



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

Board of County Commissioners (BCC) Meeting

November 21, 2017
9:30 A.M.
Commission Chambers

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Director, Policy and Legislation
Office of the Commission Auditor (OCA)
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Miami, FL 33128
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**BCC Meeting: November 21, 2017
Research Notes**

Item No. 4B

File No. 172595

Researcher: SAP Reviewer: TD

ORDINANCE RELATING TO CONTRACTS FOR THE CONSTRUCTION OF COUNTY-OWNED GOVERNMENT BUILDINGS AND PRIVATELY FUNDED CONSTRUCTION PROJECTS ON COUNTY-OWNED LAND; CREATING SECTION 2-11.16.1 THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REQUIRING DEPOSITING OF ONE PERCENT OF THE CONSTRUCTION COSTS FROM SUCH CONTRACTS OR PROJECTS INTO THE MIAMI-DADE AFFORDABLE HOUSING TRUST FUND REQUIRING INCORPORATION OF THE PROVISIONS OF THE CODE IN COUNTY CONSTRUCTION CONTRACTS OR LEASES; PROVIDING FOR WAIVER; CREATING EXEMPTIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should approve an ordinance creating Section 2-11-16.1 of the County Code, requiring a deposit of one percent of construction costs, related to the construction of new government buildings or facilities, into the Miami-Dade Affordable Housing Trust Fund (AHTF).

APPLICABLE LEGISLATION/POLICY

Section 2-11-16 governing County Construction Contracts

https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-11.16COCOCO

Ordinance No. 07-15, codified at Article VIII, Sections 17-129 et seq. establishing the AHTF of Miami-Dade County
http://miamidade.fl.elaws.us/code/coord_ptiii_ch17_artviii

Ordinance 17-17 amended Section 17-132 increasing the current administrative costs cap from five percent (5%) to ten percent (10%).

<http://intra/gia/legistarfiles/MinMatters/Y2017/170064min.pdf>

Ordinance 16-127 creating a revolving loan fund into the AHTF

<http://intra/gia/legistarfiles/MinMatters/Y2016/162768min.pdf>

PROCEDURAL HISTORY

Prime Sponsor: Barbara J. Jordan

This ordinance is presented to the Board for First Reading.

On February 6, 2007, through Ordinance 07-15, the Board approved the AHTF to serve as a permanent, renewable source of revenue to meet, in part, the housing needs of the residents of Miami-Dade County. Miami-Dade Public Housing and Community Development's (PHCD's) Community Development Division provides staff support to this Board.

On March 7, 2017, the BCC through Ordinance No. 17-17 amended Section 17-132 of the Miami-Dade County Code by increasing the current administrative costs cap from five percent (5%) to ten percent (10%), consistent with the administrative costs cap for other affordable housing programs. The ordinance allow for eligible expenditures to be

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covered by the Trust rather than being absorbed by the County and impacting funding sources that have been allocated for other activities. (*See preceding hyperlink*).

FISCAL IMPACT

N/A

ANALYSIS

The proposed ordinance seeks to create Section 2-11.16.1 of the Miami-Dade County Code to require that one percent (1%) of construction costs (*architectural and engineering fees, site work and contingency allowances*), associated with County contracts related to the construction of new government buildings or facilities be deposited into the Miami-Dade Affordable Housing Trust Fund (AHTF). The main source of monies deposited into the AHTF are from workforce housing under the County's Workforce Housing Development Program. Workforce housing is defined as housing that is affordable to families whose incomes are within 60% to 140% of the County's area median income as reported by the United States Department of Housing and Urban Development and adjusted to family size.

In November 2016, the Board through Ordinance 16-127, established within the AHTF a revolving loan fund intended to make short term loans for construction, rehabilitation, or acquisition of land or housing for sale or rental (*see preceding hyperlink*). Of the \$4,162,318 on deposit in the AHTF, a total of \$387,000.00 is in the revolving loan. According to the item, the current funds deposited into the Trust are insufficient to provide reasonable affordable housing to individuals categorized in the Workforce housing. The creation of Section 2-11.16.1 would increase the monies available to the AHTF to fulfil its objective to foster a housing supply accessible to a range of family incomes in developments assisted by the Trust Fund and to disperse affordable housing units throughout the County.

This Section is created as follows:

- a) Establishing that the County provide and deposit not less than one percent of the construction costs associated with new County government buildings or facilities into the AHTF, provided no funds may be appropriated for this purpose from the ad valorem tax operations fund;
- b) Incorporation into construction contracts;
- c) Waiver of requirements by resolution by the Board; and
- d) Exemptions to the development of affordable housing as follows:
 - 1) Through the County's Infill Housing Initiative Program
 - 2) In accordance with Section 125.379 Florida Statutes (*see preceding hyperlink*)
 - 3) In accordance with a public housing mixed-finance development concept;
 - 4) Through the County's affordable housing funding programs
 - 5) Any construction contract that is restricted by federal or state laws, grants or agreements.

OCA posed the following questions to PCHD on 11/16/2017.

1. Provide a list of contracts for construction of County government buildings and privately funded construction projects on County-owned land (*including construction costs, if available*);
2. Is there a specific development area that the one percent will be used for in the Trust; and
3. The item mentioned that since the creation of the Trust seven developers have made such monetary contributions, provide a list of these developers and their contributions to date.

Excerpt from Recent News Article

- Miami Herald. *Affordable housing crisis? Governor's budget diverts \$92 million elsewhere*. November 14, 2017

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TALLAHASSEE. As every Florida county struggles with an affordable housing problem, Governor Rick Scott signaled Tuesday he is poised to engage again in the annual real estate bait and switch on taxpayers.

<http://www.miamiherald.com/news/politics-government/state-politics/article184618553.html>

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Item No. 4C

File No. 172433

Researcher: BM Reviewer: PGE

ORDINANCE RELATING TO MINIMUM HOUSING STANDARDS; AMENDING ARTICLE II OF CHAPTER 17 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING, REVISING AND DELETING DEFINITIONS; CONFORMING SECTIONS THAT CONFLICT WITH OR ARE PREEMPTED BY FLORIDA STATUTES RELATING TO PUBLIC LODGING OR THE FLORIDA BUILDING CODE; CLARIFYING THE POWERS AND AUTHORITY OF THE MINIMUM HOUSING ENFORCEMENT OFFICERS IN THE INCORPORATED AND UNINCORPORATED AREAS; RENUMBERING SECTIONS; REPEALING ARTICLE III OF CHAPTER 17; DELETING CITY OF MIAMI MINIMUM HOUSING STANDARDS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should approve an ordinance amending Chapter 17, Article II of the Miami-Dade County Code relating to minimum housing in the following ways: (1) conforming sections that conflict with or are preempted by Florida Statutes related to public lodging; (2) clarifying the power and authority of Minimum Housing Enforcement Officers in incorporated and unincorporated areas; (3) renumbering sections; (4) repealing Article III of Chapter 17; and (5) deleting City of Miami Minimum Housing Standards (which is superseded by revision to Article II).

APPLICABLE LEGISLATION/POLICY

Article II, Chapter 17, of the County Code, Metropolitan Miami-Dade County Minimum Housing Standards, which is intended to protect the public health, safety, morals and welfare of all the people of Metropolitan Miami-Dade County, Florida, by establishing minimum standards governing the condition, occupancy, and maintenance of dwellings, dwelling units, rooming houses, rooming units and premises.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=CD_MIAMI-DADE_CO_FLORIDA_CH17HO_ARTIIMEMIDECOMIHOST

Article III, Chapter 17 of the County Code, City of Miami Minimum Housing Standards which intended to protect the public health, safety, morals and welfare of all the people of the City of Miami, Florida, by establishing minimum standards governing the condition, occupancy, and maintenance of dwellings.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=CD_MIAMI-DADE_CO_FLORIDA_CH17HO_ARTIIICIMIMIHOST

Chapter 8 of the County Code is the building code for both the incorporated and unincorporated areas of the County and was adopted as a uniform building code for Miami-Dade County.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOOOR_CH8BUCO

PROCEDURAL HISTORY

Prime Sponsor: Audrey M. Edmonson

This item has no procedural history.

FISCAL IMPACT

If this ordinance is approved by the Board, it will not have a fiscal impact to the County or municipalities.

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ANALYSIS

Article II of Chapter 17 of the County Code was codified by Ordinance No. 63-30 on July 16, 1963 to implement minimum standards for unincorporated Miami-Dade County. These standards required dwellings, dwelling units, rooming houses and rooming units, which contain four units or less, to be maintained in a safe and sanitary condition and to contain certain basic equipment. Article III of Chapter 17 of the County Code was codified by Ordinance No. 68-14 on March 5, 1968 to protect the public health, safety, morals and welfare of all the people of the City of Miami, Florida, by establishing minimum standards governing the condition, occupancy, and maintenance of dwellings, dwelling units, rooming houses, rooming units and premises.

The proposed ordinance amends Chapter 17, Article II of the Miami-Dade County Code relating to minimum housing in the following ways: (1) conforms sections that conflict with or are preempted by Florida Statutes related to public lodging; (2) clarifies the power and authority of Minimum Housing Enforcement Officers in incorporated and unincorporated areas; (3) rennumbers sections; (4) repeals Article III of Chapter 17; and (5) deleting City of Miami Minimum Housing Standards (superseded by revision to Article II).

The revisions proposed by the ordinance increases the efficacy of Chapter 17 Article II as a regulatory tool by removing conflicts with the Florida Building Code and State Statutes; identifies enforcement personnel's duties and jurisdiction; and clarifies the role of the County in providing federal, state, and municipal assistance.

The main sections amended by the ordinance are summarized in the table below:

From	To
Sec. 17-7. - Minimum Housing Enforcement Officer	
Sec. 17-7. - Minimum Housing Enforcement Officer— Office established; appointment; term; exempt from classified service; salary.	Sec. 17-7. - Minimum Housing Enforcement Officer
The office and position of Minimum Housing Enforcement Officer is hereby created and established. The Minimum Housing Enforcement Officer shall be appointed by and serve at the will of the County Manager. Such officer shall be chosen by the County Manager on the basis of qualifications and experience in the field of building and housing. The office shall constitute a position exempt from the classified service of the County. The salary for such position shall be fixed by the County Manager, and shall be included in the County budget. The Minimum Housing Enforcement Officer shall serve under the administrative supervision of the Director of Team Metro. The County Manager may appoint such assistants to the Minimum Housing Enforcement Officer as may be necessary in order that the duties may be properly performed, subject to budget limitations.	The position of Minimum Housing Enforcement Officer is hereby created and established. The Authority Having Jurisdiction may designate a Minimum Housing Enforcement Officer. Such officer shall be chosen on the basis of qualifications and experience. The Minimum Housing Enforcement Officer may appoint such subordinate enforcement officers as may be necessary in order that the duties may be properly performed, subject to budget limitations.

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From	To
Sec. 17-8. - Same—Powers.	
(1) The enforcement of the provisions of this article and rules and regulations promulgated hereunder, and all County ordinances, codes, rules and regulations pertaining to housing and the use and occupancy of dwellings, and all rules and regulations of the Florida State Board of Health and the Florida Hotel and Restaurant Commission, in cooperation with such State agencies, in the unincorporated areas of Metropolitan Miami-Dade County.	(1) The enforcement of the provisions of this article and rules and regulations promulgated hereunder, and all County or municipal ordinances, codes, rules and regulations as applicable pertaining to housing and the use and occupancy of dwellings, and all rules and regulations of the Florida State Board of Health and the Florida Hotel and Restaurant Commission, in cooperation with such State agencies except where preempted, in the unincorporated and incorporated areas of Miami-Dade County.
(2) Investigate complaints and institute enforcement actions necessary to abate all violations of County regulations governing the use and occupancy of housing facilities. In addition to inspections resulting from complaints, inspections may be made at the request of the owner of the subject property provided such requested inspections are for the purpose of qualifying for participation in a governmental program. The Minimum Housing Enforcement Officer shall have the power and authority to charge and collect fees for making inspections. The fees charged shall be as set forth in the Team Metro fee schedule, as established by resolution of the Board of County Commissioners of Miami-Dade County, Florida, as amended from time to time.	(2) Investigation of complaints and institution of enforcement actions necessary to abate all violations of County or municipal regulations as applicable governing the use and occupancy of housing premises of four units or less. In addition to inspections resulting from complaints, inspections may be made at the request of the owner of the subject property provided such requested inspections are for the purpose of qualifying for participation in a governmental program. The Minimum Housing Enforcement Officer shall have the power and authority to charge and collect fees for making inspections. The fees charged shall be as set forth in the applicable duly adopted County of municipal fee schedule.
(3) Make appropriate surveys and inspections to determine whether the provisions of this article are being complied with, and whether minimum housing standards are being maintained within municipalities.	Removed.
(4) Make inspections of housing premises, facilities and equipment in accordance with procedures prescribed by this article to determine whether the provisions of this article are being complied with, and make recommendations for methods by which minimum housing standards may be more effectively maintained.	Removed.
(5) Render all possible assistance and technical advice to persons operating and maintaining housing facilities, premises and equipment.	Removed

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From	To
Sec. 17-23. - Minimum standards for basic equipment and facilities.	
<p>(8) Every dwelling structure and dwelling unit of types of construction I, II, III, IV and V as defined by Chapters 17, 18, 19, 20, 21 and 22 respectively of the South Florida Building Code shall have means of egress which conform to the standards of Chapter 31 of the South Florida Building Code and any applicable fire codes, fire regulations or ordinances now in existence or adopted subsequent hereto. Every dwelling structure of type of construction V, built before December 31, 1957, where the structural and other elements of the building consist primarily of wood, having one (1) or two (2) dwelling units above the ground floor, shall have a minimum of two (2) separate means of egress which are remote from each other or at least one (1) means of egress with stairs that are constructed of either noncombustible materials or made safe by approved fire resistive modifications as may be required. Each such means of egress shall be easily accessible from every dwelling unit on the specified floor without passing through any other dwelling unit. Every dwelling structure of type of construction V, where the structural and other elements consist primarily of wood having three (3) or more dwelling units shall have means of egress which conform with the provisions of the South Florida Building Code and any applicable fire codes, fire regulations or ordinances now in existence or adopted subsequent hereto.</p>	<p>(8) Every dwelling and dwelling unit shall have and maintain the means of egress which conform to the Building Code requirements in effect when the building was constructed. The Minimum Housing Enforcement Officer or subordinate enforcement officer shall immediately report any presumed violation pertaining to means of egress to the Building Official.</p>
<p>(9) In every owner-occupied dwelling unit not intended to be let for occupancy containing space heating facilities, such facilities shall be properly installed and maintained in safe and good working condition as provided in the South Florida Building Code and any applicable fire regulations or ordinances now in existence or adopted subsequent hereto.</p> <p>Every dwelling and dwelling unit which is let or intended to be let for occupancy shall have adequate space heating facilities which are properly installed and maintained in safe and good working condition as provided in the South Florida Building Code and any applicable fire</p>	<p>(9) Every dwelling and dwelling unit which is let or intended to be let for occupancy shall have adequate space heating facilities which are properly installed and maintained in safe and good working condition. The Minimum Housing Enforcement Officer or subordinate enforcement officer shall immediately report any presumed violation pertaining to space heating facilities as contained in this section. Adequate heating facilities are hereby defined as follows:</p> <p>(a) Permanent heating equipment is defined as heating equipment properly connected to a flue</p>

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regulations or ordinances now in existence or adopted subsequent hereto. Adequate heating facilities are hereby defined as follows:

- (a) Permanent space heating equipment capable of heating two-thirds of the habitable rooms to a minimum air temperature of seventy (70) degrees Fahrenheit to be measured three (3) feet above floor when outside temperature is forty-five (45) degrees Fahrenheit, or permanent space heating equipment with capacity of five (5) Btu's per hour of input per cubic foot of habitable room space within two-thirds (2/3) of the habitable rooms.
- (b) The five (5) Btu's per hour input standard is based on a heating unit with seventy (70) percent rating of input-to-output efficiency; an appropriate correction factor will be applied when the proposed heating unit exceeds an input-to-output efficiency rating of seventy (70) percent. Heating units supplied on the basis of this calculation will otherwise comply with the standards described elsewhere in this subsection.
- (c) Permanent heating equipment is defined as heating equipment properly connected to a flue or vent or, if electric, properly installed and permanently connected to an adequately wired and sized branch circuit.
- (d) Habitable room shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, shower rooms, water closet compartments, laundries, pantries, foyers, connecting corridors, closets and storage spaces.
- (e) Heating equipment shall be installed and maintained in accordance with the provisions of the South Florida Building Code.
- (f) Any calculations necessary for the installation of permanent heating equipment to assure adequate heating capacity as defined in this subsection, shall be made in accordance with the standards established in the current edition of the "Heating Ventilating Air-Conditioning Guide," published by the American Society of Refrigeration, Heating and Air-Conditioning Engineers, Inc. (ASHRAE).

or vent or, if electric, properly installed and permanently connected to an adequately wired and sized branch circuit.

- (b) Oil heaters, gas heaters, and wood-stoves must be connected to a properly installed vent.
- (c) Electric heaters will be of a type readily fixed into position and must be properly installed and permanently connected to an adequately wired and sized branch-circuit.
- (d) Any portable heating devices approved by a Nationally Recognized Testing Laboratory (NRTL), or a properly installed fireplace may be used as an accessory heating unit.
- (e) Accessory heating units will be deemed to be supplementary to the permanent-heating equipment.
- (g) The use of unsafe heaters or cooking stoves and the use of cooking stoves, including ovens, for heating purposes is hereby prohibited.

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- (g) Oil heaters, gas heaters, and wood-stoves must be connected to a properly installed vent, said vent conforming to the provisions of the South Florida Building Code.
- (h) Electric heaters will be of a type readily fixed into position and must be properly installed and permanently connected to an adequately wired and sized branch-circuit.
- (i) Any portable heating devices approved by the Underwriters' Laboratories, Inc., or a properly installed fireplace may be used as an accessory heating unit.
- (j) Accessory heating units will be deemed to be supplementary to the permanent-heating equipment and shall not be considered when calculating the adequacy of the permanently installed heating equipment except as specified in subsection (9)(m).
- (k) Only those accessory heating units which are acceptable under the provisions of the City of Miami and Miami-Dade County Fire Code, the Florida State Hotel and Restaurant Commission regulations, and other regularly adopted regulations will be used.
- (l) The use of unsafe heaters or cooking stoves and the use of cooking stoves, including ovens, for heating purposes is hereby prohibited.
- (m) The requirements of subsection (9) shall not apply to dwelling units in existence on March 17, 1969, provided that either a gas pipe outlet or an electrical outlet and circuit are present for the use of gas space heaters or portable electrical space heaters.

From

To

Sec. 17-24. - Minimum standards for light and ventilation.

No person shall occupy, or let to another for occupancy, any dwelling or dwelling unit for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements:

The Minimum Housing Enforcement Officer or subordinate enforcement officers shall immediately report to the Building Official any presumed violation pertaining to light and ventilation standards as contained in this section.

No person shall let to another for occupancy, any dwelling or dwelling unit for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements:

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<p>(1)</p> <p>(a) Every habitable room shall have at least one (1) window or skylight facing directly to the outdoors. The minimum total window area which provides light to each habitable room shall be not less than ten (10) percent of the floor area of such room. Whenever exterior walls or other light-obstructing structures are located less than three (3) feet from the window and extend above the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included in the required minimum total window area. Whenever the only window in a room is a skylight-type window located in the top of such room, the minimum total window area of such skylight shall not be less than fifteen (15) percent of the total floor area of the room. Skylights shall not be a substitute for the window requirements in sleeping rooms.</p>	<p>(1)</p> <p>(a) Every habitable room shall have at least one (1) window or skylight facing directly to the outdoors.</p>
<p>(2) Every habitable room shall be ventilated by openable areas equal to fifty (50) percent of the required minimum window area, as set forth in subsection (1) of this section or by equivalent mechanical ventilation as approved by the inspecting officer.</p>	<p>(2) Every habitable room shall be ventilated.</p>
<p>From</p>	<p>To</p>
<p>Sec. 17-25. - Requirements relating to the safe and sanitary maintenance of dwellings and dwelling units.</p>	
<p>No person shall occupy, or let to another for occupancy, any dwelling or dwelling unit, for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements:</p>	<p>The Minimum Housing Enforcement Officer or subordinate enforcement officers shall immediately report to the Building Official any building presumed to be unsafe as established by the provisions of this section or Chapter 8 of the Code.</p> <p>No person shall let to another for occupancy, any dwelling or dwelling unit, for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements:</p>
<p>(9) For these purposes, every owner of a building containing three (3), or more, dwelling units, shall provide the continuing services of a person or persons solely to assure that the minimum requirements of maintenance and sanitation, as provided by this article, are maintained on the premises at all times. The landlord shall provide the tenant with the name, address, and phone</p>	<p>Removed.</p>

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number of the person or persons providing the continuing services. Said notice shall be given to the tenant by either posting the notice in a conspicuous place at the building site or by supplying the tenant with the information at the inception of the lease. The landlord is further charged with informing the tenant of any change of name, address, or phone number of the person or persons providing the continuing service.

From

To

Sec. 17-26. - Minimum space, use and location requirements.

No person shall occupy, or let to another for occupancy, any dwelling or dwelling unit, for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements:

The Minimum Housing Enforcement Officer or subordinate enforcement officers shall immediately report to the Building Official any presumed violation pertaining to minimum space standards as contained in this section.

No person shall let to another for occupancy, any dwelling or dwelling unit, for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements:

From

To

Sec. 17-30. - Designation of dwellings, hotels and rooming houses, unfit for human habitation and procedures for placarding.

Sec. 17-30. - Designation of dwellings, hotels and rooming houses, unfit for human habitation and procedures for placarding.

...Where the Minimum Housing Enforcement Officer or his assistant determines that a building is an unsafe building within the provisions of Section 202 of the South Florida Building Code, he shall immediately report the matter to the Building Official.

Sec. 17-30. - Designation of dwellings and rooming houses as unsafe.

...Where the Minimum Housing Enforcement Officer or subordinate enforcement officer determines that a building may be an unsafe building within the provisions Chapter 8 of this Code or other applicable local unsafe building regulation, they shall immediately report the matter to the Building Official.

The proposed ordinance removes entirely the following items from Article II Chapter 17 of the County Code: Section 17-29 – Minimum standards for hotels and rooming houses; Section 17.33 – Housing cost impact analysis; Section 17-34 – Mechanism to mitigate cost increase. The proposed ordinance repeals Article III of Chapter 17 of the Code of Miami-Dade County in its entirety which relates to the City of Miami Minimum Housing Standards as it is superseded by proposed revisions to Article II Chapter 17 of the County Code.

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**Item No. 5B
File No. 172212**

Researcher: SM Reviewer: PGE

ORDINANCE RELATING TO CRIMINAL HISTORY RECORDS CHECKS AT THE PUBLIC HEALTH TRUST; AMENDING SECTION 2-30 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING THE PUBLIC HEALTH TRUST TO CONDUCT STATE AND NATIONAL CRIMINAL HISTORY SCREENINGS FOR CERTAIN EMPLOYEES, APPOINTEES, CONTRACTORS, AND EMPLOYEES OF CONTRACTORS OF THE PUBLIC HEALTH TRUST; AUTHORIZING THE PUBLIC HEALTH TRUST TO ENTER INTO AGREEMENTS WITH THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT FOR PURPOSES OF CONDUCTING CRIMINAL HISTORY SCREENINGS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the board should amend Section 2-30 of the Code of Miami-Dade County, authorizing Public Health Trust (PHT) to conduct State and National criminal history screenings for certain employees, appointees, contractors, and employees of contractors of the PHT, and to enter into agreements with the Florida Department of Law Enforcement (FDLE) for purposes of conducting the criminal history screenings.

APPLICABLE LEGISLATION/POLICY

Section 2-30 governs criminal history record checks for certain county employees, appointees, and contractors.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIVPE_DIV1PEDE_S2-30CRHIRECHCECOEMAPCO

Section 125.5801 of the Florida Statutes requires criminal background check policies to be enacted as an ordinance approved by the Board of County Commissioners in order to permit State and National criminal history checks.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0125/Sections/0125.5801.html

Ordinance No. 16-135, adopted by the Board on December 6, 2016, relates to criminal history records checks; amending section 2-30 of the Code of Miami-Dade County; clarifying that the Board is authorizing by ordinance rather than implementing order state and national criminal history screening for certain County employees, appointees, contractors, and employees of contractors; and removing references to Implementing Order No. 7-41.

<http://www.miamidade.gov/cob/library/Registry/Ordinances/Board-of-County-Commissioners/2016/16-135.pdf>

PROCEDURAL HISTORY

Prime Sponsor: Sally A. Heyman

This item was adopted on first reading on October 17, 2017 and set for second reading on November 21, 2017.

FISCAL IMPACT

PHT currently contracts through a third-party vendor, costing approximately \$73 per screening. Based off the existing contracts, the proposed ordinance would save PHT approximately \$200,000 by reducing the cost to \$36 per screening, as indicated in the item's Fiscal Impact Statement.

The fee associated with criminal history background checks is \$36.00 for applicants, contractors and contractual temporary personnel, and \$28.75 for volunteers and non-paid interns. These rates are established by FDLE.

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ANALYSIS

The proposed ordinance seeks Board approval to amend Section 2-30 of the Code of Miami-Dade County, authorizing the PHT to conduct State and National criminal history screenings for certain employees, appointees, contractors, and employees of the PHT. No additional staff resources will be required for the implementation of the proposed ordinance. The new language in the amended Section 2-30 would expressly include authority for the PHT to conduct criminal background checks of employees, appointees, or contractors and to enter into agreements with the FDLE or such other state or federal government agencies as are necessary to obtain such minimal background checks. The PHT operates the public's hospital system and therefore has a critical need for effective criminal background screening of employees, appointees, and contractors. Therefore the PHT is requesting the proposed ordinance to get approved and to include the following amendments to Section 2-30 of the Code of Miami-Dade County.

Section 2-30 of the Code of Miami-Dade County

The Original Ordinance	Proposed Changes
<p>(a) Any position of county employment or appointment, whether paid, unpaid, or contractual, which is critical to security or public safety.</p> <p>(b) Any private contractor or employee of a private contractor who has direct contact with individual members of the public or access to any public facility or publicly-operated facility to such an extent that the legislative body of the County finds that such contact or access is critical to security or public safety.</p>	<p>(a) Any position of county or Public Health Trust employment or appointment, whether paid, unpaid, or contractual, which is critical to security or public safety.</p> <p>(b) Any private contractor or employee of a private contractor who has direct contact with individual members of the public or access to any public facility or publicly-operated facility to such an extent that the legislative body of the County finds that such contact or access is critical to security or public safety <u>including the facilities of both the County and the Public Health Trust.</u></p>
<p>Each such person shall be fingerprinted who is applying for any such position, continuing employment or appointment in any such position, or having such contact or access. The Miami-Dade County Human Resources Department, its successor department, and other applicable departments shall conduct such state and national criminal history background checks.</p> <p>Fingerprints obtained pursuant to the authority of this section shall be submitted to the Florida Department of Law Enforcement for a state criminal history records check and also to the Federal Bureau of Investigation for a national criminal history records check. The information obtained from each respective criminal history record check conducted pursuant to this ordinance shall be used to determine a person's eligibility for employment, appointment, or access and to determine a person's eligibility for continued employment, appointment, or access.</p>	<p>Each such person shall be fingerprinted who is applying for any such position, continuing employment or appointment in any such position, or having such contact or access. The Miami-Dade County Human Resources Department, its successor department, and other applicable departments <u>and the Public Health Trust</u> shall conduct such state and national criminal history background checks.</p> <p>Fingerprints obtained pursuant to the authority of this section shall be submitted to the Florida Department of Law Enforcement for a state criminal history records check and also to the Federal Bureau of Investigation for a national criminal history records check. The information obtained from each respective criminal history record check conducted pursuant to this ordinance shall be used to determine a person's eligibility for employment, appointment, or access and</p>

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	to determine a person's eligibility for continued employment, appointment, or access.
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[https://library.municode.com/fl/miami -
dade county/codes/code of ordinances?nodeId=PTIICOOR_CH2AD_ARTIVPE_DIV1PEDE_S2-
30CRHIRECHCECOEMAPCO](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIVPE_DIV1PEDE_S2-30CRHIRECHCECOEMAPCO)

**BCC Meeting: November 21, 2017
Research Notes**

**Item No. 5C
File No. 172430**

Researcher: SM Reviewer: PGE

ORDINANCE RELATING TO ZONING; CREATING ARTICLE XLIV OF CHAPTER 33 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; CREATING, AND ESTABLISHING DEVELOPMENT STANDARDS FOR, THE CORRIDOR DISTRICT, WHICH MAY BE APPLIED TO FORMER RAILWAY AND OTHER LINEAR CORRIDORS; AMENDING SECTIONS 33-2 AND 33-314; PROVIDING FOR BOARD OF COUNTY COMMISSIONERS JURISDICTION OVER APPLICATIONS RELATED TO THE CORRIDOR DISTRICT; AMENDING SECTION 2-116.1; PROVIDING FOR EXPEDITED APPLICATIONS FOR AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP); PROVIDING FOR CONCURRENT PROCESSING OF CDMP AND ZONING APPLICATIONS RELATED TO CORRIDOR DISTRICT; MAKING TECHNICAL AMENDMENTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should approve the ordinance relating to zoning creating Article XLIV of Chapter 33 of the Code of Miami-Dade County creating the regulatory framework and the development standards establishing a new zoning district, called the Corridor District, in order to facilitate the redevelopment of former railway corridors and other similar linear pathways into recreational trails and mixed-use development.

APPLICABLE LEGISLATION/POLICY

Section 33-314 of the County Code governs direct applications and appeals to the County Commission.
https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=CD_MIAMI-DADE_CO_FLORIDA_CH33ZO_ARTXXXVIZOPR_S33-314DIAPAPCOCO

Section 2-116.1 governs the amendment procedure for the Comprehensive Development Master Plan.
https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTXVDEPLDERE_S2-116.1AMPRCODEMAPL

Section 163.3184 of the Florida Statutes authorizes consideration of zoning applications concurrently with plan amendments where the zoning application is required to properly enact the plan amendment.
http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0163/Sections/0163.3184.html

Section 33-2 of the County Code (Districts Enumerated) relates to all the unincorporated areas of the County.
https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=CD_MIAMI-DADE_CO_FLORIDA_CH33ZO_ARTIINGE_S33-2DIEN

Ordinance No. 17-54, adopted by the Board on July 19, 2017, relates to the Comprehensive Master Plan; provides disposition of Application No. 9, a corridor generally 100 feet wide along SW/NW 69 Avenue from SW 80 Street to ±400 feet North of NW 7 Street, filed in the May 2015 cycle to amend the County's Comprehensive Development Master Plan
<http://www.miamidade.gov/cob/library/Registry/Ordinances/Board-of-County-Commissioners/2017/17-54.pdf>

Section 163.3187 of the Florida Statutes governs the process for adoption of small-scale comprehensive plan amendments.

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http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0163/Sections/0163.3187.html

PROCEDURAL HISTORY

Prime Sponsor: Rebeca Sosa

This item was adopted by the Board on first reading at the November 7, 2017 meeting.

FISCAL IMPACT

The proposed ordinance will create a fee for the expedited Comprehensive Development Master Plan (CDMP) amendments and concurrent Zoning application; a proposed fee schedule will be introduced through a separate item. The implementation of this ordinance would not result in additional staffing needs or create future operational costs since any costs will be absorbed by the associated fees and therefore will not have a negative fiscal impact to the County.

ANALYSIS

The proposed ordinance seeks Board approval to create Article XLIV of Chapter 33 of the Code of Miami-Dade County, Florida; the item proposes to create and establish development standards for the corridor district, which may be applied to former railway and other linear corridors. This ordinance will apply in the unincorporated Miami-Dade County and in any incorporated area where the County exercises zoning jurisdiction.

The Corridor District has the intent to enhance regional mobility, provide opportunities for physical activity, and improve the economic vitality of former railway corridors or other similar linear pathways of the surrounding areas by providing a continuous pedestrian and bicycle trail while ensuring that development along the corridor occurs at appropriate locations. If a public pedestrian and bicycle trail were to be developed over the length of a specific corridor, such public trail would allow for alternate methods of transportation which would facilitate the movement of people over the length of the corridor by providing connections which may not presently exist, this in turn would benefit the public as people would gain greater access to trails and recreational facilities which improve pedestrian and bicycle mobility for all residents.

This proposed ordinance will also do the following:

- Facilitate the process for CDMP amendment applications, which would allow such applications to be filed outside of the regular application cycles.
- Create, and establish additional development standards for, a new zoning district called the Corridor District, to facilitate the redevelopment of these potential public amenities.
- Facilitate the redevelopment of railway corridors or other similar linear pathways that may become public amenities by allowing CDMP amendments re-designating such corridors and surrounding areas as Special Districts to be filed concurrently with applications to rezone property to the Corridor District.

BCC Meeting: November 21, 2017
Research Notes

Item No. 5D

File No. 172186

Researcher: NR Reviewer: TD

RESOLUTION APPROVING SIGNIFICANT MODIFICATION OF BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM (“BOND PROGRAM”) PROJECT NO. 194 – “CONSTRUCT A NEW DETENTION CENTER” TO REDUCE ITS ALLOCATION BY \$14,750,000.00 AND REALLOCATE TO A NEW PROJECT NO. 364, “DETENTION FACILITIES – INFRASTRUCTURE REPAIRS AND RENOVATIONS”, ALL AS IDENTIFIED IN APPENDIX A TO RESOLUTION NO. R-915-04, ALL AFTER A PUBLIC HEARING; AND WAIVING PROVISIONS OF IMPLEMENTING ORDER 3-47 REGARDING ADDING NEW PROJECTS TO BOND PROGRAM USING SURPLUS FUNDS

ISSUE/REQUESTED ACTION

Whether the Board should approve (1) significant modification of Building Better Communities General Obligation Bond (BBC GOB) Program Project No. 194 – Construct a New Detention Center to reduce its allocation, (2) approve the addition of new Project No. 364, Detention Facilities – Infrastructure Repairs and Renovations, and (3) waive the provisions of IO 3-47.

APPLICABLE LEGISLATION/POLICY

Implementing Order (IO) 3-47 sets forth a process for the allocation of surplus funds to existing and new Bond Program projects.

Pursuant to Resolution No. R-915-04, dated July 20, 2004, (Public Safety Resolution), the voters of Miami-Dade County approved the issuance of general obligation bonds in a principal amount not to exceed \$341,087,000.00 to construct and improve public safety facilities. One of the projects listed in Appendix A to the Public Safety Resolution is Project No. 194 - Construct a New Detention Center with an original allocation of \$90,000,000.00.

On September 16, 2014, the Board adopted Resolution No. R-795-14 which approved a significant modification of Project No. 194 to reduce its allocation from \$90,000,000.00 to \$87,500,000.00.

Resolution No. R-795-14:

<http://intra/gia/legistarfiles/MinMatters/Y2014/141740min.pdf>

On October 5, 2016, the Board adopted Resolution No. R-870-16 which approved a significant modification of Project No. 194 to reduce its allocation from \$87,500,000.00 to \$75,500,000.00.

Resolution No. R-870-16:

<http://intra/gia/legistarfiles/MinMatters/Y2016/161840min.pdf>

PROCEDURAL HISTORY

Prime Sponsor: Pepe Diaz

This item was forwarded to the Board with a favorable recommendation by the Chairman’s Policy Council at its October 4, 2017 meeting.

On April 17, 2013, the Board approved a Consent Agreement with the United States Department of Justice (DOJ), requiring the County and the Public Health Trust to remedy certain operational deficiencies in the County jail system.

August 15, 2017, the GOB BBC Citizens Advisory Committee favorably recommended (1) significant modification of Project No. 194 to reduce its allocation by \$14.75 million and (2) the addition of new Project No. 364 – Detention Facilities - Infrastructure Repairs and Renovations.

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FISCAL IMPACT

There is no fiscal impact to the County from this item. This item reallocates \$14.75 million of existing BBC GOB Program funds.

ANALYSIS

This resolution seeks to approve a Significant Modification to Building Better Communities General Obligation Bond Programs Project No. 194 - Construct a New Detention Center to reduce the allocation from \$75,500,000.00 to \$60,750,000.00; the \$14,750,000.00 are deemed surplus funds.

The resolution also seeks that the Board:

- waive the provisions of IO 3-47 regarding the addition of new projects to the Bond Program using surplus funds, including the requirement that surplus funds may fund new projects only after all projects have been completed or necessary funding for completion of all projects has been identified to the satisfaction of the Board; and
- approve the addition of Bond Program Project No. 364, Detention Facilities – Infrastructure Repairs and Renovations in the amount of \$14,750,000.00 by using surplus funds from Project No. 194.

Project No. 364, Detention Facilities – Infrastructure Repairs and Renovations funds will be used to perform the required replacement of roofs and expansion joints, boilers, air conditioning systems, elevators, generators, fuel tanks, mechanical doors, recreation yard doors and the renovation of bathrooms at the Metro West Detention Center and the Turner Guilford Knight Correctional Center to provide suitable housing for inmates.

BBC GOB Project No. 194 is located in Commission District 11, represented by Commissioner Joe Martinez, and new Project No. 364 is located in Commission District 12, by Commissioner Jose “Pepe” Diaz. These projects have a countywide scope.

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Research Notes**

**Item No. 5E
File No. 172311**

Researcher: AIP Reviewer: TD

RESOLUTION AUTHORIZING MIAMI-DADE COUNTY BUS SERVICE ADJUSTMENTS TO BE IMPLEMENTED ON OR BEFORE FEBRUARY 4, 2018

ISSUE/REQUESTED ACTION

Whether the Board should approve the resolution that authorizes adjustments to several bus routes in Miami-Dade County.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code, Chapter 2, Article XIX, Section 2-150 (Fixing and changing fares, service, rates or charges), which required Board approval of proposed service modifications, following a public hearing.

http://miamidade.fl.elaws.us/code/coor_ptiii_ch2_artxix_sec2-150

PROCEDURAL HISTORY

10/12/2017: The TPWC forwarded the item to the BCC without a recommendation.

11/3/2017: The Office of the Chair requested a deferral of this item to the November 21, 2017 BCC meeting.

11/7/2017: The BCC deferred the item to the 11/21/17 BCC.

FISCAL IMPACT

The fiscal impact of implementing the proposed service changes for the routes represents an estimated annual cost savings of \$4.408 million.

ANALYSIS

The item recommends the discontinuation of 2 routes due to duplicate services, and two route modifications. These proposed changes would save the Department of Transportation and Public Works (DTPW) money, and these changes were approved in the Fiscal Year 17-18 Adopted Budget. These changes to routes would take into effect on February 4, 2018. In the October TPWC, several commissioners expressed concern over other department expenditures, while cutting bus services.

This item would:

- Discontinue Route 70, and consolidate with Route 35
 - Route 70 details: http://www.miamidade.gov/transit/routes_detail.asp?route=70
 - Route 35 details: http://www.miamidade.gov/transit/routes_detail.asp?route=35
- Discontinue Route 249, because it duplicates service with the City of Miami Trolley
 - Route 249 details: http://www.miamidade.gov/transit/routes_detail.asp?route=249
 - City of Miami Trolley routes: <http://www.miamigov.com/trolley/maps.html>
- Modifies the service frequency of Route 31, during peak periods from 15 min. to 30 min.
 - Route 31 details: http://www.miamidade.gov/transit/routes_detail.asp?route=31
- Modifies the services of Route 115 to only provide service during peak hours.
 - Route 115: http://www.miamidade.gov/transit/routes_detail.asp?route=115

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Research Notes**

**Item No. 7A
File No. 172213**

Researcher: AIP Reviewer: TD

ORDINANCE RELATING TO ZONING; AMENDING SECTIONS 33-84, 33-96, 33-107, 33-284.87, 33-314, 21-166, 21-169, AND 33C-2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING STANDARDS, CRITERIA, AND PROCEDURES RELATED TO DIGITAL KIOSK SIGNS; MAKING TECHNICAL AMENDMENTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 171758]

ISSUE/REQUESTED ACTION

This ordinance proposes zoning changes to the County Code relating to digital kiosks. Amendments include technical changes, procedural changes, and changes to definitions.

APPLICABLE LEGISLATION/POLICY

Section 33-84 (definitions) of the County Code:

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=CD_MIAMI-DADE_CO_FLORIDA_CH33ZO_ARTVISI_DIV1TIAPPUDE_S33-84DE

Section 33-96 (illumination) of the County Code:

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=CD_MIAMI-DADE_CO_FLORIDA_CH33ZO_ARTVISI_DIV2GEPR_S33-96IL

Section 33-107 (Class C commercial signs) of the County Code:

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=CD_MIAMI-DADE_CO_FLORIDA_CH33ZO_ARTVISI_DIV3SISTRECH_S33-107CLCCOSI

Section 33-284.87 (signs) of the County Code:

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=CD_MIAMI-DADE_CO_FLORIDA_CH33ZO_ARTXXXIII_K_STURCEDIRE_S33-284.87SI

Section 33-314 (direct applications and appeals to the County Commission) of the County Code:

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=CD_MIAMI-DADE_CO_FLORIDA_CH33ZO_ARTXXXVIZOPR_S33-314DIAPAPCOCO

Section 21-166 (bus shelter location and extension onto private property) of the County Code:

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=CD_MIAMI-DADE_CO_FLORIDA_CH21OFMIPR_ARTXIIPUBUPABESH_S21-166BUSHLOEXONPRPR

Section 21-169 (exemption of signs from zoning requirements) of the County Code:

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=CD_MIAMI-DADE_CO_FLORIDA_CH21OFMIPR_ARTXIIPUBUPABESH_S21-169EXSIZORE

Section 33C-2 (Rapid Transit Zone) of the County Code:

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=CD_MIAMI-DADE_CO_FLORIDA_CH33CFIIDRATRSYEVZO_S33C-2RATRZO

PROCEDURAL HISTORY

Prime Sponsor: Chairman Bovo (District 13). This item requires 6 weeks between first reading and public hearing, as well as 4 weeks notification to municipal officials prior to public hearing.

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7/07/2017: Requires Municipal Notification by the BBC because it impacts several cities; therefore municipal notice is required.

7/18/2017: The proposed ordinance was adopted on first reading and is set for public hearing before the Government Operations Committee (GOC) on October 10, 2017.

10/10/2017: At the GOC, a public hearing was conducted, and there was a substitute presented, which was then forwarded to the BCC with a favorable recommendation.

FISCAL IMPACT

No fiscal impact has been determined.

ANALYSIS

This item deals mainly with digital kiosk signs, which are meant to interact with pedestrians, be used for advertising, as well as offer valuable information such as bus routes. The proposed changes update the current Code to include several provisions that relate to kiosk signs, such as emitting auditory messages when pedestrians interact with it, or illuminating, but must not impact drivers or those who are not interacting with the sign. The item also includes other specifications into the lighting patterns allowed, and the size specifications for the signs. It also states that kiosks placed by the County shall provide Wi-Fi, bus routes and schedules, charging stations, and other useful pedestrian information.

The item updates the definition for “Kiosk Signs” to: “Kiosk sign: A detached, single- or dual-face sign placed within a base and affixed or permanently attached to the ground, where the sign face is similar in dimensions to a bus-shelter sign. The kiosk structure shall be of pedestrian scale and may also contain wi-fi or other equipment that is housed in a compartment that screens the equipment from view.”

The substitute presented and forwarded at the 10/10/17 GOC defers in the original in that it:

- allows kiosk signs to be single- or dual faced;
- allows but does not require Wi-Fi on all County Kiosk signs;
- provides that malfunctioning signs, which must immediately revert to a black screen under the current Code, shall be restored to normal operation conforming to the requirements of sections 33-96 (illumination), within 7 days instead of 24 hours;
- changes the dimensions of a kiosk sign which could be exempt from certain prohibitions on sign movement; and
- clarifies that this exemption related to sign movement shall only apply when a pedestrian is physically interacting with the kiosk sign’s touch screen

Main Proposed Amendments to the Miami-Dade County Code:

Section:	As it currently reads:	Proposed amendment:
33-84 (definitions)	(16) Kiosk sign: A detached, dual-face sign placed within a base and affixed or permanently attached to the ground, similar in dimensions to a bus-shelter sign.	(16) Kiosk sign: A detached, single- or dual-face sign placed within a base and affixed or permanently attached to the ground, where the sign face is similar in dimensions to a bus-shelter sign. The kiosk structure shall be of pedestrian scale and may also contain wi-fi or other equipment that is housed in a compartment that screens the equipment from view.
Section:	As it currently reads:	Proposed amendment:
33-96 (illumination)	(c)(5) Any digital sign that malfunctions, fails, or ceases to operate in its usual or normal programmed manner shall immediately revert to a black	(c)(5) Any digital sign that malfunctions, fails, or ceases to operate in its usual or normal programmed manner shall immediately revert to a black screen and shall be restored to its normal operation conforming to the requirements of this section within 7 days.

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	screen and shall be restored to its normal operation conforming to the requirements of this section within twenty-four (24) hours.	
	-	<p>(c)(6) Kiosk signs allowed pursuant to this code may have a portion of the sign face, that is no greater than 39 inches wide and extending no higher than 7 feet from the ground, that is exempt from subsections (1), (2), and (4) above, to allow movement and auditory information when a pedestrian interacting with the sign, provided that all of the following conditions are met:</p> <p>(i) This exemption only applies during the time period when a pedestrian is physically interacting with the kiosk sign's touch screen and at all other times, the entire area of the kiosk sign is required to comply with subsections (1), (2), and (4), and this exemption shall not apply.</p> <p>(ii) If a kiosk sign is located along a road or public right-of-way, the kiosk sign shall only have interactive mode on one sign face, and the interactive sign face shall not be visible from the incoming traffic on the abutting lane.</p> <p>(iii) This is a limited exception and shall be interpreted narrowly.</p>
33-107 (Class C commercial signs)	Type of signs permitted: Billboard; bulletin board; poster board; mural in locations specified herein.	(A) The table set forth identifies types of signs permitted: Billboard; bulletin board; poster board; kiosk sign; or mural in locations specified herein and with certain applicable conditions
	-	<p><i>Type of Signs:</i> Kiosk Sign <i>Size:</i> As per definition <i>Number:</i> The number of kiosk signs shall not exceed that of twice the detached class B signs allowed, unless otherwise provided in this chapter. <i>Setback and Spacing:</i> 30 feet from any right-of-way; 20 feet from an interior property line; 30 feet from any detached sign; 30 feet from another kiosk sign, unless otherwise provided in this chapter. <i>Illumination:</i> Static and digital <i>Maximum Height:</i> As per definition <i>Special Conditions:</i> As provided in subsection (e) below</p>
Section:	As it currently reads:	Proposed amendment:
	-	<p>(c) Kiosk Signs</p> <p>(1) Purpose and Intent: (i) Because of their size and characteristics as defined in this chapter, kiosk signs are particularly suited to serve pedestrians and pedestrian-oriented development.</p>

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		<p>Pedestrians may interact with kiosk signs through touch screens or auditory messages, and where such interactive mode is allowed in a limited manner, restricted by size, and only allowed during the time that a pedestrian is interacting with the kiosk sign, the interactive capabilities and features are consistent with pedestrian oriented development and the aesthetics of the areas where these signs are to be allowed. Effects on traffic or to pedestrian safety would be minimal based on the size of the interactive portion of the kiosk sign and the presence of a pedestrian interacting with the kiosk sign.</p> <p>(ii) Policy for County-installed signs. Kiosk signs have the potential to also integrate other services that may provide a benefit to the public, such as wi-fi capability, maps, and transit information such as schedules and routes. Where kiosk signs are placed by the County or pursuant to a County contract, it is the policy of the County that all such kiosks shall include services and information to assist the public, such as wi-fi, transit information, and maps.</p> <p>(2) Permitted zoning districts. Kiosk signs with static or digital Class B or Class C signs may only be located on:</p> <p>(i) Properties that meet all of the following criteria:</p> <p>(a) Zoned BU-1A, BU-2, or BU-3, or the municipal equivalent, or properties zoned or designated for airport or seaport; and</p> <p>(b) a minimum of 25 acres in area; and</p> <p>(c) located along a major roadway as designated on the Land Use Plan Map of the Comprehensive Development Master Plan; or</p> <p>(ii) Properties designated MC, MCS, MM, or MCI on the Land Use Regulating Plan of an Urban Center/Area District, or the municipal equivalent, but not on properties developed with residential uses only; or</p> <p>(iii) A Pedestrian-Oriented Development, as defined in section 33E-8, that is not in an Urban Center/Area District; or</p> <p>(iv) Rail stations not already covered within the above categories, which may be zoned Rapid Transit Zone or other comparable district. For such rail stations, the maximum number of kiosk signs allowed shall either be equivalent to the BU zoning district or twice the detached class B signs allowed by the station's Rapid Transit Zone subzone, whichever is greater.</p>
Section:	As it currently reads:	Proposed amendment:
		<p>(3) Placement standards. Each kiosk sign with static or digital Class B or Class C signs shall:</p> <p>(i) Comply with the digital illumination standards set forth in this article;</p> <p>(ii) Comply with the setback and spacing requirements set forth in this article;</p> <p>(iii) Be oriented to serve pedestrians in the interior of the</p>

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		<p>property and not be oriented to serve vehicles; in Urban Center/Area Districts, kiosk signs may be located in areas designated for pedestrian traffic along designated open spaces;</p> <p>(iv) Not be visible from any abutting public right-of-way or from any property in residential single-family use;</p> <p>(v) Not be located in surface parking areas;</p> <p>(vi) Not interfere with pedestrian or vehicular visibility or traffic flow; and</p> <p>(vii) Not interfere with or displace required landscaping or parking.</p> <p>(4) Maximum height of sign structure. The kiosk structure may contain wi-fi or other equipment that is housed above or below the sign face in a compartment that screens the equipment from view, provided that the entire kiosk structure does not exceed 11 feet in height.</p> <p>(5) Variances. Requests for variances of setback and spacing requirements shall be subject to the standards and requirements of section 33-96(d)(2). All other requests for variances of the requirements applicable to kiosks shall be permitted only pursuant to the standards and requirements of 33-96(d)(1).</p>
21-169 (exemption of signs from zoning requirements)	Signs affixed to bus shelters and bus passenger benches placed at MDTA authorized bus stops and extending onto private property are exempt from the provisions of Chapter 33 of the Code of Miami-Dade County.	Signs affixed to bus shelters and bus passenger benches placed at bus stops authorized by the Miami-Dade County Department of Transportation and Public Works or successor entity ("DTPW") and extending onto private property are exempt from the provisions of Chapter 33 of the Code of Miami-Dade County, except that all signs shall comply with section 33-96, which relates to sign illumination, and shall comply with those portions of chapter 33 that specifically reference bus shelter signs, including but not limited to section 33-284.99.60(B)(7).
33C-2 (Rapid Transit Zone).	(D)(1)(b) Stations for the Rapid Transit System, including such uses as passenger platforms and waiting areas, ticket and information booths, restrooms, utility rooms, in-station advertising displays...	(D)(1)(b) Stations for the Rapid Transit System, including such uses as passenger platforms and waiting areas, ticket and information booths, restrooms, utility rooms, kiosk signs only to the extent permitted by section 33-107 in-station advertising displays...

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**Item No. 8C1
File No. 172419**

Researcher: AIP Reviewer: TD

RESOLUTION AUTHORIZING THE FUNDING OF 25 GRANTS FOR A TOTAL OF \$125,000.00 FROM THE DEPARTMENT OF CULTURAL AFFAIRS FISCAL YEAR 2017-2018 COMMUNITY GRANTS PROGRAM – FIRST QUARTER FOR VARIOUS ENTITIES; WAIVING RESOLUTION NO. R-130-06; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO EXECUTE GRANT AGREEMENTS AND TO EXERCISE ALL PROVISIONS, INCLUDING THE CANCELLATION PROVISIONS, CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should authorize funds totaling \$125,000, as grants to 25 community organizations, and waive resolution No. R-130-06 (Contract Conveyance).

APPLICABLE LEGISLATION/POLICY

Resolution No. R-130-06 (File No. 060239), which states that no item seeking approval of a contract and authority to execute same will be put before the Board or committees until the underlying contract is completely negotiated, in final form, and executed by all non-County parties.

This item is requesting to waive this requirement, so that the funds can be expedited quickly, due to the time-sensitive, tourism-oriented community events.

Resolution No. R-130-06 (RESO AMENDING RESO. R-1198-05) can be found at:

<http://intra/gia/matter.asp?matter=060239&file=false&yearFolder=Y2006>

PROCEDURAL HISTORY

This item requires no sponsor.

11/15/2017: The Parks and Cultural Affairs Committee (PCAC) was cancelled due to lack of a quorum and the item was forwarded to the BCC by the BCC Chairman.

FISCAL IMPACT

The funds being authorized were approved as part of the Fiscal Year 2017-2018 County Budget ordinance. These funds are from the Department of Cultural Affairs’ revenues, and a total of \$125,000 will be used for the Community Grants Program. The recommended amounts for the grants vary from \$501 to \$7,500.

ANALYSIS

The Community Grants (CG) Program is responsive on a quarterly basis to not-for-profit organizations developing small and large-scale community-based cultural (dance, theater, music, visual arts) programs, as well as projects and events, such as fairs, parades, neighborhood festivals, conferences and publications that have a strong artistic component.

The item includes an attachment which details each of the events proposed, as well as the address of each organization and the date(s) of the event(s). Authorizing these funds is imperative to the execution of these events, which enrich and benefit the members of our community by exposing them to different arts and cultures.

The grants for Fiscal Year 2017-2018 Community Grants Program - First Quarter, are listed as follows:

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#	Organization	Amount	Purpose	Location District
1	Arts Connection Foundation, Inc.	\$4,951	Media Festival	3, 12
2	Community Arts and Culture a/f/a for Love The Everglades Movement, Inc.	\$7,500	Awareness Concert	3
3	Community Performing Arts Association, Inc.	\$6,601	Holiday Festival	12
4	Cuatrogatos Foundation, Inc.	\$4,951	Reading Festival	3, 5, 7, 9
5	Florida Dance Education Organization, Inc.	\$4,951	Performances	5
6	Funcionarte, Corp.	\$1,980	Art Exhibition	3
7	Fundacion Manos del Sur, Inc.	\$3,301	Film Festival	5
8	Greater South Dade/South Miami/Kendall Chamber of Commerce d/b/a Chamber South	\$6,601	Art Festival	7
9	Hispanic American Lyric Theatre, Inc. a/f/a for Dimensions Dance Theater of Miami, Inc.	\$4,951	Dance Performances	8
10	Hispanic Heritage Literature Organization Corp.	\$4,951	Presentations	6, 7, 12
11	Illuminarts, Inc. a/f/a for Magic City Opera	\$3,301	Opera Performance	7
12	Italian Film Festival, Inc.	\$6,601	Film Festival	5
13	Lemon City Cemetery Community Corporation	\$5,000	Concert	3
14	Merrick Festival Incorporated	\$6,601	Caroling Competition	6
15	Miami Acting Company, Inc.	\$3,301	Musical Performance	7
16	Miami Dance Futures, Inc.	\$4,951	Dance Event	7
17	Montgomery Botanical Center, Inc.	\$501	Programmed Tour	7
18	Name Publications, Inc.	\$4,951	Book Launches & Album Release	3, 9
19	South Florida Friends of Classical Music, Inc.	\$6,601	Music Festival	11
20	The Alexander Foundation Formless Heart Fellowship, Inc.	\$4,951	Dance Festival	5
21	The German School of South Florida, Inc.	\$4,951	Oktoberfest	10
20	Sunflower Society, Inc.	\$7,500	Art Classes	3, 5

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23	The Women's International Film and Arts Festival, Inc.	\$6,601	Film & Arts Festival	5, 7
24	Upbeat Miami, Inc.	\$3,500	Concert Series	3, 5
25	Zunzun Arts & Education, Inc.	\$4,951	Musical	12

The CG panel considers projects with strong community involvement and/or outreach component. Arts organizations not meeting these criteria should consider applications to other Department programs. The CG Program is particularly sensitive to the needs of indigenous cultural neighborhood activities and projects encouraging the preservation of heritage, traditions and culture, as well as social service organizations and cultural groups developing collaborative intervention projects using the arts.

All first-time applicants are required to attend a CG Workshop and schedule a consultation with the program administrator. Workshops also cover user registration and navigation of Culture Grants Online (CGO), the Department's grants management system. Returning applicants must schedule a consultation with the program administrator.

Community Grants Program:

<http://www.miamidadearts.org/community-grants-cg-program>

Community Grants Panel Members: http://www.miamidadearts.org/sites/default/files/files/inline/cg_panel_list_fy17-18_revised_0.pdf

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**Item No. 8F1
File No. 172045**

Researcher: PGE Reviewer: TD

RESOLUTION AUTHORIZING ADDITIONAL TIME OF FIVE YEARS AND EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$91,744,000.00 FOR PREQUALIFICATION POOL NO. 9562-5/22 FOR JANITORIAL SERVICES FOR VARIOUS COUNTY DEPARTMENTS; 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 the Administration's exercise of the remaining five, one-year option-to-renew (OTR) terms for a value of \$91,744,000 under Prequalification Pool No. 9562-5/22 for countywide janitorial services.

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the County Code requires formal sealed bids for purchases over \$250,000; describes the circumstances under which non-competitive acquisitions may be approved; and establishes the requirements for legacy and designated purchases.

[https://library.municode.com/fl/miami -
_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

Section 2-8.9 of the County Code provides that County service contractors for covered services shall pay employees a living wage.

[https://library.municode.com/fl/miami -
_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.9LIWAORCOSECOEM](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.9LIWAORCOSECOEM)

Section 29-124 of the County Code requires review by the Citizens' Independent Transportation Trust (CITT) of contracts funded by the People's Transportation Plan or for contracts with a transit allocation exceeding \$1 million.

[https://library.municode.com/fl/miami - _dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH29TA-ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-124SPFUCRUSSUPPROCIINTRTR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-124SPFUCRUSSUPPROCIINTRTR)

Resolution No. R-841-06, adopted by the Board on July 6, 2006, directed the County Mayor to seek approval for award of successor contracts or extensions 30 days prior to contract expiration.

<http://intra/gia/matter.asp?matter=061720&file=true&yearFolder=Y2006>

Resolution No. R-1433-06, adopted by the Board on December 19, 2006, directed the County Mayor to develop an administrative process to review all contracts for procurement of goods and services for opportunities for small business enterprise participation prior to exercising an OTR.

<http://intra/gia/matter.asp?matter=063176&file=true&yearFolder=Y2006>

Resolution No. R-98-12, adopted by the Board on January 24, 2012, directed the County Mayor to attempt to negotiate better prices on all awarded contracts for the purchase of goods and services prior to the exercise of any OTRs, including a summary of such negotiation efforts in OTR recommendations requiring Board approval.

<http://intra/gia/matter.asp?matter=112444&file=true&yearFolder=Y2011>

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Resolution No. R-716-12, adopted by the Board on September 4, 2012, requires identifying certified small business enterprises by use of the firm's specific small business certification category (e.g., SBE, DBE and CSBE) in any procurement item submitted for Board approval.

<http://www.miamidade.gov/govaction/matter.asp?matter=121265&file=true&yearFolder=Y2012>

Implementing Order No. 3-38 sets forth processes and procedures relating to the purchase of goods and services, including professional services.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-38.pdf>

PROCEDURAL HISTORY

The item was forwarded to the Board with a favorable recommendation by the Government Operations Committee at its October 10, 2017 meeting. On October 12, 2017, CITT voted to forward a favorable recommendation of this item to the Board. The item was deferred by the Board at its November 7, 2017 meeting. A summary of the discussion at the November 7, 2017 meeting is provided below.

Commissioner Martinez: (1) questioned whether Living Wage applies to this pool, and if it is truly being paid to covered workers; (2) provided an example of a janitorial services contractor's employee who is being paid \$9 per hour, which is below the applicable Living Wage rate; (3) requested an audit to verify that service contractors are complying with the Living Wage Ordinance and for such audit to include a survey of covered employees; (4) shared concern for whistleblowers facing retaliation for communicating underpayment; (5) requested clarification on whether Living Wage is applied to a contract's cumulative value; and (6) suggested revising the Living Wage legislation to ensure covered employees are paid a Living Wage irrespective of the value of the underlying contract.

Commissioner Jordan: (1) stated that the ordinance should be revised so all covered workers are paid whether or not the underlying contract is valued at over \$100,000; and (2) questioned how wage data was collected and verified by the Internal Services Department (ISD), e.g., through the social security system.

Commissioner Moss: (1) shared concern that whistleblowers may face retaliation for exposing underpayment; and (2) desired to reevaluate the existing Living Wage legislation.

Commissioner Monestime: requested that ISD provide a list of companies that contract for \$100,000 or less.

ISD responded to the discussion as follows: (1) confirmed that the Living Wage Ordinance applies to the pool; (2) stated that Living Wage only applies to the contracts established under the pool that exceed \$100,000; (3) clarified that Living Wage applies per individual contract, not cumulatively; (4) confirmed that the department audits all contracts where Living Wage is applicable to monitor compliance; and (5) confirmed that the department receives and evaluates payroll data from covered service contractors.

FISCAL IMPACT

The renewal allocation for the five-year period is \$91,744,000. The requested allocation for the OTR is based on existing and projected service requirements as well as Living Wage adjustments. Per information found in the Bid Tracking System on November 17, 2017, the pool was allocated \$92,602,000, of which \$70,474,842.48 has been released, leaving a balance of \$22,127,157.52.

ANALYSIS

The current janitorial services pool was adopted by the Board on June 5, 2012 pursuant to Resolution No. R-456-12. The resolution provided for a pool term of five years, including five, one-year OTRs, for a value of \$92,000,000 for multiple County departments. The method of award was to all responsive and responsible vendors that met the

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minimum qualifications by group for participation in future spot market competition. There were three groups: (1) the vendor shall have a minimum of one-year of experience in managing facilities of any size; work under this group shall be set-aside for certified Small Business Enterprises (SBEs) unless there is insufficient availability; (2) the vendor shall have a minimum of three years of experience managing facilities exceeding 25,000 square feet; and (3) the vendor shall have a minimum of five years of experience managing facilities exceeding 75,000 square feet and/or buildings taller than five stories. The pool has been extended twice, from its original expiration date of June 30, 2017 to November 30, 2017 under delegated authority. There is one-month of extension authority remaining for the Administration.

The County's Living Wage Ordinance applies to this pool. Under the ordinance, covered services are contracts awarded that involve a total contract value of over \$100,000 per year. Janitorial services falls under one of the service categories – routine maintenance services (i.e., custodial, cleaning, refuse removal, repair, refinishing and recycling). All service contractors performing covered services shall pay to all of its employees delivering covered services, the current Living Wage. The Living Wage rate for County contracts for covered services entered into before October 1, 2016 is \$13.20 per hour with qualifying health benefits valued at least \$1.91 per hour, otherwise it is \$15.11 per hour. For covered services entered into, extended, amended or modified on or after October 1, 2016, the rate is \$12.99 per hour with qualifying health benefits valued at least \$3.16 per hour, otherwise it is \$16.15 per hour. (See link to Living Wage Rates Notice: <http://www.miamidade.gov/smallbusiness/library/reports/living-wage-notice-october-december-2017.pdf> .)

The Living Wage shall be required in the procurement specifications and contract language for all County service contracts for covered services. The procurement specifications and contract language for applicable contracts shall include a requirement that service contractors agree to produce all documents and records relating to payroll and compliance with the Living Wage Ordinance upon request from the applicable department. Covered employers are required to maintain payrolls for all covered employees which contain:

- The name and address of each covered employee;
- The job title and classification;
- The number of hours worked each day;
- The gross wages earned and deductions made;
- Annual wages paid;
- A copy of the social security returns and evidence of payment thereof;
- A record of fringe benefit payments including contributions to approved plans; and
- Any other data or information the County should require from time to time.

The ordinance requires such payroll data to be reported to the County at least twice a year. The County may sanction a service contractor for violations of the ordinance by requiring the contractor to pay wage restitution to the affected employee. The ordinance bars retaliation and discrimination by an employer against any employee who files a complaint asserting his/her rights.

Rather than exercise each OTR term individually upon a review of market conditions and the County's then-existing needs, this item is requesting Board authorization to exercise the five, one-year OTRs simultaneously. Under the extension period, County departments will continue to use this pool to receive a wide array of janitorial services for roughly 300 facilities. The departments requesting the largest allocations under this item are Internal Services, Library System, and Transportation and Public Works. It is unclear from the mayoral memorandum how the spot market purchases are conducted, e.g., Work Order Proposal Request or Request for Qualifications. It is also unclear why a prequalification pool is the preferred method of award for a long-term janitorial services contract. As stated in the mayoral memorandum, there are 31 prequalified vendors. Note that BPT Manufacturing Corp., one of the prequalified

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vendors, is an inactive firm per information found on the Florida Department of State Division of Corporations website on November 17, 2017. (See the link to the vendor's information in sunbiz.org:

In addition to this pool, the County, pursuant to Resolution No. R-597-14, approved a legacy award in July 2014 to Florida Association of Rehabilitation Facilities, Inc. (Respect of FL) for janitorial services for County facilities managed by the Police and Internal Services Departments. The contract value is \$22,847,000 for a five-year term. The contract allows the County to exercise a single five-year OTR at its discretion. It is important to note that janitorial services are not the typical category of contract services falling under the County's requirements for a legacy purchase. Under the County Code, legacy purchases shall mean 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.

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**Item No. 10A1
File No. 172520**

Researcher: NR Reviewer: TD

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 \$56,000,000.00, THE PROCEEDS OF WHICH WILL BE LOANED TO AOF CEDAR GROVE LLC, AOF RUNNING BROOK LLC AND AOF EMERALD DUNES LLC, TO FINANCE THE ACQUISITION AND REHABILITATION OF MULTIFAMILY HOUSING RENTAL PROJECTS KNOWN AS CEDAR GROVE APARTMENTS, RUNNING BROOK APARTMENTS AND EMERALD DUNES APARTMENTS

ISSUE/REQUESTED ACTION

Whether the Board should authorize the Housing Finance Authority of Miami-Dade County (HFA) to issue Revenue Bonds principal amount not to exceed \$56,000,000 for the acquisition and rehabilitation of Cedar Grove Apartments, Emerald Dunes Apartments and Running Brook Apartments (Projects).

APPLICABLE LEGISLATION/POLICY

Pursuant to Article XXIB. Housing Finance Authority of the Miami-Dade County, Code Section 2-191.9, the Housing Finance Authority of Miami-Dade County, Florida, is hereby expressly empowered to purchase and own the stock of and vote to capitalize the association in accordance with this ordinance. The policy of the association shall be to originate and make low-cost loans and provide related services to eligible persons to allow them to obtain affordable housing in accordance with the purposes of the Florida Housing Finance Authority Law. Such association may accept deposits which must be federally insured and may sell mortgages originated by it in the secondary market and issue mortgage-backed securities. The policy of the association shall be to reinvest the proceeds of the loans and sale of mortgage-backed securities in mortgage loans as provided in the Florida Housing Finance Authority Law or as reserves for the association. The association shall comply with all State and federal banking and regulatory requirements

Housing Finance Authority:

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTXXIBHOFIAU_S2-191.9MIDECOHOFIAUSABA

PROCEDURAL HISTORY

Prime Sponsor: NONE

On August 28, 2017, HFA passed Resolution No. HFA 2017-14 providing its initial approval of the issuance of the Debt in order to provide a loan to the Borrower for the financing of the Projects.

On September 27, 2017, HFA conducted a public hearing for the purpose of considering the issuance of the Debt by the HFA in conformity with the requirements of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) and Section 147(f) of the Internal Revenue Code of 1986, as amended, and such public hearing disclosed no reason why the Debt should not be issued.

Tax Equity and Fiscal Responsibility Act of 1982:

<https://www.congress.gov/bill/97th-congress/house-bill/4961>

Section 147(f) of the Internal Revenue Code:

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<https://www.gpo.gov/fdsys/pkg/USCODE-2011-title26/pdf/USCODE-2011-title26-subtitleA-chap1-subchapB-partIV-subpartA-sec147.pdf>

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

This item proposes to authorize the HFA to issue Multifamily Mortgage Revenue Bonds in the principal amount not to exceed \$56,000,000 for the Projects.

AOF Miami Dade Affordable Housing Corp., an active Florida not-for-profit corporation, applied to HFA for multifamily mortgage revenue debt financing assistance to finance the acquisition and rehabilitation of:

- (i) Cedar Grove Apartments, approximately 288 units located in Miami Gardens and to be owned by AOF Cedar Grove;
- (ii) Running Brook Apartments, approximately 186 units in unincorporated Miami-Dade County and to be owned by AOF Running Brook; and
- (iii) Emerald Dunes Apartments, approximately 141 units in Miami Gardens and to be owned by AOF Emerald Dunes.

The Projects will provide approximately 615 units of rental housing to be occupied, in part, by persons or families of extremely low, low and moderate income and will be owned by the Borrower (in this case AOF Miami Dade Affordable Housing Corp., as stated in the item).

Information on HFA

HFA provides low interest rate loans to developers, through HFA's Multifamily Mortgage Revenue Bond (MMRB) Program, who produce new or rehabilitated housing units for low, moderate and middle income families who desire to rent in Miami-Dade County.

The MMRB Program encourages the acquisition, construction, renovation and rehabilitation of multifamily projects, and provides bond financing for qualified multifamily rental housing developments which meet the goals of the HFA and comply with applicable federal and state laws.

The HFA's MMRB program can be combined with multiple sources of funds which must be coordinated by the Developer.

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Research Notes**

**Item No. 11A10
File No. 172517**

Researcher: AIP Reviewer: TD

RESOLUTION APPROVING RETROACTIVELY A FISCAL AGENT AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE SOUTH FLORIDA COMMUNITY DEVELOPMENT COALITION, INC. BY WHICH \$47,500.00 IN AVAILABLE GRANT FUNDS PROVIDED TO THE SOUTH FLORIDA COMMUNITY DEVELOPMENT COALITION, INC. WILL BE EXPENDED FOR THE OPERATION OF THE DISTRICT 8 NONPROFIT ACADEMY WHICH WILL BE CARRIED OUT BY SUCH DISTRICT; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE SUCH AGREEMENT, AND THE DISTRICT COMMISSIONER FROM DISTRICT 8 OR DESIGNEE TO IMPLEMENT, AMEND, EXTEND, ACCEPT ADDITIONAL FUNDING FOR FUTURE PROGRAMMING, AND TERMINATE SUCH AGREEMENT

ISSUE/REQUESTED ACTION

Whether the Board should approve a retroactive fiscal agent agreement between the County and the South Florida Community Development Coalition, Inc. (SFCDC) to provide funding to the District 8 Nonprofit Academy.

APPLICABLE LEGISLATION/POLICY

N/A

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Cava (District 8)

11/13/17: At the Housing and Social Services Committee (HSSC), the item was waived onto the 11/21/17 BCC. The Clerk of the Board received the appropriate memorandum from Chairman Souto dated November 13, 2017, entitled, "Waiver Request to the November 21st, 2017 BCC Agenda," which requested that the Board of County Commissioners Chairman Esteban L. Bovo, Jr. waive the Board's Rules of Procedure to allow the foregoing proposed resolution to be heard at the November 21st, 2017, Board Meeting.

FISCAL IMPACT

The SFCDC received \$50,000 from JP Morgan Chase, N.A., and will be compensated \$2,500 of that money, for carrying out its fiduciary responsibilities. The remaining \$47,500 will be available as funding for the operation of the Academy. This item creates no fiscal impact to the County.

ANALYSIS

The District 8 Nonprofit Academy offers free workshops, providing vital training and resources to small nonprofits that engage in a combination of service, civic engagement and advocacy. The Academy aims to give nonprofits the tools and information they need to increase organizational capacity, meet performance standards, and build resilience during uncertain times. The Academy will feature hands-on, interactive workshops which will be facilitated by leading experts in the field. Participants will come away with an individualized capacity building work plan that can be concretely implemented. This initiative was conceived by County Commissioner Daniella Levine Cava to help Miami-Dade nonprofits become efficient, effective and competitive in today's third sector market.

The South Florida Community Coalition Program is a nonprofit membership organization with over 85 members representing affordable housing development, small business/economic development, banking, social services, health, and various other nonprofits and individuals. SFCDC's mission is to expand the capacity of the community development field to develop affordable housing and economic opportunities for low and moderate-income individuals while promoting collaborative, inclusive policy and practice to invest in people, neighborhoods and social

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capital throughout Miami-Dade County. SFCDC carries out its mission with an emphasis on capacity building/training, advocacy and facilitating partnerships.

The item includes the Fiscal Agent Agreement which outlines the pay schedules, procedures, and conditions of the agreement. The item also lists all the expenses of the Academy, and how the money will be distributed.

More information on District 8 Nonprofit Academy:

- <https://www.miamidade.gov/district08/library/nonprofit-academy.pdf>

More information on the South Florida Community Development Coalition Inc. (SFCDC):

- <http://southfloridacdc.org/>

- <https://www.mainstreetcrowd.com/organizations/view/58/>

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**Item No. 11A11
File No. 172469**

Researcher: NR Reviewer: TD

RESOLUTION APPROVING THE AMENDED BUDGET FOR FISCAL YEAR 2016-2017 FOR THE OMNI COMMUNITY REDEVELOPMENT AGENCY TOTALING \$26,334,476.00; AND AUTHORIZING ISSUANCE AND SALE OF THE OMNI COMMUNITY REDEVELOPMENT AGENCY'S TAX INCREMENT REVENUE SERIES 2017 NOTES IN ONE OR MORE SERIES IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$25,000,000.00 FOR PURPOSES OF FINANCING AND REFINANCING THE ACQUISITION AND CONSTRUCTION OF ELIGIBLE COMMUNITY REDEVELOPMENT CAPITAL PROJECTS IN THE REDEVELOPMENT AREA, FUNDING ANY NECESSARY RESERVES AND PAYING COSTS OF ISSUANCE OF SUCH NOTES

ISSUE/REQUESTED ACTION

Whether the Board should approve (1) the amended Fiscal Year 2016-17 Omni Community Redevelopment Agency (CRA) Budget and (2) the issuance by the CRA and sale of its 2017 notes in an amount not to exceed \$25,000,000 to finance various projects.

APPLICABLE LEGISLATION/POLICY

The Florida Legislature enacted the Community Redevelopment Act of 1969, which is presently codified in Part III of Chapter 163 of the Florida Statutes, specifically at 163.330. The act authorizes counties and municipalities in the State of Florida to create community redevelopment agencies and to prepare community redevelopment plans for certain defined areas within their boundaries to be designated as community redevelopment areas and within which community redevelopment projects may be undertaken to eliminate and prevent the development and spread of slum and blight through the use of creative tax increment financing mechanisms.

Part III of Chapter 163 of the Florida Statutes, Section 163.330:

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0163/0163.html

Resolution No. R-825-87, adopted by the Board on July 7, 1987, declared the Omni Area to be a slum and blighted area requiring rehabilitation and redevelopment and approved the Omni Area Redevelopment Plan (online link is not available).

Ordinance No. 87-47, adopted by the Board on July 7, 1987, approved the OMNI Community Redevelopment Area Redevelopment Plan and created a funding mechanism for implementing the Plan through the establishment of a trust fund (online link is not available).

Resolution No. R-280-96, adopted by the Board on March 21, 1996, approved an amended Interlocal Cooperation Agreement between Miami-Dade County, the City of Miami and the CRA (online link is not available).

Resolution No. R-1372-07, adopted on December 18, 2007, approved the Interlocal Agreement between the City of Miami, the County, the CRA and the Southeast Overtown/Park West Community Redevelopment Agency (SEOPW), and the First Amendment to the CRA Interlocal Agreement.

Resolution No. R-1372-07:

<http://intra/gia/matter.asp?matter=073749&file=true&yearFolder=Y2007>

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Resolution No. R-07-10, adopted by the Board on January 21, 2010, approved the amendment to the redevelopment plan for the CRA and extended the agency through March 31, 2030.

Resolution No. R-07-10:

<http://intra/gia/matter.asp?matter=102216&file=false&yearFolder=Y2010>

PROCEDURAL HISTORY

Prime Sponsor: Vice Chairwoman Edmonson

This item was forwarded to the Board with a favorable recommendation by the Housing and Social Services Committee (HSSC) at its November 13, 2017 meeting.

Resolution No. R-241-17, adopted by the Board on March 7, 2017, approved the CRA's Fiscal Years 2015-2016 and 2016-2017 budgets in the amounts of \$22,371,207 and \$27,105,271, respectively.

Resolution No. R-241-17:

<http://intra/gia/matter.asp?matter=170222&file=true&yearFolder=Y2017>

FISCAL IMPACT

The Fiscal Year 2016-2017 budget is to be reduced by \$770,795 from \$27,105,271 to \$26,334,476.

ANALYSIS

This item is sponsored by Vice Chairwoman Edmonson and aims to primarily correct the Fiscal Year (FY) 2016-17 CRA budget, reducing it from \$27,105,271 to \$26,334,476. The amended amount reflects the actual amount of City of Miami Tax Increment funds owed to the CRA in January 2017 as well as the 2017 Children Trust Contribution. Subsequent to the approval of the FY 2016-2017 budget, the CRA adopted Resolution No. CRA-R-17-0023 on April 19, 2017 to reduce the budget to \$26,334,476 from \$27,105,271. This item is requesting that the County also approve the budget amendment. Note that the amended budget also reflects the agency's correct table of organization (i.e., proper number of employees).

The \$26.3 million budget revenue categories include: City of Miami Tax Increment, Miami-Dade County Tax Increment, and Transfer from Midtown CRA, Rent Income, and 2017 Children Trust Contribution. The \$26.3 million budget expenditure categories include: Accounting and Auditing, Professional Services (e.g., Lobbyist), Contractual Services (e.g., Landscaping), Interfund Transfer (e.g., Debt Service Payments and Grants to City of Miami Police), Purchase of Real Estate, Grants, Administrative (e.g., Salaries, Insurance), Reserves (e.g., Property Tax and FY 2017 Budget Reserve).

The resolution also proposes the issuance and sale of the OMNI CRA's Tax Increment Revenue Series 2017 Notes in the total amount of \$25,000,000 for purposes of financing and refinancing the acquisition and construction of eligible community redevelopment capital projects in the redevelopment area. A detailed listing of the projects that will be financed and re-financed under this item, including the status of the projects, was not included in the item. According to BankUnited's letter to the Executive Director of the OMNI CRA (Exhibit C to the item), "the Series 2017 Loan will finance certain grants to be made by the CRA for some or all of the workforce/affordable housing projects, and make a deposit to the Debt Service Reserve Fund, and pay cost of issuance."

Information regarding the First Amendment to the CRA Interlocal Agreement

Under the First Amendment, additional tax increment revenues from the OMNI CRA to the County for the purpose of paying debt service on all outstanding County Performing Arts Center (PAC) Bonds and/or loans are as follows:

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1. On March 31, 2008 and every March 31st thereafter through March 31, 2012, the first \$1.43 million of the tax increment revenue, plus an amount equal to 35 percent of the tax increment revenue from the OMNI CRA exceeding the \$1.43 million shall be remitted to the County;
2. Commencing on March 31, 2013 and every March 31st thereafter through March 31, 2027, an amount equal to the greater of \$1.43 million or 35 percent of the tax increment revenue from the OMNI CRA shall be remitted to the County;
3. The amounts remitted by the OMNI CRA to the County shall not exceed \$25 million in any fiscal year;
4. The First Amendment shall expire on March 31, 2027;
5. If the County sells any additional PAC Bonds or incurs any additional loans with regard to the PAC, the County shall ensure that all documentation relating to such Bonds or loans shall limit the liability of the CRA to the amounts due from the OMNI CRA to the County as provided in this First Amendment; and
6. If the CRA issues bonds and/or incurs indebtedness, such bonds and/or indebtedness are subordinate to all current County PAC Bonds and/or loans.

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**Item No. 11A12
File No. 172607**

Researcher: SM Reviewer: PGE

RESOLUTION AMENDING IMPLEMENTING ORDER NO. 4-111, FEE SCHEDULE FOR REGULATORY AND ECONOMIC RESOURCES (PLANNING, ZONING, AND PLATTING SERVICES), TO PROVIDE FOR EXPEDITED COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) AMENDMENT AND CONCURRENT ZONING APPLICATION FEES

ISSUE/REQUESTED ACTION

Whether the Board should amend Implementing Order (IO) No. 4-111 to provide for expedited Comprehensive Development Master Plan (CDMP) amendments and concurrent zoning application fees.

APPLICABLE LEGISLATION/POLICY

Implementing Order No. 4-111 (Fee Schedule for Regulatory and Economic Resources Planning, Zoning and Platting services) sets forth a schedule of fees covering the cost of providing planning, zoning, and platting services and no application, permit, certificate or receipt shall be issued until the appropriate fee is paid.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO4-111.pdf>

Section 2-3 of the County Code requires every officer, board, commission, department, or other agency of the County authorized to adopt, promulgate and enforce rules and regulations shall file a copy of all such rules and regulations and amendments thereto in the Office of the Clerk of the Circuit Court as Clerk of the County Commission.

[https://library.municode.com/fl/miami -](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-3RURECOAGILCLCICO)

[dade county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-3RURECOAGILCLCICO](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-3RURECOAGILCLCICO)

PROCEDURAL HISTORY

Prime Sponsor: Rebeca Sosa

This item has no procedural history.

FISCAL IMPACT

Fees which are charged by the Regulatory and Economic Resources Department for planning, zoning, and platting services; those fees shall be the same as those listed in the Official Fee Schedule on file with the Clerk of the County Commission. The proposed resolution would amend the current fee schedule to include a statement that says, for every zoning application processed concurrently with an expedited CDMP amendment, the minimum fee shall be \$2,000.81 or \$3,101.63 if the application is the result of a violation, as stated in the mayoral memorandum.

ANALYSIS

The proposed resolution would amend IO 4-111 to provide for application fees for both the processing of expedited CDMP amendment applications and concurrent zoning applications. If the resolution gets approved it will establish application fees for said optional expedited review processes. The new application fees are commensurate with the added level of effort and resources that will be needed to accommodate these optional, expedited processes. There is an enacting regulation relating to the establishment of a new zoning district to be known as the "Corridor District." This item references File No. 172430, also on today's agenda, requesting the creation of a new zoning district, i.e., the Corridor District. The proposed regulation also includes an update to the CDMP amendment process to provide for an optional expedited review process and to allow for concurrent processing of zoning applications for the Corridor District.

**BCC Meeting: November 21, 2017
Research Notes**

**Item No. 14A2
File No. 172372**

Researcher: BM Reviewer: PGE

RESOLUTION RATIFYING THE PRIOR EXECUTION OF MEMORANDUM OF AGREEMENT BETWEEN THE COUNTY AND THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NATIONAL OCEAN SERVICE CENTER FOR OPERATIONAL OCEANOGRAPHIC PRODUCTS AND SERVICES FOR THE PURCHASE, INSTALLATION, OPERATIONS, ONE-YEAR OF MAINTENANCE, AND REPAIR OF THE MIAMI PHYSICAL OCEANOGRAPHIC REAL-TIME SYSTEM (PORTS ®) FOR AN INITIAL COST OF \$400,519.00, PLUS AN ADDITIONAL ANTICIPATED COST OF \$400,000.00 FOR MAINTENANCE AND REPAIR SERVICES IN YEARS TWO THROUGH FIVE OF THE CONTRACT, PURSUANT TO AUTHORITY DELEGATED BY SECTIONS 2-9 AND 2-10 OF THE CODE OF MIAMI-DADE COUNTY; AUTHORIZING AGREEMENT TERM IN EXCESS OF ONE YEAR, THROUGH APRIL 30, 2022; AND DELEGATING TO THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE THE AUTHORITY TO EXERCISE ALL COUNTY RIGHTS CONFERRED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should ratify the prior execution of a five-year reimbursable agreement between the County and the National Oceanic and Atmospheric Administration National Ocean Service Center for Operational Oceanographic Products and Services (NOAA) for the installation, enhancement, management, operation, maintenance, and repair of Miami Physical Oceanographic Real-Time System (Ports ®) for a one-time upfront cost of \$400,519 and an additional \$400,000 for maintenance and repair services during the last four years of the term agreement.

APPLICABLE LEGISLATION/POLICY

The legal authority for NOAA and PortMiami to enter into this agreement is the Coast and Geodetic Survey Act, 33 U.S.C. §883e, which authorizes the Secretary of Commerce to enter into cooperative agreements or any other agreements, with, and to receive and expend funds made available by, any State, or subdivision, thereof, any federal agency, or any public or private organization, or individual, for surveys or investigations.

<http://uscode.house.gov/view.xhtml?hl=false&edition=prelim&req=granuleid%3AUSC-prelim-title33-section883e&num=0&saved=%7CZ3JhbnVsZWlkOIVTQy1wcmVsaW0tdGl0bGUzMy1zZWNOaW9uODgzZA%3D%3D%7C%7C%7C0%7Cfalse%7Cprelim>

Section 2-9 of the County Code governs contracts with municipalities or other governmental units for services; the section authorizes the County Mayor to enter into contracts on behalf of the County with municipalities and other governmental units for joint performance or performance by any municipality or other governmental unit on behalf of the County or any function or service the County is authorized or directed to perform under the Florida Constitution, the Home Rule Charter or any ordinance adopted by the Board.

https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-9COMUGOUNSEUTMA

Section 2-10 of the County Code governs ratification of contracts executed by the administration; all contracts authorized by Section 2-9 of the Code shall be entered into subject to ratification by the County Commission and no such contract shall extend for a period longer than one year without the express authorization of the Commission. All such contracts shall be filed with the Clerk of the Commission and the Clerk of the other governmental unit involved and shall be open to public inspection.

BCC Meeting: November 21, 2017
Research Notes

[https://library.municode.com/fl/miami -
dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10SAATBODUFI](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10SAATBODUFI)

PROCEDURAL HISTORY

This item has no procedural history.

FISCAL IMPACT

If this item is ratified by the Board, it will authorize an upfront installation cost for the Ports ® of \$400,519 and an additional \$400,000 for maintenance and repair services for the last four years of the term of the agreement. The funding source for the initial year of the agreement will be provided from the Capital Improvement Program for Fiscal Year 2016-17 under infrastructure. The additional recurring costs for maintenance and repairs conducted by NOAA, of approximately \$100,000 per year, will be provided from the Operating Revenue of PortMiami.

Note that all responsibilities under the agreement are subject to the availability of appropriated funds.

ANALYSIS

The proposed resolution ratifies the prior execution by PortMiami of a five-year reimbursable agreement between it and the U.S. Department of Commerce National Oceanic and Atmospheric Administration National Ocean Service Center for Operational Oceanographic Products and Services (NOAA) for the installation, enhancement, management, operation, maintenance, and repair of Miami Physical Oceanographic Real-Time System (Ports®). The agreement is for an upfront cost of \$400,519 and an additional \$400,000 in recurring costs to cover maintenance and repair services for the last four years of the agreement. The County Code allows the administration to enter into agreements with other government entities subject to Board ratification. The County entered the agreement with NOAA on March 20, 2017.

Ports® is an integrated system of sensors concentrated in seaports that provide commercial vessel operators with accurate and reliable real-time information about environmental conditions. Ports® is a decision tool that improves the safety and efficiency of maritime commerce and coastal resource management through the integration of real-time environmental observations, forecasts and other geospatial information. The system is designed to measure and disseminate observations, predictions and nowcast/forecasts for water levels, currents, bridge air gap, salinity and meteorological parameters (e.g., winds, waves, atmospheric pressure, visibility, air and water temperatures). The installation of the three Buoy (and one spare for immediate replacement) of Mounted Current Measurement Systems are for the measurement of vertical currents. The equipment used in this project shall remain federal property. As large vessels traverse PortMiami, the systems will ensure safe transiting of the vessels as they navigate through the port.

Under the agreement, the National Ocean Service (NOS) is responsible to deliver the following at no expense to PortMiami:

- Personnel and technical expertise required to assure that the system design, installation, operation and maintenance of the Miami Ports® are in accordance with federal guidelines and standards;
- Real-time quality control of all Miami Ports® data in the form of a 24 hours per day/7 days per week continuous operational real-time monitoring system operation;
- Software maintenance and enhancements;
- Routine maintenance of the Buoy Mounted Current measurement systems including calibration of sensors (using PortMiami funds); and
- Iridium satellite transmission capability for transmitting data back in real-time.

BCC Meeting: November 21, 2017
Research Notes

PortMiami is required to provide the funding for the installation, enhancement, management, operation, maintenance and repair of the Ports®; designate a local site representative and agrees to not access, maintain, repair or upgrade any component of the Ports®.

ADDITIONAL INFORMATION

A Miami Herald article, on June 14, 2017, stated that the Maersk Shanghai Ship became the largest container ship to dock at PortMiami.

<http://www.miamiherald.com/news/business/international-business/article156132924.html>

According to the PortMiami website, PortMiami is “Big Ship Ready” in part to a deep dredge project which increased the channel depth to 50/52 feet from 44 feet.

<http://www.miamidade.gov/portmiami/capital-improvements.asp>

According to the PortMiami website, PortMiami is the second largest economic engine in Miami-Dade County contributing, \$41.4 billion annually to the local economy and supporting more than 324,352 jobs in South Florida.

<http://www.miamidade.gov/portmiami/>

Below are the links to the NOAA website which provides more detail on the Ports®.

https://tidesandcurrents.noaa.gov/ports_info.html

<https://tidesandcurrents.noaa.gov/ports.html>

Below is a link to an assessment of the value of the Ports® to the U.S. Economy. The assessment estimates a value of \$2,456 million dollars across 175 ports.

https://tidesandcurrents.noaa.gov/publications/ASSESSMENT_OF_THE_VALUE_OF_PORTS_TO_THE_US_ECONOMY.pdf