

The Social Equity statement for this item suggests that these changes may improve the efficiencies in processing a claim by reducing the amount of resources devoted to complicated high dollar claims that are better suited for the court system.

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Research Notes**

Item No. 7B

File No. 171627 supplemented by 171313

Researcher: TD

ORDINANCE RELATING TO REGULATION OF VACATION RENTALS; CREATING SECTION 33-28 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REQUIRING A CERTIFICATE OF USE AND ESTABLISHING ZONING REGULATIONS FOR VACATION RENTALS IN THE UNINCORPORATED AREA; PROVIDING REQUIREMENTS FOR ISSUANCE OF CERTIFICATE OF USE AND RENEWAL; PROVIDING VACATION RENTAL STANDARDS AND DUTIES OF PEER-TO-PEER OR PLATFORM ENTITIES AND RESPONSIBLE PARTIES; REQUIRING A BOND UNDER CERTAIN CIRCUMSTANCES; REQUIRING VACATION RENTALS TO COMPLY WITH CERTAIN EXISTING CODE PROVISIONS AND IMPOSING CERTAIN ADDITIONAL CODE REQUIREMENTS INCLUDING REQUIREMENTS RELATED TO MAXIMUM OCCUPANCY, SIGNS, NOISE, PARKING AND PETS; PROHIBITING A SEXUAL PREDATOR OR OFFENDER FROM OCCUPYING A VACATION RENTAL UNDER CERTAIN CIRCUMSTANCES; PROHIBITING A PERSON FROM ALLOWING A SEXUAL PREDATOR OR OFFENDER TO OCCUPY A VACATION RENTAL UNDER CERTAIN CIRCUMSTANCES; AMENDING SECTION 8CC; PROVIDING FOR ENFORCEMENT BY CIVIL PENALTIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NOS. 171070 AND 171561] [SEE AGENDA ITEM NO. 11A6]

ISSUE/REQUESTED ACTION

Ordinance governing vacation rentals specifically creating Section 33-28 of the Code of Miami-Dade County regulating zoning regulation, providing requirements for issuance of certificate of use and renewal and other stipulations.

APPLICABLE LEGISLATION/POLICY

Chapter 509, Florida Statutes, establishes a regulatory framework for lodging establishments, including vacation rentals and transient public lodging establishments. Policy LU-4C of the County's Comprehensive Development Master Plan ("CDMP") provides, "residential neighborhoods shall be protected from intrusion by uses that would disrupt or degrade the health, safety, tranquility, character, and overall welfare of the neighborhood by creating such impacts as excessive density, noise, light, glare, odor, vibration, dust or traffic.

Vacation rental through peer-to-peer or online hosting platforms are becoming increasingly popular. South Florida accounts for roughly 50% of total peer-to-peer vacation rentals in the state of Florida.

City of Ft. Lauderdale with Ordinance Number C-16-25 and Broward County enacted a similar regulatory framework in 2015. Additionally the City of New Orleans issued a study in January 2016, whose contents and findings are substantially similar.

PROCEDURAL HISTORY

This item was deferred from the 7/6/2017 BCC.

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FISCAL IMPACT

The cost of additional expenses is estimated at \$26,341 the first year. This includes additional staff efforts and the development of an on-line registration process. The proposed fee of \$36.70 per applicant is expected to cover this cost, or approximately 720 vacation rental applications.

The number of property owners seeking a Certificate of Use is difficult to determine. Nonetheless a Fiscal Impact Table has been submitted estimating costs along a 5-year period. This cost will be mitigated by the Certificate of Use and renewal. Additional impact is expected from the collection of fines associated with various code violations.

ANALYSIS

The Miami and Ft. Lauderdale areas constitute over 50% of the vacation rentals in the state of Florida. The instant ordinance, Section 33-28, provides enforcement of Policy LU-4C of the County's Comprehensive Development Plan by requiring certain standards and duties by peer-to-peer and platform entities. These include; requiring a bond under certain circumstances; requiring vacation rentals to comply with certain existing codes; imposing additional code requirements regarding maximum occupancy, prohibiting a sexual predator or offender from occupying a vacation under certain circumstances and providing enforcement by civil penalties.

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Research Notes**

**Item No. 7C
File No. 171291**

Researcher: PGE

ORDINANCE RELATING TO PLANNING; AMENDING ARTICLE XV OF CHAPTER 2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR MEMBERS OF THE PLANNING ADVISORY BOARD TO SERVE AS VICE CHAIRPERSON ON A ROTATING BASIS; MAKING TECHNICAL REVISIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should approve amending Article XV of Chapter 2 of the County Code (Department of Planning, Development and Regulation) to (1) provide for members of the Planning Advisory Board to serve as Vice Chairperson on a rotating basis, (2) update departmental names and the County's administrative structure, and (3) make other technical changes.

APPLICABLE LEGISLATION/POLICY

Article XV of the County Code prescribes the structure and duties of the Department of Planning, Development and Regulation (now known as the Regulatory and Economic Resources Department), including that of the Planning Advisory Board.

PROCEDURAL HISTORY

This item was adopted on first reading at the June 6, 2017 Board meeting. The item was forwarded to the Board with a favorable recommendation from the Government Operations Committee at its July 11, 2017 meeting. At that committee meeting, a committee member asked the County Attorney's Office whether Boards of the County Commission set their own rules and procedures relating to the election of a Chair and Vice Chair. The County Attorney's Office explained that some Boards have that independence and others are required to follow controlling Code provisions.

FISCAL IMPACT

Per the item's Fiscal Impact statement, implementation of the proposed ordinance will not create a fiscal impact to the County.

ANALYSIS

The County's Planning Advisory Board serves as the County's local planning agency, and it is the main advisory Board of the County Commission on matters related to planning and annexations/incorporations. The Board consists of 17 voting members and two non-voting members. Each County Commissioner nominates one member. The remaining four members are at-large appointments representing architecture, landscape architecture, urban design and planning and real estate fields. Nominations for the at-large appointments are submitted to the Chair of the Board to be voted on by the Board. There are also non-voting representatives from the School Board and Homestead Air Reserve Base. The membership of each appointee expires when the Commissioner who nominated that member leaves office. Per the County Code, the Planning Board is required to hold at least one meeting a month to review the work of the Director of the Regulatory and Economic Resources Department and to consider such matters as may be referred to it by the County Commission. The membership of the Planning Advisory Board, as seen on the Regulatory and Economic Resources Department's website as of August 15, 2017, has been inserted below.

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Board Members

Vacant - Commissioner Monestime
Vacant - Commissioner Edmonson
Jose Bared - Commissioner Barreiro
Tom Sherouse- Commissioner Cava
Horacio Carlos Huembes - At Large Representative
Jesus Vazquez - Commissioner Sen. Souto
Perley Richardson - Commissioner Moss
Javier Muñoz - Commissioner Zapata
Wayne Rinehart - Commissioner Diaz
Raymond Marin - Commissioner Heyman
Richard Tapia - Commissioner Bovo
Robert Ruano - Commissioner Suarez
William Riley - At Large Representative
Vacant - Commissioner Sosa
Georgina Santiago - At Large Representative
Carla Ascencio-Savola - At Large Representative
Peter DiPace - Commissioner Jordan

Non-Voting Members

Ivan Rodriguez - Miami-Dade County Schools
Larry Ventura - Homestead Air Reserve Base

The duties of the Planning Board have been codified (see Section 2-108.1 of the County Code) and are as follows:

- (1) Hold at least one public hearing with due public notice on the proposed comprehensive plan, plan element or portion thereof or proposed amendment thereto, and on proposed plan evaluation and appraisal reports;
- (2) Review the proposed comprehensive plan, plan element or portion thereof or proposed amendments thereto, and the Department of Planning and Zoning's recommendations, reports on proposed amendments, and proposed plan evaluation and appraisal reports prepared by the Department of Planning and Zoning and make final recommendations to the Board of County Commissioners prior to Commission action on transmittal to the State land planning agency or final action on such proposals or reports;
- (3) Complete the preparation of evaluation and appraisal reports for submission to the Board of County Commissioners and the State land planning agency pursuant to Section 163.3191, Florida Statutes; and
- (4) Conduct all meetings as public meetings with records properly maintained and available to the public.

The Code provides that the Planning Advisory Board shall elect a Chairperson and such other officers as may be necessary from among its members to serve for a one-year term commencing March first. Elections are held in February of each year and each officer shall serve until his or her successor is elected. As indicated in the item's social equity statement, the primary purpose of the proposed ordinance is to amend the procedure by which the Vice Chairperson of the Planning Advisory Board is selected by establishing a rotating tenure for voting members. This change aims to maximize the leadership opportunities of planning members by prescribing that each voting member serves as Vice Chairperson on a rotating basis for a term of six months each. The change also ensures that all members of the Planning Board gain experience and are prepared to serve as Chairperson. The specific proposed amendments are to Section 2-110 of the County Code and are as follows:

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- a. Clarifying that the Planning Board elects a Chairperson from among its voting members and elections for the Chairperson are held in February of each year and the term of the member elected shall begin at the next meeting of the Planning Board; and
- b. Inserting a provision that the remaining voting members of the Planning Board shall serve as Vice Chairperson on a rotating basis for a term of six months each, beginning with the appointee from District 1 and proceeding in numerical order through the appointees from the remaining Districts, followed by the four at-large appointees in order of seniority, until all sitting members have had an opportunity to serve as Vice Chairperson.

The item also proposes an amendment to Section 2-116.1.1, Fees for Furnishing Publications. Instead of the Director of Planning and Zoning prescribing reasonable charges, the new language explains that charges for publications of the Regulatory and Economic Resources Department shall be established by implementing order approved by the County Commission.

All other changes proposed in the item are geared at updating Article XV to reflect the County's current administrative structure, e.g., replacing references to the County Manager with County Mayor and replacing references to the Department of Planning and Zoning with the Regulatory and Economic Resources Department.

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Item No. 7D

File No. 171359

Researcher: AIP

ORDINANCE RELATING TO CONVERSION OR REPARATIVE THERAPY FOR MINORS; CREATING ARTICLE XX, CHAPTER 21 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING DEFINITIONS, PROVIDING FOR APPLICABILITY IN THE UNINCORPORATED AREAS OF MIAMI-DADE COUNTY AND ENFORCEMENT BY THE COUNTY; PROHIBITING CERTAIN LICENSED PROFESSIONAL THERAPISTS AND COUNSELORS FROM ENGAGING IN CONVERSION OR REPARATIVE THERAPY WITH A MINOR; AMENDING 8CC-10; PROVIDING PENALTIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should approve the creation of article XX in the Miami-Dade County Code, under Chapter 21, to prohibit the practice of conversion therapy on minors by licensed professional therapists or counselors.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code Chapter 21, which would have a new article created, if item is approved.

PROCEDURAL HISTORY

Item was introduced at the Public Safety and Health Committee, a public hearing was held, and it was forwarded to the BCC with a favorable recommendation. It was adopted on first reading on 6/6/2017, and is now up for second reading.

FISCAL IMPACT

No fiscal impact determined.

ANALYSIS

The National Center for Lesbian Rights states that according to a 2009 report of the American Psychological Association, the techniques therapists have used to try to change sexual orientation and gender identity include inducing nausea, vomiting, or paralysis while showing the patient homoerotic images; providing electric shocks; having the individual snap an elastic band around the wrist when aroused by same-sex erotic images or thoughts; using shame to create aversion to same-sex attractions; orgasmic reconditioning; and satiation therapy. Other techniques include trying to make patients' behavior more stereotypically feminine or masculine, teaching heterosexual dating skills, using hypnosis to try to redirect desires and arousal, and other techniques—all based on the scientifically discredited premise that being LGBT is a defect or disorder.

The current practice guidelines for the National Association for Research & Therapy of Homosexuality (NARTH), which is a group of therapists who endorse and practice conversion therapy in the United States, encourage its members to consider techniques that include hypnosis, behavior and cognitive therapies, sex therapies, and psychotropic medication, among others.

The American Psychiatric Association “opposes any psychiatric treatment such as reparative or conversion therapy which is based upon the assumption that homosexuality per se is a mental disorder or based upon the a priori assumption that a patient should change his/her sexual homosexual orientation.”

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The American Academy of Pediatrics has stated: “Therapy directed at specifically changing sexual orientation is contraindicated, since it can provoke guilt and anxiety while having little or no potential for achieving changes in orientation.”

The Pan American Health Organization, a regional office of the World Health Organization, has stated that these practices “lack medical justification and represent a serious threat to the health and well-being of affected people.”

In 2012, California became the first state to protect LGBT youth from dangerous and scientifically discredited efforts by state-licensed therapists to change their sexual orientation or gender identity. This law (Senate Bill 1172) prohibits therapists who are licensed by the State of California from trying to change the sexual orientation or gender identity of people under 18. In 2013, New Jersey enacted a second law (Assembly Bill 3371). Oregon, Illinois, New York, Vermont, Washington, D.C., Cincinnati, Seattle, and three South Florida Cities—Miami Beach, Wilton Manors, and Miami—have since enacted similar protections. Today, NCLR is working with leaders in dozens of states to protect youth from the dangerous practice. (NCLR)

If approved, the item would recognize the statements by the American Psychiatric Association, and other mental health professionals, as well as the testimony by many LGBT youth and advocates, in order to ban licensed professionals from using conversion therapy on minors.

NCLR Background on conversion therapy:

<http://www.nclrights.org/bornperfect-the-facts-about-conversion-therapy/#q1>

HRC background on conversion therapy:

<https://www.hrc.org/resources/the-lies-and-dangers-of-reparative-therapy>

Miami Herald Article on Key West movement to ban conversion therapy:

<http://www.miamiherald.com/news/local/community/florida-keys/article132269344.html>

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Item No. 7E

File No. 162926

Researcher: PGE

ORDINANCE RELATING TO ACCELERATING CERTAIN WATER AND SEWER DEPARTMENT PROJECTS; AMENDING SECTION 2-8.2.12 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING ELECTRONIC PUBLICATION OF REPORTS IN LIEU OF SUBMITTING PAPER REPORTS FOR COMMITTEE AND BOARD AGENDAS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend the Water and Sewer Department (WASD) Consent Decree and Capital Improvement Programs Ordinance to authorize electronic publication of required reports through the County's web portal in lieu of submitting paper reports to the Board.

APPLICABLE LEGISLATION/POLICY

Ordinance No. 14-77 (WASD Consent Decree and Capital Improvement Programs Acceleration Ordinance) was adopted by the Board on September 3, 2014. It has been codified in Section 2-8.2.12 of the County Code. The ordinance authorizes the County Mayor or the Mayor's designee to accelerate the processing, procurement and award of any contract or agreement for Consent Decree work and other capital improvements contracts to promote operational efficiencies. All contracting activities (i.e., the authority of the County Mayor or Mayor's designee to award, amend and negotiate) under the ordinance is subject to Board ratification.

PROCEDURAL HISTORY

This item was adopted on first reading at the June 6, 2017 Board meeting. The item was forwarded to the Board with a favorable recommendation from the Infrastructure and Utilities Committee at its July 11, 2017 meeting.

FISCAL IMPACT

With electronic publication, the County will save on printing and production costs associated with the agenda coordination process, resulting in a positive fiscal impact to the County. According to WASD, printing and production costs total approximately \$100 per month.

ANALYSIS

WASD Consent Decree and Capital Improvement Programs Acceleration Ordinance contains four reporting requirements: (1) all procurement activities advertised or placed for public notice shall be reported to the Infrastructure and Capital Improvements Committee at the next available meeting; after being reported to the committee, the procurement activities shall be reported to the Board at the next Board meeting; (2) on a quarterly basis, WASD shall place a discussion item pertaining to the overall procurement activities of the department on a Board agenda; (3) on a monthly basis, the Mayor or Mayor's designee provides a report to the Board on the status of Consent Decree and other required capital improvement projects; and (4) Board ratification of any act undertaken pursuant to the acceleration ordinance is brought directly to the Board at the next available meeting.

Pursuant to the acceleration ordinance, there are two reports/items WASD routinely places on a Board agenda. One of the reports is titled Monthly Status Report on WASD's Infrastructure Projects, which is first considered by the Infrastructure and Utilities Committee. That report conveys information on WASD's procurement projects, infrastructure project expenditures by funding source and related information on Consent Decree capital projects.

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The other report is a ratification item that travels directly to the Board and seeks to ratify all contracting activities undertaken by the County Mayor or Mayor's designee. The ratification item is exempt from the proposed changes.

This item proposes to amend the acceleration ordinance by authorizing the electronic publication of a report to be named the Transparency Report, which will be posted on WASD's homepage of the County's web portal in lieu of submitting paper reports for Committee and Board agendas. According to this item's social equity statement, the amendment benefits WASD's customers regardless of geographic location, demographics or income levels as residents will have the ability to view the monthly reports on WASD's homepage through the County's web portal. However, the item does not explain how residents with no internet access will be able to access the report. Also, note that the County's main webpage has an established Transparency section which is used to place public records requests, access employee salary data and view County disbursements for goods and services.

As suggested in the mayoral memo, another benefit to the amendment is the provision of more timely information, as under current practice, the information provided on an agenda is out-of-date by at least three weeks when it appears on an agenda.

The proffered revisions to the acceleration ordinance specifically accomplishes the following: with respect to any Consent Decree work or other required capital improvements contract, the County Mayor or Mayor's designee shall publish a monthly report to be known as the Transparency Report, which includes a listing of all procurement activities on the County's web portal in an electronic format by the second Monday of each calendar month; the report will be sent to each commission district office. All substantive aspects of the current status report remains unchanged. The Transparency Report will neither travel to the Infrastructure and Utilities Committee nor to the Board.

Moreover, the proposed amendment substitutes WASD with the County Mayor or County Mayor's designee as the requester for the discussion item pertaining to the overall procurement activities of WASD that is required to be placed on an agenda of the full Board on a quarterly basis.

ADDITIONAL FINDINGS

Miami-Dade County's Housing Finance Authority uses *BoardDocs*, an e-governance management solution that supports paperless Board meetings, to generate agendas, take minutes and post documents and information for public access. Other entities using *BoardDocs* include the Florida School Boards Association and Leon County Public School District. *BoardDocs* is used by government entities to promote an eco-friendly, cost-reducing paperless agenda system for Board meetings.

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Item No. 7F

File No. 171387

Researcher: TD

ORDINANCE RELATING TO PROTECTION OF PERSONS DISCLOSING SPECIFIED INFORMATION; AMENDING CHAPTER 2, ARTICLE LXXI OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROHIBITING CERTAIN EMPLOYERS THAT CONTRACT WITH MIAMI-DADE COUNTY FROM RETALIATING AGAINST EMPLOYEES DISCLOSING PROTECTED INFORMATION TO THE COUNTY CONCERNING THE OPERATION OF A COUNTY DEPARTMENT; PRESERVING EXISTING RIGHTS UNDER ANY COLLECTIVE BARGAINING AGREEMENT OR EMPLOYMENT CONTRACT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Amending Chapter 2 Article LXXI expanding protection to employees working for an employer of 10 or more employees that contracts with Miami-Dade County.

APPLICABLE LEGISLATION/POLICY

Florida Statutes section 112.3187- 112.31895 “Adverse action against employee for disclosing information of specified nature prohibited; employee remedy and relief.” Otherwise known as the “Whistle-blower’s Act.”

The Legislatures intent is to prevent agencies or independent contractors from taking retaliatory action against an employee who reports to an appropriate agency violations of law on the part of a public employer or independent contractor that create a substantial and specific danger to the public’s health, safety, or welfare. It is further the intent of the Legislature to prevent agencies or independent contractors from taking retaliatory action against any person who discloses information to an appropriate agency alleging improper use of governmental office, gross waste of funds, or any other abuse or gross neglect of duty on the part of an agency, public officer, or employee.

In 1994, Miami-Dade County Chapter 2 Article IV Division 6 of the Code of Miami-Dade County codified Florida Statute 112.3187-112.31895 referenced above prohibits the county from retaliating against county employees reporting illegality or certain other irregularity by the county or independent county contractors.

In 1996, the BCC adopted Ordinance No. 96-41 known as the Whistle-blower Ordinance, and is now codified into Chapter 2 Article LXXI of the Code of Miami-Dade County now prohibiting retaliation against any person reporting certain wrongdoing by the county or an independent county contractor.

PROCEDURAL HISTORY

Forwarded with favorable recommendation from the Public Safety and Health Committee to the Board of County Commissioners 7/12/2017.

FISCAL IMPACT

There is no fiscal impact of this ordinance.

ANALYSIS

This ordinance builds on existing Ordinance No. 94-107 and Ordinance No. 96-41. The instant ordinance expands Chapter 2 Article LXXI to prohibit any employer with 10 or more employees that has entered into a contract with Miami-Dade County from retaliating against any employee or other person for disclosing specified information

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concerning unlawful activity, misfeasance by employees, agents, or independent contractors of Miami-Dade County departments.

It also provides a series of sanction for the offending party including but not limited to discipline to any county employee found involved in the violation, debarment of the independent contractor, declaring independent contractor ineligible to bid or otherwise participate in county contracts or any officer, principals, directors or shareholders owning 10% or more in stock and damages payable to the county of \$500 for each violation.

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**Item No. 7G
File No. 171503**

Researcher: PGE

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

ISSUE/REQUESTED ACTION

Whether the Board should amend Chapter 25A of the County Code, Public Health Trust (PHT), to allow regular meetings of the Board of Trustees of the PHT to be held at designated PHT facilities rather than in Commission Chambers and to provide that certain joint meetings of the County Commission and Board of Trustees of the PHT be held in Commission Chambers.

APPLICABLE LEGISLATION/POLICY

Part II of Chapter 154 of the Florida Statutes governs County Public Health Trusts, including their creation, designated facilities, composition and ruling body, relationship with county commission board, board of trustees powers and legal status.

Chapter 25A of the County Code governs the County's PHT, a public body corporate and politic.

PROCEDURAL HISTORY

This item was adopted on first reading at the June 20, 2017 Board meeting. The Public Safety and Health Committee forwarded this item to the Board with a favorable recommendation at its July 12, 2017 meeting.

FISCAL IMPACT

The item's fiscal impact statement indicates that implementation of this ordinance will not have a fiscal impact to the County.

ANALYSIS

The PHT is responsible for the operation, maintenance and governance of Jackson Memorial Hospital and all related facilities. The Board of Trustees of the PHT is composed of seven voting members, none of whom are employees of the PHT. The Board of Trustees holds regular meetings in accordance with its bylaws in Commission Chambers. The Code requires that such meetings be televised. PHT Board meetings shall not conflict with the County Commission's meeting schedule. The PHT is required to develop an annual plan for the admission of hospital patients, the determination of the indigent status of patients and health care delivery in its designated facilities, including primary, secondary and tertiary health care. The PHT formally presents its recommendations for health care delivery in its designated facilities at an annual County-PHT joint meeting called by the Chair of the Board and held in Commission Chambers no later than July 1st of each year.

This item proposes amending the Code to accomplish the following:

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- (1) Authorizes the PHT to hold regular meetings of its Board of Trustees at the main campus of Jackson Memorial Hospital; and
- (2) Clarifies that the required annual PHT-County Commission joint meeting wherein the PHT presents its formal recommendations for health care delivery for its designated facilities be held in Commission Chambers.

In May 2017, the Board of Trustees of the PHT amended its bylaws to allow for its meetings to take place at PHT designated facilities. The proposed location at Jackson for holding such meetings is in the Diagnostic Treatment Center, Room 259, 1611 NW 12 Avenue.

Input from the PHT

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 Trust meetings. Parking at Jackson Memorial is free for the first two hours. Visitors may park in any of the five garages or the one open surface lot at the Jackson Memorial Medical Center Campus. 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.

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**Item No. 7H
File No. 171498**

Researcher: PGE

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; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PREPARE A REPORT CONTAINING 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

ISSUE/REQUESTED ACTION

Whether the Board should approve an ordinance creating Article XI of Chapter 11A of the Code of Miami-Dade County establishing a paid leave policy for County and Public Health Trust employees who are disabled military veterans for them to receive re-examination or treatment for military-service-connected disabilities.

APPLICABLE LEGISLATION/POLICY

See the Miami-Dade County Leave Manual (<http://www.miamidade.gov/humanresources/library/compensation-leave.pdf>).

PROCEDURAL HISTORY

The item was adopted on first reading at the June 20, 2017 Board meeting. At its July 11, 2017 meeting, the Government Operations Committee forwarded this item to the Board with a favorable recommendation.

FISCAL IMPACT

The fiscal impact statement accompanying this item indicates that the implementation of the ordinance will not have a fiscal impact to the County.

ANALYSIS

The County's Leave Manual includes over 20 categories of leave (e.g., administrative, annual, birthday, holiday, disability, educational, family medical, military active duty, military reserve, sick, and paid parental). The proposed ordinance providing paid leave for veterans receiving reexamination or treatment for military-service-connected disabilities is proffered in appreciation of veterans who have demonstrated a commitment to protecting and defending freedom and liberty in the United States by serving in the United States Armed Forces.

The United States and the State of Florida provide paid leave for its employees with military-service-connected disabilities. Under the Wounded Warriors Federal Leave Act of 2015, a federal employee may receive paid leave if he/she is a veteran with a service-connected disability rated at 30 percent or more from the Veterans Benefits Administration of the Department of Veterans Affairs, during a 12-month period beginning on the first day of employment, to up to 104 hours of leave, without loss or reduction in pay, for purposes of undergoing medical treatment for such disability for which sick leave could regularly be used. Leave not used during the 12-month period is forfeited.

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Similarly, State of Florida employees are eligible for administrative leave with pay for up to 48 hours per calendar year where the employee is scheduled by the United States Department of Veterans Affairs to be reexamined or treated for a service-connected disability. Lake County, Florida also provides paid leave for its employees who are veterans seeking service-connected treatment or examination. As with the state of Florida, the Lake County model provides leave totaling six calendar days a year for such employee to receive reexamination or treatment by the Veterans' Administration with respect to a service-connected disability.

This item proffers the creation of Article XI of Chapter 11A of the County Code, establishing paid leave for County and Public Health Trust employees who are disabled veterans. Under the article, a County or Public Health Trust employee who has been rated by the United States Department of Veterans Affairs 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. All paid leave credited to an employee may not exceed 24 hours per calendar year, inclusive of all disabilities. Leave not used during the calendar year shall be forfeited.

This item also directs the County Mayor or County Mayor's designee to prepare and submit to the Board within 60 days of the effective date of this item a report containing all proposed rules or policies consistent with the requirements of the 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.

Input from Human Resources Department

There is no operational impact for the Human Resources Department (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). HR would, however, have to present this paid leave requirement to all unions as a proposal during the upcoming negotiations for the 2017-2020 collective bargaining agreements (CBAs). 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.

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Research Notes**

Item No. 7I

File No. 171718

Researcher: PGE

ORDINANCE EXTENDING AMNESTY PERIOD CREATED BY ORDINANCE NO. 11-64, AS SUBSEQUENTLY AMENDED, FOR AN ADDITIONAL YEAR COMMENCING JULY 12, 2017; PROVIDING FOR A LIMITED EXCEPTION FROM CIVIL PENALTIES AND LIENS FOR BUILDING CODE VIOLATIONS UPON A HOMEOWNER'S COMPLIANCE WITH THE BUILDING CODE; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE 171365]

ISSUE/REQUESTED ACTION

Whether the Board should extend by an additional year the existing amnesty period for homeowners to comply with Building Code violations.

APPLICABLE LEGISLATION/POLICY

See the Florida Building Code and Chapter 8 of the Miami-Dade County Code of Ordinances.

Ordinance No. 11-64, which the Board adopted on August 2, 2011, created the original amnesty period, prescribing a limited exception from civil penalties and liens for building code violations upon a homeowner's compliance with the Building Code. Under the ordinance, upon application of a homeowner, the County shall waive any and all civil penalties related to the enforcement of the Building Code in connection with a structure, and all liens related to such civil penalties, provided the homeowner satisfies each of the following conditions:

- a. A permit is issued to bring the structure into compliance with the Building Code within the amnesty period;
- b. The structure is brought into compliance with the Building Code within the period provided in the Building Code for completion of the work under the permit obtained within the amnesty period; and
- c. All direct costs of the Building Department in connection with prior enforcement in connection with the structure, as documented by the Building Department, shall be satisfied in full.

The ordinance is inapplicable in the event that the County has commenced a civil action to collect on the civil penalties or to foreclose a lien nor shall it serve as a defense against any such action or against any enforcement action brought by the County. This original amnesty period was for six months and was subsequently extended and modified through Ordinance Nos. 12-06, 12-59, 13-61, 14-66, 15-34 and 16-133. The most recent amnesty period, as set in Ordinance No. 16-133, expired on July 12, 2017.

PROCEDURAL HISTORY

The original item (see File No. 171365) was adopted on first reading at the June 6, 2017 Board meeting. That item was withdrawn at the July 11, 2017 Government Operations Committee meeting and this substitute item was considered instead. The substitute item differs from the original item in that it requires homeowners seeking amnesty to pay both direct and indirect costs incurred by the County in connection with enforcement violations at the structure prior to the waiver of any and all civil penalties. A Commissioner voiced during consideration of this item that 3,209 residents have capitalized on this amnesty program to bring their homes into compliance. The Government Operations Committee forwarded the item to the Board with a favorable recommendation.

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FISCAL IMPACT

According to the item's fiscal impact statement, by continuing to waive penalties and liens previously assessed by the County, a fiscal impact will continue to occur. The extent of the fiscal impact as a result of the extension will depend on the number of property owners with outstanding violations who elect to correct the violations. The ultimate fiscal impact for the extension cannot currently be estimated.

ANALYSIS

In response to a national economic crisis, the Board adopted Ord. No. 11-64 on August 2, 2011 to create a limited exception from civil penalties and liens resulting from Building Code violations (e.g., expired permit and work without permit) upon a homeowner's (i.e., primary owner of a residential property, not properties owned by financial institutions nor commercial/industrial properties) compliance with the Building Code; that amnesty period was for six months. Through subsequent amendments, the Amnesty Ordinance was amended to clarify its application and extend its term. The current period expires on July 12, 2017.

This item proposes to encourage compliance with the Building Code while being mindful of hardship to homeowners facing strict application of the County's system of fines relating to building code violations. As such, the item proposes to extend the amnesty period for an additional year, hoping to incentivize homeowners to become compliant with code violations. If approved, the new one-year period commences on July 12, 2017, a retroactive application.

In addition to the conditions that apply to the amnesty program outlined under Ord. No. 11-64, this item explains that the release of fines and penalties related to building code violations is conditioned on payment of all direct and indirect costs of the County in connection with enforcement of violations at the structure. Direct costs may include inspections, photographs, researches, recordation and enforcement recovery fee.

In order to apply for the amnesty, the homeowner must:

- Present evidence of ownership (Driver's License, Copy of Warranty Deed, Quitclaim Deed or tax bill)
- Submit the Building Code Amnesty Program Application Form in person at the County's Permitting and Inspection Center (see the Form at: <http://www.miamidade.gov/building/library/forms/amnesty.pdf>).

According to the social equity statement provided by the Department of Regulatory and Economic Resources (RER), while the number of foreclosure registrations has declined significantly, extending the Amnesty Period can benefit purchasers of distressed homes with multiple violations that are seeking to bring such homes into compliance, which would, in turn, improve the safety and values of surrounding properties. There is a monthly report distributed to the County Commissioners of the cases RER has been able to successfully complete under the amnesty program. The July 2017 report indicates that 3,378 cases have closed since the program's implementation.

A similar item extending the amnesty period for auto repair shop businesses to become compliant with applicable building and zoning codes was adopted at the July 18, 2017 Board meeting (see Ord. No. 17-49).

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Research Notes**

Item No. 8A1

File No. 171500

Researcher: TD

RESOLUTION APPROVING THE FIRST AMENDMENT TO NON-EXCLUSIVE LEASE AND OPERATING AGREEMENT FOR AMERICAN EXPRESS CENTURION LOUNGE BETWEEN AMERICAN EXPRESS TRAVEL RELATED SERVICES COMPANY, INC AND MIAMI-DADE COUNTY; AUTHORIZING AMERICAN EXPRESS TRAVEL RELATED SERVICES TO CONSTRUCT AND OCCUPY ADDITIONAL LEASED PREMISES; PROVIDING FOR A RENTAL CREDIT UP TO AN AMOUNT NOT TO EXCEED \$2,000,000.00 TO AMERICAN EXPRESS TRAVEL RELATED SERVICES COMPANY, INC.; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND EXERCISE ALL RIGHTS CONFERRED THEREIN; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PROVIDE THE COUNTY PROPERTY APPRAISER A COPY OF SAID LEASE

ISSUE/REQUESTED ACTION

This resolution seeks the first amendment to non-exclusive lease and operating agreement for American Express Centurion Lounge (AE/C) between American Express Travel Related Services Company, Inc (AETRS) and Miami-Dade County; authorizing AERTS to construct and occupy additional leased premises; providing for a rental credit up to an amount not to exceed \$2,000,000.00 to AERTS for Shell and Core Work associated with the project.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-402-14 awarded AETRS a 10 year contract with two additional five year extensions to run the AE/C lounge near Gate D-12.

PROCEDURAL HISTORY

This resolution was forwarded to the BCC with a favorable recommendation by the Economic Development and Tourism Committee.

FISCAL IMPACT

This is a revenue generating proposal. It is estimated that AETRS will generate an additional \$500,000 over its original rent of \$1.1 million to Miami-Dade Aviation Department (MDAD) operating the expanded AE/C.

ANALYSIS

AE/C at Miami International Airport is the most popular Centurion Lounge in the Centurion network. The AE/C hosted 380,000 total visitors in it's first 12 months of operation. The AE/C remains at or near capacity nearly half the time it is open for business. Excessive waitlist times have resulted in customer complaints. AERTS' intent is to acquire an adjacent and unused 1833 square foot area thus increasing their footprint to 4000 square feet. AETRS will invest \$6.7 million for the described expansion. MDAD will credit AERTS credit rent up to \$2 million for Shell and Core work associated with the project.

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**Item No. 8A2
File No. 172053**

Researcher: PGE

RESOLUTION REJECTING ALL PROPOSALS RECEIVED IN CONNECTION WITH THE REQUEST FOR PROPOSALS FOR PARKING ACCESS AND REVENUE CONTROL SYSTEM FOR MIAMI INTERNATIONAL AIRPORT, RFP NO. MDAD-13-14

ISSUE/REQUESTED ACTION

Whether the Board should approve the rejection of proposals received in response to the Request for Proposals for a Parking Access and Revenue Control System (PARCS) at Miami International Airport (MIA) for the Aviation Department.

APPLICABLE LEGISLATION/POLICY

See I.O. 2-13 (Guidelines and Procedures Regarding Legal Opinions with Respect to County Competitive Processes), providing that written responsiveness opinions be contained in the agenda package where the related matter is presented to the Board for consideration.

PROCEDURAL HISTORY

This item was amended at the July 13, 2017 Economic Development and Tourism Committee meeting to require that an award recommendation for the PARCS RFP return to the committee within three months for approval. At the committee meeting, Commissioner Sosa requested that the CAO's prepare an ordinance to reverse the authority delegated to MDAD to extend or renew certain classes of airport contracts, such as concession contracts, without Board approval.

FISCAL IMPACT

There is no fiscal impact with the recommended rejection of proposals. However, according to the Aviation Department, were this an award recommendation, the value of the contract would have been \$10 million.

ANALYSIS

This item recommends rejection of proposals received for PARCS at MIA for the Aviation Department. The solicitation was advertised on April 15, 2016 to solicit proposals from interested parties to design, build, install, furnish, manage, operate and maintain PARCS, replacing the existing parking system at MIA. On June 3, 2016, three proposals were received in response to the solicitation.

Two of the three proposals were deemed non-responsive by the County Attorney's Office (CAO) in a July 25, 2016 opinion. The proposal from Skidata, Inc. was declared non-responsive for labeling the proposal confidential in its entirety, and the proposal from Park Jockey was declared non-responsive as a result of the firm's non-compliance with Small Business Enterprise requirements. That responsiveness opinion has not been attached to the agenda package.

The sole remaining responsive firm, HUB Parking Technology, was reviewed by the evaluation committee, which recommended negotiations. However, after a review by Aviation Department staff of technical information included in HUB's proposal, it was uncovered that certain proposal sections were labeled confidential and should not have been reviewed by the evaluation committee. The confidential material outlined HUB's technology and experience with parking assistance and wayfinding as well as its approach to customer billing, both of which bear on HUB's

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responsibility. On February 1, 2017, a CAO opinion was issued on the matter; that opinion concluded that the proposal was responsive, but the treatment of the proposal was inconsistent with the principles governing competitive procurement. The opinion stated that the Aviation Department could respond to the circumstances in one of three ways: (1) reconvene the existing evaluation panel to review HUB for responsibility, excluding the confidential sections; (2) impanel a new Selection Committee to solely address the responsibility issue; or (3) reject all proposals.

The Aviation Department decided to reconvene the evaluation committee on February 2, 2017, but the meeting was cancelled due to lack of a quorum. The department then decided to recommend the rejection of all proposals received for PARCS. The department will re-solicit these services via a comprehensive parking management solution solicitation. The department anticipates advertising that solicitation during the first quarter of 2018 and anticipates a contract award during the fourth quarter of 2018.

Input from the Aviation Department

1. There was discussion at EDTC regarding the timeline for this item, from advertisement to the recommended rejection; please provide the project timeline, including information relevant to the three-month re-procurement; **Answer: The department, following the procurement steps, will be able to advertise after the veto period and award by the first Quarter of 2018. The department will request an amendment to the item adding an additional three months for a total of six months to complete the procurement.**
2. What's the status of the current system, including garages covered, awarded vendor, cost (vendor payments) and contract expiration date; **Answer: The system is operating. The maintenance contract is on a month-to-month and has not proven to be an issue, other than some replacement parts bought on the secondary market.**
3. At EDTC, MDAD staff mentioned PCI compliance; explain what's meant by that; **Answer: PCI means Payment Card Industry Standards. The current system is at its end of life. The Aviation Department has an ongoing project to extend the end of life status for lane PCs and server components.**
4. Clarify why the evaluation committee reviewed information labeled confidential; **Answer: Confidential information was embedded in documentation provided by the sub-contractor. This violates the RFP.**
5. The amended item requires an award recommendation return to EDTC in three months yet the item's Background section indicates that the solicited services will merge into the new MIA parking management solicitation; clarify MDAD's course of action for obtaining the needed parking services. **Answer: In order to meet a three-month or six-month timeline, the services will be again advertised as stand-alone and not rolled into the overall parking management contract as stated in the original Mayor's memo.**

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Item No. 8B1

File No. 171610

Researcher: TD

RESOLUTION AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT FOR SCHOOL YEAR 2017-18 WITH THE MIAMI-DADE COUNTY PUBLIC SCHOOLS' LINDSEY HOPKINS TECHNICAL COLLEGE FOR THE PROVISION OF ACADEMIC AND CAREER-TECHNICAL EDUCATION FOR INMATES IN THE AMOUNT NOT TO EXCEED \$400,000.00 AND TO BE PAID FROM THE INMATE WELFARE ACCOUNT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE CANCELLATION PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

This resolution seeks an interlocal agreement for school years 2017-2018 with Miami-Dade Public Schools' Lindsey Hopkins Technical College for academic and career-technical education for inmates in an amount not to exceed \$400,000 and to be paid through the Inmate Welfare Account.

APPLICABLE LEGISLATION/POLICY

Florida Statutes 1009.22 Workforce education postsecondary student fees. Authorizes a set tuition fee stating in part: "For adult general education programs, a block tuition of \$45 per half year or \$30 per term shall be assessed.... All funds received from the block tuition shall be used only for adult general education programs."

Florida Statutes 945.215 Inmate welfare and employee benefit trust funds. This statute authorizes the Inmate Welfare Trust Fund and to be held by the department for the benefit and welfare of inmates incarcerated in correctional facilities operated directly by the department. Subparagraph (1)(b)4 prescribes that funds in the trust fund may be used "To provide literacy programs, vocational training programs, and educational programs that comply with standards of the Department of Education, including employing personnel and covering other operating and fixed capital outlay expenses associated with providing such programs..."

Miami Dade County Commission Resolution R-876-16 entitled Lindsey Hopkins Technical College Agreement" finds that it is in the best interest of Miami-Dade County to approve an Affiliating Agreement between Miami-Dade County Public Schools Lindsey Hopkins Technical College, in an amount not to exceed \$400,000.00 for the 2016-2017 school year, and to be paid from the Inmate Welfare Fund, for the provision of academic education and career/technical education courses at various facilities of the Miami-Dade Corrections and Rehabilitation Department"

PROCEDURAL HISTORY

The Agreement has been renewed annually since the 1987-88 school year. The Agreement includes substantially the same provisions as the previous agreement covering the 2014-15 and 2015-16 school years, which were authorized by R-743-14.

FISCAL IMPACT

The cost of the program does not poses no negative fiscal impact to Miami-Dade County. The program is fully funded from the Inmate Welfare Trust Fund which is itself funded by Florida Statute.

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ANALYSIS

For the past 30 years, the Miami-Dade Corrections and Rehabilitation (MDCR) and Miami-Dade County Public Schools' (MDCPS) Lindsey Hopkins Technical College have committed to providing career-technical and academic education coursework in an effort to rehabilitate inmates. This training provides necessary skill sets for a smooth transition into society and consequently reduce recidivism once released. This arrangement has been renewed annually since the 1987-88 school year.

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Item No. 8D1

File No. 171576

Researcher: PGE

RESOLUTION APPROVING EXTENSION OF 2017 REAL AND PERSONAL PROPERTY TAX ROLLS AND ISSUANCE OF TAX BILLS PRIOR TO COMPLETION OF THE VALUE ADJUSTMENT BOARD HEARINGS

ISSUE/REQUESTED ACTION

Whether the Board should approve extending the 2017 real and personal property tax rolls and issuance of tax bills prior to completion of the Value Adjustment Board (VAB) hearings.

APPLICABLE LEGISLATION/POLICY

See Chapter 197 of the Florida Statutes, governing tax collections, sales and liens. More specifically, see Section 197.323 of the Florida Statutes, which provides for the extension of the tax roll during VAB hearings.

See Resolution No. R-844-16, adopted by the Board on September 20, 2016, which approved the extension of the 2016 real and personal property tax rolls and issuance of tax bills prior to completion of the VAB hearings.

PROCEDURAL HISTORY

This item was forwarded to the Board with a favorable recommendation by the Government Operations Committee at its July 11, 2017 meeting. There was discussion from the dais at committee regarding whether a property owner who requests review of his/her property's assessed value forfeits his/her eligibility for the statutory early tax payment discount. Addressing the concern, the Tax Collector's Office explained that all taxpayers who pay early will be entitled to the discount. Taxpayers that appeal their assessed property value are required to pay at least 75 percent of the ad valorem and 100 percent of the non-ad valorem assessments prior to the date of delinquency, March 31, 2018. At the resolution of the VAB appeal, provided that it is done before the date of delinquency, the appellant shall pay whatever balance is due, which is adjusted to reflect the discount.

If the VAB issues a correction reducing the assessment, the Tax Collector's Office is then required to issue a corrected bill reducing the tax liability, provided those assessments are issued before the date of delinquency; the appellant would also be entitled to the applicable early payer discount for the first 30 days.

There was also discussion explaining that the item is presented to the Board annually by virtue of the State of Florida law requiring the County Commission to approve extending the tax roll.

FISCAL IMPACT

Approval of the extension has no fiscal impact to the County. However, the failure to approve the extension could lead to delays in the distribution of property taxes to the various taxing authorities, and could affect the discount period for payment of taxes by property owners.

ANALYSIS

The Tax Collector's Office is part of the County's Finance Department; the office collects current and delinquent real and personal property taxes, special assessments for all local taxing authorities, local business tax receipts and

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convention and tourist taxes. This item proposing the extension of the 2017 real and personal property tax rolls and issuance of tax bills prior to completion of the VAB hearings is ministerial, i.e., Florida law requires the Board, upon request by the Tax Collector, to approve extending the roll prior to completion of VAB hearings, if completion thereof would otherwise be the only cause for a delay in the issuance of tax notices after November 1. A tax certificate or warrant shall not be issued with respect to delinquent taxes on real or personal property for the current year if a petition currently filed with respect to such property has not received final action by VAB. For any parcel for which tax liability is subsequently altered as a result of the hearings, the Tax Collector shall resolve the matter following the statutory procedures used for correction of errors.

The Property Appraiser will not have completed final certification to the Tax Collector of the 2017 Real and Tangible Personal Property Tax Rolls until after the VAB concludes all of its hearings. In order to continue the orderly funding of all taxing authorities, tax bills must be mailed on or before November 1. Approval of this item authorizes the extension of the roll prior to VAB's completion of its hearings to ensure that 2017 tax bills are mailed on or before November 1, 2017.

All taxes shall be due and payable on November 1 of each year or as soon thereafter as the certified tax roll is received by the Tax Collector. Taxes shall become delinquent on April 1 following the year in which they are assessed or immediately after 60 days have expired from the mailing of the original tax notice, whichever is later. For all taxes assessed on the County tax rolls and collected by the County Tax Collector, discounts for payments made before delinquency shall be at the rate of four percent in the month of November or at any time within 30 days after the sending of the original tax notice; three percent in the following month of December; 2 percent in the following month of January; 1 percent in the following month of December; 2 percent in the following month of March or within 30 days before the date of delinquency if the date of delinquency is after April 1. If a taxpayer makes a request to have the original tax notice corrected, the discount rate for early payment applicable at the time of the request applies for 30 days after the sending of the corrected tax notice.

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Item No. 8E1

File No. 171621

Researcher: TD

RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING ON COOPERATION RELATED TO TRAINING, ADVISING, AND MENTORING INTERNATIONAL OR NATIONAL FIRE RESCUE PERSONNEL BETWEEN THE INTERNATIONAL ASSOCIATION OF FIRE CHIEFS AND MIAMI-DADE COUNTY, THROUGH THE MIAMI-DADE FIRE RESCUE DEPARTMENT; AUTHORIZING THE MAYOR OR THE MAYOR'S DESIGNEE TO EXECUTE MEMORANDUM OF UNDERSTANDING ON COOPERATION, RENEWALS AND TERMINATION PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

This resolution seeks approval of a memorandum of understanding between the International Association of Fire Chiefs and Miami-Dade County through the Miami-Dade Fire Department for the purpose of training, advising, and mentoring national or international fire personnel.

PROCEDURAL HISTORY

Forwarded to the BCC with favorable recommendation from the Public Safety and Health Committee.

FISCAL IMPACT

There is no fiscal impact associated with this Memorandum of Understanding and Cooperation.

The International Association of Fire Chiefs pays 1) any overtime and holiday salary expended by personnel supporting an IAFC event, 2) goods and services or other cost incurred supporting an event, 3) travel, lodging, ground transportation and per diem on official travel for an IAFC event.

ANALYSIS

Established in 1873, the IAFC has provided a forum for fire and emergency service leaders to exchange ideas, develop professionally and uncover the latest products and services available to first responders.

IFAC's Mission Statement reads:

To provide leadership to current and future career, volunteer, fire-rescue and EMS chiefs, chief fire officers, company officers and managers of emergency service organizations throughout the international community through vision, information, education, services and representation to enhance their professionalism and capabilities

An examination the IAFC's web site shows 14 training events and conferences schedules in the next 12 months. Of those three are to be held in Florida (Clearwater Beach and Orlando) and two are online.

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Item No. 8F1

File No. 171578

Researcher: TD

RESOLUTION DECLARING SURPLUS FOUR PARCELS OF COUNTY-OWNED REAL PROPERTY TOTALING 32,009 SQUARE FEET LOCATED ON THE EAST SIDE OF NW 102 AVENUE BETWEEN NW 66 STREET AND NW 74 STREET, CITY OF DORAL, FL; AUTHORIZING THE CONVEYANCE OF SAME TO THE CITY OF DORAL FOR ROADWAY PURPOSES IN ACCORDANCE WITH FLORIDA STATUTES SECTION 125.38 FOR NO MONETARY CONSIDERATION; WAIVING ADMINISTRATIVE ORDER NO. 8-4 AS IT RELATES TO REVIEW BY THE PLANNING ADVISORY BOARD; AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON OF THE BOARD TO EXECUTE A COUNTY DEED FOR SUCH PURPOSE; AND DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO TAKE ALL NECESSARY STEPS TO ACCOMPLISH THE CONVEYANCE OF SAID PROPERTY

ISSUE/REQUESTED ACTION

This resolution seeks to declare surplus certain real property totaling 32,009 square feet between NW 102nd Avenue and NW 66th Street and the convey the same to the City of Doral for roadway construction in accordance with Florida Statutes Section 125.38.

APPLICABLE LEGISLATION/POLICY

Florida Statutes 125.38, Sale of county property to United States, or state, allows for "...any municipality of this state... may apply to the board of county commissioners for a conveyance of lease of such property." The statute continues... "Such board, if satisfied that such property is required for such use and is not needed for county purposes, may thereupon convey or lease the same at private sale to the applicant for such price, whether nominal or otherwise, as such board may fix, regardless of the actual value of such property."

Administrative Order No. 8-4, Sale or Lease of County Real Property, Provides the Board of County Commissioners the sole authority to sell, lease or otherwise dispose of County-owned real property.

PROCEDURAL HISTORY

This item was passed by the Transportation and Public Works Committee on 7/13/2017 and forwarded to BCC with a favorable recommendation.

FISCAL IMPACT

Conveyance of this property eliminates the county's responsibility to maintain it. The annual cost of maintaining this property is approximately \$1395.00 per year.

ANALYSIS

The transference of the four surplus properties, totaling 32,009 square feet, is supported by both Florida Statute and Miami-Dade County Administrative Order. Transference of the surplus property in question allows the City of Doral to establish a consistent 35-foot right-of-way along NW 102 Avenue between NW 66th Street and NW 74th Street. The transference has no negative impact to the county.

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Item No. 8F2

File No. 171651

Researcher: SAP

RESOLUTION APPROVING LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND GOLDEN SANDS ALLAPATTAH CORP., FOR THE FOURTH FLOOR OF THE PREMISES LOCATED AT 1313 NW 36 STREET, MIAMI, FLORIDA, FOR A TWO-YEAR TERM WITH ONE ADDITIONAL TWO-YEAR RENEWAL OPTION PERIOD WITH A TOTAL FISCAL IMPACT TO THE COUNTY ESTIMATED TO BE \$843,965.60; APPROVING THE AGREEMENT BETWEEN THE COUNTY AND THE STATE OF FLORIDA, THROUGH THE OFFICE OF THE STATE ATTORNEY, ELEVENTH JUDICIAL CIRCUIT OF FLORIDA, FOR THE SAME PROPERTY TO BE UTILIZED BY THE OFFICE OF THE STATE ATTORNEY AS ITS RECORD CENTER FOR THE NOMINAL COST OF \$1.00 FOR THE TWO-YEAR TERM OF THE LEASE, MINUS A DAY; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE, TO EXECUTE THE LEASE AND AGREEMENT AND EXERCISE ANY AND ALL RIGHTS CONFERRED THEREIN, TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME, AND TO PROVIDE AN EXECUTED COPY OF SAME TO THE PROPERTY APPRAISER'S OFFICE WITHIN 30 DAYS

ISSUE/REQUESTED ACTION

Whether the Board should:

- 1) Approve the lease agreement between the County, as Tenant and Golden Sands Allapattah Corp., as Landlord for property located at 1313 NW 36 Street, Miami, Florida, specifically the fourth floor of the building;
- 2) Approve the agreement with the State of Florida, through the Office of the State Attorney, Eleventh Judicial Circuit, for the same property to be utilized by the Office of the State Attorney, for a nominal cost of \$1.00 for the two-year term, minus a day; and
- 3) Authorize the County Mayor or his designee to execute the Lease and the Agreement for and on behalf of Miami-Dade County.

APPLICABLE LEGISLATION/POLICY

Florida Constitution Article V, Section 14(b) (Funding) governs the cost of the lease.

PROCEDURAL HISTORY

This item was forwarded to the Board with a favorable recommendation by the Public Safety and Health Committee at the July 12, 2017 meeting.

FISCAL IMPACT

The total fiscal impact to the County for the initial two-year term and the renewal option period is estimated at \$843,965.40.

Breakdown	Amount
Rent	\$759,160.96
Lease Management Fees	30,366.44 *
Janitorial Services	54,438.00
Total	\$843,965.40

*Represents 4% of the annual base rent and is paid to the Internal Services Department for administration of the Lease and Agreement.

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The County is required by Article V, Section 14 of the Florida Constitution to cover the cost of the Lease, maintenance, utilities, and security of facilities for the Trial Courts, Public Defenders Office, State Attorney Office and the Office of the Clerk of Courts. All costs associated with the Lease shall be funded from the General Fund.

ANALYSIS

The property is a six-storey building located in District 3. The State Attorney's Office occupies 16,500 square feet on the second floor, 9,073 square feet on the third floor, and 9,073 square feet on the sixth floor of the same property. The Landlord Golden Sands Allapattah Corp (Golden Sands), is a Florida Corporation and the County has no record of negative performance issues with Golden Sands.

According to the Lease conditions, Golden Sands' responsibilities during the term of the Lease include the maintenance of the HVAC system; the repair and maintenance of the structural portions of the building, elevator service, electricity, water usage, and waste. In regards to Indoor Air Quality Safe Practices, Golden Sands and the County agree that the Indoor Air Quality Safe Practices requirements, shall be strictly adhered to by Golden Sands. Should Golden Sands, for any reason, fail to adhere to the Indoor Air Quality Safe Practices, for a period of thirty (30) days or more, then the County shall have the right to make any and all necessary repairs or improvements to the Premises, and then be immediately reimbursed by Golden Sands. Should Golden Sands fail to immediately reimburse the County, then the County shall be entitled to reduce the Rent by the amount of the reimbursement due to Golden Sands.

In regards to Insurance, the Lease states that Golden Sands will, during the term of the lease, at its sole cost and expense, carry fire, windstorm, hail, flood, and extended coverage insurance on the improvements of the Premises and the Building, to the full replacement value. The County and the State Attorney's Office, 11th Judicial Circuit, (SAO11) is self-insured. Prior to occupancy, the SAO11 shall furnish a letter to Internal Services Department, Real Estate Development Division, indicating that it is self-insured and coverage meets the requirements of the State of Florida.

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Item No. 8F3

File No. 171646

Researcher: SAP

RESOLUTION APPROVING A CONTRACT IN THE AMOUNT OF \$415,000.00 FOR SALE AND PURCHASE BETWEEN THE GIRL SCOUT COUNCIL OF TROPICAL FLORIDA, INC., AS SELLER, AND MIAMI-DADE COUNTY, AS BUYER, FOR A PROPERTY LOCATED AT 9950 OLD CUTLER ROAD, CORAL GABLES, FLORIDA, FOR THE PURPOSE OF EXPANDING MATHESON HAMMOCK PARK AND PRESERVE; AUTHORIZING THE EXPENDITURE OF UP TO \$6,500.00 FOR CLOSING COSTS; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE CONTRACT, EXERCISE ANY AND ALL RIGHTS CONFERRED THEREIN, TO TAKE ALL OTHER ACTIONS NECESSARY TO EFFECTUATE SAID PURCHASE AND ACCEPT CONVEYANCE OF PROPERTY BY WARRANTY DEED; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO RECORD SUCH DEED

ISSUE/REQUESTED ACTION

Whether the Board should approve the above resolution for the execution of a Contract for Sale and Purchase between Miami-Dade County and Girl Scout Council of Tropical Florida, Inc. for the purpose of expanding Matheson Hammock Park and Preserve located in District 7.

The resolution 1) authorizes the acquisition of vacant property at 9950 Old Cutler Road, Coral Gables 2) authorizes the County Mayor or his designee to execute the Contract for Sale and Purchase in the amount of \$421,500; and 3) authorizes the County Mayor or his designee to accept the conveyance by Warranty Deed.

APPLICABLE LEGISLATION/POLICY

On July 26, 2004, Resolution No. R-913-04 authorized the use of Bond funding for land acquisition of adjacent property for the purposes of park expansion. The acquisition complies with R-953-12, which states that to ensure that the County continues to add and develop park space is to encourage the acquisition by the County, whenever feasible, practical and necessary, of land adjacent to existing parks in order to expand parks.

PROCEDURAL HISTORY

This item was forwarded to the Board with a favorable recommendation by the Parks and Cultural Affairs Committee at the July 12, 2017 meeting.

FISCAL IMPACT

The estimated total cost of the acquisition is \$421,500 (\$415,000 for the purchase for real property and \$6,500 for closing cost). The funding source for the acquisition and future expansion of Matheson Hammock Park is Significant Modification to Building Better Communities General Obligation Bond Program Project No. 26.

ANALYSIS/FINDINGS

The acquisition complies with Resolution No. R-953-12, which directs the County mayor or his designee to consider and analyze whether an underdeveloped vacant parcel of land adjacent to an existing County park that is for sale should be purchased by the County to expand the park. Funds are available to expand the park and the expansion will contribute to the social well-being of area residents. Additionally, nature trails reduce medical costs by encouraging exercise and other healthy outdoor activities, increase tax revenues in the communities in which they

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are located and the costs of land acquisition for trails, trail construction and maintenance are far outweighed by the economic benefits generated by trails.⁴

Matheson Hammock Park is an urban park just south of Coral Gables. The additional land will secure a 10-foot wide nature trail and pedestrian access to the west side of Matheson Park and Preserve, expand nature-based programming and enhance visitors' experience. Nature trails and greenways help to improve the economy through tourism and civic improvement; preserve and restore open space; and provide opportunities for physical activity to improve fitness and mental health.

MOST RECENT ACQUISITIONS

Staff from Parks, Recreation & Open Spaces Department regularly reviews both vacant and non-vacant land parcels whenever they become available for sale. Below is a listing of the most recent park acquisitions which are adjacent to existing parks for the purposes of park expansion.

Year ACQ	Name	Address	Acres Acquired	Total Purchase Price/ Acquisition Method
2015	Military Trail Park Expansion	883 NE 89 Street	1.00	\$740,000.00/Purchase
2014	Kendall Indian Hammocks Park Expansion	11175 SW 80th Street	21.06	\$7,450,000.00/Purchase
2014	Oak Grove Park Expansion	15540 and 15560 NE 7 th Ave	0.55	\$170,000.00/Purchase
2013	Broadway Park Expansion Parcel	6950 NW 18 th Avenue	0.06	\$0.00/Inter-Departmental Transfer
2012	Kendall Indian Hammocks Park Expansion	SW 79 th St & SW 117 Ave	49.90	\$0.00/Inter-Departmental Transfer
2012	Kendall Indian Hammocks Park Expansion	SW 176 St, SW 107 – 117 Ave	5.00	\$0.00/Inter-Departmental Transfer
2012	South Dade Trail Mini Park Expansion	7975 SW 112 th Street	0.10	\$10.00/Purchase
2012	Goulds Park Expansion	21805 SW 114 th Ave	0.53	\$111,660.00/Purchase

Source: Parks, Recreation & Open Spaces Department

⁴ <http://conservationtools.org/guides/97-economic-benefits-of-trails>

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Item No. 8F5

File No. 171647

Researcher: SAP

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 UP TO \$34,000.00 FOR CONTRACT NO. RFP692A-1 FOR PURCHASE OF MEDICAL TRANSPORTATION SERVICES FOR THE FIRE RESCUE 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

ISSUE/REQUESTED ACTION

Whether the Board should authorize additional expenditure authority in an amount of up to \$34,000.00 for Contract No. RFP692A-1 for the purchase of medical transportation services for the Fire Rescue Department; and

APPLICABLE LEGISLATION/POLICY

Section 2-8.1(b)(3) of the County Code, which provides for a designated purchase due to impracticability of competition. See also Implementing Order No. 3-38, governing the authority to award and modify contracts.

PROCEDURAL HISTORY

This item was forwarded to the Board with a favorable recommendation by the Public Safety and Health Committee at the July 12, 2017 meeting.

At that Committee, there was discussion on the following:

- *The Committee inquired on the guidelines for patient transportation by emergency vehicles in regards to the upkeep of the vehicles. Is the County dealing with companies outside of the Fire Department that transport patients from one hospital to another?*
- *The Department Director stated that this contract was not about transportation; however, only companies through Consumer Services or who sets the standards are used for transportation purposes.*
- *The Committee requested from the Administration, a copy of guidelines as it relates to emission quality of emergency vehicles.*

FISCAL IMPACT

The contract expires on September 30, 2017. Medical transportation services are provided at no cost to the County. The funds allocated shall be used in the event of a disaster. If the event is a federally-declared disaster, reimbursement from the Federal Emergency Management Agency will be pursued. If this item is approved, the additional expenditure authority will be used to replace funds used for Hurricane Matthew in 2016.

ANALYSIS

This contract was established in March 2011 through Resolution No. R-153-11, for a three-year term with one (1), two-year option to renew to provide medical transportation services to respond to calls from County and municipal fire and police departments for Basic Life Support (BLS) and Advanced Life Support (ALS) services. The contract has two (2) Groups:

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- Urgent/Non Urgent Response for the Fire Rescue System (i.e., the Miami-Dade County Fire Rescue Department and municipal fire rescue departments); and
- Urgent/Non Urgent Response for the Corrections and Rehabilitation Department. Services are to be provided 24 hours per day, seven (7) days a week

On September 20, 2016, this service was presented for BCC approval as a designated purchase because the administration exhausted its authority to further extend the contract and competition was not practicable at the time.

The awarded vendor is Randle Eastern Ambulance Service, Inc. d/b/a American Medical Response (AMR). AMR is the nation's leading provider of medical transportation and community-based mobile healthcare. Every year more than 26,000 AMR paramedics, EMTs, RNs and other professionals work together to provide emergency care, non-emergency medical transportation and mobile healthcare services in communities across the country. AMR is a subsidiary of Envision Healthcare Corporation, headquartered in Colorado. The local office is located at 12600 NW 107 Avenue, Medley, Florida. According to Small Business Department's website AMR is not a Small Business Enterprise.

Applicable Ordinances Contract Measures:

- The two percent User Access Program provision applied and will be collected on all purchases.
- The Small Business Enterprise Selection Factor and Local Preference were applied in accordance with the Ordinances.
- The Living Wage Ordinance does not apply.

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**Item No. 8F6
File No. 171541**

Researcher: PGE

RESOLUTION AUTHORIZING WAIVER OF FORMAL BID PROCEDURES PURSUANT TO SECTION 5.03(D) OF THE HOME RULE CHARTER AND SECTION 2-8.1 OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; RATIFYING EMERGENCY CONTRACT NO. E9821-PD FOR \$301,000.00 FOR SONIC BOXES FOR THE POLICE DEPARTMENT; CONTRACT NO. E9425-WS FOR \$607,000.00 FOR PIPE REPAIR SERVICES FOR THE WATER AND SEWER DEPARTMENT; AND CONTRACT NO. E8423-0/13 FOR \$600,000.00 FOR PARTS, UPGRADES AND SUPPORT SERVICES FOR THE MATRIX SECURITY SYSTEM FOR THE AVIATION DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACTS PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should waive competitive bidding procedures and ratify the following emergency contracts: (1) No. E9821-PD for \$301,000 for sonic boxes for the police department; (2) No. E9425-WS for \$607,000 for pipe repair services for the Water and Sewer Department; and (3) No. E8423-0/13 for \$600,000 for parts, upgrades and support services for the matrix security system for the Aviation Department.

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the Code (Contracts and Purchases Generally) and Implementing Order No. 3-38, governing the authority to award and modify contracts.

More specifically, Implementing Order No. 3-38 provides that "an emergency purchase is an unforeseen or unanticipated urgent and immediate need for goods or services where the protection of life, health, safety or welfare of the community or the preservation of public properties would not be possible using any of the other purchasing methods described in the Implementing Order, including a bid waiver. In the event a department director or authorized designee determines that an emergency purchase is necessary, a contract may be awarded without utilizing the competitive bid procedures regardless of the amount of expenditure. Within five (5) working days after the purchase, the County department shall submit the post award requisition to ISD specifying the circumstances which justified the emergency contract award. When the expenditure is in excess of \$250,000, the ISD Director shall forward the documented circumstances to the County Mayor for presentation to the Board of County Commissioners for ratification."

Also see Resolution No. R-454-13, directing the administration to bring emergency contract ratifications to the Board within 120 days of such emergency.

PROCEDURAL HISTORY

This item was forwarded to the Board with a favorable recommendation from the Government Operations Committee at its July 11, 2017 meeting. At that committee, Commissioner Martinez requested clarification regarding the length of time staff has been negotiating the terms of the "Matrix Security System – Emergency Bridge contract." Ms. Tara Smith, Director of ISD, clarified that the foregoing proposed resolution was seeking approval of the emergency gap contract. Commissioner Martinez commented that the background information provided on the contract suggested that negotiations were ongoing in excess of four years, and requested clarification regarding the timeframe involved.

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Mr. Ralph Cutie, Acting Assistant Aviation Director for Facilities Management, Miami-Dade Aviation Department, clarified that the long term contract was successfully negotiated and was set to expire on February 28, 2018.

FISCAL IMPACT

The fiscal impact for this item is \$1,508,000, representing the total of the above-mentioned emergency contracts

ANALYSIS

The administration is recommending ratification of three emergency contract awards totaling \$1,508,000. Approval will require a two-thirds vote of the members present as the purchases were made outside of the standard competitive procurement process. The emergency transactions were for critical services rendered to the Aviation, Police, and Water and Sewer Departments. The transactions were discovered as a result of a periodic self-audit conducted by the Procurement Management Services Division of the Internal Services Department. The self-audit consists of a system-generated report identifying emergency purchases and requires consultation and fact-finding with client departments. The emergency awards are described below.

1) E8423-0/13, Matrix Security System - Emergency Bridge: This five-month emergency contract, valued at \$600,000, was awarded to Matrix Systems, Inc. to establish a gap contract for repairs, parts, upgrades and support services for the Matrix Security System used by the Aviation Department. The existing sole source contract, SS8423-1/12-1, was scheduled to expire on September 30, 2012, and staff was in negotiations to finalize a long-term replacement contract. To ensure continuity of services for this critical security system until a replacement contract was awarded, the department requested this emergency gap contract, which it approved on October 1, 2012. The terms and pricing for this contract were based upon the negotiated terms and pricing for the long-term contract, SS8423-2/27, which expires on February 28, 2018.

2) E9821-PD, Intrado Sonic Boxes/CB: This one-time purchase, valued at \$301,000, was awarded to Intrado Systems Corp to purchase sonic boxes for the Police Department. The department's Communications Bureau utilizes the Power 911 System provided by Intrado Systems Corporation to process all emergency calls. The system was undergoing a migration from Microsoft to a Windows 7 platform, requiring the purchase of sonic boxes, i.e., external devices required for operation within a Windows 7 environment. Immediate migration to Windows 7 for security reasons was required. Without the purchase of sonic boxes to connect the 911 services to the computers, all computers located in the 911 Emergency Call Center were at risk of becoming inoperable and uncommunicable with 911 applications. Due to the time constraints and safety issues involved, the Police Department declared this as an emergency purchase on September 15, 2014.

3) E9425-WS, Emergency Repair of 72" PCCP Force Main Pipe: This one-time purchase, valued at \$607,000, was awarded to Lanzo Construction Co., Florida, for repair services for the Water and Sewer Department. On or around June 18, 2010, Water and Sewer Department personnel were alerted to and confirmed that a 72" sewer force main pipe ruptured at the County's North District Wastewater Treatment Plant. Subsequently, the Water and Sewer Department Director declared an emergency to protect the health and welfare of the surrounding community's residents. Several contractors were invited to assess the situation, a scope was developed, and the project was bid to several contractors. Three competitive bids were received and an award was made to the lowest-priced responsive, responsible bidder. This award was approved on October 20, 2010. The scope of the project entailed replacement and rehabilitation of the affected wastewater force main pipe, while temporarily diverting the sewage that would normally flow through the affected area. Response time was critical and required an expedited emergency process. The awarded vendor supplied all labor, materials and equipment for removal, repair and restoration of a 72" pre-stressed concrete cylinder pipe wastewater force main and a 12" ductile iron water main, including all necessary

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sheeting, shoring and stabilization of all affected ground area. The vendor, Lanzo, is considered local due to reciprocity of local preference with Broward County as the vendor's principal address is in Deerfield Beach.

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**Item No. 8F7
File No. 171581**

Researcher: PGE

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$651,000.00 FOR CONTRACT NO. EPP6118-0/18 FOR RENTAL OF PORTABLE CHEMICAL TOILETS FOR MULTIPLE COUNTY DEPARTMENTS

ISSUE/REQUESTED ACTION

Whether the Board should authorize additional expenditure authority in a total amount up to \$651,000 for Contract No. EPP6118-0/18 for the rental of portable chemical toilets for multiple County departments.

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the Code (Contracts and Purchases Generally) and Implementing Order No. 3-38, governing the authority to award and modify contracts.

PROCEDURAL HISTORY

This item was forwarded to the Board with a favorable recommendation from the Government Operations Committee at its July 11, 2017 meeting.

FISCAL IMPACT

The contract term expires on December 31, 2018. The contract has a current cumulative allocation of \$994,000. If this request is approved, the contract will have a modified cumulative value of \$ 1,645,000. The requested increase in expenditure will allow for the rental of additional toilets needed, ensuring continuity services.

Note that the contract was established with an allocation of \$478,500. Since establishment, the contract was modified multiple times under delegated authority, totaling \$515,000. That resulted in the contract's current allocation of \$993,500.

ANALYSIS

The County awarded this competitively established contract on December 31, 2013 for a five-year term under the delegated authority of the ISD department director. Four bids were received and award was made to the two lowest-priced bidders by line item as primary and secondary vendors. The two awarded vendors are local businesses. County departments use this contract to rent portable chemical toilets, including cleaning services. The portable chemical toilets provide restroom facilities for County employees and tenants working in remote areas. The portable chemical toilets are also used during special events or where County facilities are being renovated.

The departments requesting additional expenditure authority will use the additional funds to support their operational needs through the remainder of the contract term. The departmental requests will be applied as follows:

1) The Miami-Dade Aviation Department is requesting \$394,000. The department's original allocation was based on estimated usage. Since award of this contract, Aviation has received increased requests for additional cleaning services for the portable toilets that are used by tenants and employees in areas where permanent facilities are not available or easily accessible due to security restrictions. The current contract includes three cleanings per week,

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which will be increased to four additional cleanings per week. In addition, new renovations are underway on several airport concourse terminals that require the rental of toilets. The department serves Miami International, Kendall-Tamiami Executive, Opa-Locka General Aviation, Homestead General Aviation, Homestead Regional, and Dade-Collier Training and Transition airports.

Of the \$124,000 allocated to the department for the term, \$123,964 has been released.

2) The Miami-Dade Fire Rescue Department is requesting \$2,000. The department's original allocation was insufficient to support services during hurricane season. The department utilizes this contract during pre-activation and activation scenarios, and the increase in multi-agency training exercises and training division classes require the rental of additional portable chemical toilets for the remainder of the contract term. Of the \$7,000 allocated to the department for the term, \$4,368 has been released.

3) The Miami-Dade Parks, Recreation and Open Spaces Department is requesting \$40,000. Since award of this contract, the department experienced the merger of Public Works (Causeway Division) and the Guard Houses Special Taxing Districts. Due to this merger and the renovation of the Crandon Park restrooms, from July 2015 to February 2017, the department rented numerous portable chemical toilets to be placed at the construction site. Of the \$103,138 allocated for the term, \$103,022 has been released.

4) PortMiami is requesting \$150,000. The department has reviewed its past, current and future projections, and anticipates the need for allocation of additional funds to maintain rental services for use by cruise passengers. Of the \$550,000 allocated for the term, \$500,000 has been released.

5) The Miami-Dade Department of Transportation and Public Works is requesting \$65,000. The department's original allocation was insufficient to cover services for the contract term. The department installed a number of portable chemical toilets at various construction sites and at bus stations where city or intercity buses pick up and drop off passengers. The additional allocation requested will be used to pay for the portable toilets and additional cleaning services. Of the \$45,080 allocated for the term, \$44,702 has been released.

The aforementioned releases reflect data in the Bid Tracking System on September 29, 2017.

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Item No. 8F11

File No. 171645

Researcher: SAP

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 CONTRACT NO. BW0735-1/27 FOR THE PURCHASE OF FORENSIC TOXICOLOGY SERVICES IN AN AMOUNT NOT TO EXCEED \$10,822,000.00 OVER THE INITIAL FIVE YEAR TERM AND ONE, FIVE-YEAR OPTION TO RENEW TERM FOR THE POLICE 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

ISSUE/REQUESTED ACTION

Whether the Board should authorize the award of Contract No. BW0735-1/27 for the purchase of forensic toxicology services for \$10,822,000.00 for the Police Department.

APPLICABLE LEGISLATION/POLICY

Section 2-8.1(b)(3) of the County Code provides for a designated purchase due to the impracticability of competition for the purchase of a service.

See also IO No. 3-38 governing the authority to award and modify contracts.

Resolution No. R-1011-15 requiring that vendors provide addresses of all local branch offices and headquarters and the number and percentage of local residents such vendors employ.

PROCEDURAL HISTORY

This item was forwarded to the Board with a favorable recommendation by the Public Safety and Health Committee at its July 12, 2017 meeting.

FISCAL IMPACT

The fiscal impact for the five-year term is \$5,098,000. The current contract, RFP735, is valued at \$5,960,000 for a 75-month term and expires on October 31, 2017. The current vendor is University of Miami.

ANALYSIS

The item is authorizing a designated purchase for forensic toxicology services to the University of Miami for the Miami-Dade Police Department. Forensic toxicology is the use of toxicology and other disciplines such as analytical chemistry, pharmacology and clinical chemistry to aid in the medical or legal investigation of death, poisoning, or drug use. The testing of biological fluids for drugs and other substances is a complex process requiring sophisticated instrumentation and specially trained analysts. These services must be provided by a laboratory with extensive experience in forensic human-performance drug testing procedures. Services provided under Contract BW0735-1/27 would also include expert testimony in depositions, hearings, and criminal trials regarding toxicological analyses and pharmacological effects of drugs or alcohol detected in samples.

The item states that market research was conducted and found that competition for these forensic toxicological services is not practicable at this time because there are no other local laboratories that can provide the *volume of complex services* as those provided by the University of Miami. Blood, urine, and other specimens containing or suspected of containing infectious substances must be shipped according to the applicable government and International Air Transport Association and U.S. Department of Transportation regulations. Due to the proximity of

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the University of Miami, this contract is cost effective for testimony services and also provides the ability to drop off samples for timely analysis.

According to the website of American Board of Forensic Toxicology, there are three (3) Accredited Forensic Toxicology Laboratories in South Florida.

Agency	Address	Director
Miami-Dade Medical Examiner Department	Toxicology Laboratory 1851 NW 10 th Avenue Miami, FL 33136	Diane Boland, Ph.D, F-ABFT
University of Miami Forensic Toxicology Laboratory	1600 NW 10 th Avenue RMSB, R-5, Room 7020A Miami, FL 33136	Lisa J. Reidy, PhD
Broward County, 17 th District Medical Examiner's Office	5301 SW 31 st Avenue Fort Lauderdale, FL 33312	Gary Kunsman, PhD.

The contract would not only provide toxicology services to the Police Department but also to participating government agencies, such as the Florida Highway Patrol, Florida Marine Patrol, Miami-Dade State Attorney's Office, Miami-Dade Public Defender's Office, and over 30 municipal police agencies with operations in Miami-Dade County.

OCA posed the following questions, to which ISD staff responded.

1. Does the Medical Examiner Department have a contract for these services? If so, who is the vendor?
 - *No*
2. Are the participating government agencies, referenced in the item, paying the County for these services?
 - *Yes*
3. The item specifies the contract term expires on 10/31/17 (75-month term) and has a cumulative value of \$5,960,000; BTS shows a 77-month cumulative term (5/23/11 to 10/31/17) and cumulative value of \$6,113,568. Please clarify.
 - *A two-month extension of the current contract with prorated funds was approved after this item was routed through the approval process to ensure continuity of services while this item was pending Board consideration. The information cited from BTS is accurate.*

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Item No. 8F12

File No. 171642

Researcher: SAP

RESOLUTION AUTHORIZING ADDITIONAL TIME OF FIVE YEARS AND EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$525,000.00 FOR PREQUALIFICATION POOL NO. 2550-0/17 FOR PURCHASE OF DERELICT VESSEL REMOVAL AND DISPOSAL SERVICES FOR THE REGULATORY AND ECONOMIC RESOURCES DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SOLICIT PRICING, AWARD CONTRACTS, EXERCISE ALL PROVISIONS OF THE SOLICITATION DOCUMENTS AND ANY RESULTING CONTRACTS PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38, AND ADD VENDORS TO THE POOL AT ANY TIME, SUBJECT TO RATIFICATION BY THE BOARD ON A BI-ANNUAL BASIS

ISSUE/REQUESTED ACTION

Whether the Board should authorize additional time of five years and expenditure authority in the amount of \$525,000.00 for Prequalification Pool No. 2550-0/17 for purchase of derelict vessel removal and disposal services for the Regulatory and Economic Resources Department.

APPLICABLE LEGISLATION/POLICY

Section 2-8.1(b)(3) of the County Code provides for a designated purchase due to the impracticability of competition for the purchase of a service.

IO No. 3-38 governing the authority to award and modify contracts.

See also Florida Statutes 705.103 governing removal of lost vessels and abandoned vessels from County waters and 823.11 governing derelict vessels; relocation or removal and penalty.

PROCEDURAL HISTORY

This item was forwarded to the BCC, by the Government Operations Committee at its July 11, 2017 meeting.

FISCAL IMPACT

The current term expires on October 9, 2017 and has a current cumulative allocation of \$552,000. If this request for \$525,000 is approved, the pool will have a modified cumulative value of \$1,077,000 and will expire on October 9, 2022. The requested allocation for the extension period is based on anticipated expenditures. *According to the Bid Tracking System (BTS), as of 9/27/17, the current pool expires October 31, 2017; however, the item states October 9, 2017. The original contract amount is \$551,250,000, a total of \$422,043,000 has been released with a remaining balance of \$129,207,000.*

ANALYSIS

Derelict vessel is defined as a vessel that is left, stored, or abandoned in a wrecked, junked, or substantially dismantled condition upon any public waters of the state. Derelict and abandoned vessels adversely affect the marine environment and aesthetics of coastal areas and can pose a serious and substantial threat to navigation and to the public's health and safety. Pursuant to Sections 206.606 and 376.15, F.S., the Florida Fish and Wildlife Conservation Commission has established a program to provide grants to local governments for reimbursement for the removal of derelict vessels from the public waters of the state. The program is funded by an appropriation from the Florida Legislature. The Florida Inland Navigation District has previously provided grant funds to Miami-Dade Count for the removal and disposal of derelict vessels from navigable waterways. Pursuant to Resolution No. R-1170-06, the County Mayor can apply for, accept, and execute grants for less than \$100,000.00 that do not require new matching funds without prior Board approval.

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The Miami-Dade County Derelict Vessel Removal Program, administered through the Division of Environmental Resources Management of RER, conducts the removal of abandoned boats and related marine debris from within Biscayne Bay and its tidal tributaries. The Department uses this pool to remove and dispose of vessels and debris that are left, stored or abandoned in a wrecked, junked, inoperative or partially dismantled condition in public waters. When possible, these derelict vessels can be removed by their owners; however, if the vessel owner cannot be located or fails to remove a vessel in a timely manner, the Department arranges the vessel's removal and disposal using contractors selected via a competitive bidding process. This program has been funded through a variety of sources, including federal and state grants and the Biscayne Bay Environmental Trust Fund.

OCA posed the following questions to ISD, no answers received as of 9/28/17.

1. Is the County eligible to submit a grant to assist with the cost of removing derelict vessels as previously done; see R-195-14)?
 - *Yes, the County is eligible to submit for grants to assist in the removal of derelict vessels and does so typically from the Florida Fish and Wildlife Conservation Commission and the Florida Inland Navigation District.*
2. Over the course of the current pool, how many vessels have been removed?
 - *Approximately 91 abandoned vessels have been removed.*
3. According to the Mayor's memo, outreach to registered County vendors was conducted, please specify what type of outreach was conducted to maximize local vendor participation.
 - *To increase participation, vendor outreach was conducted in the form of an email blast to vendors registered with the County for Garbage / Trash Removal and Disposal under commodity code 910-27. Additionally, the pool is currently advertised on the Internal Services Procurement Management website to encourage participation.*
4. Does municipalities or other agencies contribute to the removal of derelict vessels in the County?
 - *Other municipalities that engage in derelict vessel removal are the City of Miami and to a lesser extent, the City of Miami Beach.*

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Item No. 8F13

File No. 171638

Researcher: PGE

RESOLUTION APPROVING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$369,000.00 FOR CONTRACT NO. IB-00166 FOR PURCHASE OF BOTTLED WATER, DISPENSERS, AND BOTTLELESS WATER FILTRATION UNITS FOR MULTIPLE COUNTY DEPARTMENTS

ISSUE/REQUESTED ACTION

Whether the Board should approve additional expenditure authority in a total amount up to \$369,000 for Contract No. IB-00166 for purchase of bottled water, dispensers and bottleless water filtration units for multiple County departments.

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the Code (Contracts and Purchases Generally) and Implementing Order No. 3-38, governing the authority to award and modify contracts.

PROCEDURAL HISTORY

This item was forwarded to the Board with a favorable recommendation from the Government Operations Committee at its July 11, 2017 meeting. At the meeting, Commissioner Sosa stressed the importance of ensuring the County's bottled water services were protected, particularly during the hurricane season.

FISCAL IMPACT

The contract term expires on July 31, 2020 and has an existing allocation of \$956,600. If this request for \$369,000 is approved, the contract will have a modified value of \$1,325,600. The requested increase in allocation is based on projected monthly expenditures for the remaining months of the contract.

ANALYSIS

This contract was approved under the County Mayor's delegated authority in July 2015 for \$955,300 for a five-year term. Award was made to the lowest-priced responsive and responsible bidder by group in the aggregate that met the solicitation's requirements. Four bidders responded to the solicitation. The solicitation included two groups: (1) Bottled Water and Bottled Water Dispensers and (2) Bottleless Water Filtration Units. Group 1 covers bottled water and associated bottled water dispensers. The awarded bidder is responsible for the maintenance of the bottled water dispensers at no additional cost to the County. Group 2 covers rental of the filtration units at a fixed monthly rate, inclusive of all maintenance services and replacement. Bottled water provided under Group 1 is used to support field operations where no other source of water is available for staff. Bottled spring water may also be used in emergency response operations where employees may be precluded from leaving their post and may be required to remain on-site for extended periods of time. The bottleless water filtration units provided under Group 2 are used to provide purified drinking water for County staff via a filtration system plumbed directly into hot and cold water lines.

The departments are requesting \$369,000 in additional expenditure authority for the purchase of spring and distilled bottled water and dispensers and filtration units at various County locations. The awarded vendor – Nestle Waters North America, Inc. – has a local office. Additional expenditure authority is needed by the following departments to avoid interruption of bottled water services, in preparation for the upcoming hurricane season, and throughout the remaining contract term. There is a need for increased expenditure as the departments underestimated their needs under the contract.

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Research Notes**

- 1) The Administrative Office of the Courts is requesting \$69,000 in additional expenditure authority for continuity of services through contract expiration. The Administrative Office of the Courts spends roughly \$2,500 monthly under this contract. Of the \$86,500 allocated to the office, \$66,000 has been released thus far.
- 2) The Office of the Clerk of Courts is requesting \$56,000 in additional expenditure authority to service 42 Clerk of Court locations throughout the County, including two new facilities. Of the \$80,000 allocated for this term, \$61,158 has been spent.
- 3) The Internal Services Department is requesting \$43,000 in additional expenditure authority to ensure continuity of services for the Fleet Management and Parking Operations Divisions for the duration of the contract term. Fleet Management needs \$31,000 to ensure sufficient allocation is available and Parking Operations needs \$12,000 to purchase bottled water for field representatives, not initially anticipated in the contract. Of the \$89,658 allocated for the term, \$50,800.89 has been released.
- 4) The Police Department is requesting \$43,000 in additional expenditure authority to fulfill water orders for the Special Patrol Bureau, Miami-Dade Police Training Institute, Narcotics Bureau, and Agricultural Patrol District for the remaining contract term and in preparation for potential storms. Of the \$74,500 allocated for the term, \$38,214.26 has been released.
- 5) The Department of Transportation and Public Works is requesting \$158,000 in additional expenditure authority to allow the department to continue servicing the existing 23 locations as well as two new locations. Of the \$128,200 allocated for the term, \$115,000 has been released.

The aforementioned releases reflect data in the Bid Tracking System on September 28, 2017.

**BCC Meeting: October 3, 2017
Research Notes**

Item No. 8F14

File No. 171853

Researcher: SAP

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$9,716,000.00 FOR PREQUALIFICATION POOL NO. 9743-0/23 FOR GROUNDS MAINTENANCE AND PEST CONTROL SERVICES FOR THE PARKS, RECREATION AND OPEN SPACES DEPARTMENT [SEE ORIGINAL ITEM UNDER FILE NO. 171640]

ISSUE/REQUESTED ACTION

Whether the Board should authorize additional expenditure authority in the amount of \$9,716,000 to Prequalification Pool No. 9743-0/23 for ground transportation and pest control services for the Parks, Recreation and Open Spaces Department.

APPLICABLE LEGISLATION/POLICY

Section 2-8.1(b)(3) of the County Code provides for a designated purchase due to the impracticability of competition for the purchase of a service.

IO No. 3-38 governing the authority to award and modify contracts.

PROCEDURAL HISTORY

This item was forwarded to the BCC, as bifurcated and amended, by the Government Operations Committee at its July 11, 2017 meeting.

At that Committee, there was discussion on the following:

- *The Committee was concerned that PROS was requesting additional monies for expenditure and maintenance, although the median maintenance allocation for each Commission districts was reduced from 17 to 15 cuts per year. When was this reduction approved and who authorized the reduction because there was no memorandum?*
- *Deputy Mayor promised that the exact details would be provided to the Committee but noted that because of revenue reduction in the Parks Department, the number of cuts were reduced this year and noted that Administration will be recommending further cuts for the upcoming budget as the Department deems appropriate.*
- *The Committee reiterated as to who made that decision, if not the Board?*
- *Deputy Mayor concurred that the Board did not approve the reduction; however, when revenue does not come in Administration has to slow down the operations to a degree and that was an administrative action that Administration took.*
- *The Committee noted that Administration does not have that authority to make arbitrary budgetary decisions without the Board's approval and now that the rainy season is here, median grass will grow even higher and will trigger complaints from constituents. The Committee noted that the item specifically stated that the additional monies would be to service right-of-ways and wanted to know if based on that information would the two cuts be reinstated.*
- *Deputy Mayor stated that this additional allocation would be to conduct the cuts that are necessary for this upcoming contract period. He stated that the number of cuts would not be reinstated because the number of cuts are not consistent throughout the year, so there is some variability and historically there are more cuts during the dry season in comparison to the rainy season.*
- *The Committee observed that without the approval there would not be enough allocation to complete the 15 cuts to the end of the year.*

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- *Deputy Mayor noted that the allocation is necessary for the continuation of the contract.*
- *ISD Department Director explained that PROS had requested the additional expenditure allocation until the end of next year for the cycles that are funded, because the Department added sites. She added that a supplement could be provided to the Committee to move the item forward.*

FISCAL IMPACT

The current pool was established with an initial allocation of \$40,944,000. An additional amount of \$22,000,000 was approved through ratification for Solid Waste Management, bringing the cumulative allocation to \$62,944,000. The requested increase in expenditure authority for Parks, Recreation, and Open Spaces (PROS) is based on estimated usage for the remainder of the pool's term. The current pool term expires on December 31, 2018. *As per R-779-17, on 7/18/17 additional expenditure authority in the amount of \$27,248,000 was added as such \$7,248,000 - Prequalification Pool No. 9734-0/23 and \$20,000,000 - Contract No. 9743-28. As per BTS, as of 9/27/17 the current value is \$90,192,000.*

ANALYSIS

According to the Mayor's memorandum the department's needs under this pool have increased as a result of the installation of new plants and plant materials throughout the County. This pool is used to service County rights-of-way, parks, properties, transit stations and facilities maintained on behalf of Transportation and Public Works. County departments use this pool to purchase scheduled grounds maintenance under Group 1; pest control services under Group 2 and irrigation maintenance under Group 3.

The scope of work under this pool includes turf mowing, grass trimming, edging, weed and vine control, leaf removal, landscape material maintenance, tree and palm pruning and trimming, pest and disease control of Control owned trees and plants, fertilization, mulching, irrigation repairs, clean yard trash and bulky waste pickup and disposal, removal of staking and guying material and watering services.

OCA posed the following questions, to which ISD responded.

1. At the July 11, 2017, Government Operations Committee, the Administration promised details as to why and how the median maintenance was reduced from 17 to 15 cuts for all Commission districts. Is that information available?
 - *During the budget process, PROS proposed to reduce median maintenance cycles from 17 to 15 for a cost savings of \$340,000, as part of a larger program to address a budget shortfall. Please note that the Mayor has proposed restoring \$340,000 to the PROS budget for maintenance cycles (per the Second Change Memo); should the BCC approve that change, the medians will be maintained 17 cycles in FY 2017-18.*
2. At Committee, it was mentioned that PROS added sites that triggered the additional expenditure allocation. Please provide the name and location of these sites?
 - *(See Attachment)*
3. Provide justification memo from each user departments requesting an increase in allocation.
 - *Justification memos are no longer required to be submitted for modification requests, as we've moved to a paperless approval process through Project Administration. Although some departments continue to submit formal modification memos, the PROS modification request was processed and approved in PA.*
4. According to BTS, the current value of 9743-0/23 is \$90,192,000. The item states that if the request is approved, the pool will have a modified cumulative value of \$72,660,000. Please explain.
 - *The item reflects the value of the pool at the time this item was re-submitted for Board consideration. The original item was bifurcated at the Government Operations Committee on 7/11/17 and two separate items were re-submitted by ISD shortly thereafter to reflect the Board's request to bifurcate the PROS allocation.*

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Research Notes

Since one of the bifurcated items included expenditure authority related to the County's mosquito control efforts, that item was waived to the 7/18/17 Board and approved by the Board at that meeting. BTS now reflects the Board approval of that modification, which is why the existing allocation differs from what is stated in the memo.

**BCC Meeting: October 3, 2017
Research Notes**

Item No. 8F15

File No. 171649

Researcher: SAP

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 FOUR YEARS FOR CONTRACT NO. RFP604 FOR THE PURCHASE OF EXISTING SERVICES AND SUPPORT TO PRINT BALLOTS FOR THE ELECTIONS 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

ISSUE/REQUESTED ACTION

Whether the Board should authorize award of additional time up to four years for Contract No. RFP604 for the purchase of existing services and support to print ballots for the Elections department;

APPLICABLE LEGISLATION/POLICY

Section 2-8.1(b)(3) of the County Code provides for a designated purchase due to the impracticability of competition for the purchase of a service.

See also IO No. 3-38 governing the authority to award and modify contracts.

PROCEDURAL HISTORY

This item was forwarded to the Board with a favorable recommendation by the Government Operations Committee at its July 11, 2017 meeting.

At that Committee, there was the following discussion:

- *In regards to the vendor Runbeck Elections Services, Inc., located in Arizona, the Committee expressed concerns that this proposal was already approved by the Commission that companies conducting business with the County must have a local office and that Administration is required to abide by the terms of what the Commission has approved. When a vendor is recommended with no local office, there is a violation of what was approved by the Board. In order to serve the tax-payers, it is important that local vendors are awarded so that jobs can be provided to the community.*
- *The Committee inquired on the rationale for a designated purchase instead of a competitively bid contract.*
- *The ISD Director responded that the bid was established in 2008 for 4 years with 5 one-year options to renew and will expire in October 2017, hence the request for the extension. The Director further explained that in the past the Elections Department did an analysis to determine whether it would be more cost effective to continue maintaining the printers they own as opposed to renting or buying new printers. She noted that the analysis resulted in an increase in printer prices if the Department were to go out to buy or rent. The extension is necessary, in order to maintain the existing printers leading up to the next Presidential Election cycle. She noted that after the election cycle, the Department would go out to see if the market will have more competitive prices. The Director further noted that only two firms are certified by the State of Florida to provide this type of services to the Election Department.*
- *The Committee concurred that this time extension is cost effective to the department because there are additional elections in the future and the extension is necessary for the Department to do an efficient job.*

BCC Meeting: October 3, 2017 Research Notes

FISCAL IMPACT

This extension is for time only. The contract has a cumulative allocation of \$15,063,000.

ANALYSIS

The Sentio Ballot printing system supports the unique needs of diverse jurisdictions, printing ballots by party or style, in the correct language; it is a robust, on-demand solution that leverages Runbeck innovations. Runbeck Election Services, Inc. is a full-service, commercial print company focusing on the elections industry since 1972. The headquarters is based in Arizona, with an additional facility in Denver, Colorado. Currently, Runbeck provides election printing and mailing services for our 125 customers from jurisdictions ranging in size between less than 1,000 and over 1 million.⁵

The OCA posed the following questions, to which ISD staff responded:

1. At Committee, ISD mentioned that in addition to Runbeck Election Services, Inc., there was another vendor certified by the State of Florida. Can you please provide the name and address of that vendor?
 - *Election Systems and Software can provide Ballot on Demand printers via rental or purchase. Election Systems & Software, LLC, 11208 John Galt Blvd, Omaha, NE 68137*
2. At Committee, ISD mentioned that market research was previously conducted on the feasibility of purchasing or renting new Sentio Ballot on Demand printers or comparable equipment, please provide the results of the analysis.
 - *The market research concluded that continuing support of the County-owned BOD printers will result in a savings of \$4,564 per printer over the course of the requested four (4) year extension.*
3. The Mayor's memo stated that "this configuration of technology has been in use by Elections since 2006". Was Runbeck the vendor? If not, who was the vendor?
 - *The contract from 2006 was for Printed Ballots and it was with Commercial Printers, Inc. Runbeck is the incumbent of the current contract, which was established in 2008.*
4. Based on Bid Tracking System (BTS), there is an unallocated amount of \$1,860,000 for the current OTR term. What is this amount slated for?
 - *The unallocated balance is intended for ITD, who is the only user of this contract, and is required to pay for services during the extension term.*

⁵ <http://www.runbeck.net/company-overview/>

**BCC Meeting: October 3, 2017
Research Notes**

**Item No. 8G1
File No. 172098**

Researcher: PGE

RESOLUTION EXERCISING THE OPTION TO DEFER ALL PAYMENTS OF UP TO \$30 MILLION RELATING TO THE PERFORMANCE-BASED MARQUEE EVENT GRANT AGREEMENT BETWEEN THE COUNTY AND SOUTH FLORIDA STADIUM LLC D/B/A HARD ROCK STADIUM ("HARD ROCK STADIUM") FOR GRANTS EARNED DURING THE INITIAL PHASE (OCTOBER 1, 2016 - SEPTEMBER 30, 2024) UNTIL THE END OF THE INITIAL PHASE ON DECEMBER 31, 2024 (SEE ORIGINAL ITEM UNDER FILE NO. 171436)

ISSUE/REQUESTED ACTION

Whether the Board should exercise the option to defer payments of up to \$30 million pursuant to the Performance-Based Marquee Event Agreement with South Florida Stadium, LLC for grants earned during the initial phase (October 1, 2016 to September 30, 2024) so that the County's first payment shall not be due until December 31, 2025.

APPLICABLE LEGISLATION/POLICY

See Resolution No. R-560-14, authorizing the County Mayor to execute the Performance-Based Marquee Event Grant Agreement with South Florida Stadium, LLC.

PROCEDURAL HISTORY

The item was forwarded to the Board from the Economic Development and Tourism Committee at its July 13, 2017 meeting. At the committee meeting, the item was amended to allow the Board the ability to reevaluate CDT collections and its option to defer initial phase Marquee Event Grant Payments.

FISCAL IMPACT

The County will not incur additional costs as a result of this deferral.

ANALYSIS

This item proposes to defer earned payments under the Marquee Event Performance Based Grant Agreement between the County and South Florida Stadium, LLC (Stadium LLC) until December 31, 2025. The agreement was authorized pursuant to Resolution No. R-560-14 on June 17, 2014. The purpose of the agreement is to incentivize Stadium LLC to host major tourist-generating events at Sun Life Stadium. Such events promote South Florida while stimulating the local economy. The agreement provides for performance-based payments if Stadium LLC hosts certain qualifying events, such as the Super Bowl and World Cup Final, during the grant term. Those events are considered Tier One events, while Tier Two events consist of international soccer matches or other sporting events which attract significant tourists with at least 55,000 paid tickets distributed.

The agreement defines the grant term as the 20 contract years commencing on the qualification date and ending on September 30 of the 20th contract year following the qualification date. The qualification date is considered the later of (1) October 1, 2016, and (2) the date of the award of tier one events to be hosted at the stadium. For each contract year during the grant term, the maximum amount of marquee event grants which can be earned shall be \$5 million. These payments are subject to the availability of Convention Development Tax (CDT) revenues in any contract year after meeting all of the County's obligations payable from CDT.

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Research Notes

Stadium LLC is now eligible to earn Marquee Event Grants by hosting certain qualifying events at the Stadium over the 20-year grant term. The agreement provides for an initial phase, which runs from October 1, 2016 to September 30, 2024, during which the cumulative amount of Marquee Event Grants that can be earned is capped at \$30 million. Pursuant to the agreement, the County may exercise an interest-free deferral of grant payments earned during the initial phase so that the first payment would not be due until December 31, 2025. Such deferral would allow the County to build up its CDT Shortfall Reserve by the end of Fiscal Year 2024-25.

**BCC Meeting: October 3, 2017
Research Notes**

**Item No. 8L2
File No. 171592**

Researcher: PGE

RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN NORTH BAY VILLAGE AND MIAMI-DADE COUNTY TO PROVIDE FILM PERMITTING SERVICES FOR A FIVE-YEAR TERM WITH OPTION TO RENEW FOR ONE ADDITIONAL FIVE-YEAR TERM; AND AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE SAME AND EXERCISE THE PROVISIONS CONTAINED THEREIN, INCLUDING RENEWAL AND TERMINATION

ISSUE/REQUESTED ACTION

Whether the Board should approve the Interlocal Agreement with North Bay Village for the provision of film permitting services for a five-year term plus one, five-year option to renew.

APPLICABLE LEGISLATION/POLICY

See Section 2-11.14 of the County Code (Film Production on Publicly-Owned or Controlled Property).

PROCEDURAL HISTORY

The item was forwarded to the Board with a favorable recommendation by the Economic Development and Tourism Committee at its July 13, 2017 meeting.

FISCAL IMPACT

The Office of Film and Entertainment will receive a \$100 application fee for each film permit processed on behalf of the Village.

ANALYSIS

The Board approved Ordinance No. 91-50 on May 7, 1991 to establish a framework for film permitting within the Miami-Dade Office of Film and Entertainment. The ordinance has been codified as seen in Section 2-11.14 of the County Code. Section 2-11.14 provides for the coordination of film production on publicly-owned or controlled property to serve the public interest. Under this section, participating municipalities are considered those located within the County that have executed interlocal agreements with the County with regard to the coordination of film permitting. No person is allowed to film within a publicly-owned site, facility or right-of-way within the participating incorporated or unincorporated area without first obtaining a permit.

This item recommends the approval of a County-North Bay Village Interlocal Agreement for film permitting services for a five-year term plus one, five-year option to renew term. The agreement authorizes the County's Office of Film and Entertainment to issue permits to film, television and still photography production companies desiring to use North Bay Village facilities. Under the agreement, the County shall provide written notice to the Village of requests for Village facilities or services within one working day of receipt of the request from a production company for such service. The Village retains the right to deny issuance of a permit based on insufficient advance notice.

The agreement also requires that the County obtain from any production company issued a permit, an insurance certificate, naming the Village as an additional insured, in the amount of \$1 million for film production and for still photography, providing for comprehensive general liability coverage.

BCC Meeting: October 3, 2017
Research Notes

Note that the agreement can be canceled by either party through written notice of intent to terminate, with 30 days prior notice.

**BCC Meeting: October 3, 2017
Research Notes**

Item No. 8L3

File No. 171444

Researcher: PGE

RESOLUTION RATIFYING LETTER AGREEMENT BETWEEN MIAMI-DADE COUNTY, CITY OF MIAMI, CITY OF MIAMI BEACH, UNIVERSITY OF MIAMI, FLORIDA INTERNATIONAL UNIVERSITY AND MIAMI-DADE COLLEGE TO JOIN THE METROLAB NETWORK; APPROVING MEMORANDUM OF UNDERSTANDING BETWEEN MIAMI-DADE COUNTY, CITY OF MIAMI, CITY OF MIAMI BEACH, UNIVERSITY OF MIAMI, FLORIDA INTERNATIONAL UNIVERSITY AND MIAMI-DADE COLLEGE TO FORMALIZE A COLLABORATIVE EFFORT TO SEEK SOLUTIONS TO RESILIENCE CHALLENGES; AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS THEREIN; WAIVING PROVISIONS OF RESOLUTION NO. R-130-06, WHICH REQUIRE A CONTRACT TO BE EXECUTED BY ALL NON-COUNTY PARTIES BEFORE BEING PLACED ON AN AGENDA SEEKING APPROVAL OF CONTRACT BY THIS BOARD; AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AMENDMENTS TO MEMORANDUM OF UNDERSTANDING TO ADD PARTIES; AND AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE FUTURE NON-BINDING COOPERATIVE AGREEMENTS AS MAY BE REQUIRED BY, OR WOULD ADVANCE, THE GOALS OF THE ROCKEFELLER 100 RESILIENT CITIES PROGRAM

ISSUE/REQUESTED ACTION

Whether the Board should do the following:

1. Ratify the executed Letter Agreement dated September 19, 2016 between Miami-Dade County, City of Miami, City of Miami Beach, University of Miami, Florida International University, and Miami-Dade College;
2. Approve the Memorandum of Understanding between Miami-Dade County, City of Miami, City of Miami Beach, University of Miami, Florida International University, and Miami-Dade College;
3. Authorize the County Mayor or County Mayor's designee to execute future amendments to the Memorandum of Understanding to add additional governmental entities or institutions of higher education as parties to the MetroLab Network Memorandum of Understanding, provided that no County funds are required and after approval of the County Attorney's Office for legal sufficiency;
4. Authorize the County Mayor or County Mayor's designee to execute future non-binding cooperation agreements with other governmental jurisdictions, institutions of higher education, or not-for-profit organizations, if such cooperation agreements are required by or would advance the goals of the Rockefeller Foundation's 100 Resilient Cities program, provided that no County funds or additional staffing resources are required and after approval of the County Attorney's Office for legal sufficiency; and
5. Waive the provision of Resolution No. R-130-06 with respect to the Memorandum of Understanding, which would require that any contracts of the County with third parties be executed and finalized prior to their placement on the agenda for approval, because all parties are seeking concurrent approval of the Memorandum of Understanding.

**BCC Meeting: October 3, 2017
Research Notes**

APPLICABLE LEGISLATION/POLICY

See Resolution No. R-1008-15, directing the administration to apply to the Rockefeller Foundation's 100 Resilient Cities Program and seek the support of the Miami Foundation in applying to the program.

PROCEDURAL HISTORY

The item was forwarded to the Board with a favorable recommendation from the Economic Development and Tourism Committee at its July 13, 2017 meeting.

FISCAL IMPACT

There is no fiscal impact to the County under the proposed MOU as the County's contribution is limited to staff time. The delegation of authority to the County Mayor to execute future non-binding agreements is limited to those that do not require County funds or the addition of County staff.

ANALYSIS

As part of an ongoing collaborative effort to seek solutions to many of the problems South Florida will face in the future, the Mayors of Miami-Dade County, City of Miami, and City of Miami Beach clearly emphasized their willingness to involve local universities to seek innovative solutions to such problems in a way that leads to more effective and efficient government operations. The University of Miami, Florida International University, and Miami Dade College are eager to collaborate and establish an initiative to solve problems in the community through research and educational projects. As such, on September 19, 2016, the six entities submitted a letter of agreement applying to, and were subsequently accepted to, the MetroLab Network, which provides Miami-Dade County, City of Miami, City of Miami Beach and the three institutions of higher education with additional resources (i.e., networking with other MetroLab Network partners, educational opportunities for university students, etc.) in pursuit of solutions to three resilience challenges. The MetroLab Network connects these local government-higher education partnerships through a national, collaborative platform that will facilitate the sharing of information and the scaling of technology and solutions across the country. The letter indicates that at least three research, development and deployment projects will be undertaken.

The primary purpose of the MOU is to ensure the communication and coordination necessary to implement research and educational projects agreed upon by the parties. The MOU does not represent a commitment on behalf of any party to pursue specific projects or partnerships. Particular projects may require subsequent agreements between the parties and may be subject to Board approval.

The MOU is at-will, meaning that any party can withdraw at any time, and may be modified by consent of authorized officials from the universities or mayors. The MOU has a data sharing provision requiring the members to provide other members with any research and/or data that is relevant to the scope and purpose of the MOU and the Rockefeller 100 Resilient Cities program.

**BCC Meeting: October 3, 2017
Research Notes**

Item No. 8N1

File No. 171677

Researcher: AIP

RESOLUTION APPROVING APPLICATION FOR FOUR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO ZUNI TRANSPORTATION, INC. TO PROVIDE COMBINATION WHEELCHAIR AND STRETCHER AND SEDAN NON-EMERGENCY MEDICAL TRANSPORTATION SERVICES

ISSUE/REQUESTED ACTION

Whether the Board should approve the application for four certificates of public convenience and necessity to Zuni Transportation, Inc. which provides combination wheelchair and stretcher and sedan non-emergency medical transportation services. The scope of the services provided are countywide.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code, Section 4-42 refers to the intent and history of the county with non-emergency vehicles and public convenience certificates. Section 4-43 defines all the terms involved with driving fares and public convenience. Section 4-44 of the code specifies how to obtain a certificate of public convenience and necessity. Section 4-47 elaborates on the fares and rates for the services, and Section 4-48 speaks to the insurance requirements. Section 4-49 expands on the vehicle standards.

PROCEDURAL HISTORY

On 7/13/2017, the Transportation and Public Works Committee forwarded the item to the BCC with a favorable recommendation.

FISCAL IMPACT

The Department of Transportation and Public Works (DTPW) collects all the fees for licensing, operating, permits and inspections. The annual regulatory fee is \$625.00 per certificate. For this particular item, there are 4 certificates that will yield \$2,500 in revenue, annually. The County also collects \$38.00 per vehicle inspection; with inspection frequency varying with the vehicle age from 1-4 inspections per year.

ANALYSIS

Zuni Transportation provides non-emergency medical transportation services. This is an important service, which allows the members of the community affordable access to non-emergency medical transportation throughout the county. The services include vehicles that can transport wheelchairs, vehicles that allow for transport in a stretcher, and sedans. Companies that provide this service work to meet the demand for medical transportation throughout the county, including driving to and from hospital appointments, rehabilitation centers, and even to get college students to their classes.

The County does not dictate the rates, nor does it choose one vendor to work with – rather it allows for the providers to compete with one another to provide low and fair rates, and allows the customer to have preference over the service providers. Section 4-47 of the County Code states that the rates can be done in 2 ways: public rates and contract rates. The public rates must be clearly posted within the vehicle on the passenger side, and the rates must be explained to the person requesting the service prior to the transport. Contract rates are subject to negotiation.

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Research Notes**

Zuni Transportation's public rates are:

Service	Rates	Additional Fees
Wheelchair Lift Equipped Vehicles	\$75.00 per hour, minimum of 3 hours	+ 20% gratuity
Pre-Arranged Wheelchair Lift Equipped Vehicles	\$50.00 Transfer + \$2.50 per mile	\$20.00 surcharge applies to nights and weekends
Stretcher Service	\$75.00 Transfer + \$3.00 per mile	

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Zuni Transportation, Inc. has an active status and first filed and registered on 02/09/1989. According to the County's Vendor Portal, this company is registered as a vendor with the County.

Link to Sunbiz:

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=ZUNITRANSPORTATION%20K644570&aggregateId=domp-k64457-bfb7ec12-1f11-4ef3-8d3b-617e0bae5484&searchTerm=zuni%20transp&listNameOrder=ZUNITRANSPORTATION%20K644570>

**BCC Meeting: October 3, 2017
Research Notes**

**Item No. 8N2
File No. 171653**

Researcher: AIP

RESOLUTION APPROVING APPLICATION FOR ONE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO DEMARCO TRANSPORTATION, LLC TO PROVIDE WHEELCHAIR NON-EMERGENCY MEDICAL TRANSPORTATION SERVICE

ISSUE/REQUESTED ACTION

Whether the Board should approve the application for one certificate of public convenience and necessity to Demarco Transportation, LLC which provides wheelchair non-emergency medical transportation services. The scope of the services provided are countywide.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code, Section 4-42 refers to the intent and history of the county with non-emergency vehicles and public convenience certificates. Section 4-43 defines all the terms involved with driving fares and public convenience. Section 4-44 of the code specifies how to obtain a certificate of public convenience and necessity. Section 4-47 elaborates on the fares and rates for the services, and Section 4-48 speaks to the insurance requirements. Section 4-49 expands on the vehicle standards.

PROCEDURAL HISTORY

On 7/13/2017, the Transportation and Public Works Committee forwarded the item to the BCC with a favorable recommendation.

FISCAL IMPACT

The Department of Transportation and Public Works (DTPW) collects all the fees for licensing, operating, permits and inspections. The annual regulatory fee is \$625.00 per certificate. For this particular item, there is 1 certificate that will yield \$625 in revenue, annually. The County also collects \$38.00 per vehicle inspection; with inspection frequency varying with the vehicle age from 1-4 inspections per year.

ANALYSIS

Demarco Transportation, LLC provides non-emergency medical transportation services. This is an important service, which allows the members of the community affordable access to non-emergency medical transportation throughout the county. The services include vehicles that can transport wheelchairs, vehicles that allow for transport in a stretcher, and sedans. Companies that provide this service work to meet the demand for medical transportation throughout the county, including driving to and from hospital appointments, rehabilitation centers, and even to get college students to their classes.

The County does not dictate the rates, nor does it choose one vendor to work with – rather it allows for the providers to compete with one another to provide low and fair rates, and allows the customer to have preference over the service providers. Section 4-47 of the County Code states that the rates can be done in 2 ways: public rates and contract rates. The public rates must be clearly posted within the vehicle on the passenger side, and the rates must be explained to the person requesting the service prior to the transport. Contract rates are subject to negotiation.

BCC Meeting: October 3, 2017
Research Notes

Demarco Transportation, LLC's proposed rates are:

Service	Rates
Ambulatory	\$30.00 (per hr) + \$4.00 per mile
Wheelchair	\$30.00 (per hr) + \$4.00 per mile

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Demarco Transportation, LLC has an active status and first filed and registered on 01/18/2006. According to the County's Vendor Portal, this company is not registered as a vendor with the County.

Link to Sunbiz:

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=DEMARCOTRANSPORTATION%20L060000056780&aggregateId=flal-106000005678-45f9d323-5802-4b43-a21c-697f82dd1336&searchTerm=Demarco%20Transportation%20corp&listNameOrder=DEMARCOTRANSPORTATION%20L060000056780>

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**Item No. 8N3
File No. 171665**

Researcher: AIP

RESOLUTION APPROVING APPLICATION FOR TWO CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO SUN BLUE TRANSPORT, INC. TO PROVIDE SEDAN NON-EMERGENCY MEDICAL TRANSPORTATION SERVICE

ISSUE/REQUESTED ACTION

Whether the Board should approve the application for two certificates of public convenience and necessity to Sun Blue Transport, Inc. which provides sedan non-emergency medical transportation services. The scope of the services provided are countywide.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code, Section 4-42 refers to the intent and history of the county with non-emergency vehicles and public convenience certificates. Section 4-43 defines all the terms involved with driving fares and public convenience. Section 4-44 of the code specifies how to obtain a certificate of public convenience and necessity. Section 4-47 elaborates on the fares and rates for the services, and Section 4-48 speaks to the insurance requirements. Section 4-49 expands on the vehicle standards.

PROCEDURAL HISTORY

On 7/13/2017, the Transportation and Public Works Committee forwarded the item to the BCC with a favorable recommendation.

FISCAL IMPACT

The Department of Transportation and Public Works (DTPW) collects all the fees for licensing, operating, permits and inspections. The annual regulatory fee is \$625.00 per certificate. For this particular item, there are 2 certificates that will yield \$1,250 in revenue, annually. The County also collects \$38.00 per vehicle inspection; with inspection frequency varying with the vehicle age from 1-4 inspections per year.

ANALYSIS

Sun Blue Transport, Inc. provides non-emergency medical transportation services. This is an important service, which allows the members of the community affordable access to non-emergency medical transportation throughout the county. The services include vehicles that can transport wheelchairs, vehicles that allow for transport in a stretcher, and sedans. Companies that provide this service work to meet the demand for medical transportation throughout the county, including driving to and from hospital appointments, rehabilitation centers, and even to get college students to their classes.

The County does not dictate the rates, nor does it choose one vendor to work with – rather it allows for the providers to compete with one another to provide low and fair rates, and allows the customer to have preference over the service providers. Section 4-47 of the County Code states that the rates can be done in 2 ways: public rates and contract rates. The public rates must be clearly posted within the vehicle on the passenger side, and the rates must be explained to the person requesting the service prior to the transport. Contract rates are subject to negotiation.

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Sun Blue Transport, Inc.'s public rates are:

Service	Rates	Additional Fees
Per-Mile Charge	\$1.50	
Wait-Time Charge	\$20.43 (first 60 minutes)	\$5.36 (each additional 15 minutes)
Pick-Up	\$16.00	
Drop-Off	\$16.00	
Late Cancellation	\$23.43	
No-Call/No-Show Charges	\$40.36	\$70.28 for remote areas (50 miles or more)

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Sun Blue Transport, Inc. has an active status and first filed and registered on 02/19/2016. According to the County's Vendor Portal, this company is not registered as a vendor with the County.

Link to Sunbiz:

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=SUNBLUETRANSPORT%20P160000997490&aggregateId=domp-p16000099749-3095069b-67eb-4c01-9d03-74417b737be2&searchTerm=sun%20blue&listNameOrder=SUNBLUE%20P040000590370>

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Research Notes**

Item No. 8N4

File No. 171666

Researcher: AIP

RESOLUTION APPROVING APPLICATION FOR ONE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO SYSTEMS & STRUCTURE REHAB CENTER, INC. TO PROVIDE COMBINATION WHEELCHAIR AND STRETCHER NON-EMERGENCY MEDICAL TRANSPORTATION SERVICES

ISSUE/REQUESTED ACTION

Whether the Board should approve the application for one certificate of public convenience and necessity Systems and Structure Rehab Center, Inc. which provides combination wheelchair and stretcher non-emergency medical transportation services. The scope of the services provided are countywide.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code, Section 4-42 refers to the intent and history of the county with non-emergency vehicles and public convenience certificates. Section 4-43 defines all the terms involved with driving fares and public convenience. Section 4-44 of the code specifies how to obtain a certificate of public convenience and necessity. Section 4-47 elaborates on the fares and rates for the services, and Section 4-48 speaks to the insurance requirements. Section 4-49 expands on the vehicle standards.

PROCEDURAL HISTORY

On 7/13/2017, the Transportation and Public Works Committee forwarded the item to the BCC with a favorable recommendation.

FISCAL IMPACT

The Department of Transportation and Public Works (DTPW) collects all the fees for licensing, operating, permits and inspections. The annual regulatory fee is \$625.00 per certificate. For this particular item, there is 1 certificate that will yield \$625 in revenue, annually. The County also collects \$38.00 per vehicle inspection; with inspection frequency varying with the vehicle age from 1-4 inspections per year.

ANALYSIS

Systems & Structure Rehab Center, Inc. provides non-emergency medical transportation services. This is an important service, which allows the members of the community affordable access to non-emergency medical transportation throughout the county. The services include vehicles that can transport wheelchairs, vehicles that allow for transport in a stretcher, and sedans. Companies that provide this service work to meet the demand for medical transportation throughout the county, including driving to and from hospital appointments, rehabilitation centers, and even to get college students to their classes.

The County does not dictate the rates, nor does it choose one vendor to work with – rather it allows for the providers to compete with one another to provide low and fair rates, and allows the customer to have preference over the service providers. Section 4-47 of the County Code states that the rates can be done in 2 ways: public rates and contract rates. The public rates must be clearly posted within the vehicle on the passenger side, and the rates must be explained to the person requesting the service prior to the transport. Contract rates are subject to negotiation.

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Systems & Structure Rehab Center, Inc.'s public rates are:

Service	Rates
Ambulatory Passenger (one way)	\$22 loading fee + \$2.00 per mile (after the first 3 miles)
Wheelchair Passenger (one way)	\$28.50 loading fee + \$2.50 per mile
Ambulatory Passenger (both ways)	\$40 loading fee + \$2.50 per mile (after the first 3 miles)
Wheelchair Passenger (both ways)	\$40 loading fee = \$2.50 per mile
Night Call (7 pm- 7 am)	\$15.50 each way additional. Immediate response to call (reservation made the same day of transport) \$25.00 each way additional.

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Systems & Structure Rehab Center, Inc. has an active status and first filed and registered on 04/01/2005. According to the County's Vendor Portal, this company is not registered as a vendor with the County.

Link to Sunbiz:

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=SYSTEMSSTRUCTUREREHABCENTER%20P050000495940&aggregateId=domp-p05000049594-8732ac8b-2fc2-473c-bf8b-86cbd953c79e&searchTerm=systems%20%26%20structure%20rehab%20center%2C%20inc.&listNameOrder=SYSTEMSSTRUCTUREREHABCENTER%20P050000495940>

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Research Notes**

**Item No. 8N5
File No. 171672**

Researcher: AIP

RESOLUTION APPROVING APPLICATION FOR 10 CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO THE AMERICAN GREEN CROSS, INC. TO PROVIDE COMBINATION WHEELCHAIR AND STRETCHER AND SEDAN NON-EMERGENCY MEDICAL TRANSPORTATION SERVICES

ISSUE/REQUESTED ACTION

Whether the Board should approve the application for 10 certificates of public convenience and necessity to The American Green Cross, Inc. which provides combination wheelchair and stretcher and sedan non-emergency medical transportation services. The scope of the services provided are countywide.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code, Section 4-42 refers to the intent and history of the county with non-emergency vehicles and public convenience certificates. Section 4-43 defines all the terms involved with driving fares and public convenience. Section 4-44 of the code specifies how to obtain a certificate of public convenience and necessity. Section 4-47 elaborates on the fares and rates for the services, and Section 4-48 speaks to the insurance requirements. Section 4-49 expands on the vehicle standards.

PROCEDURAL HISTORY

On 7/13/2017, the Transportation and Public Works Committee forwarded the item to the BCC with a favorable recommendation.

FISCAL IMPACT

The Department of Transportation and Public Works (DTPW) collects all the fees for licensing, operating, permits and inspections. The annual regulatory fee is \$625.00 per certificate. For this particular item, there are 10 certificates that will yield \$6,250 in revenue, annually. The County also collects \$38.00 per vehicle inspection; with inspection frequency varying with the vehicle age from 1-4 inspections per year.

ANALYSIS

The American Green Cross, Inc. provides non-emergency medical transportation services. This is an important service, which allows the members of the community to have affordable access to non-emergency medical transportation throughout the county. The services include vehicles that can transport wheelchairs, vehicles that allow for transport in a stretcher, and sedans. Companies that provide this service work to meet the demand for medical transportation throughout the county, including driving to and from hospital appointments, rehabilitation centers, and even to get college students to their classes.

The County does not dictate the rates, nor does it choose one vendor to work with – rather it allows for the providers to compete with one another to provide low and fair rates, and allows the customer to have preference over the service providers. Section 4-47 of the County Code states that the rates can be done in 2 ways: public rates and contract rates. The public rates must be clearly posted within the vehicle on the passenger side, and the rates must be explained to the person requesting the service prior to the transport. Contract rates are subject to negotiation.

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The American Green Cross, Inc.'s public rates are:

Service	Rates
Ambulatory Passenger (one way)	\$25.00
Wheelchair Passenger (one way)	\$55.00
Stretcher Services (one way)	\$75.00

According to the Florida Department of State Division of Corporations website (Sunbiz.org) The American Green Cross, Inc. has an active status and first filed and registered on 01/19/2006. According to the County's Vendor Portal, this company is registered as a vendor with the County.

Link to Sunbiz:

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=AMERICANGREENCROSS%20P060000083410&aggregateId=domp-p06000008341-5044a4aa-b95a-4b32-8c26-06c6a3fc39f1&searchTerm=american%20green%20cross&listNameOrder=AMERICANGREENCROSS%20P060000083410>

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Research Notes**

**Item No. 8N6
File No. 171673**

Researcher: AIP

RESOLUTION APPROVING APPLICATION FOR THREE CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO DGG FLORIDA SVCS, INC. TO PROVIDE WHEELCHAIR NON-EMERGENCY MEDICAL TRANSPORTATION SERVICE

ISSUE/REQUESTED ACTION

Whether the Board should approve the application for three certificates of public convenience and necessity to DGG Florida SVCS, Inc. which provides wheelchair non-emergency medical transportation services. The scope of the services provided are countywide.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code, Section 4-42 refers to the intent and history of the county with non-emergency vehicles and public convenience certificates. Section 4-43 defines all the terms involved with driving fares and public convenience. Section 4-44 of the code specifies how to obtain a certificate of public convenience and necessity. Section 4-47 elaborates on the fares and rates for the services, and Section 4-48 speaks to the insurance requirements. Section 4-49 expands on the vehicle standards.

PROCEDURAL HISTORY

On 7/13/2017, the Transportation and Public Works Committee forwarded the item to the BCC with a favorable recommendation. The scope of the services provided are countywide.

FISCAL IMPACT

The Department of Transportation and Public Works (DTPW) collects all the fees for licensing, operating, permits and inspections. The annual regulatory fee is \$625.00 per certificate. For this particular item, there are 3 certificates that will yield \$1,875 in revenue, annually. The County also collects \$38.00 per vehicle inspection; with inspection frequency varying with the vehicle age from 1-4 inspections per year.

ANALYSIS

DGG Florida SVCS, Inc. provides non-emergency medical transportation services. This is an important service, which allows the members of the community to have affordable access to non-emergency medical transportation throughout the county. The services include vehicles that can transport wheelchairs, vehicles that allow for transport in a stretcher, and sedans. Companies that provide this service work to meet the demand for medical transportation throughout the county, including driving to and from hospital appointments, rehabilitation centers, and even to get college students to their classes.

The County does not dictate the rates, nor does it choose one vendor to work with – rather it allows for the providers to compete with one another to provide low and fair rates, and allows the customer to have preference over the service providers. Section 4-47 of the County Code states that the rates can be done in 2 ways: public rates and contract rates. The public rates must be clearly posted within the vehicle on the passenger side, and the rates must be explained to the person requesting the service prior to the transport. Contract rates are subject to negotiation.

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DGG Florida SVCS, Inc.'s public rates are:

Service	Rates
Ambulatory Passenger (one way)	\$30.00
Wheelchair Passenger (one way)	\$70.00
Stretcher Services (one way)	\$130.00

According to the Florida Department of State Division of Corporations website (Sunbiz.org), DGG Florida SVCS, Inc. has an active status and first filed and registered on 12/07/2016. According to the County's Vendor Portal, this company is not registered as a vendor with the County.

Link to Sunbiz:

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=DGGFLORIDASVCS%20P160000965980&aggregateId=domp-p16000096598-11db810b-e541-488d-bf30-010f247b89b9&searchTerm=DGG%20Florida%20SVCS%2C%20Inc.&listNameOrder=DGGFLORIDASVCS%20P160000965980>

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Research Notes**

**Item No. 8N7
File No. 171675**

Researcher: AIP

RESOLUTION APPROVING APPLICATION FOR TWO CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO SAFETYDESTINATION, LLC TO PROVIDE WHEELCHAIR AND SEDAN NON-EMERGENCY MEDICAL TRANSPORTATION SERVICE

ISSUE/REQUESTED ACTION

Whether the Board should approve the application for two certificates of public convenience and necessity to Safetydestination, LLC., which provides wheelchair and sedan non-emergency medical transportation services. The scope of the services provided are countywide.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code, Section 4-42 refers to the intent and history of the county with non-emergency vehicles and public convenience certificates. Section 4-43 defines all the terms involved with driving fares and public convenience. Section 4-44 of the code specifies how to obtain a certificate of public convenience and necessity. Section 4-47 elaborates on the fares and rates for the services, and Section 4-48 speaks to the insurance requirements. Section 4-49 expands on the vehicle standards.

PROCEDURAL HISTORY

On 7/13/2017, the Transportation and Public Works Committee forwarded the item to the BCC with a favorable recommendation.

FISCAL IMPACT

The Department of Transportation and Public Works (DTPW) collects all the fees for licensing, operating, permits and inspections. The annual regulatory fee is \$625.00 per certificate. For this particular item, there are 2 certificates that will yield \$1,250 in revenue, annually. The County also collects \$38.00 per vehicle inspection; with inspection frequency varying with the vehicle age from 1-4 inspections per year.

ANALYSIS

Safetydestination, LLC. provides non-emergency medical transportation services. This is an important service, which allows the members of the community to have affordable access to non-emergency medical transportation throughout the county. The services include vehicles that can transport wheelchairs, vehicles that allow for transport in a stretcher, and sedans. Companies that provide this service work to meet the demand for medical transportation throughout the county, including driving to and from hospital appointments, rehabilitation centers, and even to get college students to their classes.

The County does not dictate the rates, nor does it choose one vendor to work with – rather it allows for the providers to compete with one another to provide low and fair rates, and allows the customer to have preference over the service providers. Section 4-47 of the County Code states that the rates can be done in 2 ways: public rates and contract rates. The public rates must be clearly posted within the vehicle on the passenger side, and the rates must be explained to the person requesting the service prior to the transport. Contract rates are subject to negotiation.

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Safetydestination, LLC.'s public rates are:

Service	Rates 1-10 miles	Rates +11 miles
Ambulatory (Operating Hours)	\$10.00	\$1.25 per mile
Wheelchair (Operating Hours)	\$15.00	\$1.50 per mile
Ambulatory (After Hours)	\$12.00	\$1.50 per mile
Wheelchair (After Hours)	\$18.00	\$1.75 per mile

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Safetydestination, LLC. has an active status and first filed and registered on 02/08/2016. According to the County's Vendor Portal, this company is not registered as a vendor with the County.

Link to Sunbiz:

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=SAFETYDESTINATION%20L160000334700&aggregateId=flal-116000033470-34435c8e-2b38-4e73-be17-18e7a4530dd4&searchTerm=safety%20destination%2C%20llc&listNameOrder=SAFETYDESTINATION%20L160000334700>

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Research Notes**

Item No. 801

File No. 171614

Researcher: SAP

RESOLUTION APPROVING SPECIAL PERMIT NO. 16-009 ISSUED BY MIAMI-DADE EXPRESSWAY AUTHORITY TO MIAMI-DADE COUNTY FOR CONSTRUCTION OF WATER AND SEWER FACILITIES ALONG NW 32ND AVENUE BETWEEN NW 38TH AND NW 40TH STREET TO PERFORM SUPPLEMENTAL ENVIRONMENTAL PROJECT REQUIRED BY FEDERAL CLEAN WATER ACT CONSENT DECREE; AND AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SPECIAL PERMIT AND EXERCISE THE PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve Special Permit No. 16-009 issued by the Miami-Dade Expressway Authority (MDX) to construct and maintain water and sewer facilities to perform the Supplemental Environmental Project required by the Federal Clean Water Act Consent Decree.

PROCEDURAL HISTORY

This item was forwarded to the Board with a favorable recommendation by the Infrastructure and Utilities Committee at the July 11, 2017 meeting.

FISCAL IMPACT

No fiscal impact. MDC agrees to pay all expenses associated with the removal of these water and sewer facilities within MDX property, if it is determined by MDX that the permitted area is needed for public transportation purposes.

ANALYSIS

A Supplemental Environmental Project (SEP) is a part of an enforcement settlement when there is a violation of an environmental law or regulation. The Federal Clean Water Act Consent Decree requires the County to perform a SEP installing sanitary sewers within the Green technology Corridor, located east of NW 37th Avenue and north of the Miami River, along NW 32 Avenue. A SEP furthers the US Environmental Protection Agency's (EPA) goal of protecting and enhancing public health and the environment.

MDX Permit No. 16-009 (Special Instructions) states the following:

- Water and Sewer Department (WASD), the "Permittee" shall be responsible for coordinating the permitted work with MDX's tenants, especially regarding the parking area to minimize the disruption to the tenants during business operating hours.
- The Permittee or Permittee's construction representative shall meet with the affected tenants and inform them of the construction schedule and activities within the Permitted Area, which includes a preconstruction coordination meeting prior to Notice to Proceed; and
- The Permittee shall remediate any code violations or non-compliance aesthetical conditions within the permitted area within 48 hours of the occurrence of the violation or receiving notice from MDX of the need to correct the violation or condition.

The permit gives WASD the right to access MDX property along NW 32 Avenue, between NW 38th and NW 40th Street, to construct a new water main and a new gravity sanitary sewer main and laterals. All expenses associated

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with the construction of these water and sewer facilities will be borne by WASD. Construction is scheduled to commence in October 2017.

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**Item No. 9A1
File No. 171594**

Researcher: PGE

RESOLUTION AUTHORIZING APPROVAL OF A LEGACY CONTRACT FOR MAINTENANCE AND SUPPORT SERVICES FOR THE PHOTO IMAGING SYSTEM FOR THE MIAMI-DADE INFORMATION TECHNOLOGY DEPARTMENT, CONTRACT NO. L403(1), TO DATAWORKS PLUS, LLC FOR AN INITIAL THREE-YEAR TERM PLUS ONE, THREE-YEAR OPTION TO RENEW TERM IN A TOTAL AMOUNT NOT TO EXCEED \$918,000.00 AND APPROVING TERMS OF AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE CONTRACT AND TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should award Legacy Contract No. L403(1), *Photo Imaging System Maintenance and Support Services*, to DataWorks Plus, LLC for a three-year term in the amount of \$439,000.

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the Code (Contracts and Purchases Generally) and Implementing Order No. 3-38, governing the authority to award and modify contracts.

See also Section 2-8.1(b)(2) of the County Code authorizing legacy awards for the purchase of goods and services where competition is unavailable, impractical or constrained as a result of the need to continue to operate an existing County system which may not be replaced without substantial expenditure.

PROCEDURAL HISTORY

This item was forwarded to the Board without a recommendation by the Infrastructure and Utilities Committee at its July 11, 2017 meeting. There was discussion at the committee regarding the County's reliance on legacy awards. Commissioner Diaz voiced that the Board has no choice but to approve the item to ensure public safety. He further noted that the only time the County Commission approved these types of contracts was when a particular company was the only vendor that could deliver specific services. The ITD department through its Director responded that the department had reached out to other companies to determine whether they could provide the services. However, it was determined to be cost prohibitive to switch vendors.

FISCAL IMPACT

The fiscal impact for the three-year term is \$439,000. Should the County choose to exercise the one, three-year option to renew term, the estimated cumulative value would be \$918,000. As of September 28, 2017, the Bid Tracking System shows that RFP403, the current contract, which was awarded to DataWorks Plus, LLC, in April 2005, expires on October 31, 2017 and has a cumulative contract value of \$3,386,952.80.

ANALYSIS

This item proposes a three-year legacy contract with one, three-year option to renew for DataWorks Plus to provide maintenance and support services to the Photo Imaging System which is used by the County to support digitized

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mugshot processing. The system also stores photos of arrestee personal property which is attached to the mugshot identification file. The contract is managed by the Information Technology Department and the system is used by the Corrections and Rehabilitation, Juvenile Services and Police Departments. DataWorks Plus provides law enforcement and criminal justice technology, including developing software and hardware, to law enforcement agencies. The web-based system is used by the referenced departments to digitize images and populate arrest data that can be shared with various law enforcement agencies.

This item is presented as a legacy contract because DataWorks, the incumbent vendor, is the only vendor capable of delivering the required maintenance services. Solutions provided by other vendors do not meet the County's operational requirements. Market research conducted confirmed that there are photo imaging solutions developed by competitors, such as 3M Cogent and Dynamic Imaging, Digital Corp and Morpho Trak. However, the County's existing system is DataWorks' proprietary product and can thus only be maintained by DataWorks. Replacing the current system would cost at minimum \$848,800 and still not meet the County's functional needs.

Per the contract, the system will normally be serviced by DataWorks remotely. However, DataWorks shall provide a local support person that will assist in performing preventative maintenance tasks, troubleshooting, and general maintenance and repairs, in the event remote site support does not satisfactorily resolve the problem. DataWorks shall also provide all hardware and firmware updates for all hardware purchased from it as deemed necessary.

Additional Findings

In August 2016, the County's Police Department invested \$100,000 to upgrade the primary, secondary and offsite mugshot and rapid ID servers to ensure mission critical software reliability running in the most efficient environment. By implementing an alternate system, this hardware investment would be forfeited.

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Item No. 9A2

File No. 171648

Researcher: SAP

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO ENTER INTO A LICENSE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND INDUSTRIAL TOWER AND WIRELESS, LLC, IN AN AMOUNT NOT TO EXCEED \$1,531,290.00 FOR THE INITIAL TEN YEAR TERM AND THREE AUTOMATIC FIVE-YEAR EXTENSION PERIODS FOR THE PURPOSE OF HOUSING RADIO COMMUNICATION EQUIPMENT ON A TOWER SITE AS PART OF ENHANCEMENTS TO THE PUBLIC SAFETY 800 MHZ INFRASTRUCTURE

ISSUE/REQUESTED ACTION

Whether the Board should authorize the County Mayor or his designee to enter into a license agreement with Industrial Tower and Wireless, LLC, for the purpose of housing radio communications equipment on a tower site as part of enhancements to the Public Safety 800 MHz infrastructure.

PROCEDURAL HISTORY

This item was forwarded to the Board with a favorable recommendation by the Infrastructure and Utilities Committee at the July 11, 2017 meeting.

At that Committee, there was discussion on the following:

- *The Committee asked the director to explain the importance of this project as it relates to life safety for first responders?*
- *The director explained that in 2014 the rebanding of the 800MHz system was completed but there were other low coverage areas that existed in the radio system for over 25 years. ITD had committed to fulfill those low coverage areas once the rebanding process was implemented. The director noted that a new tower has been erected in South Miami that has significantly improved radio communication. Upcoming projects includes improving low radio coverage in the Northeast area and a repropagation study to identify other low coverage areas in Miami-Dade County.*
- *What other agencies are renting at the North location?*
- *The director clarified that other tenants, along with the County, are renting from a commercial tower in the North.*
- *It was also noted that this agreement is a legacy lease with a 180 days out clause.*

FISCAL IMPACT

The Information Technology Department will pay Industrial Tower and Wireless, LLC, through the Internal Services Fund. The total to be paid to Industrial Tower and Wireless, LLC, in monthly license fees during the initial 10-year term is \$481,483, and \$1,531,290 if the additional three (3) five-year extension periods are renewed.

ANALYSIS

To address a growing problem of harmful interference to 800 MHz public safety communication systems caused by high-density commercial wireless systems, in 2004, the Florida Communications Commission (FCC) adopted a comprehensive plan to reconfigure radio operations in a frequency swap known as rebanding. This plan is designed

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to protect the lives of first responders and other emergency personnel and fulfills the Commission's obligation to promote safety of life and property through the use of wire and radio communications.⁶

The lease of this new antenna site will continue to increase capacity and bandwidth to better support the existing 800 MHz infrastructure. Industrial Tower and Wireless, LLC, owns the tower the County wants to lease through this agreement to improve areas of low radio coverage in the northeast area of Miami-Dade County.

Prior to the FCC mandate that ordered rebanding to separate public safety from commercial systems, Central Florida metro area also experienced system interference that placed both the public's safety, as well as the safety of emergency responders at risk on a daily basis. Rebanding of the 800 MHz band ensures that essential public safety personnel have effective communications services available to them, especially in emergencies.⁷

In 2010, the Board approved Resolution No. R-83-10, authorizing a settlement agreement with Nextel South Corporation and a purchase agreement with Harris Corporation to address the FCC mandate. Phase One of this project focused on general County departments and was successfully completed in December 2012. Phase Two, which consisted of more than 50 local, state, federal and tribal law-enforcement and first responder agencies was completed in November 2014.

⁶ <https://www.fcc.gov/general/800-mhz-spectrum>

⁷ http://www.commdex.com/pdfs/Central_Florida_Rebanding_Case_Study.pdf

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**Item No. 10A1
File No. 171961**

Researcher: AIP

RESOLUTION RESCINDING RESOLUTION NO. R-799-16 AND APPROVING, FOR PURPOSES OF SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, THE ISSUANCE OF MULTIFAMILY HOUSING REVENUE DEBT OBLIGATIONS BY THE HOUSING FINANCE AUTHORITY OF MIAMI-DADE COUNTY (FLORIDA), IN ONE OR MORE SERIES, IN AN AMOUNT NOT TO EXCEED \$13,000,000.00, THE PROCEEDS OF WHICH WILL BE LOANED TO TACOLCY GARDEN WALK I, LLC TO FINANCE THE DEVELOPMENT OF A MULTIFAMILY HOUSING RENTAL PROJECT TO BE KNOWN AS GARDEN WALK APARTMENTS

ISSUE/REQUESTED ACTION

Whether the Board should rescind resolution No. R-799-16, and approve the request by Tacolcy Garden Walk I, LLC, for multifamily mortgage revenue debt financing assistance from the Housing Finance Authority of Miami-Dade County (HFA), in an aggregate amount not to exceed \$13,000,000, in order to finance the acquisition and rehabilitation of Garden Walk Apartments – comprised of nine buildings located in Cutler Bay, Miami-Dade County.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-799-16, (item 161885) that was approved by the Board, for the same purpose as the current item. Item was known as the “TEFRA Resolution”. This is set to expire by the end of this year, before the bonds are expected to be issued at the end of 2017.

Internal Revenue Code of 1986, Section 147(F) states that the highest governing body (in this case, the BCC), must approve the issuance of the Bonds by the HFA after a public hearing.

- Link to Internal Revenue Code, Section 147(F): <https://www.law.cornell.edu/uscode/text/26/147>

PROCEDURAL HISTORY

On August 10th, 2017 the item was introduced. The item does not require a committee or sponsor, and includes the Chairman’s memo to the Mayor (29 pages). Item went to the Office of Agenda Coordination, the revised resolution and memo was then returned to the County Attorneys on August 24th. Item was signed and approved by the Agenda office and the County Attorney’s Office.

FISCAL IMPACT

Neither the County nor the Authority has any liability with respect to the repayment of the Bonds. The developer/owner of the Project is solely responsible for repayment of principal and interest on the Bonds.

ANALYSIS

The Housing Finance Authority of Miami-Dade County provides “bond financing to finance the construction of multifamily rental units, and (ii) mortgage financing for first time homebuyers.” (HFA website). The HFA conducted a public hearing on July 24th, 2017, a notice was published on July 7th, 2017, in The Miami Herald, to comply with the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) and Section 147(F) of the Internal Revenue Code of 1986. The public hearing disclosed no reason why the Debt should not be issued.

**BCC Meeting: October 3, 2017
Research Notes**

Although the Board had already approved the debt financing for an amount, not exceeding \$13,000,000, through Resolution No. R-799-16, the resolution was only valid for 1 year. This term has expired, and no Debt has been issued to finance the project thus far, so this item will replace the previous one in order to validate the debt financing for the project.

Tacolcy Garden Walk I, LLC, is a Florida limited liability company under Tacolcy Property Management Corporation which first filed with the State of Florida on November, 2nd, 1990. Tacolcy Garden Walk I, LLC filed on June 26th, 2015. According to the Florida Department of State website, Sunbiz.org, the company has an active status.

If approved, the project will provide approximately 228 units of rental housing to be occupied by persons or families of low, moderate or middle income. The Bonds are expected to be issued by November, 2017.

- Florida State Department (Sunbiz):

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=TACOLCYGARDENWALKI%20L150001112820&aggregateId=flal-115000111282-c4220e6b-5fdf-4a16-b2bd-8d57cb9b6af8&searchTerm=tacolcy%20garden&listNameOrder=TACOLCYGARDENWALK%20P930000329530>

- Corporate Wiki: <https://www.corporationwiki.com/Florida/Miami/tacolcy-garden-walk-inc-2446246.aspx>

- Tacolcy Property Management background: <https://www.manta.com/c/mtcf34z/tacolcy-property-management-corporation>

- HFA Website: <https://hfamiami.com/special-district/>

**BCC Meeting: October 3, 2017
Research Notes**

**Item No. 10A2
File No. 171986**

Researcher: AIP

RESOLUTION APPROVING, FOR PURPOSES OF SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, THE ISSUANCE OF MULTIFAMILY HOUSING REVENUE DEBT OBLIGATIONS BY THE HOUSING FINANCE AUTHORITY OF MIAMI-DADE COUNTY (FLORIDA), IN ONE OR MORE SERIES, IN AN AMOUNT NOT TO EXCEED \$9,500,000.00, THE PROCEEDS OF WHICH WILL BE LOANED TO CAMERON CREEK PRESERVATION, LTD., TO FINANCE THE ACQUISITION AND REHABILITATION OF A MULTIFAMILY HOUSING RENTAL PROJECT KNOWN AS CAMERON CREEK APARTMENTS

ISSUE/REQUESTED ACTION

Whether the Board should approve the request by Cameron Creek Preservation, LTD. for multifamily mortgage revenue debt financing assistance from the Housing Finance Authority of Miami-Dade County (HFA), in an aggregate amount not to exceed \$9,500,000, in order to finance the acquisition and rehabilitation of the Cameron Creek Apartments, located in Florida City, Miami-Dade County.

APPLICABLE LEGISLATION/POLICY

Internal Revenue Code of 1986, Section 147(F) states that the highest governing body (in this case, the BCC), must approve the issuance of the Bonds by the HFA after a public hearing.

- Link to Internal Revenue Code, Section 147(F): <https://www.law.cornell.edu/uscode/text/26/147>

PROCEDURAL HISTORY

On August 17th, 2017 the item was introduced. The item does not require a committee or sponsor. Item was signed and approved by the Agenda office and the County Attorney's Office.

FISCAL IMPACT

The principal and interest on the Bonds shall not constitute a debt, liability or a general obligation of the HFA, County, the State of Florida or any political subdivision of each, but shall be the responsibility of the owner of the project.

ANALYSIS

The Housing Finance Authority of Miami-Dade County provides "bond financing to finance the construction of multifamily rental units, and (ii) mortgage financing for first time homebuyers." (HFA website). The HFA conducted a public hearing on July 31st, 2017, a notice was published on July 12th, 2017, in The Miami Herald, to comply with the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) and Section 147(F) of the Internal Revenue Code of 1986. The public hearing disclosed no reason why the Debt should not be issued.

Cameron Creek Preservation, Ltd filed as a Domestic Limited Partnership in the State of Florida on Tuesday, June 13, 2017 and is approximately three months old, as recorded in documents filed with Florida Department of State. Its "officer company" is Cameron Creek Gp, LLC, which filed as a Florida Limited Liability in the State of Florida on Thursday, June 8, 2017 and is approximately three months old, as recorded in documents filed with Florida Department of State. Both companies have addresses based in New York, NY.

BCC Meeting: October 3, 2017
Research Notes

If approved, the project will provide approximately 148 units of rental housing to be occupied by persons or families of low, moderate or middle income. The Bonds are expected to be issued by December, 2017.

- Corporation Wiki:

<https://www.corporationwiki.com/p/2z9kr1/cameron-creek-preservation-ltd>

<https://www.corporationwiki.com/p/2z8jxb/cameron-creek-gp-llc>

- HFA Website: <https://hfamiami.com/special-district/>

**BCC Meeting: October 3, 2017
Research Notes**

**Item No. 10A3
File No. 171987**

Researcher: AIP

RESOLUTION APPROVING, FOR PURPOSES OF SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, THE ISSUANCE OF MULTIFAMILY HOUSING REVENUE DEBT OBLIGATIONS BY THE HOUSING FINANCE AUTHORITY OF MIAMI-DADE COUNTY (FLORIDA), IN ONE OR MORE SERIES, IN AN AMOUNT NOT TO EXCEED \$15,220,000.00, THE PROCEEDS OF WHICH WILL BE LOANED TO DOUGLAS POINTE PRESERVATION, LTD. TO FINANCE THE ACQUISITION AND REHABILITATION OF A MULTIFAMILY HOUSING RENTAL PROJECT KNOWN AS DOUGLAS POINTE APARTMENTS

ISSUE/REQUESTED ACTION

Whether the Board should approve the request by Douglas Pointe Preservation, LTD., for multifamily mortgage revenue debt financing assistance from the Housing Finance Authority of Miami-Dade County (HFA), in an aggregate amount not to exceed \$15,220,000, in order to finance the acquisition and rehabilitation of the Douglas Pointe Apartments, located in Miami Gardens, Miami-Dade County.

APPLICABLE LEGISLATION/POLICY

Internal Revenue Code of 1986, Section 147(F) states that the highest governing body (in this case, the BCC), must approve the issuance of the Bonds by the HFA after a public hearing.

- Link to Internal Revenue Code, Section 147(F): <https://www.law.cornell.edu/uscode/text/26/147>

PROCEDURAL HISTORY

On August 17th, 2017 the item was introduced. The item does not require a committee or sponsor. Item was signed and approved by the Agenda office and the County Attorney's Office.

FISCAL IMPACT

The principal and interest on the Bonds shall not constitute a debt, liability or a general obligation of the HFA, County, the State of Florida or any political subdivision of each, but shall be the responsibility of the owner of the project.

ANALYSIS

The Housing Finance Authority of Miami-Dade County provides "bond financing to finance the construction of multifamily rental units, and (ii) mortgage financing for first time homebuyers." (HFA website). The HFA conducted a public hearing on July 31st, 2017, a notice was published on July 12th, 2017, in The Miami Herald, to comply with the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) and Section 147(F) of the Internal Revenue Code of 1986. The public hearing disclosed no reason why the bonds should not be issued.

Douglas Pointe Preservation, Ltd., filed as a Domestic Limited Partnership in the State of Florida on Tuesday, June 13, 2017 and is approximately three months old, according to public records filed with Florida Department of State. Its "officer" company is Douglas Pointe Gp, LLC filed as a Florida Limited Liability in the State of Florida on Thursday, June 8, 2017 and is approximately three months old, as recorded in documents filed with Florida Department of State. Both companies have addresses based in New York, NY.

BCC Meeting: October 3, 2017
Research Notes

If approved, the project will provide approximately 176 units of rental housing to be occupied by persons or families of low, moderate or middle income. The Bonds are expected to be issued by December, 2017.

- Corporation Wiki:

<https://www.corporationwiki.com/p/2z9kei/douglas-pointe-preservation-ltd>

<https://www.corporationwiki.com/p/2z97vh/douglas-pointe-gp-llc>

- HFA Website: <https://hfamiami.com/special-district/>

**BCC Meeting: October 3, 2017
Research Notes**

**Item No. 10A4
File No. 171959**

Researcher: AIP

RESOLUTION APPROVING ISSUANCE OF MIAMI-DADE COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY REVENUE BONDS IN AN AMOUNT NOT TO EXCEED \$12,000,000.00 AND IN ONE OR MORE TAX-EXEMPT OR TAXABLE SERIES TO FINANCE OR REFINANCE ALL OR A PART OF THE COSTS OF CERTAIN EDUCATIONAL FACILITIES, BENEFITING SOMERSET ACADEMY, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION, FOR PURPOSES OF AND PURSUANT TO SECTION 147(F) OF INTERNAL REVENUE CODE OF 1986, AS AMENDED

ISSUE/REQUESTED ACTION

Whether the Board should approve the request for Miami-Dade County Industrial Development Authority (IDA) Revenue Bonds in an aggregate amount not to exceed \$12,000,000, in order to finance or refinance all or a part of the costs for certain educational facilities of Somerset Academy, Inc., located in unincorporated Miami-Dade County (District 7).

APPLICABLE LEGISLATION/POLICY

Internal Revenue Code of 1986, Section 147(F) states that the highest governing body (in this case, the BCC), must approve the issuance of the Bonds by the IDA after a public hearing.

- Link to Internal Revenue Code, Section 147(F): <https://www.law.cornell.edu/uscode/text/26/147>

The Tax Equity and Fiscal Responsibility Act (TEFRA), which requires that the Board approve the issuance of the Bonds by the IDA after a public hearing has been held by either the IDA or the Board. For efficiency, the Board has allowed the IDA to conduct the public hearing, subject to review and ratification by the Board.

- Background on TEFRA: <https://taxmap.ntis.gov/taxmap/pubs/p541-008.htm>

PROCEDURAL HISTORY

On August 10th, 2017 the item was introduced. The item does not require a committee or sponsor, and includes the Chairman's memo to the BCC (15 pages). Item was signed and approved by the Agenda office and the County Attorney's Office.

FISCAL IMPACT

Neither the IDA nor Miami-Dade County has any liability with respect to the repayment of the bonds.

ANALYSIS

Industrial Development Revenue Bonds (IDBs) are securities issued by a local government agency for the purpose of acquiring or constructing capital facilities for use by private business and industry. Customarily, the facilities are then sold by the agency to qualifying industries for the installment purchase payments necessary to retire the bonds.

The debt service on the bonds is paid solely from the revenues or payments received from the company, and there is no undertaking on the part of the local agency, county or any other governmental unit to make such payments other than from the installment payments received.

BCC Meeting: October 3, 2017
Research Notes

In the case of IDBs, the local issuing agency (Industrial Development Authority) serves as a conduit. The loan is made to the Authority; the Authority relends the bonds (bond proceeds) to the private company to pay the cost of the capital project. For IRS purposes, the action of passing the loan through the Authority results the loan being treated as a special obligation of a local governmental agency. (IDA Website)

The IDA conducted a public hearing on June 26th, 2017, a notice was published on June 9th, 2017, in The Miami Herald, to comply with Section 147(F) of the Internal Revenue Code of 1986. The public hearing disclosed no reason why the bonds should not be issued.

Somerset Academy, Inc., is a 501(c) (3) not-for-profit Florida Corporation. It filed as a Domestic Non Profit Corporation in the State of Florida on Monday, May 5, 1997 and is approximately twenty years old, as recorded in documents filed with Florida Department of State. The organization has corporate filings in the State of Texas as well.

If approved Somerset Academy plans to renovate the Somerset Academy Bay and Somerset Academy Bay Middle School facilities. This includes infrastructure improvements, a multi-media center, facility expansion, and new classrooms.

- Somerset Academy, Inc. research links:

<https://www.corporationwiki.com/Florida/Miami/somerset-academy-inc-4430016.aspx>

- IDA Website: <http://www.mdcida.org/>

**BCC Meeting: October 3, 2017
Research Notes**

Item No. 10A5

File No. 171960

Researcher: AIP

RESOLUTION APPROVING THE ISSUANCE OF MIAMI-DADE COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY INDUSTRIAL DEVELOPMENT REVENUE BONDS IN AN AMOUNT NOT TO EXCEED \$10,500,000.00 TO REFINANCE EXISTING DEBT AND TO FINANCE CAPITAL PROJECTS FOR THE BENEFIT OF ST. STEPHEN'S EPISCOPAL CHURCH INC.'S ST. STEPHEN'S EPISCOPAL DAY SCHOOL, FOR PURPOSES OF AND PURSUANT TO SECTION 147(F) OF INTERNAL REVENUE CODE OF 1986, AS AMENDED

ISSUE/REQUESTED ACTION

Whether the Board should approve the request for Miami-Dade County Industrial Development Authority (IDA) Revenue Bonds in an aggregate amount not to exceed \$10,500,000, in order to refinance existing debt and to finance capital projects for the benefit of St. Stephen's Episcopal Church Inc.'s St. Stephen's Episcopal Day School, located in the City of Miami (Coconut Grove), Miami-Dade County.

APPLICABLE LEGISLATION/POLICY

Internal Revenue Code of 1986, Section 147(F) states that the highest governing body (in this case, the BCC), must approve the issuance of the Bonds by the IDA after a public hearing.

- Link to Internal Revenue Code, Section 147(F): <https://www.law.cornell.edu/uscode/text/26/147>

The Tax Equity and Fiscal Responsibility Act (TEFRA), which requires that the Board approve the issuance of the Bonds by the IDA after a public hearing has been held by either the IDA or the Board. For efficiency, the Board has allowed the IDA to conduct the public hearing, subject to review and ratification by the Board.

- Background on TEFRA: <https://taxmap.ntis.gov/taxmap/pubs/p541-008.htm>

PROCEDURAL HISTORY

On August 10th, 2017 the item was introduced. The item does not require a committee or sponsor, and includes the Chairman's memo to the BCC (13 pages). Item was signed and approved by the Agenda office and the County Attorney's Office.

FISCAL IMPACT

Neither the IDA nor Miami-Dade County has any liability with respect to the repayment of the bonds.

ANALYSIS

Industrial Development Revenue Bonds (IDBs) are securities issued by a local government agency for the purpose of acquiring or constructing capital facilities for use by private business and industry. Customarily, the facilities are then sold by the agency to qualifying industries for the installment purchase payments necessary to retire the bonds.

The debt service on the bonds is paid solely from the revenues or payments received from the company, and there is no undertaking on the part of the local agency, county or any other governmental unit to make such payments other than from the installment payments received.

BCC Meeting: October 3, 2017
Research Notes

In the case of IDBs, the local issuing agency (Industrial Development Authority) serves as a conduit. The loan is made to the Authority; the Authority relends the bonds (bond proceeds) to the private company to pay the cost of the capital project. For IRS purposes, the action of passing the loan through the Authority results the loan being treated as a special obligation of a local governmental agency. (IDA Website)

The IDA conducted a public hearing on June 26th, 2017, a notice was published on June 9th, 2017, in The Miami Herald, to comply with Section 147(F) of the Internal Revenue Code of 1986. The public hearing disclosed no reason why the bonds should not be issued.

If approved St. Stephen's Academy plans to finance the construction and equipping of a new Arts & Innovation Center that will house classrooms, support STEAM programming, a cafeteria and an arts auditorium.

- St. Stephen's Episcopal Church, Inc. : <http://sseccg.org/>
- St. Stephen's Episcopal Day School: <http://sseccg.org/st-stephens-episcopal-day-school/>
- IDA Website: <http://www.mdcida.org/>

**BCC Meeting: October 3, 2017
Research Notes**

**Item No. 11A2
File No. 171688**

Researcher: PGE

RESOLUTION APPROVING ALLOCATION, SUBJECT TO RECAPTURE, OF UP TO \$1,500,000.00 FROM BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NO. 124 – "ECONOMIC DEVELOPMENT FUND" TO FUND THE REDLAND FARM LIFE CULINARY CENTER TO BE LOCATED WITHIN A COUNTY-OWNED PROPERTY; WAIVING BOND PROGRAM ADMINISTRATIVE RULE REQUIRING PROJECT 124 FUNDS TO BE ALLOCATED IN MINIMUM AMOUNT OF \$10,000,000

ISSUE/REQUESTED ACTION

Whether the Board should approve waiving the \$10,000,000 minimum project requirement of the Bond Program's Administrative Rules for Project 124 (Economic Development Fund) in order to provide up to \$1,500,000 for the Redland Farm Life Culinary Center.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-914-04, providing for GOB proceeds for public infrastructure projects.

Resolution No. R-123-15, directing the administration to complete negotiations by July 21, 2015 with potential grant recipients of Project 124 funds.

Resolution No. R-668-10, providing for a minimum threshold of \$10,000,000 for GOB Project 124 projects.

PROCEDURAL HISTORY

This item was forwarded to the Board with a favorable recommendation by the Economic Development and Tourism Committee at its July 13, 2017 meeting.

ANALYSIS

This item proposes approving an allocation of \$1,500,000 in GOB economic development funds to support the Redland Farm Life Culinary Center. According to the Center's mission statement, the farm is committed to serving as the culinary center for Miami-Dade County's farm country and will measure its success in three key areas: (1) increasing interest and engagement in farming and rural foodways; (2) showcasing and growing area agritourism and ecotourism; and (3) education and training of both consumers and professionals, particularly with programming and resources to meet the special needs of entry-level enthusiasts and entrepreneurs.

The GOB funds allocated to Project No. 124 and Project No. 320 are collectively referred to as the Economic Development Fund. The fund must be used to spur economic development and attract new businesses to the community in order to create jobs. Of the \$90 million allocated, \$75 million is available countywide and the remaining \$15 million is set aside to target economic development activities within the County's Targeted Urban Areas. In addition to job creation, Project No. 124 requirements include:

- The funds must be used for public infrastructure, including parking structures and public facilities, along with other infrastructure improvements, subject to certain limitations and to be evaluated on a case by case basis.
- The project must leverage public bond monies with other funding sources to yield a significant economic impact and return on public incentive investments, and demonstrate the financial capacity and financial commitment to complete the economic development project.

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- The project must demonstrate long-term benefits to the County in spurring future economic growth through an analysis of local economic and County fiscal impacts over a 20-year time period using a Miami-Dade County REMI model or an equivalent model that is widely available and professionally accepted among economists.
- A project-specific grant would reimburse up to 100 percent of public infrastructure costs per project, but subject to a maximum cap of \$15 million and a minimum amount of \$10 million.
- Actual grant funds would be disbursed on a reimbursement basis only after verified completion of the public infrastructure project upon receipt of an audited financial accounting of infrastructure development costs and subject to funding and compliance with federal tax laws.

An application for Project 124 funding for the Redland Farm Life Culinary Center was submitted on May 2, 2017. The center will be situated on the grounds of the historic Redland Farm Life School. The Center's business plan calls for the development of a commercial kitchen, food processing and packaging space, farm to table dining, culinary education and a farmer's market and event space for the rural community.

The culinary center will be an estimated 100,000 square feet. Construction is anticipated to begin on January 2, 2018 and conclude on June 1, 2018. Operations shall commence on June 2, 2018.

FISCAL IMPACT

The item proposes to use recaptured funds of up to \$1,500,000 from Project 124 to fund the center's construction.

ADDITIONAL FINDINGS

Broward County has a Farm Bureau, which is an integral part of the agricultural community, bringing farmers, ranchers and nurserymen together to solve issues collectively. The bureau provides a voice in local, county, state, and federal government. Broward Farm Bureau studies and promotes better cultural and research practices, product quality improvement, improved marketing methods and market stabilization. It also provides educational programs in schools and to the general public about agriculture. The Farm Bureau has over 3,400 members.