



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

Board of County Commissioners (BCC) Meeting

December 5, 2017
9:30 A.M.
Commission Chambers

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Research Notes

Item No. 3A3
File No. 172678

Researcher: AIP Reviewer: TD

RESOLUTION DECLARING ONE 2001 FORD F-250 REGULAR CAB PICKUP TRUCK SURPLUS; AUTHORIZING ITS DONATION TO LIGHT OF HOPE COMMUNITY SERVICES INC; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE A COMMUNITY BASED ORGANIZATION AGREEMENT, TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN AND TO TAKE ANY AND ALL ACTIONS NECESSARY TO EFFECTUATE THE FOREGOING

ISSUE/REQUESTED ACTION

Whether the Board should declare a County-owned truck as surplus in order to donate it to Light of Hope Community Services Inc.

APPLICABLE LEGISLATION/POLICY

Section 273.01(3) of the Florida State Statutes (*State-Owned Tangible Property*):

- http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0200-0299/0273/Sections/0273.01.html

Section 2-11.2.1 of the Code of Miami-Dade County (*Disposition of County Surplus Property*):

- http://miamidade.fl.elaws.us/code/coor_ptiii_ch2_arti_sec2-11.2.1

Section 274.05 of the Florida State Statutes (*Tangible Personal Property Owned by Local Governments*):

- http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0274/Sections/0274.05.html

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Daniella Levine Cava, District 8

This item has no procedural history.

FISCAL IMPACT

N/A

ANALYSIS

The vehicle is a 2001 Ford F-250 regular cab pickup truck. The truck is described as "obsolete" because it serves no useful purpose and is uneconomical and inefficient. The Internal Services Department has complied with the requirements of the County Code, and offered the vehicle to other Miami-Dade County departments and agencies, none of which accepted the vehicle.

- Picture of a vehicle with of the same make and model: http://webyeusedcars.com/inventory/trucks/th_IMG_2440.jpg

Light of Hope Community Services, Inc. is an organization that addresses the housing and vocational needs of vulnerable women living in Miami. It operates within the County and is located at 12118 SW 114th Place Miami, FL 33176, which falls into District 8. The organization will use the vehicle within the County, and it will assist them in their charitable services, such as Farm Share, and to pick up clothes, foods and other donations. The Internal Services Department verified that this organization is classified as a public charity.

- Additional Information on the organization can be found on their website: <http://lightofhopes.org/>

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Item No. 3B1
File No. 172596

Research: SM Reviewer: PGE

RESOLUTION RATIFYING ACCEPTANCE AND EXECUTION BY THE COUNTY MAYOR'S DESIGNEE OF GRANT AGREEMENT NO. 3-12-0049-072-2017 WITH THE FEDERAL AVIATION ADMINISTRATION IN THE AMOUNT OF \$36,765,113.00 FOR THE REHABILITATION OF TAXIWAYS "S" AND "T" AND TAXIWAY CONNECTOR "M-5" AND THE REALIGNMENT OF TAXIWAY "R" AT MIAMI INTERNATIONAL AIRPORT

ISSUE/REQUESTED ACTION

Whether the Board should ratify acceptance and execution by the County Mayor's designee of Grant Agreement No.3-12-0049-2017 with Federal Aviation Administration (FAA) in the amount of \$36,765,113 for the rehabilitation of Miami International Airport (MIA) Taxiways "S" and "T" and Taxiway Connector "M-5", and the realignment of Taxiway "R". Section 2-285 (6) of the Code of Miami-Dade County - governs the County Mayor's authority related to contracts for the Aviation Department.

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTXXXIIIVDE_S2-285COMAAUCOAVDE

PROCEDURAL HISTORY

Prime Sponsor: None

APPLICABLE LEGISLATION/POLICY

This item has no procedural history.

FISCAL IMPACT

The FAA will contribute \$36,765,113 toward the total project cost of \$59,969,171. The remaining cost of \$23,204,058 will be funded from Miami-Dade Aviation Department's multi-year Capital Improvement Fund, as stated in the Mayoral memo.

ANALYSIS

This item recommends the Board to ratify the actions of the County Mayor's designee in accepting and executing FAA Grant Agreement No.3-12-0049-2017 in the amount of \$36,765,113 for the rehabilitation of Miami International Airport Taxiways "S" and "T" and Taxiway Connector "M-5", and realignment of Taxiway "R".

Miami-Dade Aviation Department (MDAD) submitted a grant application for federal assistance on July 7, 2017. The grant application was for the rehabilitation and realignment of the following:

- Taxiway "S" and "T" to restore the pavement asphalt surface that were last resurfaced in 1989
- Taxiway Connector "M5" that connects Taxiway "M" to Runway 8R-26L to satisfy the requirement of FAA's Runway Incursion Mitigation Program
- Taxiway "R" to separate it from the adjoining Runway 12-30 by 500 feet and extend the taxiway 2,400 feet to the northwest end of Runway 30.

According to the Grant Agreement, the FAA offers and agrees to pay 75 percent of the allowable costs incurred accomplishing the project as the United States share of the project. The maximum obligation of the United States payable under this offer is \$36,765,113. The following amounts represent a breakdown of the maximum obligation for the purpose of establishing allowable amounts for any future grant amendment, which may increase the foregoing maximum obligation of the United States under the provisions of the 49 U.S.C §47108(b) – Governs Project Grant Agreements.

<http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title49-section47108&n um=0&edition=prelim>

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\$0	For planning
\$36,765,113	Airport development or noise program implementation
\$0	For land acquisition

As stated in the Grant Agreement, the period of performance begins on the date of acceptance of the agreement, the end date of the period is four years from the date of formal grant acceptance. Unless otherwise approved in advance by the FAA, the sponsor will not acquire or permit any contractor or subcontractor to acquire any steel or manufactured products produced outside the United States to be used for any project for which funds are provided under the Grant Agreement. There must be a provision implementing "Buy American" in every contract.

If this resolution gets approved by the Board then that will also authorize the County Mayor or the County Mayor's designee to exercise the County's obligations and rights under the agreement, including the right to terminate it.

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Item No. 3B2
File No. 172594

Researcher: SM Reviewer: PGE

RESOLUTION RATIFYING THE ACCEPTANCE AND EXECUTION OF JOINT PARTICIPATION AGREEMENTS NO. 439203-1-94-01 AND 439203-1-94-02 WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$12,011,314.00 FOR THE CONSTRUCTION OF A FACILITY AT MIAMI INTERNATIONAL AIRPORT TO ACCOMMODATE THE INSTALLATION OF EXPLOSIVE DETECTION SYSTEM EQUIPMENT REQUIRED BY THE TRANSPORTATION SECURITY ADMINISTRATION, AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS CONTAINED THEREIN, INCLUDING THE TERMINATION PROVISIONS

ISSUE/REQUESTED ACTION

Whether the Board should ratify the acceptance and execution of joint participation agreements Nos. 439203-1-94-01 and 439203-1-94-02 with Florida Department of Transportation (FDOT) in the amount of \$12,011,314 for the construction of a facility at Miami International Airport (MIA) to accommodate the installation of explosive detection system equipment.

APPLICABLE LEGISLATION/POLICY

Section 2-285 (6) of the Code of Miami-Dade County - governs the County Mayor's authority related to contracts for the Aviation Department.

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTXXXIIIVDE_S2-285COMAAUCOAVDE

PROCEDURAL HISTORY

Prime Sponsor: None

This item has no procedural history.

FISCAL IMPACT

The total estimated construction cost of the new facility for the South and Central Terminal Baggage Handling System (BHS) project is \$38,150,088. That figure includes the building, a control room, modifications to Terminal H, and other related expenses. Via this Agreement, FDOT will provide grant funds in the amount of \$12,011,314. An additional \$6,725,000 in FDOT funds are scheduled in the 2019-2021 Work Program. The remaining \$19,413,774 will be funded by Miami-Dade Aviation Department's (MDAD's) Multi-Year Capital Plan included in the Terminal Optimization Program (TOP), as stated in the mayoral memo.

ANALYSIS

This item recommends the Board to ratify the actions of the County Mayor's designee, in accepting and executing FDOT Joint Participation Agreements No. 439203-1-94-01 and 439203-1-94-02 in the amount of \$12,011,314 for a BHS Explosive Detection System facility at MIA.

Miami-Dade Aviation Department is developing a new South and Central Terminal BHS for Concourses F, G, H, and J. The installation of the electronic detection system equipment requires a new facility that must be constructed, the Transportation Security Administration (TSA) requires electronic detection system equipment. The facility to be built is a 60,000-foot building which will accommodate the equipment, and it's estimated to cost \$24,022,628. FDOT has agreed to provide grant funds in the amount of \$12,011,614, as stated in the mayoral memo.

If this item is approved by the Board, it will authorize the County Mayor or the County Mayor's designee to exercise the County's obligations and rights under the Joint Participation Agreement, including the right to terminate it. Once the Joint Participation Agreement becomes ratified, the funds will be released to the County. Prior to the execution of this Agreement, a project schedule

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of funding shall be prepared by MDAD and approved by FDOT. MDAD shall maintain said schedule of funding, carry out the project and shall incur obligations against and make disbursements of project funds only in conformity with the latest approved schedule of funding for the project. The schedule of funding may be revised by execution of a Supplemental Agreement between FDOT and MDAD. If revised, a copy of the Supplemental Agreement shall be forwarded to FDOT. No increase or decrease shall be effective unless it complies with fund participation requirements of this Agreement and is approved by FDOT's Comptroller, as stated by the Joint Participation Agreement.

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Item No. 3B3
File No. 172584

Researcher: AIP Reviewer: TD

RESOLUTION AMENDING RESOLUTION NO. R-418-17 WHICH APPROVED CONFIDENTIAL PROJECT REFILL AS A QUALIFIED TARGET INDUSTRY BUSINESS PURSUANT TO SECTION 288.106, FLORIDA STATUTES; AND PROVIDED LOCAL FINANCIAL SUPPORT UP TO \$120,000.00; APPROVING CONFIDENTIAL PROJECT REFILL AS A QUALIFIED TARGET INDUSTRY BUSINESS; CONFIRMING THAT THE COMMITMENTS OF LOCAL FINANCIAL SUPPORT NECESSARY FOR CONFIDENTIAL PROJECT REFILL EXISTS; AND INCREASING THE LOCAL SUPPORT FROM UP TO \$72,000.00 TO UP TO \$120,000.00 FROM GENERAL REVENUE FUNDS THAT WILL BE AVAILABLE AS LOCAL PARTICIPATION IN THE STATE OF FLORIDA QUALIFIED TARGET INDUSTRY TAX REFUND PROGRAM FOR FISCAL YEARS 2018-2019 THROUGH 2023-2024 INCLUSIVE, OR OVER A PERIOD AS DETERMINED BY THE STATE OF FLORIDA IN ITS APPROVAL OF CONFIDENTIAL PROJECT REFILL

ISSUE/REQUESTED ACTION

Whether the Board should approve the amendments to Resolution No. R-418-17, to increase the County's match of funding by \$48,000.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-418-17 (File No. 170847), passed on 4/18/17, which approved the Confidential Project Refill as a qualified target industry:

- <http://intra/gia/matter.asp?matter=170847&file=true&yearFolder=Y2017>

Section 288.106 of the Florida Statutes (*Commercial Development and Capital Improvements*):

- http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0200-0299/0288/Sections/0288.106.html

PROCEDURAL HISTORY

Prime Sponsor: Chairman Commissioner Esteban L. Bovo, Jr. , District 13

This item has no procedural history.

FISCAL IMPACT

Under the original resolution, Confidential Project Refill was approved for a total of \$360,000 in QTI Tax Refund Program incentives. Under this proposed recommendation, Confidential Project Refill has applied for a total of \$600,000 in QTI Tax Refund Program Incentives, of which 80% (\$480,000) would be provided by the State and the remaining 20% (\$120,000) is the local match provided by the County. Therefore, this will cost an additional \$48,000, to the \$72,000 that the County already provides.

Match	R-418-17	Recommended
State (80%)	\$288,000.00	\$480,000.00
County (20%)	\$72,000.00	\$120,000.00
Total	\$360,000.00	\$600,000.00
Per Job Amount:	\$3,000.00	\$5,000.00

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ANALYSIS

Confidential Project Refill is a generic pharmaceutical company specializing in manufacturing oral solid dosage and transdermal patches that is seeking to build a new 160,000-square-foot manufacturing facility in Miami-Dade County (North American Industry Classification System Code #325412). The business' location is confidential at this time, but it is looking for locations in Commission District 13, which is represented by Chairman Esteban L. Bovo, Jr. Alternate locations for this project include Missouri, New Jersey, Pennsylvania, and Mumbai, India.

Confidential Project Refill would employ 120 new workers and would pay an average annualized salary of \$58,000.00, which is at least 115 percent of the annual wage in the State of Florida. Due to the life sciences manufacturing nature of the project, the company qualifies for the State's high impact performance bonus of \$2,000.00 per new job. According to documents submitted by The Beacon Council, employee benefits associated with each newly-created job will be \$5,340.00. The value of employee benefits is not a requirement of the tax refund agreement with the State or the County's local match.

The item specifies the following revisions:

- Total QTI Tax Refund Program award increased from \$360,000 to \$600,000;
- Miami-Dade County's 20% QTI portion increased from \$72,000 to \$120,000;
- State's 80% QTI Portion increased from \$288,000 to \$480,000;
- Net fiscal gain to the Countywide General Fund revenues decreased from \$86,578 to \$38,578;
- The per job incentive increased from \$3,000 to \$5,000.

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Item No. 3B4
File No. 172613

Researcher: AIP Reviewer: TD

RESOLUTION APPROVING TERMS OF AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT NUMBER ONE WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION TO AMEND THE MIAMI CONNECTOR PROJECT NAME AND PROJECT DESCRIPTION INCLUDED IN THE ORIGINAL JOINT PARTICIPATION AGREEMENT

ISSUE/REQUESTED ACTION

Whether the Board should approve the Supplemental Joint Participation Agreement (JPA) with the Florida Department of Transportation, as well as authorize the receipt and expenditure of funds.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-207-17 (*MIAMI CONNECTOR PROJECT DEVELOPMENT AND ENVIRONMENT STUDY*)
<http://intra/gia/matter.asp?matter=170014&file=true&yearFolder=Y2017>

PROCEDURAL HISTORY

This item has no procedural history.

FISCAL IMPACT

N/A

ANALYSIS

On March 7, 2017, the Board adopted Resolution No. R-207-17, which approved the execution of a Multi-Year JPA with FDOT in the amount of \$5,000,000 for the Miami Connector Project Development and Environment (PD&E) Study within the proposed Beach Corridor from 5th Street at Alton Road in Miami Beach to the Government Center in Downtown Miami, and a portion of the City of Miami streetcar alignment from Downtown Miami to Midtown. The \$5,000,000 local match is being provided by the County (\$4,166,000) and the cities of Miami (\$417,000) and Miami Beach (\$417,000), collectively. Charter County Transportation System Surtax funds (Capital Expansion Reserve) are being used to provide the County's portion of the local match. The total estimated project cost is \$10,000,000.

The cities of Miami and Miami Beach are two major economic activity centers in the County that continue to experience rapid growth and densification. These cities have exceeded earlier population and employment growth projections. Therefore, increased capacity and reliable transportation is necessary to support and continue economic prosperity, sustainable growth and quality of life standards valued throughout the region.

This SJPA will amend the project name from the Miami Connector Study to the Beach Corridor Study. Furthermore, the project description is being amended to expand the project study area to include the portion of the Beach Corridor from 51st Street to the Miami Beach Convention Center. The project description in the original Agreement only included the portion of the Beach Corridor from 51st Street at Alton Road in Miami Beach to Government Center in Downtown Miami, and a portion of the City of Miami streetcar alignment from Downtown Miami to Midtown. The City of Miami Beach has already completed planning work for the Miami Beach Connector project and turned over the files to DTPW.

According to the Mayor's memo, the scope of this study area is in District 3, which is represented by Vice Chairwoman Audrey M. Edmonson; and District 5, which is represented by Commissioner Bruno A. Barreiro. However, the impact of the project benefits the riding public and is, therefore, countywide. This SJPA is to amend the project name and scope with no additional

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funds being provided by FDOT; therefore, there will be zero fiscal impact to the County associated with the execution of this SJPA.

The contract terms, time limits, and project costs covered under the original agreement will remain unchanged upon execution of the SJPA. Eligible activities include planning, preliminary engineering, project development, and right-of-way related activities. The Notice to Proceed for the Miami Connection Study area was issued on May 11, 2017, and the anticipated project completion is May 2020.

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**Item No. 3B5
File No. 172617**

Researcher: SM Reviewer: PGE

RESOLUTION APPROVING EXECUTION OF A LOCAL AGENCY PROGRAM AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION TO PROVIDE \$3,944,000.00 IN FEDERAL HIGHWAY ADMINISTRATION FUNDING FOR THE UNDERLINE M-PATH/BRICKELL BACKYARD - PHASE 1 PROJECT; AUTHORIZING THE RECEIPT AND EXPENDITURE OF FUNDS AS SPECIFIED IN THE AGREEMENT; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE THE LOCAL AGENCY PROGRAM AGREEMENT AND TO RECEIVE AND EXPEND ANY ADDITIONAL FUNDS SHOULD THEY BECOME AVAILABLE

ISSUE/REQUESTED ACTION

Whether the Board should approve a Local Agency Program Agreement (LAP) between Miami-Dade County and the Florida Department of Transportation (FDOT) to provide \$3,944,000 in Federal Highway Administration funding for the underline M-Path/Brickell Backyard – Phase 1 Project.

APPLICABLE LEGISLATION/POLICY

Florida Statutes Section 112.061- governs per diem and travel expenses of public officers, employees, and authorized persons.

<https://www.flsenate.gov/Laws/Statutes/2011/112.061>

Florida Statutes Section 55.03(1) - governs rate of interest.

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0000-0099/0055/Sections/0055.03.html

Florida Statutes Section 339.135(6) - governs finance and planning.

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0300-0399/0339/Sections/0339.135.html

PROCEDURAL HISTORY

Prime Sponsor: None

This item has no procedural history.

FISCAL IMPACT

This LAP will provide \$3,944,000 in federal funding for the Underline M-Path/Brickell Backyard-Phase 1 construction costs. County Road Impact Fees (RIF), in the amount of \$1,750,863, will be used as the local match for this Agreement. The total funding provided by this Agreement is \$5,694,863 and is allocated only to the transportation improvement elements (walkways, bike paths, and roadway intersection improvements). This project is included in the FY 2017-2018 Adopted Budget and Multi-Year Capital Plan (Project # 2000000133), as stated in the mayoral memo.

ANALYSIS

This proposed Resolution recommends the Board to authorize and approve the execution of a LAP between Miami-Dade County Department of Transportation and Public Works (DTPW) and the Florida Department of Transportation.

As stated in the LAP, the purpose of the Agreement is to provide for the FDOT's participation in the Underline – M-Path/Brickell Backyard Project, to provide FDOT financial assistance to Miami-Dade County, state the terms and conditions upon which FDOT funds will be provided, and to set forth the manner in which the project will be undertaken and completed.

The total cost of the Project is \$5,694,863. This amount is based upon the schedule of funding that is attached and incorporated in the LAP. Miami-Dade County agrees to bear all expenses in excess of the total cost of the project and any deficits involved.

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The schedule of funding may be modified by mutual agreement. FDOT agrees to participate in the project cost up to the maximum amount of \$3,944,000. This amount includes Federal-aid funds which are limited to the actual amount of Federal-aid participation.

Miami-Dade County agrees to complete the project on or before 04/30/2020. If Miami-Dade County does not complete the project within this time period, this Agreement will expire on the last day of the scheduled completion as provided in the LAP, unless an extension of the time period is requested by Miami-Dade County and granted in writing by FDOT prior to the expiration of this Agreement. If the agreement expires, that will be considered a termination of the project. The cost of any work performed after the expiration date of the LAP will not be reimbursed by FDOT, as stated in LAP.

Proposed improvements will address pedestrian, vehicular, and bicycle safety and include the addition of a second designated pedestrian path separated from the existing bicycle path, curbing, gutters, drainage, intersection improvements, lighting, wayfinding/regulatory signage and pavement markings to allow the public seamless connectivity and improved opportunities for alternate modes of transportation in a signature linear open space and urban trail. The design phase of the Underline M-Path/Brickell Backyard-Phase 1 project is already underway. The construction is anticipated to begin early 2019, and completion is expected by Fall 2019, as stated in the mayoral memo.

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Item No. 3B6
File No. 172526

Researcher: PGE Reviewer: TD

RESOLUTION RATIFYING VARIOUS ACTIONS BY COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE RELATED TO MIAMI-DADE WATER AND SEWER DEPARTMENT'S CONSENT DECREE AND CAPITAL IMPROVEMENT PROGRAMS ACCELERATION ORDINANCE PURSUANT TO SECTION 2-8.2.12 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA SPECIFICALLY THE AWARD AND EXECUTION OF TWO (2) CONTRACTS FOR NON-EXCLUSIVE PROFESSIONAL SERVICES AGREEMENTS FOR ENGINEERING DESIGN AND RELATED SERVICES FOR THE DESIGN OF SMALL DIAMETER WATER AND WASTEWATER PIPELINES FOR THE WATER AND SEWER DEPARTMENT'S WASTEWATER AND WATER COLLECTION, TRANSMISSION AND DISTRIBUTION SYSTEM TO NOVA CONSULTING, INC. AND 300 ENGINEERING GROUP, P.A., EACH IN THE AMOUNT OF \$3,300,000.00; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should ratify the County Mayor's execution of Professional Services Agreements (PSAs) with Nova Consulting, Inc. and 300 Engineering Group, PA for a total value of \$6,600,000, i.e., \$3,300,000 individually, for a six-year term plus one, two-year option to renew for the delivery of engineering and related services for the design of small diameter water and wastewater pipelines for the Water and Sewer Department's wastewater distribution system.

APPLICABLE LEGISLATION/POLICY

The Consultants Competitive Negotiation Act, Section 287.055 of the Florida Statutes, governs the procurement of architectural, engineering, landscape architectural, surveying and mapping services.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0287/0287.html

Section 2-8.2.12 of the County Code (Miami-Dade Water and Sewer Department Consent Decree and Capital Improvement Programs Acceleration Ordinance) authorizes the County Mayor to accelerate the processing, procurement and award of any contract and agreement of the County for Consent Decree Work and other capital improvements contracts to maintain the operational effectiveness and capacity of the water and sewer systems, including contracts related to the purchase of goods and services, construction and professional services. Any act undertaken pursuant to the authority set forth under this section is subject to ratification by the Board.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.2.12MIDEWASEDECODECAIMPRACOR

Section 2-10.4 of the County Code establishes the County's policy relating to the acquisition of professional architectural, engineering, landscape architectural or land surveying and mapping services.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE

Section 2-10.4.01 of the County Code sets forth the Small Business Enterprise Architecture and Engineering Program. Under the program, subconsultant goals may be established and applied to a particular agreement based on estimates made prior to proposal advertisement of the quality, quantity and type of subconsulting opportunities provided by the agreement and of the availability of firms to afford effective subconsulting competition therefor. Proposal documents shall require proposers to submit a Letter of Agreement for each subconsultant to be utilized in satisfaction of a subconsultant goal.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4.01SMBUENARENPR

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Under Section 2-8.1(h) of the County Code (Dedicated, Contingency and Additional Service Allowances), the contingency allowance for a professional service agreement is 10 percent of the contract price.

https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE

Resolution No. R-187-12, adopted by the Board on February 21, 2012, directs the County Mayor to include due diligence information in memoranda recommending certain contract awards.

<http://intra/gia/matter.asp?matter=120287&file=true&yearFolder=Y2012>

Implementing Order No. 3-32 sets forth procedures for the Community Business Enterprise Program for the purchase of professional architectural, landscape architectural, engineering or surveying and mapping services.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-32.pdf>

Administrative Order No. 3-39 sets forth the standard procedures for construction of capital improvements, acquisition of professional services, construction contracting, change orders and reporting obligations.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO3-39.pdf>

PROCEDURAL HISTORY

Prime Sponsor: None

This item has no procedural history.

FISCAL IMPACT

There are a total of eight PSAs to be issued under this project. The cumulative value of the PSAs for the six-year term and one, two-year option to renew is \$26,400,000. The total fiscal impact of this item is \$6,600,000, representing two individual contract awards valued at \$3,300,000 each. The two PSAs subject to this ratification item are funded by a variety of sources based on the project type, including Wastewater Connection Charges, Future WASD Revenue Bonds, WASD Revenue Bonds Sold, WASD Future Spending and Water Renewal and Replacement Fund. Per information provided by the Water and Sewer Department, the award value is based on the volume of pending projects.

ANALYSIS

This item is requesting Board ratification of two PSAs executed by the County Mayor in July 2017 under the Water and Sewer Department's Acceleration Ordinance. The PSAs are each valued at \$3,300,000 for a six-year term plus one, two-year option to renew and are for the delivery of engineering and related services for the design of small diameter water and wastewater pipelines for the Water and Sewer Department. The PSAs have been awarded to Nova Consulting, Inc. and 300 Engineering Group, PA. The estimated Notice to Proceed date was August 1, 2017, and the estimated completion date is August 1, 2025.

On April 21, 2016, a Notice to Professional Consultants (NTPC) was issued for the selection of eight firms to deliver the engineering and design services for the Water and Sewer Department's water distribution system. A separate agenda item is being presented to the Board for the approval of the remaining six PSAs – Agenda Item No. 8O3 (File No. 172373). A total of 24 proposals was received in response to the solicitation. The NTPC sheltered competition to certified small business enterprise architectural and engineering firms (SBE/A&E). Under the NTPC, the County sought firms capable of providing comprehensive engineering services for utility design, including planning and permitting assistance during construction for system upgrades to small water and sewer pipelines. Individual projects could be for the rehabilitation or replacement or for new water distribution and sewage collection and transmission facilities with pipe diameters less than 36 inches in diameter. All work orders will be issued on a rotational basis among the selected firms. Per information received from the Water and Sewer Department, if the

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work to be performed requires a hard deliverable, the fee is negotiated on a lump sum basis. If the work is not tied to a hard deliverable, the negotiated fee will be compensated as time and materials.

The award to Nova Consulting, Inc. includes a five percent subconsultant goal. Bello and Bello Land Surveying Corporation is the subconsultant selected to deliver surveying services. Nova has been awarded four previous contracts with the County in the amount of \$4,868,438, and one Change Order in the amount of \$8,000,000, for a total contract value of \$12,868,438. Based on the Internal Services Department's CIIS database, Nova has 16 evaluations with an average rating of 4.0 out of a maximum score of 4.0.

The award to 300 Engineering Group, PA includes a 20 percent subconsultant goal. Miller Legg & Associates, Inc. is the subconsultant selected to deliver design, maintenance of traffic, public information support, landscape, surveying and environmental services. 300 Engineering Group has been awarded one previous contract with the County in an amount of \$200,000. Based on the Internal Services Department's CIIS database, 300 Engineering Group has seven evaluations with an average rating of 3.8 out of a maximum score of 4.0.

The table below summarizes the ranking of the respondents to the NTPC by the Competitive Selection Committee.

Firm	Rank
SRS Engineering, Inc.	First
Nova Consulting, Inc.	Second
300 Engineering Group, PA	Third
Chen Moore and Associates, Inc.	Fourth
Ross Engineering, Inc.	Fifth
A.D.A. Engineering, Inc.	Sixth
Premiere Design Solutions, Inc.	Seventh
HSQ Group, Inc.	Eighth

*Chen Moore and Associates, Inc. is not a SBE/A&E. This conclusion is being made based on a review of the County's Small Business Enterprise Architectural & Engineering Certified Firms List dated November 29, 2017. The NTPC requires maintenance of SBE/A&E status prior to contract award and for the duration of the contract term.

ADDITIONAL INFORMATION

In August 2017, former County Commissioner Betty Ferguson raised concerns regarding the lack of participation by black-owned firms under this project even though five were pre-qualified. Agenda Item No. 8O3 (File No. 172373) includes documentation reflecting the Administration's response to those concerns.

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Research Notes

Item No. 4A
File No. 172696

Researcher: BM Reviewer: PGE

ORDINANCE RELATING TO CONFLICT OF INTEREST AND CODE OF ETHICS ORDINANCE; AMENDING SECTION 2-11.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING THAT, UPON REQUEST, CERTAIN PRINCIPALS OF CORPORATE ENTITIES AND CERTAIN REPRESENTATIVES OF NOT-FOR-PROFIT CORPORATIONS SHALL NOT BE REQUIRED TO PAY ETHICS COURSE FEE; MAKING TECHNICAL AND CONFORMING CHANGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should approve amending the County's Conflict of Interest and Code of Ethics Ordinance to provide that, upon request, principals of corporate entities and certain representatives of nonprofit corporations who lobby solely on behalf of those entities without special compensation shall not be required to pay the Ethics Course fee.

APPLICABLE LEGISLATION/POLICY

Section 2-11.1 of the County Code sets forth the Conflict of Interest and Code of Ethics Ordinance.

Section 2-11.1(s) relates to the requirements and guidelines for lobbying the County. This subsection requires each lobbyist, within 60 days after registering as a lobbyist, to submit to the Clerk of the Board a certificate of completion of an ethics course offered by the Commission on Ethics and Public Trust. The fee for the course shall be \$100. The Executive Director of the Ethics Commission may waive the course requirement for a particular lobbyist when he or she determines that the lobbyist has taken an initial or refresher Ethics Course offered by a municipality which satisfied the County's requirements.

https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Daniella Levine Cava, District 8

This item has no procedural history.

FISCAL IMPACT

If approved, representatives of business entities, both for-profit and nonprofit, who are lobbying on behalf of those entities, without special compensation or reimbursement for that appearance, shall not be required to pay the \$100 Ethics Course fee.

ANALYSIS

The proposed ordinance amends Section 2-11.1 of the Miami-Dade County Code, i.e., the Conflict of Interest and Code of Ethics Ordinance, to exempt principals of corporate entities and certain representatives of nonprofit entities who lobby solely for such entities without special compensation from paying the Ethics Course fee. Under the Ethics Ordinance, principals of corporate entities and certain representatives of nonprofit entities who lobby solely for such entities without special compensation are exempt from paying lobbyist registration fees. Note that the Ethics Course covers a review of the Conflict of Interest and Code of Ethics Ordinance, Florida Sunshine law and Florida Public Records law.

The table below shows the proffered changes to Section 2-11.1 of the Miami-Dade County Code.

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Section:	As it currently reads:	Proposed amendment:
2-11.1(s) <i>Lobbying</i>	(3)(b) Any person who only appears in his or her individual capacity for the purpose of self-representation without compensation or reimbursement, whether direct, indirect or contingent, to express support of or opposition to any item, shall not be required to register as a lobbyist. A principal of any corporation, partnership or other entity who appears as a lobbyist on behalf of that entity, without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item, shall register with the Clerk as required by this subsection but shall not be required to pay any registration fees.	(3)(b) Any person who only appears in his or her individual capacity for the purpose of self-representation without compensation or reimbursement, whether direct, indirect or contingent, to express support of or opposition to any item, shall not be required to register as a lobbyist. A principal of any corporation, partnership or other entity who appears as a lobbyist on behalf of that entity, without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item, shall register with the Clerk as required by this subsection, but, upon request, shall not be required to pay any registration fees or Ethics Course Fees.
Section:	As it currently reads:	Proposed amendment:
	(4) Any person who only appears as a representative of a not-for-profit corporation or entity (such as a charitable organization, or a trade association or trade union), without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item, shall register with the Clerk as required by this subsection, but, upon request, shall not be required to pay any registration fees. Any principal who only appears as a representative of a certified Micro Enterprise, as defined in Section 2-8.1.1.1.1 of the Code, as a representative of a certified Level I Community Small Business Enterprise, as defined in Section 10-33.02 or as a representative of a certified Tier 1 Community Business Enterprise, as defined in Section 2-10.4.01, without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item, shall register with the Clerk as required by this subsection, but, upon request, shall not be required to pay any registration fees.	(4) Any person who only appears as a representative of a not-for-profit corporation or entity (such as a charitable organization, or a trade association or trade union), without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item, shall register with the Clerk as required by this subsection, but, upon request, shall not be required to pay any registration fees or Ethics Course fees. Any principal who only appears as a representative of a certified Micro Enterprise, as defined in Section 2-8.1.1.1.1 of the Code, as a representative of a certified Level I Community Small Business Enterprise, as defined in Section 10-33.02 or as a representative of a certified Tier 1 Community Business Enterprise, as defined in Section 2-10.4.01, without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item, shall register with the Clerk as required by this subsection, but, upon request, shall not be required to pay any registration fees or Ethics Course fees.

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ADDITIONAL INFORMATION

The first link below provides additional information from the Clerk of the Courts website as it relates to lobbying in Miami-Dade County, including online registration. The second link provides additional information from the Ethics Commission's website on ethics training.

<https://www8.miamidade.gov/Apps/COB/LobbyistOnline/home.aspx/Home.aspx>

<http://ethics.miamidade.gov/training.asp>

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Research Notes

Item No. 4B
File No. 172681

Researcher: NR Reviewer: PGE

ORDINANCE RELATING TO HUMAN TRAFFICKING PUBLIC AWARENESS SIGNS; AMENDING SECTION 21-31.5 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING THAT VIOLATIONS OF THE REQUIREMENT TO POST SIGNS AT ADULT ENTERTAINMENT ESTABLISHMENTS AND CERTAIN MASSAGE OR BODYWORK SERVICES ESTABLISHMENTS ARE SUBJECT TO CIVIL ENFORCEMENT PROCEEDINGS UNDER SECTION 8CC; AMENDING SECTION 8CC; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend: (1) Section 21-31 of the County Code, dealing with Human Trafficking Awareness Signs at Adult Entertainment, Massage, and Bodywork Services Establishments are subject to civil enforcement proceedings; and (2) Section 8CC Enforcement and Penalties.

APPLICABLE LEGISLATION/POLICY

Section 787.29, Florida Statutes, authorized county commissions to adopt ordinances to enforce the posting of the human trafficking awareness signs at the previously specified adult entertainment, massage, or bodywork services establishments and specifies that a violation of the posting requirements constitutes a noncriminal violation punishable by a fine not to exceed \$500.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=787.29&URL=0700-0799/0787/Sections/0787.29.html

Section 21-31 of the Miami-Dade County Code (Human Trafficking Awareness Signs).

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=CD_MIAMI-DADE_CO_FLORIDA_CH21OFMIPR_ARTIVMI_S21-31.5HUTRAWSIADENMABOSEES

Ordinance No. 16-17 (Section 21-31 of the County Code) (Human Trafficking Awareness Signs): Adopted on February 2, 2016. This ordinance require the employer at each of the following establishments shall display public awareness signs in a conspicuous location that is clearly visible to the public and employees of the establishment: (i) a strip club or other adult entertainment establishment or (ii) a business or establishment that offers massage or bodywork services for compensation that is not owned by a health care profession regulated pursuant to Chapter 456, Florida Statutes, and defined in Section 456.001, Florida Statutes.

<http://intra/gia/legistarfiles/MinMatters/Y2015/152689min.pdf>

PROCEDURAL HISTORY

Prime Sponsor: Sally A. Heyman, District 4

Ordinance for first reading.

This item requires Municipal Notification.

FISCAL IMPACT

This item does not state a fiscal impact.

ANALYSIS

This item proposes to amend Section 21-31 of the County Code dealing with Human Trafficking Awareness Signs, and Section 8CC-10, Schedule of Civil Penalties.

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This Board proposes to streamline enforcement of the sign-posting requirement by having violations of this requirement subject to enforcement proceedings as set forth in Section 8CC and 1-5 of the Code, and that there be a uniform fine of \$500 for each offense.

The below table reflects the current Code language and the proposed amendments:

Section 21-35.5 of the Code as it currently reads:	Section 21-35.5 of the Code - proposed changes:
(d) Enforcement. Any person violating any of the provisions of this section shall upon conviction of such offense, be punished by a fine not to exceed five hundred dollars (\$500.00) as provided in Section 775.083, Florida Statutes, which may be amended from time to time, in the discretion of the court. Each day of continued violation shall be considered a separate offense.	(d) Enforcement. Any person violating any of the provisions of this section shall be subject to penalties, civil liability, attorney's fees and enforcement proceedings as set forth in chapter 8CC of the Code and shall be subject to any other such enforcement proceedings as may be allowed by law. Each day of continued violation shall be considered a separate offense.

Amendment proposed to 8CC-10. Schedule of Civil Penalties.

Code Section	Description of Violation	Civil Penalty
21.31.5	Failure to post human trafficking awareness signs	\$500.00 for each offence

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Item No. 4C
File No. 172686

Researcher: SM Reviewer: PGE

ORDINANCE CREATING THE MIAMI-DADE COUNTY VILOMAH AWARD TO RECOGNIZE PARENTS WHO HAVE BEEN INSPIRED BY THE MEMORY OF A LOST CHILD AND TAKEN ACTION TO POSITIVELY INFLUENCE THE COMMUNITY; CREATING SECTION 2-2349 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR CRITERIA AND SELECTION PROCESS FOR RECIPIENTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should approve this Ordinance creating the Miami-Dade County Vilomah award to recognize parents who have been inspired by the memory of a lost child and taken action to positively influence the community, creating Section 2-2349 of the Code of Miami-Dade County.

APPLICABLE LEGISLATION/POLICY

Section 2-2349 of the Code of Miami-Dade County would be created that will provide criteria and selection process for recipients.

PROCEDURAL HISTORY

Prime Sponsor: Commissioners Joe A. Martinez, District 11

This Item has no procedural history.

FISCAL IMPACT

No Fiscal Impact is included in the mayoral memo.

ANALYSIS

This Item recommends the Board to approve the proposed Ordinance creating the Miami-Dade County Vilomah award to recognize parents who have been inspired by the memory of a lost child and taken action to positively influence the community, creating Section 2-2349 of the Code of Miami-Dade County.

The Section 2-2349 of the Code of Miami-Dade County which would be created would state the following:

- Criteria for Award: The Vilomah Award shall be awarded biannually on behalf of the Board to any surviving parent or family member residing in the County who suffered the tragedy of losing a child and has since been inspired by the memory of their child to take action that has positively influenced the community.
- Procedures for Selection of Award Recipients: Beginning in 2018 and for each year thereafter, each commissioner may select one candidate from his or her district to receive the Vilomah Award and, in order to be considered, such selection shall be submitted to the Clerk of the Board by no later than the second meeting of the Board in each calendar year. Any such selection shall then be announced by the Board at that meeting. In addition, after the Vilomah Award has been presented to these recipients, each commissioner may select one additional candidate per year from his or her district to receive the Vilomah Award and, in order to be considered, such selection shall be submitted to the Clerk of the Board by no later than the second meeting of the Board after July 1st of each year. Any such additional selection shall then be announced by the Board at that meeting.
- Presentation of the Award: For award recipients selected by the Board at the second meeting of the calendar year, the recipient's nominating Commissioner shall present them with the Vilomah Award at the Board's second meeting after

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March 1st of each year. For award recipients selected by the Board at the second meeting after July 1st, the recipient's nominating Commissioner shall present them with the Vilomah Award at the Board's second meeting after September 1st of each year. The Vilomah Award shall be of appropriate design.

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Item No. 4D
File No. 172637

Researcher: SM Reviewer: PGE

ORDINANCE RELATING TO BISCAYNE BAY ENVIRONMENTAL ENHANCEMENT TRUST FUND; AMENDING SECTION 24-40 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; ALLOWING FOR FUNDS FROM BISCAYNE BAY ENVIRONMENTAL ENHANCEMENT TRUST FUND TO BE USED FOR ARTIFICIAL REEFS AND MOORING BUOYS IN THE COASTAL WATERS OF MIAMI-DADE COUNTY BEYOND BISCAYNE BAY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should approve the Ordinance amending Section 24-40 of the Code of Miami-Dade County, allowing funds disbursed from the Biscayne Bay Environmental Enhancement Trust Fund to be used for artificial reefs and mooring buoys in the coastal waters of Miami-Dade County beyond Biscayne Bay.

APPLICABLE LEGISLATION/POLICY

Section 24-40 of the Code of Miami-Dade County governs the use of the Trust Fund and defines environmental enhancement as the restoration or improvement of natural and indigenous habitats through the establishment, restoration or improvement of biological communities within Biscayne Bay.

[https://library.municode.com/fl/miami - dade county/codes/code of ordinances?nodeId=CD MIAMI-DADE CO FLORIDA CH24ENPRBIBAENDEAQPACOARBIBAENENTRFUENENLAPR ARTIINGE DIV4TRFE S24-40BIBAENENTRFU](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=CD_MIAMI-DADE_CO_FLORIDA_CH24ENPRBIBAENDEAQPACOARBIBAENENTRFUENENLAPR_ARTIINGE_DIV4TRFE_S24-40BIBAENENTRFU)

Ordinance No. 15-83 – relates to rules of procedure.

<http://www.miamidade.gov/cob/library/Registry/Ordinances/Board-of-County-Commissioners/2015/15-83.pdf>

PROCEDURAL HISTORY

Prime Sponsor: Commissioners Bruno A. Barreiro, District 5, Sally A. Heyman, District 4, Dennis C. Moss, District 9, Xavier L. Suarez, District 7

This Item has no procedural history.

FISCAL IMPACT

This ordinance will not have a fiscal impact on Miami-Dade County. Under Section 24-40 of the Code, the Biscayne Bay Environmental Enhancement Trust Fund shall only be disbursed for the environmental enhancement of Biscayne Bay and its foreshore. The ordinance proposes to allow the use of funds limited to artificial reefs and mooring buoys in the coastal waters of Miami-Dade County, as stated in the mayoral memo.

ANALYSIS

This item recommends the Board to approve the Ordinance amending Section 24-40 of the Code of Miami-Dade County, allowing funds disbursed from the Biscayne Bay Environmental Enhancement Trust Fund to be used for artificial reefs and mooring buoys in the coastal waters of Miami-Dade County beyond Biscayne Bay.

The Biscayne Bay Environmental Enhancement Trust Fund (Trust Fund) was created by ordinance in 1979 to provide funds for the environmental enhancement of Biscayne Bay and its foreshore. The Trust Fund receives monies from various sources including mitigation payments associated with environmental permits issued for work in tidal waters throughout Miami-Dade County, grants, settlement payments associated with resolving violations related to work in tidal waters, as well as monies from annual boat registration fees collected in Miami-Dade County. A narrow view of this language leads to a conclusion that these funds are not available for environmental enhancement projects in other marine waters of Miami-Dade County such as our coastal

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water habitats that exist beyond Biscayne Bay. Although the marine habitats in these coastal water areas may not be located within the geographic boundaries of Biscayne Bay, they are nonetheless ecologically connected to and support the health of biological communities within Biscayne Bay, as stated in the mayoral memo.

This proposed Ordinance would allow funds that are received by the County and placed in the Biscayne Bay Environmental Enhancement Trust Fund to be available for marine habitat enhancement and protection, through the County's artificial reef and mooring buoy activates, in the coastal waters of the County beyond Biscayne Bay, as stated in the mayoral memo.

ADDITIONAL INFORMATION

Florida International University has a report out on Biscayne Bay Restoration & Enhancement Program. In that report it states that the primary goal of the Biscayne Bay Restoration & Enhancement Program is to maintain, restore, enhance or provide those physical, chemical, biological or aesthetic qualities of Biscayne Bay that provide the basic character and value of the resource.

<http://dpanther.fiu.edu/sobek/FI12060709/00001>

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**Item No. 5I
File No. 172700**

Researcher: PGE Reviewer: TD

APPEAL OF ETHICS COMMISSION OPINION NO. RQO 17-05, BY AMANDA SANFILIPPO, MIAMI-DADE DEPARTMENT OF CULTURAL AFFAIRS

ISSUE/REQUESTED ACTION

Whether the Board should grant appellant, Amanda Sanfilippo, a Department of Cultural Affairs (DCA) employee, a waiver from the County's Conflict of Interest and Code of Ethics Ordinance provision which bars her domestic partner from contracting with DCA.

APPLICABLE LEGISLATION/POLICY

Section 2-11.1 of the County Code has been designed as the County's Conflict of Interest and Code of Ethics Ordinance. The section applies to all County personnel and establishes minimum standards of ethical conduct and behavior for all municipal officials and officers, autonomous personnel, quasi-judicial personnel, advisory personnel, departmental personnel and employees of municipalities in the County insofar as their individual relationships with their own municipal governments are concerned.

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR

Bulleted below are the specific relevant subsections.

- Section 2-11.1(c)(1) relates to the prohibition on transacting business within the County and bars persons included in the terms defined in subsections (b)(1) through (6) and in subsection (b)(9) from entering into any contract or transacting any business, except as provided in subsections (c)(2) through (c)(6) in which he or she or a member of his or her immediate family has a financial interest, direct or indirect, with the County or any person or agency acting for the County, and any such contract, agreement or business engagement entered in violation of this subsection shall render the transaction voidable. Willful violation of this subsection shall constitute malfeasance in office and shall effect forfeiture of office or position.
- Section 2-11.1(c)(2) provides County employees a limited exception from the prohibition on contracting with the County so long as (1) entering into the contract would not interfere with the full and faithful discharge by the employee of his or her duties to the County; (2) the employee has not participated in determining the subject contract requirements or awarding the contract; and (3) the employee's job responsibilities and job description will not require him or her to be involved with the contract in any way, including but not limited to, its enforcement, oversight, administration, amendment, extension, termination or forbearance. However, this limited exclusion shall not be construed to authorize an employee or his or her immediate family member to enter into a contract with the County or any person or agency acting for the County, if the employee works in the County department which will enforce, oversee or administer the subject contract.
- Section 2-11(c)(4) provides that if the Ethics Commission finds that the requirements of this section pertaining to exclusions for persons defined in subsections (b)(2) through (b)(4) and subsection (b)(6) are not met and that the proposed transaction would create a conflict of interest, the person defined in subsections (b)(2), (b)(3), (b)(4) or (b)(6) may request a waiver from the Board of County Commissioners within 10 days of the Ethics Commission opinion by filing a notice of appeal to the Ethics Commission. The Ethics Commission shall forward the notice of appeal and its opinion and any pertinent documents to the Clerk of the Board of County Commissioners forthwith. The Clerk shall place the request on the commission agenda for consideration by the Board. The Board of County Commissioners may grant a waiver upon an affirmative vote of two-thirds of the entire Board of County Commissioners, after public hearing, if it finds that the

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requirements of this ordinance pertaining to the exclusion for a County employee from the Code have been met and that the proposed transaction will be in the best interest of the County.

- Section 2-11.1(b)(9) defines the term “immediate family” as the spouse, domestic partner, parents, stepparents, children and stepchildren of the person involved.
- Section 2-11.1(g) prohibits the *exploitation of official position; under this subsection*, no person included in the terms defined in subsections (b) (1) through (6) and (b) (13) shall use or attempt to use his or her official position to secure special privileges or exemptions for himself or herself or others except as may be specifically permitted by other ordinances and resolutions previously ordained or adopted or hereafter to be ordained or adopted by the Board of County Commissioners.

PROCEDURAL HISTORY

Prime Sponsor: None

This item has no procedural history.

FISCAL IMPACT

N/A

ANALYSIS

This item is a waiver request by DCA employee, Amanda Sanfilippo (appellant), from the prohibition under the Code of Ethics Ordinance which bars Sanfilippo’s domestic partner, Justin Long, from contracting with DCA. The Commission on Ethics & Public Trust (COE) opined that the immediate family member of a County employee may not contract with the employee’s County department which enforces, oversees and/or administers the immediate family member’s contract. “Domestic partner” is considered an “immediate family member” under the County Code. Sanfilippo is exercising her appellate rights by appealing the COE opinion in order to enable her partner to contract with DCA. Under the Code of Ethics Ordinance, the Board may waive this prohibition by a two-thirds vote of the members present where such a decision is in the County’s best interest. The appellant’s appeal request was submitted to the COE on October 17, 2017, within the 10-day window for filing a notice of appeal from the opinion of the COE which was issued on October 12, 2017.

The appellant is the Curator and Artist Manager for the County’s Arts in Public Places Program (AIPP) and the Administrator of the South Florida Cultural Consortium Visual and Media Artists Award Program (SFCC); both programs are overseen by DCA, the department that appellant has been employed by since June 2016. Appellant’s work responsibilities include the administration of the selection process through an open competitive procedure for artists in the AIPP. Similarly, appellant directs and administers the SFCC. Appellant’s domestic partner, Justin Long, wishes to apply for both the AIPP and SFCC. If selected, Mr. Long would be executing contracts with DCA. On September 1, 2017, the appellant via written correspondence requested formal clarification from the COE regarding whether her domestic partner may compete for awards under AIPP and SFCC, considering appellant’s employment with the department overseeing the administration of the programs.

Under the County Code, so long as the following criteria are met, a County employee or his/her immediate family member may transact business with the County: (1) entering into the contract would not interfere with the full and faithful discharge by the employee of his or her duties to the County; (2) the employee has not participated in determining the subject contract requirements or awarding the contract; and (3) the employee’s job responsibilities and job description will not require him or her to be involved with the contract in any way, including but not limited to, its enforcement, oversight, administration, amendment, extension, termination or forbearance. However, this limited exclusion shall not be construed to authorize an employee or his or her immediate family member to enter into a contract with the County or any person or agency acting for the County, if the employee

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works in the County department which will enforce, oversee or administer the subject contract. As the appellant works for DCA, the department that oversees the administration of contracts relating to AIPP and SFCC, appellant's domestic partner is barred from transacting such business, i.e., entering into AIPP and/or SFCC agreements, with DCA.

The County Ethics Code prohibits Long from entering into an agreement with DCA because his domestic partner and County employee, Sanfilippo, works for DCA, the department that enforces, oversees and administers the AIPP and SFCC artist award contracts, unless a waiver is granted by a majority vote of the Board. The COE opinion includes an application of precedent for this finding. Furthermore, COE opined that although Sanfilippo's role in the selection of the artist recipients may be considered ministerial, her role as the County's Curator and Artist Manager as well as the relationships she has developed with the Trust/Consortium members, place her in a position of great influence and direction in the administration of these programs and any benefit bestowed upon an artist recipient. The County Code prohibits the *exploitation of official position, i.e.,* using or attempting to use his or her official position to secure special privileges or exemptions for himself or herself or others.

ADDITIONAL INFORMATION

The COE issued an informal opinion to DCA on February 13, 2017 via email in response to a DCA inquiry on whether there may be a conflict of interest in connection with an employee's involvement with SFCC, a program administered by DCA, where one of the applicants selected for the program's award is the County employee's domestic partner. The COE found that Sanfilippo's domestic partner may not enter into the Visual Arts Program award agreement for the receipt of County funds because the exemption criteria is not met as Sanfilippo works in the County department that oversees and administers the agreement.

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Item No. 5J
File No. 172706

Researcher: BM Reviewer: PGE

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE AN ENERGY PERFORMANCE CONTRACT WITH FPL SERVICES LLC, PURSUANT TO CHAPTER 489.145 (4)(D) OF THE FLORIDA STATUTES, PROVIDING FOR FPL SERVICES LLC TO CONSTRUCT NOT MORE THAN \$48,900,000.00 INCLUSIVE OF FINANCING COSTS IN ENERGY CONSERVATION MEASURES AT MIAMI INTERNATIONAL AIRPORT, MIAMI EXECUTIVE AIRPORT, HOMESTEAD GENERAL AVIATION AIRPORT AND MIAMI-OPA LOCKA EXECUTIVE AIRPORT; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE A THIRD-PARTY LEASE FINANCING AGREEMENT (THE "FINANCING") TO FUND THE PROJECT COST AND ANY RELATED FINANCING COSTS IF THE TERMS AND CONDITIONS ARE FAVORABLE AND ACCEPTED BY THE COUNTY, AND ANY OTHER AGREEMENTS NECESSARY TO EFFECTUATE THE TERMS OF THIS CONTRACT; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO ENFORCE THE TERMS OF THE CONTRACT, INCLUDING THE TERMINATION AND THE EXTENSION PROVISIONS; AND APPROVING THE FINANCING FOR THE PROJECT AFTER PUBLIC HEARING AS REQUIRED BY SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED

ISSUE/REQUESTED ACTION

Whether the Board should approve the proposed resolution authorizing the Mayor or Designee to execute an Energy Performance Contract and Service Agreement with FPL Services, LLC (FPLS) to implement energy conservation measures at Miami-Dade Aviation Department (MDAD) facilities in an amount not to exceed \$48,900,000 and to approve third-party financing after a public hearing pursuant to Section 147(f) of the Internal Revenue Code of 1986.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-795-12 authorized Miami-Dade County's participation in United States Department of Energy's Better Building Challenge. This resolutions was adopted by the Board on October 2, 2012.

The link below relates to Resolution No. R-795-12 United States Department of Energy's Better Building Challenge:

<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2012/R-795-12.pdf>

Resolution No. R-740-08 authorized the creation of an Energy Performance Contracting Program to be implemented in accordance with Chapter 489.145, Florida Statutes. This resolutions was adopted by the Board on July 1, 2008.

The link below relates to Resolution No. R-740-08 creation of an Energy Performance Contracting Program:

<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2008/R-740-08.pdf>

Florida Statutes, Subsection (4)(d) of Chapter 489.145, a guaranteed energy, water, and wastewater performance savings contractor must be selected in compliance with s. 287.055, relates to selection son contractors for performance savings.

The link below relates to Subsection (4)(d) of Chapter 489.145:

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0400-0499/0489/Sections/0489.145.html

Florida Statutes, Chapter 287.005 Acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services; definitions; procedures; contingent fees prohibited;

The link below relates to Florida Statute, Chapter 287.005:

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0287/Sections/0287.055.html

Internal Revenue Code of 1986 Section 147(f) Relates to public approval required for private activity bonds.

The link below relates to Internal Revenue Code of 1986 Section 147(f):

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<https://www.law.cornell.edu/uscode/text/26/147>

State of Florida Contract No. 973-320-08-01, Energy Savings, established a pool of 10 Prequalified 10 of the largest energy services companies in the country.

The link below relates to State of Florida Contract No. 973-320-08-01:

<https://www.dms.myflorida.com/content/download/43026/183882/file/973-320-08-%20contract.pdf>

PROCEDURAL HISTORY

Prime Sponsor: None

This item has no procedural history.

FISCAL IMPACT

If this resolution is approved by the Board, the contract will be “budget neutral” in that all costs associated with the project will be covered by energy cost savings guaranteed by FPLS.

The proposed savings over 15-years is projected to be approximately \$62 million. The implementation of the energy conservation measures to the MDAD facilities, however, shall be in an amount not to exceed approximately \$48.9 million dollars which would be covered by third-party financing.

ANALYSIS

If approved, proposed resolution approves the Mayor or Designee to execute an Energy Performance Contract and Service Agreement with FPL Services, LLC (FPLS) to implement energy conservation measures at Miami-Dade Aviation Department (MDAD) facilities, in an amount not to exceed \$48,900,000; and to approve a third-party financing after a public hearing pursuant to Section 147(f) of the Internal Revenue Code of 1986. The third-party financing will be solicited via quotes from banks, since the County is expected to get interest rates than FPLS, through a lease purchase agreement. The financing costs is to be funded from the operational and energy savings guaranteed by FPLS.

In addition to implementing the contract agreement, the Mayor or Designee is authorized to do the following: (1) enter into a financing agreement, such as a lease purchase agreement, with a third-party institution at terms favorable to the County; (2) approve project financing terms; (3) exercise termination provisions; (4) determine substantial completion of projects; and (5) approve modifications to the Energy Conservation Measures project scope of work as long as those changes uphold the contract's compliance with section 489.145, Florida Statutes, which govern and regulate the County's Energy Performance Contracting Program, or do not violate the terms of the third-party financing agreement.

The County is required to reduce energy consumption from 2009 levels by 20 percent by 2020, pursuant to Resolution No. R-795-12. Therefore, the County has established an Energy Performance Contracting Program allowing the County to use private energy services companies to recommend ways to reduce energy consumption.

In order the County to comply with the reduction in energy consumption requirements, the County will mainly focus on lighting, water, and Heat/Ventilation/Air Conditioning systems.

ADDITIONAL INFORMATION

Energy Performance Contracting (EPC) is an innovative financing technique that uses cost savings from reduced energy consumption to repay the cost of installing energy conservation measures. Normally offered by Energy Service Companies (ESCOs), this innovative financing technique allows building users to achieve energy savings without up-front capital expenses. The costs of the energy improvements are borne by the performance contractor and paid back out of the energy savings. Other advantages include the ability to use a single contractor to do necessary energy audits and retrofit and to guarantee the energy savings from a selected series of conservation measures.

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The link below relates to U.S. Department of Housing and Urban Development:

https://www.hud.gov/program_offices/public_indian_housing/programs/ph/phecc/eperformance

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Item No. 7B and 7B Supplement
File Nos. 172017 and 172558

Researcher: AIP Reviewer: TD

ORDINANCE RELATING TO THE N.W. 7TH AVENUE CORRIDOR COMMUNITY REDEVELOPMENT AGENCY; AMENDING SECTION 2-1889 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REAPPOINTING ONE MEMBER NOMINATED BY THE DISTRICT 3 COUNTY COMMISSIONER TO THE AGENCY'S BOARD OF COMMISSIONERS; DESIGNATING A VICE-CHAIR OF THE AGENCY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should approve amending Section 2-1889 of the County Code to reappoint a member of the N.W. 7th Avenue Corridor Community Redevelopment Agency (CRA) nominated by District 3 Commissioner, Vice Chairwoman Edmonson.

APPLICABLE LEGISLATION/POLICY

Community Redevelopment Act of 1969; Chapter 163 of the Florida Statutes (Sections 163.330 through 163.450); outlines State procedures relating to CRAs; all powers arising pursuant to the Act are conferred upon counties with home rule charters.

- Community Redevelopment Act of 1969:

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=Ch0163/part03.htm&StatuteYear=2006&Title=%2D%3E2006%2D%3EChapter%20163%2D%3EPart%20III

Section 2-1889 of the County Code (Appointments) and Ordinance No. 06-18 (File No. 060154); appointing a Board of Commissioners of the N.W. 7th Avenue Corridor Community Redevelopment Agency and designating their respective terms of office; delegating certain redevelopment powers to the agency.

- Section 2-1889 County Code: https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTCXXIIINW7THAVCOCOREAG_S_2-1889AP
- Ordinance No. 06-18 (File No. 060154): <http://intra/gia/matter.asp?matter=060154&fi>

Ordinance No. 12-23 (File No. 120250), which amended the County Code relating to the appointments for CRA. Adopted on April 3, 2012: <http://intra/gia/matter.asp?matter=120250&file=true&yearFolder=Y2012>

Resolution No. R-1360-09 (File No. 092870), which delegated many redevelopment powers that were formerly vested in the Board to the CRA: <http://www.miamidade.gov/govaction/matter.asp?matter=092870&file=true&yearFolder=Y2009>

As well as the following resolutions, all of which approved members to the N.W. 7th Avenue CRA:

- Resolution No. R-1370-08 (File No. 083119): Adopted on December 2, 2008. (*APPOINTING FOR NW 7 AVE CORRIDOR CRA*) <http://intra/gia/matter.asp?matter=083119&file=true&yearFolder=Y2008>
- Resolution No. R-86-09 (File No. 083426): Adopted on January 22, 2009. (*N.W. 7TH AVENUE CORRIDOR CRA*) <http://intra/gia/matter.asp?matter=083426&file=true&yearFolder=Y2008>
- Resolution No. R-571-11 (File No. 111203): Adopted on June 7, 2011. (*APPOINTING 7TH AVENUE CRA MEMBERS*) <http://intra/gia/matter.asp?matter=111203&file=true&yearFolder=Y2011>

PROCEDURAL HISTORY

Prime Sponsor: Vice Chairwoman Commissioner Audrey M. Edmonson, District 3

10/3/2017: This item was presented to the Board and adopted on first reading.

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11/13/2017: The item was scheduled for a public hearing before the Housing and Social Services Committee (HSSC) on November 13, 2017, and forwarded to the BCC with a favorable recommendation.

FISCAL IMPACT

This item creates no fiscal impact.

ANALYSIS

This item aims to reappoint Eugene R. Lomando as a commissioner of the N.W. 7th Avenue Corridor CRA for a term of four years, and appoint him as Vice Chair of the Agency. Mr. Lomando is a State-certified general contractor and works as a General Manager at Tropical Glass and Construction Company, in Miami, FL.

The N.W. 7th Avenue Corridor CRA is a board of qualified individuals appointed by the Board to create and implement plans to redevelop the designated area around N.W. 7th Avenue Corridor determined to be “slum and blighted” (Located in District 1). It was first established in 2004, and in 2011, the Board approved the expansion of the CRA area, and both the original and expanded area have a variety of land uses and projects in development. The CRA adopted its new “Action Plan” during Fiscal Year 2013-2014, which detailed the rebranding of the CRA, grant/incentive programs, and other ways to attract businesses to the area.

All CRA’s are overseen by the Community Redevelopment and Municipal Services Division (CRMSD) of the Office of Management and Budget. Primary community redevelopment objectives as defined by the legislation are:

- To address the physical, social, and economic problems associated with slum and blighted areas;
- To encourage local government to improve the physical environment (i.e., buildings, streets, parks and utilities) through rehabilitation, conservation, or clearance/rehabilitation;
- To convey local community redevelopment agencies the power to expend public funds as a means to improve slum and blighted areas;
- To enhance the tax base in the redevelopment areas by encouraging private investment through channeling of tax increment revenues into public improvements within the designated areas; and
- To eliminate substandard housing conditions and to provide adequate housing to residents of low or moderate income, particularly the elderly.

Under the County Code, the CRA shall consist of not fewer than five or more than nine commissioners. The terms of office of the commissioners shall be for four years. Any person may be appointed as commissioner if he or she resides or is engaged in business, which means owning a business, practicing a profession or performing a service for compensation, or serving as an officer or director of a corporation or other business entity so engaged, within the area of operation of the agency, which shall be coterminous with the area of operation of the County, and is otherwise eligible for such appointment under Florida law. The members, as currently codified, are:

• Mack Samuel	• Gene Lamondo**
• Mae Bryant	• Charesse Chester
• Samuel Frederique	• Donald Kressly*
• Todd Ruderman*	

* Note that Todd Ruderman has resigned and Donald Kressly is deceased.

** There is a discrepancy in the spelling of Lomando’s name in the Code, it is listed as “Gene Lamondo” instead of Lomando.

Additional information on the CRA:

- <http://www.miamidade.gov/redevelopment/>

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- <http://www.miamidade.gov/redevelopment/library/reports/nw-7th-ave-annual-2015-2016.pdf>

7B Supplement: The supplement is additional information, provided in a memorandum by OCA certifying that OCA completed the background check on Eugene R. Lomando. The memo notes no adverse findings.

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**Item No. 7C
File No. 172144**

Researcher: PGE Reviewer: TD

ORDINANCE RELATING TO THE MISCELLANEOUS CONSTRUCTION CONTRACTS PROGRAM; AMENDING SECTION 2-8.2.7.01 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; UPDATING REFERENCES TO CONFORM PROGRAM TO EXISTING SMALL BUSINESS ENTERPRISE PROGRAMS AND PROCEDURES; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE [SEE AGENDA ITEM NO. 11(A)4]

ISSUE/REQUESTED ACTION

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

APPLICABLE LEGISLATION/POLICY

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

https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.2.7.01MICOCOPR

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

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-53.pdf>

PROCEDURAL HISTORY

Prime Sponsor: Vice Chairwoman Audrey M. Edmonson, District 3

This item was adopted on first reading at the October 3, 2017 meeting of the Board. The item has been forwarded to the Board with a favorable recommendation from the Government Operations Committee at its November 14, 2017 meeting.

FISCAL IMPACT

As stated in the item's Fiscal Impact Section, implementation of this ordinance will not have a fiscal impact to the County.

ANALYSIS

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

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

1. Be a licensed construction contractor;
2. Be registered and active in the Florida Department of State Division of Corporations;

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3. Be a registered vendor with the County's Internal Services Department, Procurement Management Services Division;
4. Complete the MCC Registration process online through the Vendor Portal; and
5. Provide proof of insurance for general liability, workers compensation and automobile liability.

The MCC Program Ordinance has been previously amended as follows:

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

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

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

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

ADDITIONAL INFORMATION

There is a companion item – Agenda Item No. 11A4 (File No. 172371) – requesting approval of an amendment to Implementing Order No. 3-53, which sets forth procedures for the Miscellaneous Construction Contracts Program.

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Item No. 7E
File No. 171976

Researcher: NR Reviewer: PGE

ORDINANCE RELATING TO THE AFFORDABLE HOUSING TRUST FUND BOARD OF TRUSTEES; AMENDING SECTION 17-133 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING MEMBERSHIP TO REMOVE FLORIDA COMMUNITY BANK AND REPLACE IT WITH A LOCAL LENDING INSTITUTION DESIGNEE; PROVIDING FOR DESIGNATION OF ALTERNATES; DELETING AUTHORITY RELATING TO DESIGNATED FACILITIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend Section 17-33 of the County Code, dealing with the Affordable Housing Trust Fund, to revise its membership, provide for designation of alternatives and delete authority relating to designated facilities.

APPLICABLE LEGISLATION/POLICY

Section 17-133 of the Miami-Dade County Code (*Membership*): Adopted on February 6, 2007. This Code section refers to the governing body of the Affordable Housing Trust of the Miami-Dade County.

http://miamidade.fl.elaws.us/code/coor_ptiii_ch17_artviii_sec17-133

Section 17-132 of the County Code (*Affordable Housing Trust Fund*): Adopted on February 6, 2007.

http://miamidade.fl.elaws.us/code/coor_ptiii_ch17_artviii_sec17-132

PROCEDURAL HISTORY

Prime Sponsor: Barbara J. Jordan, District 1

This item was presented to the Board on October 3, 2017 and was adopted on first reading. 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. There was no discussion by the Committee members on this item.

FISCAL IMPACT

It is anticipated that the proposed ordinance will create additional options and efficiencies in the provision of affordable housing using General Fund revenue proceeds, which may facilitate increased homeownership and rental opportunities for homebuyers and renters with income up to 140 percent Area Median Income (AMI) include mixed-income and elderly affordable housing. AMI is defined as the midpoint of a region's income distribution – half of households in a region earn more than the median and half earn less than the median.

ANALYSIS

This resolution proposed to amend Section 17-33 of the County Code. The reason for the changes are: (1) because the seat for the member designated by the Florida Community Bank remains vacant; (2) the Board desires to permit the board of trustees to designate alternates to vote on their behalf; and (3) since the board of trustees does not operate, govern, preserve or maintain designated facilities, the Board wanted to remove that element.

The proposed ordinance:

- is not anticipated to have a quantifiable social equity impact benefit or burden on the residents of Miami-Dade County; and
- Will have a positive impact on the County and its residents as it establishes a more diverse and inclusive membership representation that will be able to accomplish the work of the Trust Fund.

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Housing trust funds are distinct funds established by city, county or state governments that receive ongoing dedicated sources of public funding to support the preservation and production of affordable housing and increase opportunities for families and individuals to access decent affordable homes. Housing trust funds systemically shift affordable housing funding from annual budget allocations to the commitment of dedicated public revenue. While housing trust funds can also be a repository for private donations, they are not public/private partnerships, nor are they endowed funds operating from interest and other earnings.

Established by the Miami-Dade Commission in 2007 with the purpose of increasing and improving the supply of affordable housing, the Affordable Housing Trust Fund was set up to fund the acquisition of property and property rights, cost of construction including costs associated with planning, administration, design, building or installation, as well as any other costs associated with the construction or financing of affordable housing.

The below table reflects the current Code language and the proposed amendments:

Section 17-133 of the Code as it currently reads:	Section 17-133 of the Code - proposed changes:
(1)(m) One (1) member designated by the Florida Community Bank.	(1)(m) One (1) member designated by a local lending institution.
(5)(a) ... In addition, the Trust shall make, adopt and amend by-laws, rules and regulations for its own governance and for the operation, governance, restoration, preservation and maintenance of designated facilities.	(5)(a) ... In addition, the Trust shall make, adopt and amend by-laws, rules and regulations for its own governance.
(5)(e) Voting Requirements: Trustees may not designate alternates to vote on their behalf or vote by proxy.	(5)(e) Voting Requirements: Trustees may designate alternates to vote on their behalf.

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Item No. 7F
File No. 172012

Researcher: SAP Reviewer: TD

ORDINANCE RELATING TO INCORPORATION; AMENDING SECTION 20-29 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROHIBITING THE PLACEMENT OF AN ORDINANCE TO CREATE A MUNICIPAL ADVISORY COMMITTEE ("MAC") TO STUDY THE POSSIBLE INCORPORATION OF AN AREA ON THE BOARD'S AGENDA UNLESS A CERTAIN PERCENTAGE OF THE RESIDENT ELECTORS IN THE AREA HAVE CONSENTED TO THE CREATION OF A MAC; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend Section 20-29 of the Code prohibiting the placement of an ordinance to create a Municipal Advisory Committee (MAC) unless a certain percentage of the resident electors have consented.

APPLICABLE LEGISLATION/POLICY

Section 20-29 of the County Code governs the Municipal Advisory Committee - Creation and Limitation of Study Area.
http://miamidade.fl.elaws.us/code/coor_ptiii_ch20_artii_sec20-29

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Joe A. Martinez, District 11

8/30/2017: Item was forwarded to the Board for approval for the required municipal notification.

10/3/2017: The proposed ordinance was adopted on first reading. Public Hearing scheduled for 11/14/2017

10/6/2017: Municipalities were notified of public hearing.

11/14/2017: Item was forwarded to the Board with a favorable recommendation from the Government Operations Committee (GOC) at its November 14, 2017 meeting.

Highlights from the Public Hearing pertaining to the 20% requirement to create a MAC.

FOR	AGAINST
<ul style="list-style-type: none">• Most incorporation efforts were done by a MAC through petition process, 20% requirement is a good start.• This democratic process keeps Miami strong.• The people should create the MAC not the Board. This amendment is a clear, transparent process in governance.	<ul style="list-style-type: none">• Why increase to 20% when you only need 10% to recall the Mayor or a commissioner.• It is impossible to collect 20% of signatures especially in gated communities or even at Publix. This amendment is making it harder to create a MAC for incorporations.• 20% would violate the Charter and this amendment should not be supported.

The sponsoring commissioner reiterated that this amendment is not for or against incorporations; on the contrary, it is a democratic way for citizens who need an incorporation to work hard and demonstrate to the commissioners that they really need it. He added that this amendment would only affect future MACs.

FISCAL IMPACT

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No impact to the countywide general fund.

ANALYSIS

MACs are charged with studying the feasibility of incorporating a specific area into a municipality. Section 20-29 provides that a MAC may only be created by ordinance of the Board, and that no MAC shall be created by the County Commission, unless no less than twenty percent (20%) of the resident electors in the area to be studied consent to the creation of the MAC. This ordinance introduces a requirement that there be interest among the resident electors for an incorporation study by a MAC, and will subsequently benefit the residents in the proposed incorporation area.

The proposed amendment will add the following language:

>>No ordinance to create a Municipal Advisory Committee may be placed on an agenda of this Board unless the Clerk of the Board has forwarded to the County Commission the signed consent forms of area residents and the certification of the sufficiency of the consent forms, as required in this subsection.<<

The table below shows an analysis of a 20% requirement of active registered voters in five selected municipalities.

Municipalities	Active Registered Voters	20% Requirement
City of Coral Gables	31,319	6,264
City of Homestead	28,759	5752
City of Miami Beach	48,850	9770
City of Sweetwater	9,704	1941
City of Hialeah	100,547	20,109

Source: Miami-Dade Elections Department as of November 30th, 2017

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Item No. 7G
File No. 171993

Researcher: SM Reviewer: PGE

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

ISSUE/REQUESTED ACTION

Whether the Board should amend Section 2-8.9 of the Code relating to the Living Wage, to increase wage and health benefit rates. The proposed ordinance would equalize the living wage rate for all covered Miami-Dade County (County) effective January 1, 2018

APPLICABLE LEGISLATION/POLICY

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=PTIICOOR_CH2AD_ARTIINGE_S2-8.9LIWAORCOSECOEM

Administrative Order 3-30 establishes the Living Wage procedures and requires affidavit certifications for County contracts.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO3-30.pdf>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Jean Monestime, District 2

This item was forwarded to BCC with a favorable recommendation November 14, 2017.

Commissioner Rebeca Sosa, representing District 6, mentioned that she wanted to have a sunshine meeting with Commissioner Monestime before this Item came to the table during the Government Operations Committee on November 14, 2017. She had a concern regarding the absorption of costs related to the increase of the wage and health benefits especially as it relates to whom will be affected. She asked how this will affect the elderly, disabled or low income citizens of the County. She mentioned that she supports increasing the living wage, and asked if this Item applies to private companies, where the County attorney explained that it does apply to private companies that do business with the County since 1999.

FISCAL IMPACT

The fiscal impact could be substantial, due to the fact that the service contract costs that are covered under the Living Wage Ordinance will increase. The total fiscal impact of the proposed ordinance can only be quantified on a contract by contract basis, as stated in the Mayoral memo.

ANALYSIS

This ordinance relates to amending Section 2-8.9 of the County Code increasing wage and health benefit rates.

The substitute differs from the original in that it changes the effective date for the revised living wage and health benefit plan rates from October 1, 2017 to January 1, 2018. Below is a report, completed by the Office of the Commission Auditor, relating to Minimum Wage and Living Wage:



Minimum Wage
and Living Wage Re

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

In a 2014 health benefits survey, the Kaiser Family Foundation found that “the average annual premiums for employer-sponsored health insurance are \$6,025 for single coverage and \$16,834 for family coverage.” Assuming a 40 hour workweek, this translates to a minimum of \$2.89 per hour for a health benefit plan.

ADDITIONAL INFORMATION - LIVING WAGE RATE REPORTS.

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

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

On May 7, 2014, the Internal Services Department Small Business Development Division issued a notice for living wage rates for FY 2014-2015. According to notice, effective October 1, 2014 through September 30, 2015 the Living Wage rate required was to be no less than \$12.46 per hour with qualifying Health Benefits Plan (HBP) valued at no less than \$1.81 per hour, or \$14.27 per hour if no qualifying HBP is provided by the Service Contractor to its covered employees.

According to ISD’s website (<http://www.miamidade.gov/smallbusiness/living-wage-reports.asp>), the Living Wage applies to contracts valued greater than \$100,000 and all service contractors at Miami-Dade Aviation Department facilities regardless of contract value for various covered services as defined in the provisions of Miami-Dade County’s Living Wage Ordinances Section 2-8-9 of the Code.

	Living Wage Paid Effective January 1,2018 (Service Contractors)		Health Benefits Effective January 1,2018 (Covered employer)	
	Current	Proposed	Current	Proposed
Miami-Dade	\$12.63 (<i>with health</i>) \$15.52 (<i>without health</i>)	\$13.20 (<i>with health</i>) \$16.35 (<i>without health</i>)	\$2.89 (<i>per hour per employee</i>)	\$3.16 (<i>per hour per employee</i>)
Broward	\$12.03 (<i>with health</i>) \$13.59 (<i>without health</i>)		\$1.56 (<i>per hour per employee</i>)	

<http://www.broward.org/Purchasing/Documents/Living%20Wage%20Rate%20Poster.pdf>

Living wage for contracts for covered services entered into, extended (by exercise of option to renew or otherwise), amended, or modified on or after October 1, 2016 and all service contractors operating under permits at Aviation department facilities: \$12.99 per hour with qualifying health benefits valued at least \$3.16 per hour, otherwise \$16.15 per hour.

<http://www.miamidade.gov/smallbusiness/library/reports/living-wage-notice-october-december-2017.pdf>

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ADDITIONAL INFORMATION – RELEVANT LEGISLATION:

On November 3, 2015, the BCC, through Resolution No. R-1022-15, opposed Senate Bill 598 and House Bill 181, or similar legislation that would: (a) preempt local governments from requiring contractors on public works projects where state funds are involved to pay employees a predetermined amount of wages or wage rate, provide employees a specified type or amount of employee benefits, control or limit staffing, or recruit, train, or hire employees from a designated or restricted source; or (b) preempt local governments from restricting qualified bidders from submitting bids, being awarded any bid or contract, or performing work on public works projects. However, SB 598 and HB 181 did not pass during the 2016 legislative session.

ADDITIONAL INFORMATION – ARTICLES FOUND ONLINE:

An article published by WGCU July 19, 2017 states that more than 300 food workers have filed complaints alleging their employers have been underpaying them.

“Workers with LSG Sky Chefs and Gate Gourmet said the underpayments date back to 2006. The employees of these companies, contractors of major airlines - Sky Chef's main client is American Airlines - say their employers are violating the Living Wage Ordinance”.

<http://news.wgcu.org/post/more-workers-miami-international-airport-claim-employers-violate-living-wage-ordinance>

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**Item Nos. 7H and 7H Supplement
File Nos. 172011 and 172566**

Researcher: AIP Reviewer: TD

ORDINANCE RELATING TO THE N.W. 7TH AVENUE CORRIDOR COMMUNITY REDEVELOPMENT AGENCY; AMENDING SECTION 2-1889 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REAPPOINTING TWO MEMBERS AND APPOINTING ONE NEW MEMBER NOMINATED BY THE DISTRICT 2 COUNTY COMMISSIONER TO THE AGENCY'S BOARD OF COMMISSIONERS; REAPPOINTING THE CHAIR OF THE AGENCY; PROVIDING FOR FUTURE APPOINTMENT OF OFFICERS AND MEMBERS BY RESOLUTION; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend Section 2-1889 of the County Code to approve the reappointment of two members to the N.W. 7th Avenue CRA, and the appointment of one new member.

APPLICABLE LEGISLATION/POLICY

Community Redevelopment Act of 1969; Chapter 163 of the Florida Statutes (Sections 163.330 through 163.450); outlines State procedures relating to CRAs; all powers arising pursuant to the Act are conferred upon counties with home rule charters.

- Community Redevelopment Act of 1969:

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=Ch0163/part03.htm&StatuteYear=2006&Title=%2D%3E2006%2D%3EChapter%20163%2D%3EPart%20III

Section 2-1889 of the County Code (Appointments) and Ordinance No. 06-18 (File No. 060154); appointing a Board of Commissioners of the N.W. 7th Avenue Corridor Community Redevelopment Agency and designating their respective terms of office; delegating certain redevelopment powers to the agency.

- Section 2-1889 County Code: https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTCXXIIINW7THAVCOCOREAG_S_2-1889AP
- Ordinance No. 06-18 (File No. 060154): <http://intra/gia/matter.asp?matter=060154&fi>

Resolution No. R-1360-09 (File No. 092870) delegates many redevelopment powers that were formerly vested in the Board to the CRA; adopted on December 1, 2009.

<http://www.miamidade.gov/govaction/matter.asp?matter=092870&file=true&yearFolder=Y2009>

Ordinance No. 12-23 (File No. 120250) amended the County Code relating to the appointments for CRA. Adopted on April 3, 2012: <http://intra/gia/matter.asp?matter=120250&file=true&yearFolder=Y2012>

As well as the following resolutions, all of which approved members to the N.W. 7th Avenue CRA:

- Resolution No. R-1370-08 (File No. 083119): Adopted on December 2, 2008. (*APPOINTING FOR NW 7 AVE CORRIDOR CRA*) <http://intra/gia/matter.asp?matter=083119&file=true&yearFolder=Y2008>
- Resolution No. R-86-09 (File No. 083426): Adopted on January 22, 2009. (*N.W. 7TH AVENUE CORRIDOR CRA*) <http://intra/gia/matter.asp?matter=083426&file=true&yearFolder=Y2008>
- Resolution No. R-571-11 (File No. 111203): Adopted on June 7, 2011. (*APPOINTING 7TH AVENUE CRA MEMBERS*) <http://intra/gia/matter.asp?matter=111203&file=true&yearFolder=Y2011>

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PROCEDURAL HISTORY

Prime Sponsor: Commissioner Jean Monestime, District 2

10/3/2017: This item was presented to the Board on October 3, 2017 and adopted on first reading.

11/13/2017: The item was scheduled for a public hearing before the Housing and Social Services Committee (HSSC) on November 13, 2017, and forwarded to the BCC with a favorable recommendation.

FISCAL IMPACT

This item creates no fiscal impact.

ANALYSIS

This item seeks to: reappoint Dr. Mae Bryant as a member, as well as Chairwoman; reappoint Mack Samuel as a member; and appoint Lesly Prudent as a new member of the CRA. The CRA is a board of qualified individuals appointed by the Board to create and implement plans to redevelop the designated area around N.W. 7th Avenue Corridor determined to be “slum and blighted” (Located in District 1). It was first established in 2004, and in 2011, the Board approved the expansion of the CRA area, and both the original and expanded area have a variety of land uses and projects in development. The CRA adopted its new “Action Plan” during Fiscal Year 2013-2014, which detailed the rebranding of the CRA, grant/incentive programs, and other ways to attract businesses to the area.

All CRA’s are overseen by the Community Redevelopment and Municipal Services Division (CRMSD) of the Office of Management and Budget. Primary community redevelopment objectives as defined by the legislation are:

- To address the physical, social, and economic problems associated with slum and blighted areas;
- To encourage local government to improve the physical environment (i.e., buildings, streets, parks and utilities) through rehabilitation, conservation, or clearance/rehabilitation;
- To convey local community redevelopment agencies the power to expend public funds as a means to improve slum and blighted areas;
- To enhance the tax base in the redevelopment areas by encouraging private investment through channeling of tax increment revenues into public improvements within the designated areas; and
- To eliminate substandard housing conditions and to provide adequate housing to residents of low or moderate income, particularly the elderly.

Under the County Code, the CRA shall consist of not fewer than five or more than nine commissioners. The terms of office of the commissioners shall be for four years. Any person may be appointed as commissioner if he or she resides or is engaged in business, which means owning a business, practicing a profession or performing a service for compensation, or serving as an officer or director of a corporation or other business entity so engaged, within the area of operation of the agency, which shall be coterminous with the area of operation of the County, and is otherwise eligible for such appointment under Florida law. The members, as currently codified, are:

• Mack Samuel	• Gene Lamondo
• Mae Bryant	• Charesse Chester
• Samuel Frederique	• Donald Kressly*
• Todd Ruderman*	

* Note that Todd Ruderman has resigned and Donald Kressly is deceased.

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Additional information on the CRA:

- <http://www.miamidade.gov/redevelopment/>
- <http://www.miamidade.gov/redevelopment/library/reports/nw-7th-ave-annual-2015-2016.pdf>

7H Supplement: The supplement is additional information, provided in a memorandum by OCA certifying that OCA completed the background check on Dr. Mae Bryant and Lesly Prudent. Information pursuant to the findings from public records are attached in the supplement.

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Item No. 7I
File No. 172734

Researcher: SM Reviewer: PGE

ORDINANCE EXTENDING THE SUNSET DATE OF THE MIAMI-DADE MILLENNIAL TASK FORCE CREATED BY RESOLUTION NO. R-1058-16 FOR A CERTAIN PERIOD OF TIME; PROVIDING FOR MEMBERSHIP, ORGANIZATION AND PROCEDURES SETTING FORTH PURPOSE, FUNCTION, RESPONSIBILITY, AND SUNSET PROVISION; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should extend the sunset date of the Miami-Dade Millennial Task Force (Task Force) for approximately six months.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-1058-16 adopted by the Board on November 1, created the Miami-Dade Millennial Task Force; providing for membership, organization and procedures; and setting forth purpose, function, responsibility, and sunset provision.

<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2016/R-1058-16.pdf>

Section 2-11.36.1- Requires that County boards created for more than one year be created by ordinance.

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.36.1DEBO

Florida Statutes 286.0114 – governs reasonable opportunity to be heard by the public.

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0286/Sections/0286.0114.html

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Dennis C. Moss, District 9

This item was forwarded to the BCC with a favorable recommendation with committee amendments on November 14, 2017. On November 1, 2016, this Board adopted Resolution No. R-1058-16 creating the Miami-Dade Millennial Task Force (Task Force), responsible for developing strategies to attract, retain, and assist millennials in Miami-Dade County through, among other things, housing, career, and transportation opportunities or incentive.

This item was amended to delete the date for the Task Force's initial reporting deadline which was previously set at November 7, 2017

FISCAL IMPACT

For every dollar of income earned by the lowest 20 percent in the County, those in the top five percent earn \$40, revealing a 40-1 income gap in the County, above the national average of 29-1, according to the 2016 County Prosperity Initiatives Feasibility Study conducted by Florida International University (FIU) Metropolitan Center. The implementation of the proposed ordinance will not require additional staff resources, therefore it will not have a fiscal impact to the County, as stated in the mayoral memo.

https://metropolitan.fiu.edu/research/services/economic-and-housing-market-analysis/prosperity-initiative-research-study_final.pdf

ANALYSIS

The purpose of the proposed ordinance is to extend the sunset date of the Task Force until May 9, 2018. This item was amended to delete the date for the Task Force's initial reporting deadline which was previously set at November 7, 2017. This would allow the Task Force sufficient time to prepare the required comprehensive report on the issues millennials face within Miami-Dade County (County). Due to delays in appointments, the Taskforce convened six months after its creation which is why additional

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time is necessary. The Task Force has the purpose of developing strategies to attract, retain, and assist millennials in Miami-Dade County through, among other things, housing, career, and transportation opportunities or incentives, however that being said they are only advisory and do not possess any power of authority to commit the County or any of its agencies or instrumentalities to any policies, incur any financial obligations, or create any liability. They cannot enter into contractual agreements either on behalf of the County.

The Task Force must consist of 26 members. The Task Force shall meet within 15 days of the appointment of its member, and additional meetings may be held at the discretion of the Task Force. The members shall serve without compensation. The Task Force must provide their findings and recommendations to the Board within 90 days from the date of the Task Force's initial meeting. The report must include a comprehensive assessment of the issues that millennials face within the County, and what factors are contributing them to move elsewhere, what strategies and solutions to attract, retain, and assist millennials in the County must also be included in the report.

"Millennials" is a term that refers to people born within early 1980 through the early 2000s. Many different studies found that this group of young professionals have a difficult time to find a job that pays enough to sustain housing without living with their respective parents.

ADDITIONAL ONLINE RESEARCH FOUND

Miami has the highest percent of millennials living at home, with 45 percent of young people still living with their parents according to a study by the apartment-finding service Adobo. According to this study, Millennials make up one-third of the country's population, and that the majority of them who live at home are employed. The national unemployment rate for the group is 5.5 percent according to Adobo. The price of renting is not acceptable as Millennials in Miami would have to spend 90 percent of their income on rent.

The research study uses the median monthly income of millennials in each city when it comes to determining the income to rent ratio. Adobo's study found that the income/salary the group is taking home is less than the previous generations of young people due to the fact that an average student who graduates from a University will have a student loan of approximately \$30,000.

Therefore it seems that most young professionals whom are millennials simply cannot afford another option than living at home with their parents, even though it is the most educated generation in history with 60 percent having gone to College.

<https://www.abodo.com/blog/millennials-living-at-home/>

Articles found in the Sun Sentinel write about how Broward County has approximately 59 percent of renters that are considered to be cost burdened, compared to Miami-Dade County's 63 percent. *This, in turn, forces entry level graduates to relocate in addition to turning down job offers once they find out the cost of living.*

Other metropolitan cities are where these young professionals choose to relocate to since the high cost of housing is unsustainable as it relates to their income.

<http://www.sun-sentinel.com/local/palm-beach/fl-pn-affordable-housing-summit-20170531-story.html>

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**Item No. 7J
File No. 172021**

Researcher: AIP Reviewer: TD

ORDINANCE RELATING TO PLACES OF PUBLIC ACCOMMODATIONS; AMENDING SECTIONS 11A-2 AND 11A-22 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING DEFINITION OF “AGE” AS IT RELATES TO PLACES OF PUBLIC ACCOMMODATIONS; CREATING AN EXCEPTION TO UNLAWFUL PUBLIC ACCOMMODATIONS PRACTICES FOR PLACES OF PUBLIC ACCOMMODATIONS OFFERING DISCOUNTS, SPECIAL PRICES, OR OTHER SPECIAL ARRANGEMENTS OR PROGRAMS FOR MINOR CHILDREN, FAMILIES, PERSONS WITH DISABILITIES, OR PERSONS WHO ARE 50 YEARS OF AGE OR OLDER, OR IMPOSING MINIMUM AGE LIMITS OR REQUIREMENTS UP TO A CERTAIN AGE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should approve the proposed amendments to the Miami-Dade County Code in reference to age requirements relating to places of public accommodation.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code Section 11A-2 (Definitions): <http://miamidade.fl.elaws.us/code/cid10620/11a-2/>

Miami-Dade County Code Section 11A-22 (Exceptions to unlawful public accommodations):
http://miamidade.fl.elaws.us/code/coor_ptiii_ch11a_artiii_sec11a-22

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Rebeca Sosa, District 6

This item requires 6 weeks between first reading and public hearing, requires 4 weeks notification to municipal officials prior to the public hearing, and it requires a social equity statement.

8/30/2017: The Board sent the item to the PSHC.

10/3/2017: The Board adopted the item on first reading, and set it for public hearing before the PSHC meeting on Wednesday, November 15, 2017, at 1:30 p.m.

10/6/2017: The Board notified the municipalities of the public hearing.

11/15/2017: The Public Safety and Health Committee forwarded the item without a recommendation to the BCC.

FISCAL IMPACT

This item has no fiscal impact.

ANALYSIS

The item amends Section 11A-2 of the County Code and Section 11A-22 (2), (3) of the Code, and adds Section 11A-22 (7). The purpose of this is to better reflect the current services and accommodations provided by various businesses, relating to age. The item makes note that places like hotels, or car rental businesses commonly have a surcharge for those under the age of 25.

The item also states that current federal and state laws regulating Public Accommodations do not include age as a protected class or prohibit Public Accommodations from implementing Age Restriction Policies. This item is to amend the Code, in order to better reflect this.

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Section 11A-2 of the Code as it currently reads:	Section 11A-2 of the Code – proposed changes:
Age shall mean the chronological age of any individual who is eighteen (18) years or older.	Age shall mean the chronological age of any individual who is 18 years or older.

Section 11A-22 of the Code as it currently reads:	Section 11A-22 of the Code – proposed changes:
“2) An institution, club facility or place of accommodation shall not be considered in its nature distinctly private if it has more than four hundred (400) members...”	“2) An institution, club facility or place of accommodation shall not be considered in its nature distinctly private if it has more than 400 members...”
“3) ...The board, for good cause shown, may grant an extension not to exceed an additional ninety (90) days after the date allowed such place of accommodation to complete such work.”	“3) ...The board, for good cause shown, may grant an extension not to exceed an additional 90 days after the date allowed such place of accommodation to complete such work.”
--	“7) The provisions of this article shall not prohibit places of accommodations from offering discounts, special prices, or other special arrangements or programs for minor children, families, persons with disabilities, or persons who are 50 years of age or older, or from imposing minimum age limits or requirements up to age 25. Additionally, nothing in this article shall be construed to create a cause of action or give rise to a complaints against a place of public accommodation that implements a policy that complies with the exception to unlawful public accommodation as set forth in this section 11A-22(7).

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**Item No. 7K
File No. 171442**

Researcher: PGE Reviewer: TD

ORDINANCE RELATED TO BOND UNDERWRITERS; AMENDING SECTION 2-10.6 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING MECHANISM BY WHICH UNFILLED POSITIONS ON INITIAL TEAMS FOR NEGOTIATED BOND TRANSACTIONS MAY BE FILLED AT DISCRETION OF COUNTY MAYOR OR DESIGNEE; CLARIFYING THAT EACH OF THE FIRMS SELECTED TO THE COUNTY'S UNDERWRITING POOL MAY SERVE AS SENIOR MANAGER FOR ANY TRANSACTION WITH A PAR AMOUNT EQUAL TO OR LESS THAN \$125 MILLION; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend the ordinance related to the County's bond underwriting pool to accomplish the following: (1) provide a mechanism whereby open positions on initial teams for negotiated bond transactions may be filled by the Mayor or Mayor's designee; and (2) clarify that any of the firms in the County's underwriting pool may serve as Senior Manager for any transaction with a par amount equal to or less than \$125 million.

APPLICABLE LEGISLATION/POLICY

Ordinance No. 16-64 adopted by the Board on June 7, 2016 repealed Section 2-10.6 of the County Code related to underwriters, creating a new Section 2-10.6 that replaces the provisions pertaining to the selection of underwriting firms for negotiated bond transactions with new provisions to create an underwriting pool based on each firm's capital strength and ability to underwrite bonds. The new underwriting pool shall consist of three segments – (1) national firms; (2) regional firms; and (3) small business firms. The ordinance also authorized the County Mayor to prepare and issue a Request for Qualifications for the selection of underwriting firms.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-10.6COBIREALCOBOTR

Ordinance No. 99-73, adopted by the Board on June 22, 1999, provides that all general obligation, special obligation and revenue bonds of the County be sold at a competitive public sale, unless waived; established the Manager's Finance Committee (MFC) and its composition; and created a new underwriting pool divided into two divisions.

<http://intra/gia/matter.asp?matter=991597&file=false&yearFolder=Y1999>

Ordinance No. 04-202, adopted by the Board on November 30, 2004, amended Ordinance No. 99-73 to increase the representatives to the MFC and add a new provision for suspension or removal of firms from the underwriting pool.

<http://intra/gia/matter.asp?matter=042685&file=true&yearFolder=Y2004>

PROCEDURAL HISTORY

Prime Sponsor: Government Operations Committee

The item was adopted on first reading at the July 6, 2017 Board meeting. It was deferred at the October 10, 2017 meeting of the Government Operations Committee and forwarded to the Board with a favorable recommendation by the Government Operations Committee at its November 14, 2017 meeting. At the committee's November 14th meeting, Commissioner Monestime shared the following: (1) that his staff is working with the CAO to address the issue of bonding as it relates to minority firms; (2) that minority firms have difficulty accessing such pools; (3) that minority firms that once did business with the County can no longer afford to do so due to bonding requirements; and (4) that minority firms are encountering barriers to graduating to becoming a "Prime."

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FISCAL IMPACT

The mayoral memo indicates that the proposed amendments to the ordinance will not have fiscal ramifications to the County.

ANALYSIS

This item proposes to amend Section 2-10.6 of the County Code (Competitive Bidding Requirement for all County Bond Transactions) to (1) ensure that if a situation has occurred in which fewer than the anticipated number of firms have applied under a particular segment of the underwriting pool, the Mayor or the Mayor's designee may fill any open slots on one of the three teams with any other firms that have responded to the RFQ, regardless of the segment under which such firms have applied; and (2) clarify that each of the firms selected to participate in the County's underwriting pool may serve as Senior Manager for any transaction with a par amount equal to or less than \$125 million.

On July 18, 2017, the Board adopted Resolution No. R-746-17, which rejected all proposals received for the County's municipal bond underwriting pool. A successful award would have pre-qualified firms to serve as members of the County's bond underwriting pool on all negotiated bond transactions on a non-exclusive, as-needed basis. Thirty-one proposals were received in response to the solicitation. The rejection was based on the elimination of firms due to non-responsiveness determinations by the County Attorney's Office. The item stated that a successor solicitation was being developed to allow for the inclusion of additional firms.

The specific substantive amendments proffered are as follows:

- A new Section 2-10.6(8)(c) that reads as follows: *In the event not enough firms have applied under a particular Segment such that one or more of the three teams cannot be filled as provided above, the Mayor or his designee may fill any remaining slots on the three teams with other firms that have responded to the RFQ regardless of the Segment under which such firms have applied; and*
- A revised Section 2-10.6(9)(c)(ii) that reads as follows: *A Segment 1 firm, ~~or~~ a Segment 2 firm or a Segment 3 firm may be the Senior Manager ~~but must have an Eligible Amount greater than or equal to 60 percent of the par amount of the transaction. A Segment 3 firm may be the Senior Manager~~ on any transaction with a par amount equal to or less than \$125,000,000.00, or if the firm has an Eligible Amount greater than or equal to 60 percent of the par amount of the transaction.*

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Item No. 8B1
File No. 172384

Researcher: SAP Reviewer: TD

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE THE MEMORANDUM OF AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF CORRECTIONS AND MIAMI-DADE COUNTY FOR THE VICTIM NOTIFICATION SERVICE NETWORK

ISSUE/REQUESTED ACTION

Whether the Board should approve the Memorandum of Agreement (MOA) between the Florida Department of Corrections and Miami-Dade Department of Corrections and Rehabilitation (MDCR) for the Victim Notification and Information Services Network (VINE).

APPLICABLE LEGISLATION/POLICY

N/A

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Sally A. Heyman, District 4

This item was forwarded to the Board from the Public Safety & Health Committee at its November 15, 2017 meeting.

At that Committee, the following discussion took place:

- The Committee asked what is the cost affiliated with the VINE Services.
- The Department Director stated that the VINE system is a free service that is already been used by the local jails.

FISCAL IMPACT

The fiscal impact to the County is minimal as associated costs with the agreement are paid by the Florida Department of Corrections and any ancillary support will be accomplished with in-house staff.

ANALYSIS

This item seeks approval of the MOA between the Florida Department of Corrections and MDCR for the statewide VINE system. MDCR has been a participating agency of the VINE service for over 10 years; however, in order for the Department to continue participation, the MOA must be executed to provide MDCR access to the information network.

In 2001, the Florida Legislature authorized funding to expand the state's victim notification system to all of Florida's County jails. As per the Memorandum of Agreement, on October 1, 2017, the Florida Department of Corrections (Department) entered into Contract #C2899 with APRISS, Inc. (Service Provider) to develop, implement, and support a statewide victim notification and information service. Once the MOA is approved, the Service Provider will install a computer or provide another form of connectivity (hereinafter referred to as "VINE Gateway") at the MDCR where it is needed for the interface.

The primary function of the Victim Services is to assist victims of crimes committed by inmates in the department's custody or under our supervision, and to notify victims prior to an inmate's release. The office also provides referral services to victims with specific needs, such as counseling, support groups, crimes compensation, and crisis intervention. They understand that as a victim of a crime, one's sense of safety and security may be diminished. The Florida Department of Corrections try to do all they can to make sure customers have as much information as possible to help them deal with the issues they face.

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The Service Provider is based in Louisville, Kentucky as a direct result of a murder in Louisville. In order to provide VINE, the Service Provider develops and maintains interfaces with offender management software systems within each facility. At the County jail level, the Service provider collects data that has been entered into the jail management system about every 15 minutes, processes that data, and makes it available through VINE. The purpose of the VINE Gateway is to obtain offender information from the site and transit it to the National Operations Center. The VINE Gateway should not be used for any other purposes by the site's staff and any damage to the VINE Gateway resulting from usage for purposes other than the VINE interface will void all warranties on the equipment.

OCA posed the following questions to the Department to which MDCR responded.

1. The item states that MDCR has been using the VINE service for many years. Provide an estimate of the amount of calls received per day?

VINE is an automated notification system that MDCR accesses through the State of Florida. MDCR inmate information is made available through VINE to the community via telephone access or online. As such, MDCR does not have a way to track the amount of queries made about MDCR inmates.

2. What County service is available to assist victims with specific needs, such as counseling, support groups, crime compensation, and/or crisis intervention?

As the County jail, MDCR houses approximately 4000 inmates a day and therefore victim assistance is not within our purview.

Additional Information from VINE Website:

- In 2016, VINE users conducted nearly 50 million offender and case searches;
- VINE is currently available in 48 States, with 41 of these States are using VINE in all of its counties; and
- Over 2,900 State and County government agencies share up to date incarceration and criminal justice data with the VINE system.

Broward County also utilizes the VINE system. Only offenders in Broward County jails are included in the Broward County VINE service. Offenders in another county's jails or in state or federal custody facilities are not included in this program. The Broward Sheriff's Office strongly encourages victims of crimes to not depend solely on VINE or any other single program to maintain their safety.

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Research Notes

Item No. 8F1
File No. 172628

Researcher: SAP Reviewer: TD

RESOLUTION APPROVING TERMS OF AND AUTHORIZING EXECUTION BY THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE OF AN AMENDMENT TO LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND AMERICAN BUSINESS CONTINUITY DOMES, INC., A FLORIDA CORPORATION FOR THE PROPERTY LOCATED AT 1390 N.W. 14 AVENUE, MIAMI, FLORIDA, FOR A FIVE YEAR TERM WITH A TOTAL FISCAL IMPACT TO THE COUNTY ESTIMATED TO BE \$471,093.55; APPROVING THE AMENDED AGREEMENT BETWEEN THE COUNTY AND THE STATE OF FLORIDA, THROUGH THE OFFICE OF THE STATE ATTORNEY, ELEVENTH JUDICIAL CIRCUIT OF FLORIDA, FOR THE SAME PROPERTY TO BE UTILIZED BY THE OFFICE OF THE STATE ATTORNEY FOR THE INTEGRATION OF VICTIM SERVICES, AND FOR INVESTIGATING AND PROSECUTING CRIMINAL CASES, FOR THE NOMINAL COST OF ONE DOLLAR FOR THE FIVE YEAR TERM, MINUS ONE DAY; AND AUTHORIZING THE COUNTY MAYOR, OR THE COUNTY MAYOR'S DESIGNEE, TO EXECUTE THE AMENDMENT AND AGREEMENT AND EXERCISE ANY AND ALL RIGHTS CONFERRED THEREIN, TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME, AND TO PROVIDE AN EXECUTED COPY OF THE AMENDED AGREEMENT TO THE PROPERTY APPRAISER'S OFFICE WITHIN 30 DAYS

ISSUE/REQUESTED ACTION

Whether the Board should:

- 1) Approve the amendment to Lease Agreement with American Business Continuity Domes as Landlord; and
- 2) Approve the Amended Agreement with the State of Florida for the integration of victim services, and for investigating and prosecuting criminal cases.

APPLICABLE LEGISLATION/POLICY

Article V, Section 14 of the Florida Constitution states that the County shall be required to fund the cost of communications services, existing radio systems, existing multi-agency criminal justice information systems, and the cost of construction or lease, maintenance, utilities, and security of facilities for the trial courts, public defenders' offices, state attorneys' offices, and the offices of the clerks of the circuit and county courts performing court-related functions.

<http://www.leg.state.fl.us/statutes/index.cfm?submenu=3#A5S14>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Bruno A. Barreiro, District 5

This item was deferred at the October 11, 2017 PSHC meeting because of a title change and obligation of the lease that has since been corrected. This item was forwarded to the Board with a favorable recommendation from the Public Safety & Health Committee at its November 15, 2017 meeting.

At that meeting, the following discussion took place:

- The Committee noted that under Article 5, site visits are allowed to make inquiries of the property and lease. Staff from the State Attorney's Office (SAO) went on the tour with Board members, and they understand the specific use and intent of the building.
- Staff from the SAO stated that the added space (an extra floor) will house the Human Trafficking Division.

FISCAL IMPACT

All costs associated with the Amendment will be funded from the General Fund. The total rent for the five-year lease of the fifth floor is estimated to be \$337,991.14. The base rent remains the same in the second year of the lease, and increases by three percent

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annually out of the leased space, common area maintenance, property insurance, pest extermination, water usage, and ad valorem real estate taxes.

ANALYSIS

The property is located in District 5, and the State of Florida through the SAO currently utilizes the second, third and fourth floors of the building. The fifth floor will be used for the integration of victim services pertaining to human trafficking cases. The SAO is awaiting approval of this Amendment to Lease Agreement in order for the Landlord improvements to be completed prior to occupying this additional office space.

American Business Continuity Domes, Inc., a subsidiary of Golden Sands General Contractors, is located at 2500 NW 39th Street, Miami, Florida and has been in business for over 15 years. According to the Miami Herald, Golden Sands has been doing projects for the last few years at the Miami Children's Museum and states that COO, Ken Fedeles and his team understands the objectives and priorities of their projects and have demonstrated their commitment to the museum's mission. www.miamiherald.com/news/business/biz-monday/article1667

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Item No. 8F2
File No. 172315

Researcher: BM Reviewer: PGE

RESOLUTION AUTHORIZING DESIGNATED PURCHASE PURSUANT TO SECTION 2-8.1(B)(3) OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; AUTHORIZING AWARD OF ADDITIONAL TIME UP TO ONE YEAR AND ADDITIONAL ALLOCATION IN THE AMOUNT OF \$2,100,000.00 FOR CONTRACT NO. RFP724 FOR THE PURCHASE OF AN EMPLOYEE GROUP LEGAL SERVICES PROGRAM FOR THE HUMAN RESOURCES DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should approve an extension of Contract No. RFP724, Employee Group Legal Services Program, by up to one year and additional expenditure authority in the amount of \$2,100,000.00 for the Human Resources Department.

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the County Code Contracts and Purchases Generally, governing the authority to award contracts for goods and services. This section requires formal sealed bids for purchases over \$250,000 and describes the circumstances under which non-competitive purchases may be approved.

Below is a link relating to Sec. 2-8.1 of the County Code Contracts and Purchases Generally:

[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 2-8.1(b) (3) of the County Code (Contracts and Purchases Generally), governing Designated purchases. Designated Purchases are for when the use of a formal seal bid is not practicable or where additional formal competition is not practicable. The Board of County Commissioners shall adopt any resolution authorizing a Designated Purchase by a two-thirds vote of the members present.

The link below relates to Section 2-8.1(b)(3) of the County Code Contracts and Purchases Generally, governing 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)

Implementing Order No. 3-38, setting forth policies and procedures for the award of competitive, emergency and non-competitive procurement contract awards for goods and services as well as contract modifications.

The link below relates to Implementing Order No. 3-38, setting forth policies and procedures for the award of competitive:

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

Resolution No. R-841-06, which speaks to the timeframe for presenting replacement contracts to the Board for approval. This resolution was adopted by the Board on July 6, 2006.

The link below relates to Resolution No. R-841-06, for presenting replacement contracts to the Board for approval:

<http://intra/gia/legistarfiles/Matters/Y2006/061720.pdf>

PROCEDURAL HISTORY

Prime Sponsor: None

11/14/2017: Forwarded to BCC with a favorable recommendation by Government Operations Committee Passed 3 - 0

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FISCAL IMPACT

The contract has an existing cumulative allocation of \$17,349,000 for seven years. The \$2,100,000 in increased spending authority for the one-year extension period would increase the contract value to \$19,449,000.

ANALYSIS

This item recommends a designated purchase that will extend the contract with ARAG Insurance Company, an out-of-state vendor, for the delivery of an Employee Group Legal Services Program until December 31, 2018 and increase the cumulative contract value to \$19,449,000. This extension is to ensure the continuity of services until a replacement contract is awarded. As stated in the mayoral memorandum, it is anticipated that the replacement award will be presented for Board approval in April 2018.

The contract was approved by the Board on September 21, 2010 through Resolution No. R-943-10 for a five-year term plus a two-year option to renew for a value of \$17,349,000. The original term expired on December 31, 2015 and the option term expires on December 31, 2017. Under the contract, ARAG Insurance Company is required to do the following: (1) provide pre-paid legal services to employees and their eligible dependents, excluding retirees; and (2) provide legal assistance to include, but not limited to, wills and estate planning, real estate transactions, financial education and counseling, identity theft, personal bankruptcy, and trial representation. The program provides County employees and their eligible dependents with a fully-insured legal service plan. Employees who participate pay the full-cost of the premium.

Below is a list of the County's SBE vendors under the same commodity code for Legal Services (96150):

DE LEON & DE LEON, PA.
DEBORAH MORDECAI EDWARDS, P.A.
FELIX M. LASARTE P.L. D/B/A THE LASARTE LAW FIRM
SER & ASSOCIATES, PLLC

The premiums for employees and their dependents are summarized below. See link:

<http://www.miamidade.gov/humanresources/group-legal-services.asp>

After-tax Rates

Level of Coverage / Bi-weekly Premium
Employee Only - \$7.29
Employee & One Dependent - \$9.34
Employee & Family - \$9.61

ADDITIONAL INFORMATION

ARAG Insurance Company, provides long-term services to comparable large entities such as: Miami-Dade County Public Schools District, the State of California, and the State of New Mexico. Broward County offers its employees Prepaid Legal Insurance through U.S. Legal Services.

<http://www.broward.org/Benefits/OtherPlans/Pages/Legal.aspx>

QUESTIONS SENT TO THE INTERNAL SERVICES DEPARMENT

The Office of the Commission Auditor (OCA) posed the following question, to which ISD staff responded (responses are in bold):

1. The contract expires December 31, 2017 and the Board was asked to approve an extension for one-year; in which stage is the replacement contract; **The replacement solicitation is in the evaluation phase.**

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2. Why was there a delay in the renewal of the contract; and **There are no renewals available under the current contract so these services have been re-solicited. The replacement process began in March and proposals were received in August, however, we determined that expediting the evaluation process to award a new contract prior to open enrollment would not be practical. This extension was intended for the October Committee cycle, but was delayed due to the County's redirection of efforts resulting from Hurricane Irma.**
3. Has the user department considered SBE participation under the replacement solicitation? **The SBE Program is not applicable due to the funding source.**

BCC Meeting: December 5, 2017
Research Notes

Item No. 8F3
File No. 172341

Researcher: BM Reviewer: PGE

RESOLUTION AUTHORIZING DESIGNATED PURCHASE PURSUANT TO SECTION 2-8.1(B)(3) OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; AUTHORIZING AWARD OF ADDITIONAL TIME OF UP TO TWO YEARS FOR CONTRACT NO. BW8488-5/17-5 FOR THE PURCHASE OF MAINTENANCE AND SUPPORT SERVICES FOR MIAMI-DADE COUNTY VOTING SYSTEMS IN AN AMOUNT NOT TO EXCEED \$500,000.00 FOR THE ELECTIONS DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should approve a designated purchase to Election Systems & Software, LLC for the County's Voting Systems contract (BW8488-5/17-5), extending the contract up to two years and increasing the expenditure authority in a total of \$500,000 for the Elections Department.

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the County Code Contracts and Purchases Generally, governing the authority to award contracts.

The link below relates to Section 2-8.1 of the County Code Contracts and Purchases Generally:

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE

Implementing Order No. 3-38, setting forth processes and procedures for the purchase of goods and services.

The link below relates to Implementing Order No. 3-38:

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

Section 2-8.1(b) (3) of the County Code Contracts and Purchases Generally, governing Designated purchases.

Designated Purchase are for when the use of a formal seal bid is not practicable or where additional formal competition is not practicable. The Board of County Commissioners shall adopt any resolution authorizing a Designated Purchase by a two-thirds vote of the members present.

The link below relates to Section 2-8.1(b)(3) of the County Code governing Designated purchases:

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE

Florida Statutes 101.56075, relates to Voting Methods and Procedures. This statute explains that by 2020, persons with disabilities shall vote on a voter interface device that meets the voter accessibility requirements for individuals with disabilities.

The link below relates to Florida Statutes 101.56075, Voting Methods and Procedures:

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0101/Sections/0101.56075.html

PROCEDURAL HISTORY

Prime Sponsor: None

11/14/2017: Forwarded to BCC with a favorable recommendation by Government Operations Committee Passed 3 - 0

BCC Meeting: December 5, 2017
Research Notes

FISCAL IMPACT

The contract has an existing cumulative allocation of \$26,002,000 for 10 years. The \$500,000 requested expenditure to extend the contract for two years until January 13, 2020 would increase the contract value to \$26,502,000. The funding source is the General Fund.

Below is a table summarizing the current allocation and balance amount per the Miami-Dade County Bid Tracking System as of December 1, 2017:

Allocation Amount	Amount Released	Balance
\$16,232,020.00	\$13,523,854.47	\$2,708,165.53

ANALYSIS

This item recommends a designated purchase that will extend the contract with Election Systems & Software, LLC for Miami-Dade County Voting Systems until January 13, 2020 and would increase the modified cumulative contract value to \$26,502,000. This extension is to ensure the continuity of services until a replacement contract is awarded. Pursuant to Florida Statutes 101.56075, the County will be required to replace the existing voting equipment with such that comply with the requirements of the Americans with Disabilities Act by 2020.

The contract was approved by the Board on November 6, 2007 through Resolution No. R-1232-07 for a five-year term with five, one-year options to renew. The five options to renew have been exercised. The contract is currently in its final option to renew term.

A summary of the scope of services to be provided by the vendor on behalf of Miami-Dade County is detailed below:

- **Project Management** – overall planning, communication, management and coordination of Contractor services; documentation of all phases of system testing; oversight of technical elections procedures, results reporting and post elections activities; provide ballot design requirements, creation and oversight for the County's Contractor equipment and software.
- **Other Election Support Services** – includes providing technical systems training for elections staff; assisting with ballot creation, coding, and proofing; and providing Election Day and Election Central Technical support.

ADDITIONAL INFORMATION

The contract provides the County with maintenance and support for the election coding and tabulation software and optical scan system for scanning ballots. Broward County also uses Election Systems & Software as their Voting System provider. Election Systems & Software operates in 33 Florida counties, including some of the most populous: Miami-Dade, Broward, Pinellas and Orange. Just two counties, Palm Beach and Indian River, use Sequioa Voting Systems equipment. Diebold operates in 32 counties, many of them small. The exception: the fourth-most populous county, Hillsborough (Tampa).

The link below relates to information relating to voting machines in Florida:

<http://www.hartintercivic.com/News/voting-machine-monopoly-seen-florida>

QUESTIONS SENT TO THE INTERNAL SERVICES DEPARMENT

The OCA posed the following question, to which ISD staff responded (responses are in bold):

1. The vendor's principal address is in Omaha, NE and it has no local address; how are maintenance and support services delivered; **The vendor provides onsite support for countywide elections and remote support year round.**

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2. Who are the three state-certified vendors for provision of the tabulation software; and **There are currently only two: ES&S and Dominion. Dominion's headquarters is in Colorado. ISD had issued an RFI, and 4 responses were received including the one from incumbent, ES&S. The other three are: Dominion, Smartmatic USA and Inclusion Solutions.**
3. Does this requested extension fall under the County Code's legacy provision, Section 2-8.1(b) (2). **This item falls under a designated purchase, as the Department is requesting additional time and money to an existing contract (no change in scope of work). The legacy provision cited does not pertain to contract extensions.**

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Research Notes

Item No. 8F4
File No. 172317

Researcher: BM Reviewer: PGE

RESOLUTION AUTHORIZING ESTABLISHMENT OF PREQUALIFICATION POOL RTQ-00585 IN A TOTAL AMOUNT UP TO \$3,500,000.00 FOR FLAT SHEET AND QUALITY OFFSET PRINTING SERVICES FOR THE INTERNAL SERVICES DEPARTMENT FOR A TERM OF FIVE YEARS; 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 CODE OF MIAMI-DADE COUNTY, FLORIDA 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 establishment of a prequalification pool, RTQ-00585, Flat Sheet and Quality Offset Printer Services, for a five-year term in the amount of \$3,500,000 for the Internal Services Department.

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.

The link below relates to Section 2-8.1 of the County Code:

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE

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

The link below relates to Implementing Order No. 3-38:

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

Resolution No. R-140-15, adopted by the Board on February 3, 2015, directs the Administration to conduct a full review of a contract's scope of services prior to re-procurement of the contract to ensure such contract reflects the County's current needs.

The link below relates to Resolution No. R-140-15:

<http://intra/gia/matter.asp?matter=150090&file=true&yearFolder=Y2015>

PROCEDURAL HISTORY

Prime Sponsor: None

11/14/2017: Forwarded to BCC with a favorable recommendation by Government Operations Committee Passed 3-0.

FISCAL IMPACT

The fiscal impact for the five-year term is \$3,500,000. The funding source is Internal Service Funds.

Below is a table summarizing the current allocation and balance amount per the Miami-Dade County Bid Tracking System as of December 1, 2017:

<u>Allocation Amount</u>	<u>Released Amount</u>	<u>Balance</u>
\$2,100,000.00	\$1,713,101.87	\$386,898.13

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ANALYSIS

The current pool, 7607-1/18, is valued at \$4,200,000 and expires on March 31, 2018. The current pool includes the vendors listed below:

Existing Pool of Approved Vendors	Proposed Prequalification Pool
DUTTON PRESS INC SOLO PRINTING INC COLONIAL PRESS INTERNATIONAL INC ASSOCIATED PRINTING PRODUCTIONS INC 3 DIMENSION GRAPHICS INC	3 DIMENSION GRAPHICS INC ASSOCIATED PRINTING PRODUCTIONS INC COMMERCIAL PRINTERS INC SOLO PRINTING INC

The proposed prequalification pool differs from the existing pool in that it excludes Colonial Press International, Inc. as an approved vendor. Colonial Press International, Inc. did not submit the required documentation to satisfy the prequalification criteria. However, upon submission of the required documents, Colonial Press International, Inc. can be added to the prequalification pool. Vendors can be added at any time to the pool as this is an open prequalification pool. The proposed prequalification pool contains three vendors located within Miami-Dade County and one located in Broward County.

Per the Market Research file associated with the replacement award, the number of vendors that can provide these services has multiplied over the last six years. Several local vendors were identified as capable of providing these services: A.C. Graphics, Aquarius Press, Inc., Arch Press & Design, and Cowen Design. ISD and the Procurement Division have contacted the Beacon Council and the Greater Miami Chamber of Commerce to assist in identifying other local vendor capable of providing these services.

The replacement pool was advertised on June 08, 2017. Seven bids were received in response to the solicitation, including one "No Bid." Two vendors did not satisfy the prequalification criteria. Four vendors are being recommended for inclusion of the pool.

ADDITIONAL INFORMATION

A search of the Small Business Development Certified Firms List dated October 26, 2017 revealed the following vendors registered under the commodity code for these services:

- Archipress & Design, Inc.
- Matrix 2, Inc.

QUESTIONS SENT TO THE INTERNAL SERVICES DEPARMENT

The OCA posed the following question, to which ISD staff responded (responses are in bold):

1. There are two certified small business vendors (Archipress & Design, Inc. and Matrix 2, Inc.) under this commodity code (96652) on the SBD Certified Firms List dated November 7, 2017 that are not present in the recommended prequalified vendors list in mayoral memorandum; were these vendors notified of the opportunity to participate in this pool; if so, how is notice provided.

Vendors are notified through an e-blast that is sent to all vendors registered in BidSync under the selected commodity code(s) for the solicitation. Archipress & Design, Inc., was notified with all other vendors through this e-blast. Staff reviewed the distribution list for this solicitation and Matrix 2, Inc. was not notified, however, the vendor's SBE certification expired on June 30, 2017 and the vendor is no longer registered under the selected commodity code on BidSync. This pool is open to all qualified vendors and additional vendors may be added at any time during the term of the pool.

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Research Notes

Item No. 8F5
File No. 172457

Researcher: NR Reviewer: PGE

RESOLUTION APPROVING TERMS OF AND AUTHORIZING EXECUTION BY THE COUNTY MAYOR, OR THE COUNTY MAYOR'S DESIGNEE, OF A LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND UNITED STATES DEVELOPMENT, LTD., INCLUDING AN ASSIGNMENT AND ASSUMPTION OF LEASE AGREEMENT BY THE STATE OF FLORIDA DEPARTMENT OF HEALTH, MIAMI-DADE COUNTY HEALTH DEPARTMENT (HEALTH DEPARTMENT) AT NO COST TO THE COUNTY, FOR THE PREMISES LOCATED AT 11865 SW 26 STREET, UNITS J2 AND J6, MIAMI, FLORIDA, FOR USE AS GENERAL OFFICE SPACE WITH TOTAL REVENUE TO THE COUNTY ESTIMATED TO BE APPROXIMATELY \$115,444 FOR THE INITIAL FIVE-YEAR TERM WITH ONE FIVE-YEAR RENEWAL OPTION PERIOD; AND AUTHORIZING THE COUNTY MAYOR, OR THE COUNTY MAYOR'S DESIGNEE, TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN, TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME INCLUDING ASSIGNMENT OF THE LEASE AGREEMENT TO THE HEALTH DEPARTMENT, AND TO PROVIDE AN EXECUTED COPY OF THE LEASE AGREEMENT AND ASSIGNMENT TO THE PROPERTY APPRAISER WITHIN 30 DAYS

ISSUE/REQUESTED ACTION

Whether the Board should execute a Lease Agreement between the County and United States Development, LTD, the landlord, for general office space for a five-year term, with one five-year option to renew for the Miami-Dade County Health Department (an agency for the State of Florida Department of Health). Total revenue to the County is estimated to be approximately \$115,444 for the initial five-year term.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-1108-09, adopted by the Board on September 15, 2009, authorized a lease agreement, and an assignment of such lease for the State of Florida Department of Health, between the County and United States Development, LTD to operate as Miami-Dade County Health Department – Women, Infants, and Children.

<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2009/R-1108-09.pdf>

Resolution No. R-1109-09, adopted by the Board on September 15, 2009, authorized a lease agreement, and an assignment of such lease for the State of Florida Department of Health, between the County and United States Development, LTD to operate as Miami-Dade County Health Department – West Dade Family Clinic.

<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2009/R-1109-09.pdf>

Section 154.001, Florida Statutes, specifies that the State of Florida is required to enter into contracts with each County with the intent to promote, protect, maintain, and improve the health and safety of all citizens and visitors of this state. The following link relates to Florida Statutes Section 154.001:

http://leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0154/0154.html

PROCEDURAL HISTORY

Prime Sponsor: NONE

This item was forwarded to the Board with a favorable recommendation by the Public Safety and Health Committee (PSHC) at its November 15, 2017 meeting. There was no discussion by the Committee members on this item.

FISCAL IMPACT

No County funds will be utilized during the term of the Lease as the Landlord agrees to the assignment and delegation of all rights, duties, and responsibilities from the County to the State of Florida. The base rent for the initial year of the lease term is

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estimated to be \$258,631.58, which is comprised of \$85,111.56 for the use of Unit J2, and \$173,520.00 for the use of Unit J6. The annual base rent increases by three percent after the second year, including the renewal option period.

The County shall receive a four percent lease management fee of \$10,345.26, for the initial year of the lease term, which shall be paid to the County through the Internal Services Department. The total revenue to the County during the term of the Lease is estimated to be approximately \$115,444.00. The performance by the State of Florida, including its obligation to pay rent under the Lease, is contingent upon an annual appropriation by the State of Florida Legislature.

The table below summarizes the annual rental payments for both units for the term of the lease:

111865 S.W. 26 Street Unit J2		111865 S.W. 26 Street Unit J6	
Initial Period	Annual Base Rent	Contract Period	Annual Base Rent
1	\$85,111.56	1	\$173,520.00
2	\$85,111.56	2	\$173,520.00
3	\$87,664.92	3	\$178,725.60
4	\$90,294.84	4	\$184,087.32
5	<u>\$93,003.72</u>	5	<u>\$189,609.96</u>
Total	\$441,186.60		\$899,462.88
Renewal period	Annual Base Rent	Renewal period	Annual Base Rent
1	\$95,793.84	1	\$195,298.32
2	\$98,667.60	2	\$201,157.20
3	\$101,627.64	3	\$207,192.00
4	\$104,676.48	4	\$213,407.76
5	<u>\$107,816.76</u>	5	\$219,810.00
Total	\$508,582.32		\$1,036,865.28

ANALYSIS

The proposed resolution recommends the execution of a Lease Agreement between the County and United States Development, LTD, the landlord, and the Miami-Dade County Health Department. The State of Florida has requested to remain in each space to continue operations of its West Dade Family Clinic in Unit J2, and its Women, Infants, and Children program in Unit J6.

The proposed resolution also seeks to combine the individual leases approved by Resolution No. R-1108-09 and Resolution No. R1109-09 into a single lease agreement. The lease for Unit J6 – Woman, Infants, and Children program expired on August 22, 2017 and the lease for Unit J2 – West Dade Family Clinic will expire April 14, 2018.

The proposed resolution will achieve the following:

- Authorize a lease for a total of 8,943 square feet; with approximately 2,983 square feet for Unit J2 and approximately 6,000 square feet for Unit J6;
- Authorizes a lease term of five-years, with one additional five-year option to renew; and
- Authorizes Assignment and Assumption of Lease Agreement between Miami-Dade County and the State of Florida

The property to be leased is located within District 11, represented by Commissioner Joe Martinez.

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ADDITIONAL INFORMATION According to an article posted by the Miami Herald, on May 9, 2017, the total asking price per square footage of office space leased in Miami-Dade County is \$36.99. The proposed lease agreement is based on an approximate price per square footage of \$28.92. The agreed base rent amount is below the asking price per square footage for office space in Miami-Dade County. The real estate market information was provided by JLL, a real estate brokerage firm in their “Miami Office Insight – Q1 2017” report. The links below relate to the Miami Herald article and the JLL report:

<http://www.miamiherald.com/news/business/real-estate-news/article149374309.html>

<http://www.jll.com/miami/en-us/Pages/RemoteResearch.aspx?URL=http://www.jll.com/united-states/enus/research/8163/us-miami-office-insight-q1-2017-jll>

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Research Notes

Item No. 8F6
File No. 171875

Researcher: SM Reviewer: PGE

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$285,000.00 FOR PREQUALIFICATION POOL NO. 7831-0/13 FOR PURCHASE, REPAIR AND MAINTENANCE OF FITNESS APPARATUS AND EQUIPMENT FOR COUNTY DEPARTMENTS

ISSUE/REQUESTED ACTION

Whether the Board should approve additional expenditure authority in an amount up to \$285,000 for prequalification pool 7831-0/13 for purchase, repair and maintenance of fitness apparatus and equipment for Miami Dade Aviation Department (MDAD) and Miami Dade Corrections and Rehabilitation (MDCR).

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the County Code (Contracts and Purchases Generally). Requires formal sealed bids for purchases over \$250,000; describes the circumstances under which non-competitive purchases may be approved; establishes requirements for legacy purchases, designated purchases, and single vehicle leases; provides that procurement procedures shall be established by I.O. and approved by the Board.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE

Implementing Order No. 3-38, governing the authority to award and modify contracts.

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

Resolution No. R-187-12 dated February 21, 2012- Directing the County Mayor to include due diligence information in memoranda recommending certain contract awards.

<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2012/R-187-12.pdf>

PROCEDURAL HISTORY

Prime Sponsor: None

This Item was forwarded to BCC with a favorable recommendation on November 14, 2017.

FISCAL IMPACT

The term of this pool expires June 30, 2018. This prequalification pool was established by the County for a two-year term on June 20, 2011. The pool is currently in its five-year extension term. The awarded value is \$200,000 with a current value of \$1,000,000 and a new value of \$1,285,000. The additional expenditure is needed by Miami-Dade Aviation and the Corrections and Rehabilitation departments to support their operational needs through the remainder of the pool term, as stated in the mayoral memo.

Department	Existing Cumulative Allocation	Additional Allocation Requested	Modified Cumulative Allocation
Aviation	\$130,000	\$35,000	\$165,000
Corrections and Rehabilitation	\$200,000	\$250,000	\$450,000
Fire Rescue	\$275,000	-	\$275,000

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Parks, Recreation, and Open Spaces	\$55,000	-	\$55,000
Police	\$340,000	-	\$340,000
Total	1,000,000	\$285,000	\$1,285,000

ANALYSIS

The proposed resolution would authorize additional expenditure authority to Prequalification Pool No. 7831-0/13, Purchase, Repair and Maintenance of Physical Fitness Apparatus and Equipment, for MDAD and MDCR.

Aviation and Corrections and Rehabilitation are the two departments requesting additional funding in the amount of \$285,000. There were five prequalified vendors, two of which had South Florida as their principal address. Each department has experienced unforeseen expenses. Corrections and Rehabilitation has determined that the department needs an additional \$250,000 after review of its past, current and future projections. The additional funding would be used to maintain the current equipment and replace the equipment which has surpassed their useful life. Aviation experienced similar issues in that it needs to replace old equipment beyond repair.

The justification from the Procurement Management System states that Aviation needs to replace its cardio equipment in addition to their benches and storage racks for the free weights. The bicep curl machine need/triceps extension machine is broken it cannot be repaired. The department had requested repairs for the existing equipment, however most of them were beyond repairs.

There was a proposed resolution No. R-349-13 dated May 7, 2013 which recommended the Board to approve establishment of a prequalification pool to authorize contract modifications with authority to exercise options-to-renew (OTRs). Within that resolution the contract modification has item 3.4 - Purchase/Maintenance Physical Fitness Apparatus Pre-Qualification Pool: Modifies the pre-qualification pool contract for an additional 60 months and \$465,000 in spending authority so the Miami-Dade Fire Rescue, Police and Aviation departments may purchase and maintain physical fitness equipment.

<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2013/R-349-13.pdf>

ADDITIONAL RESEARCH FOUND ONLINE

Articles found online write about how to minimize gym equipment failures. One specific cause of equipment failure relates to the cleaning of the equipment. Spraying fitness equipment could lead to cost-related repair and maintenance as this could lead the circuit boards being destroyed, in addition to that it could lead to the life of the equipment being reduced. Spraying the towel instead of the gym equipment would be a simple solution as the liquid would be kept under control.

<http://thecleanestimage.com/fitness-equipment-cleaning>

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Research Notes

Item No. 8F7
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=CD_MIAMI-DADE_CO_FLORIDA_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-124SPFUCRUSSUPRROCIINTRTR](https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=CD_MIAMI-DADE_CO_FLORIDA_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-124SPFUCRUSSUPRROCIINTRTR)

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

Prime Sponsor: None

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.

The item was also deferred at the Board's November 21, 2017 meeting to afford ISD sufficient time to prepare a supplement wholly addressing the discussion at the November 7th meeting.

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 December 1, 2017, the pool was allocated \$92,602,000, of which \$70,750,112.16 has been released, leaving a balance of \$21,851,887.84.

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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 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 thrice, from its original expiration date of June 30, 2017 to December 31, 2017 under delegated authority. The Administration has exhausted its extension authority.

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

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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 vendors, is an inactive firm per information found on the Florida Department of State Division of Corporations website (Sunbiz) on December 1, 2017. Also, the principal address included in Attachment 1 to the mayoral memorandum for J-Mac Cleaning Services, Inc. and Triangle Services, Inc. is inconsistent with the principal address found in Sunbiz for the vendors on December 1, 2017.

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.

Input from the Internal Services Department

OCA, via email, sent questions and requests relating to this pool to ISD on November 28, 2017. Pasted below are the questions and requests, and the responses provided by ISD. The responses are in red ink.

1. Identify the three prequalified vendors that have received the majority of janitorial services contracts; **National Cleaning Contractors (14), Able Business Services (7), ABP Maintenance Corp. and Chi-Ada Corporation (5 each)**
2. Which prequalified vendor has received the single largest contract award allocation; specify the award amount; **Chi-Ada Corporation, Annual Value of \$5,899,455.84**
3. What percentage of contract awards was the result of sheltered competition, i.e., the applicable set-aside; **Approximately 33 percent.**
4. At the 11/21/17 BCC meeting, Commissioner Monestime requested a list of companies that have contracted for \$100,000 or less; provide a copy of the list; and **This information is contained in the supplement that was submitted for placement on the agenda.**
5. Clarify the mechanics of the award process under this pool, including term of award and application of Living Wage, e.g., WOPRs. **Upon expiration of contracts awarded under this pool, ISD works with the user department to confirm the scope of services. Unless a user department is requesting an aggregate award for operational purposes, every effort is made to group sites by geographical location and/or size, to maximize opportunities for certified small businesses. Work under Group 1 (sites that are up to 25,000 square feet) and contracts with estimated valued less than \$100,000 are set-aside to SBEs. Other groups receive a SBE bid preference. A request for quotations is then issued and award is made to the lowest responsive, responsible bidder. The application of living wage is determined at the time of contract award by the value of each award.**

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Item No. 8F8
File No. 172661

Researcher: BM Reviewer: PGE

RESOLUTION AUTHORIZING A DESIGNATED PURCHASE PURSUANT TO SECTION 2-8.1(B)(3) OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; APPROVING THE EXERCISE BY THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE OF THE A TWO-YEAR OPTION TO RENEW TERM UNDER CONTRACT NO. BW9754-5/25 IN AN AGGREGATE AMOUNT OF UP TO \$378,000.00 FOR THE CLERK OF COURTS FOR PURCHASE OF CLOUD HOSTED COMMUNICATIONS SYSTEM SERVICE AND MAINTENANCE SUPPORT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should exercise the second, two-year option to renew term under Contract No. BW9754-5/25, Cloud-Hosted Communications System Service and Maintenance, for the Miami-Dade Clerk of Courts extending the contract until December 31, 2019 at an aggregate amount of \$378,000.

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the County Code Contracts and Purchases Generally, governing the authority to award contracts for goods and services. This section requires formal sealed bids for purchases over \$250,000 and describes the circumstances under which non-competitive purchases may be approved.

The link below relates to Section 2-8.1 of the County Code Contracts and Purchases Generally:

[https://library.municode.com/fl/miami -
dade county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

Section 2-8.1(b) (3) of the County Code (Contracts and Purchases Generally), governing Designated purchases. Designated Purchases are for when the use of a formal sealed bid is not practicable or where additional formal competition is not practicable. The Board of County Commissioners shall adopt any resolution authorizing a Designated Purchase by a two-thirds vote of the members present.

The link below relates to Section 2-8.1(b)(3) of the County Code (Contracts and Purchases Generally), governing Designated purchases:

[https://library.municode.com/fl/miami -
dade county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

Implementing Order No. 3-38, setting forth policies and procedures for the award of competitive, emergency and non-competitive procurement contract awards for goods and services as well as contract modifications.

The link below relates to Implementing Order No. 3-38 which relates to policies and procedures for the award of competitive, emergency and non-competitive procurement contract awards for goods and services:

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

Ordinance No. 07-139 which provides for committee review exemptions for contracts renewals to be heard directly by the board. The link below relates to Ordinance No. 07-139 which relates to contract renewals:

<http://www.miamidade.gov/cob/library/Registry/Ordinances/Board-of-County-Commissioners/2007/07-139.pdf>

PROCEDURAL HISTORY

Prime Sponsor: None

This item has no procedural history.

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FISCAL IMPACT

If approved, the proposed resolution for a designated purchase to exercise the second, two-year option to renew term under Contract No. BW9754-5/25, Cloud-Hosted Communications System Service and Maintenance, for the Miami-Dade Clerk of Courts will mean additional allocation of \$378,000 to the current cumulative value of \$631,000 which would increase the total modified contract value to \$1,009,000 and extend the contract term until December 31, 2019.

The proposed allocation of \$378,000 for the second two-year option to renew term is in line with the amount allocated for the first, two-year option to renew of \$360,000 which was exercised on December 2015. The impact of this item is countywide in nature.

ANALYSIS

The proposed resolution exercises the second, two-year option to renew term under Contract No. BW9754-5/25, Cloud-Hosted Communications System Service and Maintenance, for the Miami-Dade Clerk of Courts extending the contract until December 31, 2019 at an aggregate amount of \$378,000.

Contract No. BW9754-5/25 was initially awarded to Twilio, Inc., on October 2013 for two-years at an initial value of \$271,000, with two, two-year options to renew terms. The first, two-year options to renew was approved by the Board on December 2015, pursuant to Resolution No. R-1152-15.

Under Contract No. BW9754-5/25, Twilio, Inc. provides the Miami-Dade County Clerk of Courts with monthly support services through the system for the following:

- Interactive Voice Response such as Short Message Service and Voice Over IP capabilities; and
- Automated and customizable messaging to meet the operational needs such as the delivery of jury pool notifications, notices to appear, and traffic and parking citation payments.

The contract agreement states that the Contractor exclusively owns all rights, title, and interest in and to the Contractor Services and Contractor Properties. Therefore, as the system is proprietary and designed to meet the need of the Miami-Dade County Clerk of Courts, the awarded vendor is owner and sole source provider of maintenance and support for this system.

Twilio, Inc., is a cloud communications platform service company based in San Francisco, California which was founded in 2008 and has approximately \$270 million dollars in revenues annually. A few of the entities Twilio, Inc. provides services for are listed below:

- Philadelphia Police Department
- Duke University
- Arkansas Children's Hospital
- US San Diego School of Medicine

An internet search for alternative service providers showed that there are several other providers that may be capable of offering similar services for the Miami-Dade County Clerk of Courts. The results of the search are listed below:

- Plivo
- Nexmo
- Sinch
- Bandwith.com

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ADDITIONAL INFORMATION

Resolution No. R-1152-15, relates to Contract No. BW9754-5/25, and exercised the first, of two, two-year option to renew terms and was approved by the Board on December 2015.

The link below relates to Resolution No. R-1152-15 exercised the first option to renew of Contract No. BW9754-5/25:
<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2015/R-1152-15.pdf>

Twilio, Inc. is the current vendor awarded on Contract No. BW9754-5/25.

The link below provides additional information on the company:

<https://www.twilio.com/>

Below is a link for the internet search regarding alternative service providers:

<https://getvoip.com/blog/2016/06/01/twilio-alternatives/>

Below is a link for the internet search regarding alternative service providers:

<http://nextjuggernaut.com/blog/sms-voice-api-twilio-vs-nexmo-plivo-sinch-mobile-app-guide/>

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**Item No. 8F9
File No. 172659**

Researcher: BM Reviewer: PGE

RESOLUTION RATIFYING ACTIONS OF THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE RELATED TO CAPITAL IMPROVEMENT CONTRACTS TOTALING \$31,134,047.20 WHICH ARE FUNDED WITH BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND FUNDS, PURSUANT TO THE ECONOMIC STIMULUS ORDINANCE, SECTION 2-8.2.7 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA

ISSUE/REQUESTED ACTION

Whether the Board should ratify the prior execution of the County Mayor or Designee related to several capital improvement projects, relating to Professional Services and Design-Build Services, as authorized under section 2-8.2.7 of the Miami-Dade County Code, also known as the Economic Stimulus Plan (ESP) Program, totaling \$31,134,047.20 for the Parks, Recreation and Open Spaces Department.

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the County Code Contracts and Purchases Generally, governing the authority to award contracts for goods and services. This section requires formal sealed bids for purchases over \$250,000 and describes the circumstances under which non-competitive purchases may be approved.

Below is a link relating to Sec. 2-8.1 of the County Code Contracts and Purchases Generally:

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE

Sec. 2-8.2.7 of the County Code as it relates to Economic stimulus ordinance. The purpose of the ESP Program is to expedite competitively-awarded construction contracts and professional service agreements associated with funded capital improvement projects that are: 1) in the Capital Budget, and 2) included in Resolution No. R-851-08

Below is a link relating to Sec. 2-8.2.7. of the County Code as it relates to Economic stimulus ordinance:

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.2.7ECSTOR

Sec. 2-10 of the County Code as it relates to Ratification of Contracts by the Board; duration; filing.

Below is a link relating to Sec. 2-10 of the County Code relating to ratification by the County Commission:

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10SAATBODUFI

Resolution No. R-851-08 relates to expediting competitively-awarded construction contracts and professional service agreements associated with funded capital improvement projects. This resolution was adopted by the Board on July 17, 2008.

Below is a link relating to Resolution No. R-851-08:

<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2008/R-851-08.pdf>

Implementing Order No. 8-8, Sustainable Building Program, relates to Green building principles which require new construction projects to attain "silver" or higher certification level under the LEED-NC rating system.

Below is a link relating to Implementing Order No. 8-8 Sustainable Building Program:

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO8-8.pdf>

PROCEDURAL HISTORY

Prime Sponsor: None

This item has no procedural history.

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FISCAL IMPACT

If approved, the proposed resolution for eight capital improvement projects, relating to Professional Services and Design-Build Services, as authorized under section 2-8.2.7 of the Miami-Dade County Code, also known as the Economic Stimulus Plan (ESP) Program, totaling \$31,134,047.20 for the Parks, Recreation and Open Spaces Department.

Below is a table summarizing the award recommendations as proposed by the resolution:

#	Awarded Vendor	Amount	Funding Source	Contracted Services	District
1	AECOM Technical Services, Inc.	\$2,304,050	Building Better Communities GOB	Architectural and Design	4, 7
2	Bermello, Ajamil & Partners, Inc.	\$2,304,050	Building Better Communities GOB	Architectural and Design	7, 8
3	Bermello, Ajamil & Partners, Inc.	\$3,420,550	Building Better Communities GOB	Architectural and Design	1, 13
4	Ferguson Glasgow Schuster Soto, Inc.	\$3,420,550	Building Better Communities GOB	Architectural and Design	2,5,6,7,9,10,11,12,13
5	M.C. Harry and Associates, Inc.	\$3,420,550	Building Better Communities GOB	Architectural and Design	9
6	AECOM Technical Services, Inc.	\$3,420,550	Building Better Communities GOB	Architectural and Design	8, 9
7	AECOM Technical Services, Inc.	\$3,420,550	Building Better Communities GOB	Architectural and Design	11
8	J.R.T Construction Company	\$9,423,197.20	Building Better Communities GOB	Design-Build	2

ANALYSIS

The proposed resolution ratifies the prior execution of the County Mayor or Designee related to several capital improvement projects, relating to Professional Services and Design-Build Services, as authorized under section 2-8.2.7 of the Miami-Dade County Code, also known as the Economic Stimulus Plan (ESP) Program, totaling \$31,134,047.20 for the Parks, Recreation and Open Spaces Department.

The resolution ratifies eight award recommendations to five vendors: AECOM Technical Services, Inc., Bermello, Ajamil & Partners, Inc., Ferguson Glasgow Schuster Soto, Inc., M.C. Harry and Associates, Inc., and J.R.T Construction Company.

The purpose of the ESP Program is to expedite competitively-awarded construction contracts and professional service agreements associated with funded capital improvement projects that are: 1) in the Capital Budget, and 2) included in Resolution No. R-851-08, or subsequently added through separate Board approved resolutions. The ESP Program reduces approval timelines by 90 to 120 days for the procurement cycle (advertise solicitations, evaluate competitive bids and award qualifying projects), resulting in time-saving benefits to the implementation of those projects.

A summary of the professional services contracted include, but are not limited to the following:

- Architectural/Engineering design of coastal improvements – including but not limited to marina and beach facilities and infrastructure.

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- Architectural/Engineering design of park facilities, necessary infrastructure, landscaping and ancillary facilities including but not limited to park buildings, playgrounds, pools, shade structures, restrooms and trails.
- Restoration/Rehabilitation/Remodeling of historically designated building/sites, architecturally significant buildings and/or sensitive environmental areas.
- Consultant selected shall be responsible for incorporating LEED approved green building principles. Pursuant to County Implementing Order No. 8-8 "Sustainable Building Program" all new construction projects shall be required to attain "Silver" or higher certification level under the LEED-NC rating system. The participation of experienced LEED®AP professionals is required in order to achieve optimum results in the application of such practices.
- Consultant selected shall be familiar with existing Resilience Standards to be applied in the planning and design of coastal parks projects to better withstand the threat of sea-level rise.
- Design- Design and develop construction documents, specifications, required permitting, and construction administration based on the Design Criteria Package provided.
- Build- Construction components consist of a one story, 19K (approx.) square foot community Building and Center that includes staff offices, multipurpose room; 13K (approx.) square foot aquatic facility (pool and water activity pool), exercise and fitness room, cultural enrichment afterschool program rooms, adult program room, media room, restroom/locker rooms, storage rooms, mechanical and electrical rooms, on-site parking, and associated utilities. In addition, to the Community Center, PROS also desires the design and construction of a band shell for outdoor events and a detached restroom for park patrons.

ADDITIONAL INFORMATION

Please see Resolution No. R-380-16 adopted by the Board on May 17, 2016, ratifying actions taken by the Mayor or Designee for the contract award of \$800,000 and \$2,860,000, funded with Building Better Communities General Obligation Bond, pursuant to the Economic Stimulus Ordinance, Section 2-8.2.7 of the Code of Miami-Dade County.

The link below relates to Resolution No. R-380-16 adopted by the Board on May 17, 2016, relating to contract awards.

<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2016/R-360-16.pdf>

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Research Notes

Item No. 8G1
File No. 172345

Researcher: AIP Reviewer: TD

RESOLUTION RATIFYING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE'S ACTION IN APPLYING FOR APPROXIMATELY \$27,963,028.00 IN FISCAL YEAR 2018-19 HIV EMERGENCY RELIEF PROJECT (RYAN WHITE PART A AND MINORITY AIDS INITIATIVE) GRANT FUNDING FOR COMPREHENSIVE HEALTH AND SUPPORT SERVICES FOR LOW-INCOME PERSONS LIVING WITH HIV/AIDS; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO RECEIVE, DISBURSE AND EXPEND SUCH FUNDS FROM THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO APPLY FOR, RECEIVE AND EXPEND ADDITIONAL FUNDS THAT MAY BECOME AVAILABLE UNDER THIS PROGRAM, TO AMEND SUCH APPLICATION AS MAY BE NECESSARY, TO EXECUTE CONTINUATION CONTRACTS WITH SERVICE PROVIDERS FUNDED THROUGH THIS PROGRAM, AND TO EXERCISE AMENDMENTS, MODIFICATIONS, CANCELLATION OR TERMINATION CLAUSES CONTAINED IN SUCH CONTRACTS; AND WAIVING THE REQUIREMENTS OF RESOLUTION NO. R-130-06

ISSUE/REQUESTED ACTION

Whether the Board should ratify the County Mayor (or designee) action in applying for a federal grant of \$27,963,028.00 in emergency HIV emergency relief funding from the Ryan White Part A and Minority Aids Initiative.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-130-06 (File No. 060239): Adopted on January 24, 2006, it amended Resolution No. R-1198-05 (Approval of Third Party Contracts) which states an agenda item seeking approval of a contract or conveyance and authority to execute, must be fully negotiated and in its final form before going to the Board or Committees. (Item 3A seeks to waive this resolution): <http://intra/gia/matter.asp?matter=060239&file=false&yearFolder=Y2006>

Resolution No. R-1072-12 (File No. 122352), which the Board adopted on December 18, 2012, (Ryan White Treatment Extension Act): <http://intra/gia/matter.asp?matter=122352&file=true&yearFolder=Y2012>

PROCEDURAL HISTORY

11/13/2017: The Housing and Social Services Committee forwarded the item to the BCC with a favorable recommendation.

FISCAL IMPACT

The grant application is for \$27,963,028 in federal funding. No County matching funds are required.

ANALYSIS

Although HIV rates have dropped nationwide, Miami remains high risk. According to the Center for Disease Control (CDC), Miami came in second place in their rankings for risk of infection (right behind Baton Rouge, Louisiana), with 42.8 infections for every 100,000 residents.

The Ryan White HIV/AIDS Program provides a comprehensive system of care that includes primary medical care and essential support services for people living with HIV who are uninsured or underinsured. The Program works with cities, states, and local community-based organizations to provide HIV care and treatment services to more than half a million people each year. The Program reaches approximately 52% of all people diagnosed with HIV in the United States.

Part A of the Ryan White HIV/AIDS Treatment Extension Act of 2009 provides assistance to Eligible Metropolitan Areas (EMAs) and Transitional Grant Areas (TGAs) that are most severely impacted by the HIV epidemic.

Recipients:

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Eligible Metropolitan Areas (EMAs)	Transitional Grant Areas (TGAs)
<ul style="list-style-type: none"> - Atlanta, GA - Baltimore, MD - Boston, MA - Chicago, IL - Dallas, TX - Detroit, MI - Ft. Lauderdale, FL - Houston, TX - Los Angeles, CA - Miami, FL - Nassau Suffolk, NY - New Haven, CT - New Orleans, LA - New York, NY - Newark, NJ - Orlando, FL - Philadelphia, PA - Phoenix, AZ - San Diego, CA - San Francisco, CA - San Juan, PR - Tampa-St. Petersburg, FL - Washington, DC - West Palm Beach, FL 	<ul style="list-style-type: none"> - Austin, TX - Baton Rouge, LA - Bergen-Passaic, NJ - Charlotte-Gastonia, NC/SC - Cleveland-Lorain-Elyria, OH - Columbus, OH - Denver, CO - Ft. Worth, TX - Hartford, CT - Indianapolis, IN - Jacksonville, FL - Jersey City, NJ - Kansas City, MO - Las Vegas, NV - Memphis, TN - Middlesex-Somerset-Hunterdon, NJ - Minneapolis-St. Paul, MN - Nashville, TN - Norfolk, VA - Oakland, CA - Orange County, CA - Portland, OR - Riverside-San Bernardino, CA - Sacramento, CA - San Antonio, TX - San Jose, CA - Seattle, WA - St. Louis, MO

Services of this Grant Program for Part A funds must be used to provide core medical and support services for people living with HIV. Core medical services include the following:

- AIDS Drug Assistance Program
- AIDS pharmaceutical assistance
- Early intervention services
- Health insurance premium and cost sharing assistance for low-income individuals
- Home and community-based health services
- Home health care
- Hospice services
- Medical case management, including treatment-adherence services
- Medical nutrition therapy
- Mental health services
- Oral health
- Outpatient and ambulatory medical care
- Substance abuse outpatient care

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This item seeks to acquire further funding from the Ryan White Grant Program, to better assist the Miami-Dade County community. The deadline to apply for the funds for grant year 2018-2019 is November 13, 2017. It is anticipated that the County would receive the Funds by March 1, 2018 or thereafter.

More information on the Ryan White program/grants:

- Miami-Dade County Ryan White Program Website - <http://www.miamidade.gov/grants/ryan-white-program.asp>
- Ryan White Program - <https://hab.hrsa.gov/about-ryan-white-hiv-aids-program/about-ryan-white-hiv-aids-program>
- Ryan White Part A Grants Info - <https://hab.hrsa.gov/about-ryan-white-hiv-aids-program/part-a-grants-emerging-metro-transitional-areas>

More information and statistics on HIV/AIDS in Miami-Dade County and nationwide:

- Miami-Dade HIV Programs and Services Florida Health Website - <http://miamidade.floridahealth.gov/programs-and-services/infectious-disease-services/hiv-aids-services/hiv-surveillance.html>
- Miami New Times Article - <http://www.miaminewtimes.com/news/miami-named-americas-number-two-hiv-hotspot-8955693>
- Miami Herald Article - <http://www.miamiherald.com/news/state/florida/article56192770.html>
- Miami-Dade HIV Partnership Website - <http://aidsnet.org/>

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Research Notes

Item No. 8H1
File No. 172737

Researcher: BM Reviewer: PGE

RESOLUTION APPROVING CONTRACT TERMINATION AGREEMENT BETWEEN MIAMI-DADE COUNTY AND INTERNATIONAL PLAYERS CHAMPIONSHIPS, LLC AND IMG WORLDWIDE, LLC PROVIDING FOR A PAYMENT OF \$1,300,000.00 IN FAVOR OF THE COUNTY; APPROVING AMENDMENT NO. 1 TO DOLPHINS STADIUM MARQUEE EVENT PERFORMANCE BASED GRANT AGREEMENT BETWEEN MIAMI-DADE COUNTY AND SOUTH FLORIDA STADIUM LLC WITH ESTIMATED PAYMENTS OF UP TO \$13,000,000.00 TO SOUTH FLORIDA STADIUM LLC; AND AUTHORIZING THE COUNTY MAYOR OR DESIGNEE TO EXECUTE BOTH AGREEMENTS FOR AND ON BEHALF OF THE COUNTY AND TO EXERCISE ALL RIGHTS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve a Contract Termination Agreement between the County and International Players Championship, LLC (formerly known as International Players Championship, Inc.) (IPC) and IMG Worldwide, LLC (IMG) for a mutual contract termination of the tennis tournament known as the Miami Open Tennis Tournament held at the Crandon Park Tennis Center. IPC would pay Miami-Dade County \$1,300,000 for pending amounts identified in the Audit and Management Services Department audit of the tennis tournament. Also to approve an Amendment No. 1 to the Marquee Event Performance-Based Grant Agreement between the County and South Florida Stadium, LLC.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-891-86 adopted by the Board on July 15, 1986, relates to the license agreement between Miami-Dade County and the International Players Championship, Inc.

Resolution adopted prior to 2007 are not available online at the Miami-Dade County website.

Resolution No. R-560-14 executed the Marquee Event Performance-Based Grant Agreement. This Resolution was adopted on June 17, 2014. The Board amended this agreement on July 6, 2014.

The link below relates to Resolution No. R-560-14 Marquee Event Performance-Based Grant Agreement:

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2014/141367.pdf>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Barbara J. Jordan, District 1

This item has no procedural history.

FISCAL IMPACT

If this resolution is approved by the Board, IPC agrees to pay the County \$1,300,000 for pending amounts identified in the Audit and Management Services Department audit of the tennis tournament. These funds will be placed into the Park, Recreation and Open Spaces Department's (PROS) Costal Park and Marina Enterprise trust fund index.

The county will forego approximately \$2,500,000 per year for not hosting the tennis tournament at Crandon Park. However, PROS will avoid the tournament-related expenditures of approximately \$2,000,000 per year. The Departmental budget is to be balance through increase revenues and a reduction in expenditures. PROS will receive \$1,000,000 in Convention Development Tax funding to assist in offsetting the expenditure on the tennis tournament at Crandon Park in 2018. The last year the tournament will be hosted at Crandon Park will be 2018. The tournament will subsequently be hosted at the Hard Rock Stadium. The Miami Open Tennis Tournament will still benefit the County through economic activity, related tax revenues, and jobs created.

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ANALYSIS

The proposed resolution approves a Termination Agreement between the County and International Players Championship, LLC (formerly known as International Players Championship, Inc.) (IPC) and IMG Worldwide, LLC (IMG) for a mutual contract termination of the tennis tournament known as the Miami Open Tennis Tournament held at the Crandon Park Tennis Center. Also to approve an Amendment No. 1 to the Marquee Event Performance-Based Grant Agreement between the County and South Florida Stadium, LLC.

The initial term agreement is through 2023 and automatically renews for a 10-year period, to 2033, unless one of the parties declines to renew. Inability to improve the Crandon Park Tennis Center resulted in IPC's desire to terminate the Tournament Agreement at the end of 2018. The Miami Open Tennis Tournament has been hosted at the Crandon Park Tennis Center since 1986. The tournament attracts approximately 300,000 local and international visitors.

The Termination Agreement requires not only the \$1,300,000 to be paid to the County by IPC, but also that IPC not relocate the tennis tournament, and the official events associated with the tournament, outside of the County for 20-years commencing with the 2019 tennis tournament

Miami-Dade may potentially be entitled to liquidation damages should IPC/IMG default on non-relocation agreement for the 20-year term commencing with the 2019 tennis tournament. The table below summarizes the annual liquidation damages to be awarded to the County:

Year of Default	Liquidated Damages to be paid by IPC
1	\$12,500,000
2	\$11,000,000
3	\$9,500,000
4	\$8,000,000
5	\$6,500,000
6	\$5,000,000
7	\$4,375,000
8	\$3,750,000
9	\$3,125,000
10	\$2,500,000
11	\$1,875,000
12	\$1,625,000
13	\$1,375,000
14	\$1,125,000
15	\$875,000
16	\$625,000
17	\$500,000
18	\$375,000
19	\$250,000
20	\$125,000

This resolution proposes an Amendment No. 1, to the Marquee Event Performance-Based Grant Agreement between the County and South Florida Stadium LLC, as summarized below:

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Proposed Amendments to the Marquee Event Performance-Based Grant Agreement:

Section:	As it currently reads:	Proposed amendment:
<i>Recitals</i>	Stadium LLC owns and operates a multi-purpose sports, entertainment, and tourist-oriented venue located on County-owned land with an address of 34 7 Don Shula Drive, Miami Gardens, Florida 33056, currently known as Sun Life Stadium (the "Stadium"), which Stadium is used primarily for events that attract County residents and tourists, such as Team games, University of Miami college football games, Orange Bowl college football games, as well as other national and international athletic, entertainment and other types of events, exhibitions, concerts, performances and assemblages;	WHEREAS, Stadium LLC owns and operates a multi-purpose sports, entertainment and tourist-oriented venue consisting of an approximately 65,000 spectator seats and approximately 1,800,000 square feet stadium ("Stadium Structure"), as well as the parking lots surrounding the venue (collectively, the "Stadium") and located on County-owned land with an address of 347 Don Shula Drive, Miami Gardens, Florida 33056, currently known as Hard Rock Stadium, which Stadium is used primarily for events that attract County residents and tourists, such as Team games, University of Miami college football games, Orange Bowl college football games, as well as other national and international athletic, entertainment and other types of events, exhibitions, concerts, performance and assemblages. The term "Stadium Structure", as used in this Agreement (and any amendments hereto), shall mean the physical improvements consisting of the stadium structure and all improvements contained therein (including, without limitation, fixtures and appurtenances), but shall not encompass any land or facilities located outside the footprint of the stadium structure itself, including the parking areas surrounding the stadium structure or any other' lands owned by Stadium LLC in proximity to the stadium structure.
Section:	As it currently reads:	Proposed amendment:
Section 3.2 <u>Use of Marquee Event Grants</u>	Stadium LLC agrees to only use Marquee Event Grants received from County to operate and manage the Stadium ("Permitted Uses").	Stadium LLC agrees to use Marquee Event Grants received from County only to operate and manage the Stadium Structure ("Permitted Uses").
		Stadium LLC and the County acknowledge that Appendix 1 to Grant Agreement is hereby amended to include the Miami Open Tennis Tournament (or equivalent tennis tournament) as a Tier One Event with a Marquee Event Grant Base Amount of One Million Dollars (\$1,000,000), provided, however, that the Parties hereby acknowledge and agree that any Tournament held at the Stadium prior to 2024 is not, and shall not, be deemed a Tier One Event under the Grant Agreement. Stadium LLC agrees that it shall not receive any Marquee

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			Event Grant for any Tournament held at the Stadium before 2024.
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ADDITIONAL INFORMATION

Please see Resolution No. R-850-17 adopted by the Board on October 3, 2017, exercising the option to defer payment of all or a portion of all Marquee Event Grants earned from October 1, 2016 to September 31, 2024 so that payment of those Marquee Event Grants will not begin until December 31, 2025.

The link below relates to Resolution No. R-850-17 adopted by the Board on October 3, 2017, relating to contract awards.

<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2017/R-850-17.pdf>

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Research Notes

Item No. 8I1
File No. 172366

Researcher: SAP Reviewer: TD

RESOLUTION RETROACTIVELY AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE'S ACTION TO APPLY FOR, RECEIVE AND EXPEND GRANT FUNDS IN THE AMOUNT OF \$455,880.00 FROM THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM FISCAL YEAR 2017 LOCAL SOLICITATION FROM THE UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE ANY NECESSARY AMENDMENTS, MODIFICATIONS, RENEWALS, EXTENSIONS, CANCELLATIONS AND TERMINATION PROVISIONS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO APPLY FOR, RECEIVE AND EXPEND ADDITIONAL FUNDS

ISSUE/REQUESTED ACTION

Whether the Board should retroactively authorize County Mayor or his designee's action to apply for, receive and expend \$445,880.00 from the Edward Byrne Memorial Justice Assistance Grant (JAG) Program to support the Miami-Dade Police Department (MDPD).

APPLICABLE LEGISLATION/POLICY

Resolution No. R-756-14 – To apply for, receive and expend grant funds.
<http://intra/gia/matter.asp?matter=141263&file=true&yearFolder=Y2014>

PROCEDURAL HISTORY

Prime Sponsor: None

This public hearing item was forwarded to the Board with a favorable recommendation from the Public Safety & Health Committee at its November 15, 2017 meeting.

At the Public Hearing, the following discussion took place.

- A citizen expressed concerns about checks and balances of the federal funds in the Byrne Grant and inquired how citizens can be assured that the money is coming into the Communities. The citizen also asked how much of the grant is geared towards education.
- The Committee explained that this is a full grant and not tax payers' dollars.

FISCAL IMPACT

The grant will provide \$455,880.00 in federal fund to implement the proposed project. The funding source is the U.S Department of Justice Bureau of Justice Assistance of the Office of Justice Programs. The grant does not require any matching or in kind funds.

ANALYSIS

This item seeks retroactive authorization to apply, receive and expend grant funds of \$445,880.00 for the MDPD - *Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2017 Local Solicitation Form* because the proposal did not allow time to submit the resolution to the Board prior to submitting the application. The grant funds will allow the MDPD to continue its efforts to combat crime while protecting the citizens and the visitors of our community.

The JAG Program is the leading source of federal justice funding to state and local jurisdictions and provides states and local governments with critical funding necessary to support a range of program areas including, but not limited to, law enforcement, prosecution, courts, crime prevention and education, corrections and community corrections, drug treatment and enforcement,

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technology improvement, mental health programs and related law enforcement and corrections programs, including behavioral programs and crisis intervention teams. The department uses these grant funds to enhance police operations considering data driven policy practices for effective and efficient operations.

Additional Information on the JAG program

Eligibility

Only units of local government may apply under this solicitation. By law, for purposes of the JAG Program, the term “units of local government” includes a town, township, village, parish, city, county, borough, or other general purpose political subdivision of a state. A unit of local government may be any law enforcement district or judicial enforcement district established under applicable State law with authority to independently establish a budget and impose taxes.

Permissible uses of JAG Funds

In general, JAG funds awarded to a unit of local government under this FY 2017 solicitation may be used to provide additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice, including for any one or more of the following:

- Law enforcement programs
- Prosecution and court programs
- Prevention and education programs
- Corrections and community corrections programs
- Drug treatment and enforcement programs
- Planning, evaluation, and technology improvement programs
- Crime victim and witness programs (other than compensation)
- Mental health programs and related law enforcement and corrections programs, including behavioral programs and crisis intervention teams

Limitations on the use of JAG funds - Prohibited and controlled uses of funds

JAG funds may not be used (whether directly or indirectly) for any purpose prohibited by federal statute or regulation, including those purposes specifically prohibited by the JAG Program statute as set out at 42 U.S.C. § 3751(d):

- (1) Any security enhancements or any equipment to any nongovernmental entity that is not engaged in criminal justice or public safety.
- (2) Unless the Attorney General certifies that extraordinary and exigent circumstances exist that make the use of such funds to provide such matters essential to the maintenance of public safety and good order—
 - (a) Vehicles (excluding police cruisers), vessels (excluding police boats), or aircraft (excluding police helicopters)
 - (b) Luxury items
 - (c) Real estate
 - (d) Construction projects

OCA posed the following questions to the Department, to which MDPD responded:

1. Provide the list of countywide projects that the FY 2017 JAG funds will support;

1) Equipment:

- a) \$116K – Two (2) Automated License Plate Reader (ALPR) speed trailers,
- b) \$65K - Ten (10) solar cameras, and
- c) \$17K - Nano-Raven covert recorders

2) Supplies to enhance officer safety and wellness, to include:

- a) \$7K - handheld ID readers,
- b) \$36k - digital binoculars,
- c) 43K - ballistic shields,
- d) \$6K - GPS tracking devices,

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- e) \$1K flashlights,*
 - f) \$700 headlamps,*
 - g) \$25K -helmets with headsets,*
 - h) \$4k -spit hoods,*
 - i) \$7k - cutting torches and*
 - j) \$127K - simunition training supplies and assorted Tactical Life Saver course provisions for the training institute.*
2. List the participating local municipalities utilizing the JAG funds and the specific project areas;
MDPD applies solely for grant funding. We do not utilize this grant with other jurisdictions.
 3. When was the grant application submitted and when was the award notice received.
August 31, 2017 submitted, September 30, 2017 Award notice
 4. Clarify what is meant by a public hearing on the application for the funds is required.
Opportunity for the public to go before BOCC to comment on the application and address any concerns that they might have on what is being requested in our grant application.
 5. Provide a breakdown of JAG funds used by the Department in the areas of protecting children, crime reduction, drug treatment, MDPD educational programs, suicide attempts, and mental health.
MDPD applies for this JAG grant addressing the "crime reduction" component in the RFP. The equipment that will be purchased will be tools used by MDPD to reduce crime.

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Research Notes

Item No. 8K1
File No. 172675

Researcher: NR Reviewer: PGE

RESOLUTION APPROVING AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE, TO EXECUTE A CONCILIATION AGREEMENT/VOLUNTARY COMPLIANCE AGREEMENT BETWEEN THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, MARVA LEVY-BROWN AND MIAMI-DADE COUNTY IN THE TOTAL AMOUNT OF \$20,000.00 OF WHICH THE COUNTY SHALL PAY \$8,000.00, TO RESOLVE A FAIR HOUSING ADMINISTRATIVE COMPLAINT; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should execute a Conciliation Agreement/Voluntary Compliance Agreement (Agreement) in the amount of \$20,000 between United States Department of Housing and Urban Development's (HUD), Marva Levy-Brown, (Complainant) and Miami-Dade County (County).

APPLICABLE LEGISLATION/POLICY

N/A

PROCEDURAL HISTORY

Prime Sponsor: Vice Chairwoman Commissioner Audrey M. Edmonson, District 3

This item has no procedural history.

FISCAL IMPACT

This Agreement requires the payment of \$20,000 to the Complainant. The cost will be shared between the County and the current Section 8 Housing Choice Voucher Program (Housing Choice Program) administrator, Nan McKay & Associate (Nan McKay). The County is responsible for \$8,000 of the settlement amount and Nan McKay is responsible for the remaining \$12,000. The County's portion of the settlement amount will be paid from the Administrative Fee account. This Agreement does not impact future annual County budgets.

ANALYSIS

This item seeks to resolve a Fair Housing discrimination complaint. According to the complaint, the Complainant alleged that the County discriminated against her when the County failed to process her transfer, administered by the West Palm Beach Housing Authority, and ultimately terminated her assistance because of her disability.

The County and Nan McKay consented to conciliate the matter with HUD and the Complainant in an effort to resolve the complaint. Some of the key terms of the Agreement include the following:

- All Housing Choice Program employees employed by the County and Nan McKay must attend a minimum of four hours of Fair Housing Training;
- Revise the Effective Communication Policy that will set forth the steps that the County must take to ensure that its communication with applicants, participants, and residents with visual impairment disabilities are as effective as communication with others; and
- The County must amend and restate the Department's Reasonable Accommodation Policy for the Housing Choice Program so that applicants, participants, and residents have knowledge that Requests for Exception Payment Standards for Persons with Disabilities can be requested as a reasonable accommodation.

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Item No. 8L1
File No. 172375

Researcher: SM Reviewer: PGE

RESOLUTION RATIFYING THE EXECUTION OF CONTRACT NO. GC911 BETWEEN THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND MIAMI-DADE COUNTY FOR STORAGE TANK SYSTEM COMPLIANCE VERIFICATION FOR A TERM OF 10 YEARS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL RIGHTS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should ratify the action of the County Mayor or designee in executing Contract No. GC911 with the Florida Department of Environmental Protection for storage tank system compliance verification on a fee schedule/cost reimbursement basis for activities covered under the contract for a 10-year term.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-796-07 adopted July, 10, 2007, relating to the contract with the Florida Department of Environmental Protection Agency for storage tank system compliance verification. This resolution was approved by the Board on July 10, 2007 and it provides for a contract between the Florida Department of Environmental Protection and Miami-Dade County to provide storage tank compliance and construction inspection services.

<http://www.miamidade.gov/govaction/legistarfiles/MinMatters/Y2007/071649min.pdf>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Sally A. Heyman, District 4

This Item was forwarded to BCC with a favorable recommendation by Government Operations Committee on November 14, 2017.

FISCAL IMPACT

This item is to establish a reimbursement Contract between the Florida Department of Environmental Protection Agency and Miami-Dade County for compliance verification of storage tank systems Countywide for a 10-year term.

Miami-Dade County is to receive approximately \$420,000 from the Florida Department of Environmental Protection Agency for FY 2017-18. Throughout the ten-year Contract term, Miami-Dade County may receive funds not to exceed \$5,277,336 from the Florida Department of Environmental Protection Agency.

No matching funds are required of Miami-Dade County for this Contract.

ANALYSIS

This item seeks approval from the Board to execute Contract Number GC911 with the Florida Department of Environmental Protection Agency for storage tank system compliance verification for a 10-year term. This resolution, if approved, will be retroactive to July 1, 2017. The current contract expired June 30, 2017. The Contract was received on April 24, 2017 from the Florida Department of Environmental Protection Agency but was negotiated through the end of June 2017. The contract was executed by the Mayor's designee prior to the expiration date.

Miami-Dade County is to receive approximately \$420,000 from the Florida Department of Environmental Protection Agency for FY 2017-18 and up to \$5,277,336 throughout the ten-year Contract term. Invoices shall be submitted on a monthly basis.

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Miami-Dade County shall perform routine compliance inspections within its geographical boundaries. Relatedly, Miami-Dade County shall perform closure inspections, installation inspections, discharge inspections, re-inspections, and compliant inspections as applicable.

ADDITIONAL INFORMATION

Guidance Documents for compliance to the Contract regarding Storage Tanks can be found at the link below:
<https://floridadep.gov/waste/permitting-compliance-assistance/content/storage-tank-compliance>

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Item Nos. 8L2, 8L3, 8L4, 8L5, 8L6, 8L7

File No. 172439, 172443, 172446, 172448, 172450, 172451

Researcher: SAP Reviewer: TD

RESOLUTION ACCEPTING "ASSIGNMENT OF OPTION TO PURCHASE" APPROXIMATELY 35 ACRES OF SOUTH DADE WETLANDS PROJECT WITHIN THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM ACQUISITION SITE WITH THE NATURE CONSERVANCY AS ASSIGNOR, **MIAMI-DADE COUNTY AS ASSIGNEE, AND A. SATTAUR GAFOOR AS SELLER FOR A PURCHASE PRICE OF \$175,000.00** USING BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS; AUTHORIZING USE OF ENVIRONMENTALLY ENDANGERED LANDS ACQUISITION TRUST FUND FOR THIS PURCHASE IN THE EVENT BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS ARE NOT AVAILABLE; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE THE ASSIGNMENT OF OPTION TO PURCHASE AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN; AND DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO RECORD IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY THE INSTRUMENT OF CONVEYANCE AS REQUIRED BY RESOLUTION NO. R-974-09

RESOLUTION ACCEPTING "ASSIGNMENT OF OPTION TO PURCHASE" APPROXIMATELY 5 ACRES OF SOUTH DADE WETLANDS PROJECT WITHIN THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM ACQUISITION SITE WITH THE NATURE CONSERVANCY AS ASSIGNOR, **MIAMI-DADE COUNTY AS ASSIGNEE, AND LEOPOLD N. BONITTO AND PURA OAKLEY BONITTO AS SELLERS FOR A PURCHASE PRICE OF \$22,500.00** USING BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS; AUTHORIZING USE OF ENVIRONMENTALLY ENDANGERED LANDS ACQUISITION TRUST FUND FOR THIS PURCHASE IN THE EVENT BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS ARE NOT AVAILABLE; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE THE ASSIGNMENT OF OPTION TO PURCHASE AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN; AND DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO RECORD IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY THE INSTRUMENT OF CONVEYANCE AS REQUIRED BY RESOLUTION NO. R-974-09

RESOLUTION ACCEPTING "ASSIGNMENT OF OPTION TO PURCHASE" APPROXIMATELY 10 ACRES OF SOUTH DADE WETLANDS PROJECT WITHIN THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM ACQUISITION SITE WITH THE NATURE CONSERVANCY AS ASSIGNOR, **MIAMI-DADE COUNTY AS ASSIGNEE, AND IRA S. SILVER, INDIVIDUALLY AND AS TRUSTEE AS SELLER FOR A PURCHASE PRICE OF \$45,000.00** USING BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS; AUTHORIZING USE OF ENVIRONMENTALLY ENDANGERED LANDS ACQUISITION TRUST FUND FOR THIS PURCHASE IN THE EVENT BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS ARE NOT AVAILABLE; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE THE ASSIGNMENT OF OPTION TO PURCHASE AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN; AND DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO RECORD IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY THE INSTRUMENT OF CONVEYANCE AS REQUIRED BY RESOLUTION NO. R-974-09

RESOLUTION ACCEPTING "ASSIGNMENT OF OPTION TO PURCHASE" APPROXIMATELY 5 ACRES OF SOUTH DADE WETLANDS PROJECT WITHIN THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM ACQUISITION SITE WITH THE NATURE CONSERVANCY AS ASSIGNOR, **MIAMI-DADE COUNTY AS ASSIGNEE, AND CARLOS L. FERNANDEZ, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF JAVIER J. FERNANDEZ, AS SELLER FOR A PURCHASE PRICE OF \$22,500.00** USING BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS; AUTHORIZING USE OF ENVIRONMENTALLY ENDANGERED LANDS ACQUISITION TRUST FUND FOR THIS PURCHASE IN THE EVENT BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS ARE NOT AVAILABLE; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE THE ASSIGNMENT OF OPTION TO PURCHASE AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN; AND DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO RECORD IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY THE INSTRUMENT OF CONVEYANCE AS REQUIRED BY RESOLUTION NO. R-974-09

RESOLUTION ACCEPTING "ASSIGNMENT OF OPTION TO PURCHASE" APPROXIMATELY 5 ACRES OF SOUTH DADE WETLANDS PROJECT WITHIN THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM ACQUISITION SITE WITH THE NATURE CONSERVANCY AS ASSIGNOR, **MIAMI-DADE COUNTY AS ASSIGNEE, AND JUAN MANUEL HERNANDEZ AKA JUAN MANUEL HERNANDEZ, JR AS SELLER FOR A PURCHASE PRICE OF \$25,000.00** USING BUILDING BETTER

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COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS; AUTHORIZING USE OF ENVIRONMENTALLY ENDANGERED LANDS ACQUISITION TRUST FUND FOR THIS PURCHASE IN THE EVENT BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS ARE NOT AVAILABLE; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE THE ASSIGNMENT OF OPTION TO PURCHASE AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN; AND DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO RECORD IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY THE INSTRUMENT OF CONVEYANCE AS REQUIRED BY RESOLUTION NO. R-974-09

RESOLUTION ACCEPTING "ASSIGNMENT OF OPTION TO PURCHASE" APPROXIMATELY 5 ACRES OF SOUTH DADE WETLANDS PROJECT WITHIN THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM ACQUISITION SITE WITH THE NATURE CONSERVANCY AS ASSIGNOR, **MIAMI-DADE COUNTY AS ASSIGNEE, AND JACINTO I. FERNANDEZ OR NORMA M. FERNANDEZ, TRUSTEES OF THE FERNANDEZ TRUST DATED NOVEMBER 4, 2011, AS SELLER FOR A PURCHASE PRICE OF \$22,500.00** USING BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS; AUTHORIZING USE OF ENVIRONMENTALLY ENDANGERED LANDS ACQUISITION TRUST FUND FOR THIS PURCHASE IN THE EVENT BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS ARE NOT AVAILABLE; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE THE ASSIGNMENT OF OPTION TO PURCHASE AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN; AND DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO RECORD IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY THE INSTRUMENT OF CONVEYANCE AS REQUIRED BY RESOLUTION NO. R-974-09

ISSUE/REQUESTED ACTION

Whether the Board should approve resolutions to accept the "Assignment of Option to Purchase" as negotiated by The Nature Conservancy for the Environmentally Endangered Lands (EEL) Program for purchase price to the sellers as follows:

Seller	Acres	Appraised Value	Negotiated Value
A Sattur Gafoor	35	\$210,000.00	\$175,000.00
Leopold N. Bonitto and Pura Oakley Bonitto	5	\$ 30,000.00	\$ 22,500.00
Ira S. Silver (individually and as trustee)	10	\$ 60,000.00	\$ 45,000.00
Carlos L. Fernandez (individually and as personal representative of Estate of Javier J. Fernandez	5	\$ 30,000.00	\$ 22,500.00
Juan Manuel Hernandez, Jr.	5	\$ 30,000.00	\$25,000.00
Jacinto I. Fernandez or Norma M. Fernandez (trustees of the Fernandez Trust)	5	\$ 30,000.00	\$22,500.00

APPLICABLE LEGISLATION/POLICY

Resolution No. R-974-09: County interest in real property be recorded in public records of Miami-Dade County.

<http://intra/gia/legistarfiles/MinMatters/Y2009/091900min.pdf>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Dennis C. Moss, District 9

These items were forwarded to the Board with a favorable recommendation by the Infrastructure and Utilities Committee at the November 14, 2017 meeting.

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Research Notes

FISCAL IMPACT

Building Better Communities General Obligation Bond (BBC-GOB) Program funding under Project No 2. Site #70230 will be used for all six purchases. As of September 30, 2017, the remaining balance under the BBC-GOB Program for allocations towards EEL acquisitions is \$11,308,299.

ANALYSIS

These six items seek approval of resolutions to accept the “Assignment of Option to Purchase” and also authority to EEL acquisition trust fund for the purchases in the event BBC-GOB funds are not available. All six parcels are located in District 9 and are outside the Urban Development Boundary.

The South Dade Wetlands Project Area contains the most important wetland system in the southern part of Miami Dade. Public agencies have targeted the area for acquisition because of the wetland’s strategic location between two national parks Everglades National Park and Biscayne National Park in the watersheds of Florida Bay, Biscayne Bay, Card Sound and Barnes Sound and because of the importance of the region to endangered and threatened species. These wetlands are home to many of South Florida’s endangered species.

The EEL program, administered by the Regulatory and Economic Resources, focuses on the protection and conservation of endangered lands. The purpose of the EEL Program is to acquire, preserve, enhance, restore, conserve and maintain environmentally-endangered lands for the benefit of present and future generations. The EEL Program and its partners have brought more than 20,700 acres of environmentally endangered lands into public ownership since 1990. Additionally, the EEL Program manages 2,800 acres of natural lands within Miami-Dade County Parks, for a total of more than 23,500 acres protected.

Input from RER, Division of Environmental Resources Management

The primary responsibility of the Land Acquisition Selection Committee is to recommend to the Board of County Commissioners the EEL Acquisition List. If only a portion of the property is on the EEL Acquisition List, then the Department request an appraisal for only the portion that is eligible for acquisition. The property owner is responsible for subdividing the property prior to the closing.

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Research Notes

Item No. 8L8
File No. 172400

Researcher: NR Reviewer: PGE

RESOLUTION AUTHORIZING ACCEPTANCE OF WARRANTY DEED FOR DONATION OF APPROXIMATELY 0.47 ACRE OF REAL PROPERTY WITHIN THE R. HARDY MATHESON ADDITION PROJECT FROM RIVERSIDE PARK INVESTORS, LLC TO MIAMI-DADE COUNTY FOR THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM; AUTHORIZING THE PAYMENT OF CLOSING COSTS NOT TO EXCEED \$5,000.00 FROM BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS; THANKING RIVERSIDE PARK INVESTORS, LLC FOR SAID DONATION; AUTHORIZING USE OF ENVIRONMENTALLY ENDANGERED LANDS ACQUISITION TRUST FUND FOR CLOSING COSTS IN THE EVENT BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS ARE NOT AVAILABLE; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ANY ACTIONS NECESSARY TO EFFECTUATE THE ACCEPTANCE OF THE DONATION

ISSUE/REQUESTED ACTION

Whether the Board should approve the attached resolution accepting a donation of approximately 0.47 acres of wetlands to the Miami-Dade County Environmentally Endangered Lands (EEL) Program.

APPLICABLE LEGISLATION/POLICY

This property is located within the R. Hardy Matheson Addition EEL Acquisition Project, which was placed on the EEL Priority A Acquisition List by Resolution No. R-660-96 adopted by the Board on June 18, 1996 (Note: online link is not available).

The Environmentally Endangered Lands Program (EEL) identifies and secures lands for preservation per the requirements and conditions set forth by Chapter 25B-11 of the Miami-Dade County Code, Section 193.501, Florida Statutes and Section 4(b), Article VII of the Constitution of the State of Florida. The links below relate to:

Chapter 25B-11 of the Miami-Dade County Code governs the standards for acceptance of conveyances used for scenic outdoor recreational or park purposes or covenants not to use land for other such purposes.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=CD_MIAMI-DADE_CO_FLORIDA_CH25BPAREGE_ARTIISTACCOUSSCOUREPAPUCONOUSLAOTSUPU_S25B-11LEINFIPU

Section 193.501, Florida Statutes governs Assessment of lands subject to a conservation easement, environmentally endangered lands, or lands used for outdoor recreational or park purposes when land development rights have been conveyed or conservation restrictions have been covenanted.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=193.501&URL=0100-0199/0193/Sections/0193.501.html

Section 4(b), Article VII of the Constitution of the State of Florida- By general law regulations shall be prescribed which shall secure a just valuation of all property for ad valorem taxation, provided: land used for conservation purposes shall be classified by general law and assessed solely on the basis of character or use.

<http://www.leg.state.fl.us/Statutes/index.cfm?Mode=Constitution&Submenu=3&Tab=statutes#A7S04>

PROCEDURAL HISTORY

Prime Sponsor: Xavier L. Suarez, District 7

BCC Meeting: December 5, 2017
Research Notes

This item was forwarded to the Board with a favorable recommendation by the Infrastructure and Utilities Committee (IUC) at its November 14, 2017 meeting. There was no discussion by the Committee members on this item.

FISCAL IMPACT

The land being donated to the EEL Program has a 2016 tax assessed value of \$220,801. The proposed resolution authorizes the expenditure of up to \$5,000 for closing costs. As of August 31, 2017, the remaining balance under the BBC-GOB Program for allocations towards EEL acquisitions is \$11,308,299.00.

If BBC-GOB Program funds are not available, the EEL Acquisition Trust Fund may be used for the closing costs on the property. As of August 31, 2017, the balance of the EEL Trust Fund (GF 080) is \$35,312,329.93, of which \$22,054,264.30 is reserved for acquisition and \$13,258,065.63 is reserved for management.

ANALYSIS

This resolution proposes acceptance of the warranty deed for donation of approximately 0.47 acres of wetlands within R. Hardy Matheson Addition Project from Riverside Park Investors, LLC to Miami-Dade County for the Environmentally Endangered Lands (EEL) Program. The purpose of the EEL Program is to acquire, preserve, enhance, restore, conserve and maintain environmentally endangered lands for the benefit of present and future generations. This item also authorizes the payment of closing costs not to exceed \$5,000.00.

The parcel proposed for donation is an important wetland system in the southern part of the County. The R. Hardy Matheson Addition EEL Preserve provides a contiguous buffer to Biscayne Bay and enhances the northernmost extent of one of the last large undeveloped tracts of coastal wetlands in Miami-Dade County. This parcel will buffer and facilitate protection of the resources within the EEL Preserve.

The purpose of the EEL Program is to acquire, preserve, enhance, restore, conserve and maintain environmentally endangered lands for the benefit of present and future generations. Additionally, preserving and maintaining these wetlands is important to protect against salt water intrusion of the Biscayne Aquifer. Further, these wetlands are important to the endangered and threatened species of the region and the acceptance of this parcel is consistent with the Sea Level Rise Task Force Recommendations for the continued strategic implementation of the EEL Program.

The EEL Program is Countywide in nature. The land being donated is located in Commission District 7, represented by Commissioner Xavier Suarez.

BCC Meeting: December 5, 2017
Research Notes

Item No. 8L9
File No. 172376

Researcher: NR Reviewer: PGE

RESOLUTION APPROVING AN INTERLOCAL AGREEMENT FOR STORMWATER MANAGEMENT BETWEEN THE TOWN OF CUTLER BAY AND THE MIAMI-DADE COUNTY STORMWATER UTILITY FOR A TERM OF FIVE (5) YEARS AND PROVIDING THAT THE TOWN OF CUTLER BAY SHALL REIMBURSE THE MIAMI-DADE COUNTY STORMWATER UTILITY IN AN AMOUNT UP TO \$580,350.00; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND EXERCISE ANY TERMINATION PROVISIONS AND ALL OTHER RIGHTS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should authorize the County Mayor or County Mayor's designee to execute an Interlocal Agreement for Stormwater Management between the Town of Cutler Bay and the Miami-Dade County Stormwater Utility. The term of this five-year Agreement is October 1, 2017 to September 30, 2022 in the amount up to \$580,350.00

APPLICABLE LEGISLATION/POLICY

Resolution No. R-922-12 adopted by the Board on November 8, 2012 approved a five-year interlocal agreement with Cutler Bay.
<http://intra/gia/legistarfiles/MinMatters/Y2012/121955min.pdf>

PROCEDURAL HISTORY

Prime Sponsor: NONE

This item was forwarded to the Board with a favorable recommendation by the Infrastructure and Utilities Committee (IUC) at its November 14, 2017 meeting. There was no discussion by the Committee members on this item.

On June 18, 1991, the Board adopted Ordinance No. 91-66, creating the Miami-Dade County Stormwater Utility and establishing a uniform approach to stormwater management. Stormwater utility fees collected in Miami-Dade County provide the funding for stormwater management, which includes the construction, operation and maintenance of stormwater conveyance systems (Note: online link is not available).

On December 19, 2007, the Town of Cutler Bay Council adopted Ordinance No. 07-29, creating stormwater management regulations within their municipal code and establishing their own stormwater utility as its funding source (Note: online link is not available).

On April 2, 2008, the Town of Cutler Bay signed a five (5) year interlocal agreement with the Miami-Dade County Stormwater Utility that expired September 30, 2012 (Note: online link is not available).

On November 8, 2012 the Town of Cutler Bay signed a five (5) year interlocal agreement with the Miami-Dade County Stormwater Utility (R-922-12). Through that agreement Cutler Bay has reimbursed the County for Cutler Bay's share of canal maintenance costs incurred by the County after October 1, 2012 through September 27, 2017.
<http://intra/gia/legistarfiles/MinMatters/Y2012/121955min.pdf>

FISCAL IMPACT

The County's cost will be funded through the County's Stormwater Utility fees. Cutler Bay shall reimburse the County up to \$116,070 per year and up to a total of \$580,350 over the five-year term of the Agreement.

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Research Notes

Stormwater Utility fees provide funding for the construction, operation, and maintenance of stormwater conveyance systems. Canals operated and maintained by the County provide drainage service to the County and municipalities, but remain the responsibility of the County.

The total annual cost of routine canal maintenance work to be performed by the County on secondary canals that serve Cutler Bay is estimated at \$135,600 per year or \$678,000 for the five-year term. Pursuant to this Agreement, Cutler Bay shall reimburse the County based on Cutler Bay's runoff contribution to each canal drainage basin, as depicted in Attachment A of the Agreement (Drainage Area Map and Percent Share Table).

ANALYSIS

The proposed resolution will allow the County reimbursement for canal maintenance services performed by the County on canals providing drainage to Cutler Bay. The proposed Interlocal Agreement will be retroactive to October 1, 2017 and expire September 30, 2022.

The County is responsible for operating and maintaining the Secondary Canal System throughout the entire geographical area of the County. The canals included in the Agreement provide drainage and flood protection to residents and properties within Cutler Bay.

County-owned canals that provide drainage service to the Town of Cutler Bay and its residents remain the property and responsibility of the County. The costs to maintain the County's canals that provide a drainage benefit to the Town can be shared between the County and the Town through an interlocal agreement, which can establish the responsibilities for the operation, maintenance and cost-sharing of stormwater systems.

BCC Meeting: December 5, 2017
Research Notes

Item No. 801
File No. 172206

Researcher: SAP Reviewer: TD

RESOLUTION APPROVING A CONTRACT IN THE AMOUNT OF \$1,275,000 FOR SALE AND PURCHASE BETWEEN ERFURT AS SELLER AND MIAMI-DADE COUNTY, AS BUYER, OF APPROXIMATELY 19 ACRES OF VACANT LAND LOCATED ON THE SOUTHWEST CORNER OF THEORETICAL SW 145TH AVENUE AND THEORETICAL SW 2ND STREET IN UNINCORPORATED MIAMI-DADE COUNTY TO BE UTILIZED IN CONNECTION WITH THE COUNTY'S OCEAN OUTFALL COMPLIANCE PLAN; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE CONTRACT, EXERCISE ANY AND ALL RIGHTS CONFERRED THEREIN, TO TAKE ALL OTHER ACTIONS NECESSARY TO EFFECTUATE SAID PURCHASE AND ACCEPT CONVEYANCE OF PROPERTY BY WARRANTY DEED; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO RECORD SUCH DEED

ISSUE/REQUESTED ACTION

Whether the Board should approve a contract in the amount of \$1,275,000.00 for sale and purchase of approximately 19 acres of vacant land between the County and Erfurt.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-974-09: County interest in real property be recorded in public records of Miami-Dade County.
<http://www.miamidade.gov/govaction/legistarfiles/MinMatters/Y2009/091900min.pdf>

Florida Statutes Section 403.086(9)(e)2 – Public Health - Environmental Controls
http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0400-0499/0403/Sections/0403.086.html

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Jose “Pepe” Diaz, District 12

This item was forwarded to the Board with a favorable recommendation by the Infrastructure and Utilities Committee at the November 14, 2017 meeting.

At that Committee, the Water and Sewer Department Director made a presentation on WASD capital projects in terms of Infrastructure to include the Ocean Outfall Legislation Program.

- *The Director stated the in addition to the Consent Degree Program Projects, the Ocean Outfall Legislation Program component, mandated in 2008, requires re-engineering of waste water flows that traditionally flowed east but are now flowing west. The main cause of the westward flow is due to the elimination of the two remaining outfalls and also results of sea level rise among other challenges.*
- *The Director noted that to date no program has been completed; however, significant amount of planning has been in placed from design to procurement and then construction. The Director is hopeful that the projects will be completed by 2025.*
- *The Director added that the 2 biggest projects with significant components in the OOL are 1) building new wastewater plant and tunnel in the west, and 2) a transmission tunnel to move waste water from east to west.*
- *The Committee inquired about a lawsuit pertaining to the land being purchased in West Dade for the Wastewater plant and can the Committee discuss the details.*
- *The County Attorney replied that it is an ongoing lawsuit and the Board is empowered to ask Administration general questions; however, the Board is advised to avoid overly specific matters in contention.*

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- *The Committee inquired that since the West-Dade property will help to address the current mandate from the State regarding the elimination of ocean outfall, how is this lawsuit affecting the current plan and what is being done to mitigate that.*
- *The Director stated that the County acknowledges the lawsuit and disagrees with their position. He noted that other parcels of land are being purchased and are before the Board; however, this parcel of land is the only approved parcel by the regulating agencies for a wastewater plant, which will be the first state-of-the-art plant in Miami-Dade.*
- *The Committee inquired on the Green Advocate concerns about the plant being built outside the Urban Development Boundaries (UDB).*
- *The Director noted that he believes the only type of construction that can take place outside the UDB is a government facility, so the project should be fine. However, in regards to treatment of wastewater, the Department is revising the ways in which wastewater is being treatment and the plan is that by 2025, 60% of our wastewater will not be put into the ocean or deep injected without treatment.*

FISCAL IMPACT

The property was appraised by a state-certified appraiser at the negotiated sale price of \$1,275,000 on August 24, 2017. The funding source are Wastewater Connection Charges, Water and Sewer Department Revenue Bonds, State Revolving Loan and Future Revenue Bonds.

ANALYSIS

This item seeks approval of a resolution to approve a contract in the amount of o \$1,275,000.00 for sale and purchase between the County and Erfurt of approximately 19 acres of vacant land located in District 12, to be utilized in connection with the County's Ocean Outfall Compliance Plan. The Ocean Outfall Legislation (OOL) affects Miami-Dade Water and Sewer Department (WASD).

Ocean Outfall Legislation Compliance Plan

The OOL law requires that all wastewater utilities in southeast Florida cease using the outfalls by 2025, and reuse 60% of the wastewater flows by 2025. The law also mandates a minimum amount of reclaimed water reuse and nutrients reductions prior to 2025.

The County's Ocean Outfall Legislation Program is monitored by WASD. WASD's Compliance Plan 2016 Update on Reclaimed Water Reuse Projects noted that WASD recognizes that the projected 2034 water supply demands can be met by using the Floridan aquifer, an alternative source, without adverse impacts to other users and the environment. With the recent drop in water demand, then need to recharge the aquifer no longer exists.

The subject property will be utilized in connection with the County's Compliance Plan in order to handle some of the wastewater flows currently going to the coast plants, the North and Central District Wastewater Treatment Plants, as well as flows related to growth projected to 2035.

Ongoing lawsuit - Excerpts from recent News Article

- Miami Herald. *Lawsuit filed to Block Miami-Dade's \$2 billion sewage treatment plant near the Everglades. October 2, 2017*
"That's land outside the urban development boundary, which is designed to separate subdivisions and warehouse districts from the Everglades". It also sits near the County's well-field protection area – land over the underground aquifers that supply most of Miami-Dade's drinking water.
<http://www.miamiherald.com/news/local/community/miami-dade/article176622811.html>

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Research Notes

- The Real Deal, South Florida Real Estate News. *Landowners sue to stop \$2B sewage treatment plant on western edge of Miami-Dade, October 3, 2017*
MDXQ, whose principals are tied to Kelly Tractor Co., has filed a lawsuit in Miami-Dade Circuit court to try to block the construction of the county's planned facility. MDXQ noted in its lawsuit that the county's own zoning rules don't mix subdivisions with sewage facilities. "The Master Plan makes it clear that wastewater treatment plants are incompatible with residential uses."
<https://therealdeal.com/miami/2017/10/03/landowners-file-suit-to-stop-2-billion-sewage-treatment-plant-on-western-edge-of-Miami-dade/>

**BCC Meeting: December 5, 2017
Research Notes**

**Item No. 802
File No. 172441**

Researcher: SAP Reviewer: TD

RESOLUTION AUTHORIZING SALE AND TRANSFER OF OWNERSHIP OF MIAMI-DADE COUNTY WATER FACILITIES VALUED AT \$416.75 TO REDBIRD SHOPPING CENTER, L.L.C. PURSUANT TO THE PROVISIONS OF SECTION 274.06, FLORIDA STATUTES; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO SELL AND TRANSFER SAID WATER FACILITIES

ISSUE/REQUESTED ACTION

Whether the Board should approve the sale and transfer of ownership of Water Facilities valued at \$416.75 to Redbird Shopping Center, LLC (The Shopping Center).

APPLICABLE LEGISLATION/POLICY

Florida Statute Section 274.06, governing Public Lands and Property – Tangible Property Owned by Local Government.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0274/Sections/0274.06.html

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Rebeca Sosa, District 6

This item was forwarded to the Board with a favorable recommendation by the Infrastructure and Utilities Committee at the November 14, 2017 meeting.

FISCAL IMPACT

This sale and transfer of ownership is a positive impact to the County. The County will not lose any revenue as a result of the sale and transfer.

ANALYSIS

The purpose of the item is to approve sale and transfer of ownership of water facilities, valued at \$416.75, to the Shopping Center located at the 5725 SW 40 Street (northwest corner of S.W. 40th Street (Bird Road) and S.W. 57th Avenue (Red Road), neighboring Coral Gables in District 6. The County owns water infrastructure throughout the Shopping Center and the water facilities (over 60 years old) have been difficult for the Water and Sewer Department (WASD) to maintain due to the manner in which the Shopping Center has developed over the years.

According to the Appraisal Report, prepared for the Shopping Center, by Blazejack & Company, based on the examination and study made, it is their opinion that the Market Value of the Fee Simple Interest for this property, as of May 5, 2017 is zero (\$0) dollars. Blazejack & Company is a County-approved appraiser.

The Shopping Center is requesting the sale and transfer of ownership of the water facilities to facilitate connection to the County's system. The Shopping Center was the only bidder for the property and the facilities have no use or value to any person or entity other than the Shopping Center, LLC. WASD recommends approval of this sale and transfer of these water facilities.

BCC Meeting: December 5, 2017
Research Notes

Item No. 803
File No. 172373

Researcher: NR Reviewer: PGE

RESOLUTION APPROVING A CONTRACT AWARD RECOMMENDATION FOR NON-EXCLUSIVE PROFESSIONAL SERVICES AGREEMENTS WITH SIX (6) CONSULTING FIRMS TO A.D.A. ENGINEERING, INC., CHEN MOORE AND ASSOCIATES, INC., HSQ GROUP, INC., PREMIERE DESIGN SOLUTIONS, INC., ROSS ENGINEERING, INC. AND SRS ENGINEERING, INC. TO PROVIDE ENGINEERING DESIGN AND RELATED SERVICES FOR THE DESIGN OF SMALL DIAMETER WATER AND WASTEWATER PIPELINES FOR THE WATER AND SEWER DEPARTMENT'S WATER AND WASTEWATER COLLECTION, TRANSMISSION AND DISTRIBUTION SYSTEMS (PROJECT NO. E15-WASD-03A), EACH PROFESSIONAL SERVICES AGREEMENT HAS A TOTAL COMPENSATION NOT TO EXCEED \$3,300,000.00 WITH A CONTRACT TERM OF SIX (6) YEARS AND ONE (1) TWO (2) YEAR OPTION-TO-RENEW; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS OF SECTION 2-8.2.12(4)(D) AND (E) OF THE CODE OF MIAMI-DADE COUNTY; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve the award of six non-exclusive professional services agreements (PSAs) entitled Engineering Design and Related Services for the Design of Small Diameter Water and Wastewater Pipelines for the Water and Sewer Department's Wastewater and Water Collection, Transmission and Distribution System, Project No. E15-WASD-03A.

APPLICABLE LEGISLATION/POLICY

Section 2-8.2.12 of the Code of Miami-Dade County (Water and Sewer Department Consent Decree and Capital Improvement Programs Acceleration Ordinance) delegates authority to the County Mayor or County Mayor's designee to award capital improvement and consent decree projects that meet certain conditions. Any act undertaken pursuant to the authority set forth under the Acceleration Ordinance is subject to Board ratification. The link below relates to Section 2-8.2.13 of the County Code: https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.2.12MIDEWASEDECODECAIMPRACOR

Implementing Order No. 3-32 sets forth the Community Business Enterprise Program for the Purchase of Professional Architectural, Landscape Architectural, Engineering or Surveying and Mapping Services. The link below relates to Implementing Order No. 3-32:

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-32.pdf>

Ordinance 00-65, adopted by the Board on May 23, 2000, amended Section 2-8.1 of the County Code to provide requirements and procedures for dedicated allowances, contingency allowances and additional services allowances on County contracts involving the expenditure of more than \$500,000 (Note: online link is not available).

Resolution No. R-187-12, dated February 21, 2012, directed the Mayor to include together with any recommendation for the award of any contract that exceeds one million dollars (\$1,000,000) a description of the due diligence investigation performed to determine the Contractor's responsibility, and to report to this Board in connection with those contracts any instance where such research revealed information which may adversely affect a finding of Contractor responsibility. The link below relates to Resolution No. R-187-12:

<http://www.miamidade.gov/govaction/legistarfiles/MinMatters/Y2012/120287min.pdf>

BCC Meeting: December 5, 2017
Research Notes

PROCEDURAL HISTORY

Sponsored By: NONE

This item was forwarded to the Board with a favorable recommendation by the Infrastructure and Utilities Committee (IUC) at its November 14, 2017 meeting.

Commissioner Barreiro questioned if PSAs were for small or large projects. The WASD Director stated that the PSAs are for diameter projects and it currently has eight PSAs that have been recommended. Also, that historically the work would have been awarded to perhaps three or four PSA. Additionally, the WASD Director stated that the community expressed an interest and the department is looking into possibly issuing another solicitation due to the volume of work.

FISCAL IMPACT

Each PSA has a total compensation amount not to exceed \$3,300,000 for the six-year contract term plus the one, two-year renewal option. There are multiple funding sources for this project, such as Future WASD Revenue Bonds; WASD Revenue Bonds Sold; WASD Future Funding; Wastewater Renewal Fund; Miami Springs Wastewater Construction Fund; Water Special Construction Fund; Fire Hydrant Fund; Water Renewal and Replacement Fund; Water Connection Charges.

ANALYSIS

The purpose of this resolution is to approve a contract award recommendation for non-exclusive professional services agreements with six firms for Project No. E15-WASD-03A for the Miami-Dade County Water and Sewer Department (WASD). The six recommended firms are: 1) A.D.A. Engineering, Inc., 2) Chen Moore and Associates, Inc., 3) HSQ Group, Inc., 4) Premiere Design Solutions, Inc., 5) Ross Engineering, Inc., and 6) SRS Engineering, Inc.

Under the PSA, the firms will be required to deliver the following services: engineering services for utility design, including planning and permitting assistance during construction, for system upgrades to small water and sewer pipelines. The scope of services consist of complete engineering design services, including but not limited to, performing preliminary route analysis and site investigations, surveying, maintenance of traffic plans, hydraulic analysis, coordinating with other utilities, municipalities and the public, preparing design reports, preparing drawings and contract specifications, preparing design-build criteria packages, assisting during the permitting and procurement phases and engineering support during construction.

There are a total of eight identical PSAs being issued under Project No. E15-WASD-03A:

- six of the PSAs are being recommended for award to the Board through this agenda item; and
- two other PSAs are being recommended for ratification to the Board as a separate agenda item.

According to Small Business Development Division's Compliance Review dated August 9, 2016 the eight firms satisfied the contract's 100% SBE/AE Aside and are in compliance with the small business measure established for this contract.

Under the Notice to Professional Consultants advertised on April 21, 2016, a total of eight PSAs were to be awarded. Of the eight PSAs to be awarded, two were awarded on July 27, 2017 under the County Mayor's delegated authority pursuant to WASD's Acceleration Ordinance. The two awards were made to Nova Consulting, Inc., and 300 Engineering Group, P.A. and are exempt from committee review.

Although the eight PSAs met the Code requirement for award pursuant to Section 2-8.2.12, this item recommends that these six awards undergo Committee review and received Board approval, rather than ratification, due to concerns raised by former Commissioner Betty T. Ferguson in an email dated May 2, 2017. In August 2017, the County responded to the questions raised by the former Commissioner. Her questions and the Mayor's responses have been summarized below.

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Research Notes

1. The Commissioner questioned whether all the firms for the project were prequalified with experiences to perform the work of the contract. The County Mayor responded that all firms were found in compliance with the Small Business Enterprise Program measure assigned to the project as reviewed by the Small Business Development Division of the Internal Services Department. Additionally, all firms were prequalified in the applicable technical categories assigned to the project.
2. The Commissioner questioned whether no black-owned firms were selected in the current selection process even though five were pre-qualified. The County Mayor that the County is not allowed to consider race/ethnicity as a criterion for the selection process. The criteria utilized in selecting the firms included the following: Qualifications of Firms, Including the Team Members Assigned to the Project; Knowledge and Past Experience of Similar Type Projects; Past Performance of the Firms; Amount of Work Awarded and Paid by the County; Ability of the Team Members to Interface with the County.
3. The Commissioner questioned whether we can demand that the total number of contracts be increased to 16 and shared equally. The County Mayor responded that the project was advertised for eight Professional Services Agreements, and once the proposals are received, we are unable to change the number of firms. The proposal period ended on May 20, 2016. Exhibit B of the item is a list of small diameter pipeline projects that have been identified for Commission Districts 1-12. A significant portion of Commission District 13 is served by the City of Hialeah; the portion of District 13 that is within Miami-Dade Water and Sewer Department's service area is currently under review to identify any required improvements.
4. The Commissioner questioned the number of different black-owned construction firms that were awarded contracts Countywide as a Prime Contractor during fiscal years 2013 through 2016. The County Mayor responded that there were 50. There have not been any black-owned architectural and engineering firms awarded contracts as Prime consultants during fiscal years 2013 through 2016.
5. The Commissioner questioned how many black-owned local small business enterprises (SBEs-Construction) and (SBEs-A&E) have been awarded contracts. The County Mayor responded that fifty-five different black-owned construction firms were awarded subcontracts during fiscal years 2013 through 2016. There were also nine different architectural and engineering firms that were awarded contracts as sub-consultants during fiscal years 2013 through 2016.

Input from WASD

All eight PSAs are needed for the delivery of the solicited services because it was determined there was sufficient work to provide contracting opportunities to more than one (1) firm.

Two (2) of eight (8) the Professional Services Agreement were awarded under the Acceleration Ordinance on July 27, 2017. In August 2017, the County responded to concerns raised by former Commissioner Betty T. Ferguson regarding the County's prequalification and selection process for this project, Project No. E15-WASD-03A. As such, Board review and approval of the remaining six (6) professional service agreements is being requested to give the Board the opportunity to address any concerns raised by former Commissioner Betty T. Ferguson.

The allocation of \$3,300,000 for each PSA was based on the volume of pending projects. Work orders will be issued on a rotational basis among the selected firms. If the work to be performed requires a hard deliverable, the fee is negotiated on a lump sum basis. If the work is not tied a hard deliverable, the negotiated fee will be compensated as time and materials.

BCC Meeting: December 5, 2017
Research Notes

Item No. 9A1
File No. 172347

Researcher: SM Reviewer: PGE

RESOLUTION APPROVING A USER AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT (FDLE) TO ACCESS STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORDS DATABASES OF THE FDLE AND FEDERAL BUREAU OF INVESTIGATION, IN COMPLIANCE WITH FLORIDA STATUTES SECTION 125.5801 AND SECTION 2-30 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AND AUTHORIZING THE MAYOR OR DESIGNEE TO EXECUTE THE AGREEMENT AND TERMINATION PROVISIONS AS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve the User Agreement for Non-Criminal Justice purposes between Miami-Dade County and the State of Florida Department of Law Enforcement (FDLE) to access state and national fingerprint based criminal history records databases of the FDLE and the Federal Bureau of Investigation (FBI).

APPLICABLE LEGISLATION/POLICY

Florida Statutes Section 125.5801- Criminal history record checks for certain county employees and appointees.

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

Section 2-30 of the County Code- Criminal history record checks for certain county employees, appointees, and contractors.

[https://library.municode.com/fl/miami - dade county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIVPE_DIV1PEDE_S2-30CRHIRECHCECOEMAPCO](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIVPE_DIV1PEDE_S2-30CRHIRECHCECOEMAPCO)

Ordinance No. 15-20- related to conducting criminal history record checks; creating Section 2-30(see above)

<http://www.miamidade.gov/cob/library/Registry/Ordinances/Board-of-County-Commissioners/2015/15-20.pdf>

Florida Statutes Section 943.0542-governing the authority to conduct background checks.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0900-0999/0943/Sections/0943.0542.html

Ordinance 16-135 relating to criminal history records checks; amending Sections 2-30 of the Code.

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

PROCEDURAL HISTORY

Prime Sponsor: Government Operations Committee

This Item was forwarded to BCC with a favorable recommendation on November 14, 2017.

On January 25, 2005, Miami-Dade County entered into an Intergovernmental Agreement with FDLE to conduct criminal history background checks, which specifically identified the use of the Volunteer and Employee Criminal History System (VECHS) as the mechanism to conduct the background screenings, under the National Child Protection Act of 1993, as amended and Florida Statute Section 943.0542, which identifies individuals who have access to children, disabled or elderly persons.

On March 17, 2015, the Board adopted Ordinance No. 15-20 that created Section 2-30 of the Code, which authorizes the County to utilize FDLE and FBI databases to conduct criminal history background checks for employees, volunteers, interns, contractors and contractual temporary personnel prior to the commencement of employment or service with the County.

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<http://www.miamidade.gov/cob/library/Registry/Ordinances/Board-of-County-Commissioners/2015/15-20.pdf>

FISCAL IMPACT

There is no fiscal impact as a result of a new user agreement with FDLE. The fees associated with criminal history background checks are incurred by the user departments and the rate 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.

https://www.fdle.state.fl.us/cms/Criminal-History-Records/Documents/BackgroundChecks_FAQ.aspx

ANALYSIS

The proposed resolution would approve the User Agreement between the Florida Department of Law Enforcement so that the County can continue to obtain fingerprint based criminal history records checks by accessing the FDLE and FBI databases. It is a requirement by FDLE to enter into this new User Agreement if the County wishes to continue conducting level 2 criminal history background checks, which will pull up any offense, whether in Florida or elsewhere. This type of background check is more in-depth than others are, as it collects biometric information on an individual and then compares it to a nationwide database. A Level 2 background check includes information about a person's criminal history and motor vehicle records.

Based on the adoption of the County Ordinance No. 16-135, dated December 6, 2016, a new User Agreement is required and the 2005 Intergovernmental Agreement is no longer applicable.

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

The Ordinance 15-20(see applicable legislation above for description) was forwarded by the FDLE to the FBI on April 9, 2015 as required so the County could continue accessing criminal history information from the FDLE and FBI databases, however the FDLE notified the County that the FBI had not accepted Ordinance 15-20, there was a revised draft of the Ordinance was submitted to the FDLE and FBI which was subsequently approved. The proposed amendment eliminated any reference to Implementing Order No.7-41, Pre-Employment Finger-Based Criminal History Records Check.

FDLE agrees to provide the following:

- Assist User concerning the privacy and security requirements imposed by regulations, state, and federal laws
- Provide User with such state criminal history records and information as reported to, processed, and contained in its systems and legally available to User
- Act as an intermediary between User and the United States Department of Justice, securing for the use and benefit of User such federal and multi-state criminal history records or information as may be available to User under federal laws and regulations.

Either FDLE or User may suspend the performance of services under this agreement when, in the reasonable estimation of FDLE or User, the other party has breached any material term of agreement.

BCC Meeting: December 5, 2017
Research Notes

Item No. 11A7
File No. 172378

Researcher: AIP Reviewer: TD

RESOLUTION DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO DEPOSIT A MINIMUM OF 10 PERCENT OF THE RENTS RECEIVED BY THE COUNTY FROM THE LEASING OF COUNTY-OWNED PROPERTIES INTO THE MIAMI-DADE AFFORDABLE HOUSING TRUST FUND; EXCLUDING RENTS RECEIVED FROM THE RENTAL OF COUNTY-OWNED PROPERTIES, WHICH ARE RENTED UNDER THE COUNTY'S INFILL HOUSING INITIATIVE PROGRAM, PROJECTS DEVELOPED THROUGH THE PUBLIC HOUSING MIXED-FINANCE DEVELOPMENT CONCEPT, COUNTY-OWNED PROPERTIES LEASED IN ACCORDANCE WITH 125.379, FLORIDA STATUTES, PROJECTS FUNDED THROUGH THE COUNTY'S AFFORDABLE HOUSING FUNDING PROGRAMS SUCH AS DOCUMENTARY SURTAX, STATE HOUSING INITIATIVES PARTNERSHIP, HOME INVESTMENT PARTNERSHIPS, COMMUNITY DEVELOPMENT BLOCK GRANTS, GENERAL OBLIGATION BONDS PROGRAMS OR SIMILAR AFFORDABLE HOUSING PROGRAMS OR FUNDS OR PROJECTS RESTRICTED BY FEDERAL OR STATE LAWS, GRANTS OR AGREEMENTS FROM BEING USED FOR SUCH PURPOSES

ISSUE/REQUESTED ACTION

Whether the Board should approve the resolution which directs the Mayor (or designee) to deposit a minimum of 10 percent of the rents from County-owned properties into the Affordable Housing Trust Fund.

APPLICABLE LEGISLATION/POLICY

Section 125.379 of the Florida Statutes (County Organization and Intergovernmental Relations – *Disposition of County property for affordable housing*):

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0125/Sections/0125.379.html

Ordinance No.07-15 (File No. 070697): Adopted as amended on February 6, 2007 / Article VII, Sections 17-129 et seq. of the Miami-Dade County Code (*Affordable Housing Trust Fund of Miami-Dade County, Florida*):

- <http://intra/gia/matter.asp?matter=070697&file=true&yearFolder=Y2007>
- http://miamidade.fl.elaws.us/code/coor_ptiii_ch17_artviii

Resolution No. R-138-16, (File No. 160099): Adopted on February 2, 2016, which requires a minimum of 25 percent of the proceeds from sales of County-owned properties be deposited into the Affordable Housing Trust Fund:
<http://intra/gia/matter.asp?matter=160099&file=true&yearFolder=Y2016>

PROCEDURAL HISTORY

The Prime Sponsor for this item is Commissioner Jordan of District 1.

This item was no procedural history.

FISCAL IMPACT

Currently, the Affordable Housing Trust Fund has \$4,162,318.49 on deposit, of which \$387,000 is in the revolving loan fund. This item, would direct the Mayor or designee to deposit 10 percent (10%) of the rents received from leasing County properties.

ANALYSIS

Housing trust funds are distinct funds established by city, county or state governments that receive ongoing dedicated sources of public funding to support the preservation and production of affordable housing and increase opportunities for families and individuals to access decent affordable homes.

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Research Notes

Housing trust funds systemically shift affordable housing funding from annual budget allocations to the commitment of dedicated public revenue. While housing trust funds can also be a repository for private donations, they are not public/private partnerships, nor are they endowed funds operating from interest and other earnings.

Established by the Miami-Dade Commission in 2007 with the purpose of increasing and improving the supply of affordable housing, the Affordable Housing Trust Fund was set up to fund the acquisition of property and property rights, cost of construction including costs associated with planning, administration, design, building or installation, as well as any other costs associated with the construction or financing of affordable housing.

In 2016 the Board adopted a Resolution which requires a minimum of 25 percent (25%) of the proceeds from sales of County-owned properties be deposited into the Affordable Housing Trust Fund. This item would provide additional funding to the Trust Fund by directing the Mayor (or designee) to deposit a minimum of 10 percent (10%) of the rents received from leasing County properties into the Trust Fund. The item does, however, make exceptions, to exclude the rent received from certain properties.

OCA posed the following question to the Public Housing and Community Development Department:

- This item would provide additional funding to the Trust Fund by directing the Mayor (or designee) to deposit a minimum of 10 percent (10%) of the rents received from leasing County properties into the Trust Fund. The item does, however, make exceptions, to exclude the rent received from certain properties. Taking into account these exceptions, approximately how many properties would be paying into the Fund, and approximately how much revenue would this bring?
- Where the 10% was originally targeted? Would any programs suffer because of the redirection of these monies?

Links to additional information on Miami-Dade County Affordable Housing:

- Miami-Dade housing website - <http://www.miamidade.gov/housing/>
- Article relating to the housing trust fund - <https://housingtrustfundproject.org/miami-dade-commission-allocates-10-million-to-the-affordable-housing-trust-fund/>
- Housing Trust Fund Project Website - <https://housingtrustfundproject.org/>

**BCC Meeting: December 5, 2017
Research Notes**

**Item No. 11A5
File No. 172683**

Researcher: NR Reviewer: PGE

RESOLUTION REQUIRING ALL REPAYMENTS OF EMPOWERMENT ZONE COMMERCIAL LOANS BE USED IN AREAS DESIGNATED AS EMPOWERMENT ZONES

ISSUE/REQUESTED ACTION

Whether the Board should establish a policy requiring that all funds repaid to or collected by Miami-Dade County as a result of empowerment zone commercial loans be used solely in and for the benefit of areas which were designated as empowerment zones.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-304-08, adopted by the Board on March 18, 2008, approved a Program Assumption Agreement (PAA) and Transition Plan with Miami Dade Empowerment Trust (MDET), which included the transfer of certain assets of MDET to the County, including the empowerment zone commercial loan portfolio. All costs associated with the PAA will be covered by retained funds, which are comprised of income that MDET earned as a real estate developer and federal program income.

<http://intra/gia/matter.asp?matter=080782&file=true&yearFolder=Y2008>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Audrey M. Edmonson, District 3

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, as amended. The amendments are summarized in the Analysis Section.

The Board approved a Memorandum of Understanding (MOU) in 1999 between the County and MDET, delegating authority to MDET to govern, direct, and implement the Empowerment Zone Strategic Plan. The County terminated the MOU with MDET on July 10, 2007.

FISCAL IMPACT

There is no fiscal impact to the County.

ANALYSIS

Empowerment zones are economically distressed communities designated by government for aid. The aid is intended primarily to lift the communities out of poverty by stimulating business enterprise and creating jobs.

This resolution proposes a policy requiring that all funds repaid to or collected by the County as a result of empowerment zone commercial loans be used solely in and for the benefit of areas designated as empowerment zones. The empowerment zone covers specific census tracts in the following 10 neighborhoods: (1) Central Business District/Seaport; (2) Airport; (3) Melrose; (4) Allapattah/Civic Center; (5) Overtown; (6) East Little Havana; (7) Wynwood; (8) Liberty City/Model City; (9) Homestead; and (10) Florida City. In addition, the empowerment zone covers three developable sites: (1) Opa Locka airport; (2) Northside/Poinciana Industrial Center; and (3) Homestead/Florida City. The Empowerment Zone Strategic Plan has five key goals: (1) jobs and pathways; (2) building in the zone; (3) growing new business; (4) people and places; and (5) wire-information technology.

BCC Meeting: December 5, 2017
Research Notes

There are numerous empowerment zone commercial loans deemed uncollectable and written off, and as of November 8, 2017, the balance of delinquent loans in the portfolio was approximately \$367,630.60. There are empowerment zone loans that are current and being repaid the balance of which was approximately \$432,516.64 as of November 8, 2017.

Reference is made to the HSSC November 13, 2017 Agenda Item No. 7A (File No. 172529) – Legal Inquiry to County Attorney’s Office Related to Delinquent Empowerment Zone Commercial Loans. This item referenced the County Attorney’s Office’s memorandum responds to questions posed during the discussion of Item 2E at the October 13, 2017 meeting of HSSC. Item 2E requested the County Mayor to provide a report to the Board regarding the proposed strategies for collection or write-off of the outstanding, delinquent loans. County Attorney’s Office’s memorandum responded to whether a statute of limitations defense could impede efforts to collect repayment of delinquent empowerment zone commercial loans. The County Attorney’s memorandum states: *“Generally, a lawsuit to collect on a written debt must be filed within five years after a cause of action on the written debt accrues which is ordinarily when a borrower is notified in writing of a default after a required payment is not made. However, a statute of limitations defense is an affirmative defense which may be waived and if not waived, must be properly raised in accordance with the law in order to be successful. Additionally, a statute of limitations defense would not be available if the computation of the five years is tolled for any legally available reason, including whether any of the repayment dates were extended, or if a default is deemed by a court to be one which is ongoing continuously.”*

On November 7, 2017, the Board approved Resolution No. R-1079-17, directing the County Mayor or County Mayor’s designee to provide a report to the Board within 60 days, in accordance with Ordinance No. 14-65, on outstanding delinquent empowerment zone commercial loans, and implemented or proposed strategies for collection or write off. The links below relate to Resolution No. R-1079-17 and Ordinance No. 14-65, respectively.

<http://intra/gia/matter.asp?matter=172197&file=true&yearFolder=Y2017>

<http://intra/gia/legistarfiles/MinMatters/Y2014/141471min.pdf>

BCC Meeting: December 5, 2017
Research Notes

Item No. 11A6
File No. 172467

Researcher: NR Reviewer: PGE

RESOLUTION AMENDING RESOLUTION NO. R-84-09 TO RESCIND \$524,811.61 OF THE ALLOCATION TO UDG III OASIS, LLC FROM BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NO. 249 - "PRESERVATION OF AFFORDABLE HOUSING UNITS AND EXPANSION OF HOME OWNERSHIP" AND APPROVING ALLOCATION OF \$524,811.61 OF BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NO. 249 FUNDS TO YWCA OF GREATER MIAMI-DADE, INC. FOR THE DEVELOPMENT OF SENIOR AFFORDABLE HOUSING TO BE LOCATED IN COMMISSION DISTRICT 1

ISSUE/REQUESTED ACTION

Whether the Board should amend Resolution No. R-84-09 to rescind \$524,811.61 of Building Better Communities General Obligation Bond Program allocation from UDG III Oasis, LLC and approve an allocation of \$524,811.61 to the YWCA Of Greater Miami-Dade, Inc.

APPLICABLE LEGISLATION/POLICY

Pursuant to Resolution No. R-918-04 (the Affordable Housing Resolution) dated July 20, 2004, the voters approved the issuance of general obligation bonds in a principal amount not to exceed \$194,997,000 to construct and improve affordable housing for the elderly and families.

<http://intra/gia/matter.asp?matter=042290&file=false&yearFolder=Y2004>

Resolution No. R-84-09 adopted on January 22, 2009 by the Board approved a District 1 allocation of \$3,092,307.00 (Grant) from Project No. 249– Preservation of Affordable Housing Units and Expansion of Home Ownership of the Building Better Communities General Obligation Bond Program to UDG III Oasis, LLC.

<http://intra/gia/legistarfiles/MinMatters/Y2008/083606min.pdf>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Barbara J. Jordan, District 1

This item was forwarded to the Board with a favorable recommendation by the Infrastructure and Utilities Committee (IUC) at its November 14, 2017 meeting. There was no discussion by the Committee members on this item.

FISCAL IMPACT

No Fiscal Impact is stated in the item.

ANALYSIS

This resolution proposes to amend Resolution No. R-84-09 to rescind \$524,811.61 of the allocation from UDG III Oasis, LLC, and approve an allocation of \$524,811.61 to YWCA of Greater Miami-Dade, Inc. The YWCA of Greater Miami-Dade, a Florida Not for Profit Corporation, is dedicated to eliminating racism, empowering women and promoting peace, justice, freedom and dignity for all.

The grant allocation to UDG III Oasis, LLC was for the construction of Lake Vue Oasis Project and was for affordable single family residences the for low and moderate income families.

There was (\$524,811.61) unspent grant proceeds which have been deemed unnecessary for the completion of the Lake Vue Oasis Project. These surplus funds are proposed to be allocated to the YWCA Of Greater Miami-Dade, Inc. for the development of senior affordable housing to serve the residents of Commission District 1.

**BCC Meeting: December 5, 2017
Research Notes**

**Item No. 11A12
File No. 172500**

Researcher: SAP Reviewer: TD

RESOLUTION APPROVING THIRD AMENDMENT TO THE SECOND AMENDED PARTNER PROGRAM AGREEMENT WITH THE MIAMI VETERINARY FOUNDATION, EXTENDING TERM FOR ONE ADDITIONAL YEAR AND FOUR ONE-YEAR OPTIONS-TO-RENEW, PROVIDING FUNDING UP TO AN AMOUNT NOT TO EXCEED \$1,575,000.00 TO ENSURE THE CONTINUATION OF SPAY/NEUTER SERVICES AND INCREASING THE ADMINISTRATIVE FEE REIMBURSEMENT FOR SURGERIES FROM \$8.00 PER SURGERY TO \$10.00 PER SURGERY; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE THIRD AMENDMENT AND EXERCISE ANY AND ALL PROVISIONS THEREIN INCLUDING RENEWAL PROVISIONS

ISSUE/REQUESTED ACTION

Whether the Board should approve the third amendment to the Second Amended Partner Program Agreement between Miami Veterinary Foundation:

- 1) Extending the term of the Second Amended for one additional year and four one-year options-to-renew;
- 2) Providing funding in an amount not to exceed \$1,575,000.00 over the term of the Second Amended (inclusive of options-to-renew periods, at \$300,000.00 per fiscal year) and an additional \$75,000.00 upon exhaustion of annual allocation; and
- 3) Increasing the administrative fee reimbursement from \$8.00 to \$10 per surgery

APPLICABLE LEGISLATION/POLICY

Resolution No. R-623-14 approving a Partner Program Agreement with the South Florida Veterinary Foundation (SFVF) in an amount up to \$200,000 in grant funding for low-cost spay and neuter services to income qualified dogs and cat owners.

<http://intra/gia/matter.asp?matter=141392&file=true&yearFolder=Y2014>

Resolution No. R-417-15 approving amended Partner Program Agreement with the SFVF.

http://intra.miamidade.gov/gia/matter_report.asp?matter=150701&file=true&yearFolder=Y2015

Resolution No. R-1176-15 approving amendment to the Second Amended Partner Program Agreement with the SFVF to provide additional grant funding and to increase the administrative fee reimbursement for surgeries from \$5.00 per surgery to \$8.00 per surgery

<http://intra/gia/matter.asp?matter=152804&file=true&yearFolder=Y2015>

Resolution No. R-583-12 to develop a program for Miami-Dade County with the goal of becoming a No Kill Shelter and providing for a financially feasibility strategic plan to implement lifesaving programs and services at Animal Services Department.

<http://intra/gia/matter.asp?matter=121155&file=true&yearFolder=Y2012>

Resolution No. R-441-14 to develop a voucher program for spay/neuter services for dogs and cats.

<http://intra/gia/matter.asp?matter=140831&file=true&yearFolder=Y2014>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Sally A. Heyman, District 4

This item was forwarded to the Board with a favorable recommendation from the Public Safety & Health Committee at its November 15, 2017 meeting. The item was 4-Day Ruled by the Board at its November 21, 2017 meeting.

FISCAL IMPACT

Funding for this grant will be provided by the Animal Services Department as part of the County's No Kill Initiative.

BCC Meeting: December 5, 2017
Research Notes

ANALYSIS

In July, 2014, the County entered into a Partner Program Agreement with the Miami Veterinary Foundation (MVF) establishing the first ever spay/neuter program for the provision of low-cost spay and neuter services to income-qualified dog and cat owners. This item seeks approval of the 3rd amendment to the Second Amended Partner Program Agreement to extend the term for an additional year and four one-year option-to-renew. Also, to provide funding in an amount not to exceed \$1,575,000 at \$300,000.00 per fiscal year and an additional \$75,000 upon exhaustion of annual allocation to ensure the continuation of spay and neuter services. The administrative fee reimbursement for surgeries will be increased by \$2.00 per surgery.

At the November 7, 2017, BCC, Contract No. RFP-00420, for professional veterinary services was approved for one three-year option-to-renew term with an estimated cumulative value of \$1,771,000.00. This contract is divided among five departments namely Police, Fire Rescue, Corrections and Rehabilitation, Animal Services and Aviation. The contract is used by departments for working canines assigned to public safety departments that require specialized veterinary treatment due to the nature of their job.

With donations to the Animal Services Trust Fund, the Miami-Dade Animal Services offer spay and neuter surgeries for Miami-Dade County residents at a reduced price. The cost of spay and neuter services are \$30 for dogs and \$15 for cats.

OCA posed the following questions to the Department, to which ASD responded:

1. What is the number of animals treated under this program?

For FY 16/17 approximately 2,400 pets were treated under the program.

2. How much money is being saved by using this service?

The County's cost is lower than private veterinary clinics given the volume of surgeries conducted and lower cost as a result of pharmaceutical purchases. However, the agreement provides accessibility to low-cost surgeries to County residents throughout the community.

Additional Information on Spay and Neuter Legislation

On July 3, 2012, the BCC, through R-583-12, directed the Mayor to develop a program with the goal of the County's Animal Services Department (ASD) becoming a "No Kill" shelter. At the forefront of the No Kill strategy is the critical, unmet need for free and low cost sterilization services for privately owned dogs and cats, as well as free-roaming community cats and ASD's rescued animals. (*See preceding hyperlink*).

On June 4, 2013, the BCC adopted the No Kill Implementation report developed by ASD at the direction of the Mayor. The FY 2013-14 budget included an additional \$4 million for ASD to continue its development of No Kill initiatives.

On May 6, 2014, the BCC, through R-441-14, directed the Mayor to implement, within existing funding, a program for qualified, low-income County residents to obtain a voucher for spay/neuter services from the local veterinary community for their pet dogs or cats. (*See preceding hyperlink*).

**BCC Meeting: December 5, 2017
Research Notes**

**Item No. 17A1
File No. 172262**

Researcher: NR Reviewer: PGE

RESOLUTION RATIFYING THE COUNTY MAYOR'S ACTION OF ENTERING INTO A MOSQUITO SUPPRESSION SERVICES AGREEMENT WITH MOSQUITOMATE, INC. IN THE AMOUNT OF \$4,100,000.00 DURING THE BOARD OF COUNTY COMMISSIONERS' 2017 SUMMER RECESS AND AUTHORIZING THE EXECUTION OF CERTAIN AMENDMENTS TO THE AGREEMENT

ISSUE/REQUESTED ACTION

Whether the Board should ratify the County Mayor's action of entering into a Mosquito Suppression Services Agreement with MosquitoMate, Inc. (for the Wolbachia Project), in the amount of \$4,100,000.00 during the BCC 2017 Summer Recess.

APPLICABLE LEGISLATION/POLICY

On October 23, 2012 the Board adopted Ordinance No 12-92 - establishing exception to the Committee review requirements for Summer Recess items that have been administratively approved. The link below relates to Ordinance No 12-92:
<http://intra/gia/legistarfiles/Matters/Y2012/122085.pdf>

Resolution No. 104-17-14905 (City of South Miami), dated May 16, 2017, granted the County permission to pilot the Wolbachia program: to contract for field releases of non-biting male mosquitoes carrying Wolbachia pipienties, and to conduct field studies inside the City limits of South Miami in 2017-2019 (Online link is not available).

PROCEDURAL HISTORY

Prime Sponsor: NONE

This item was forwarded to the Board with a favorable recommendation by the Infrastructure and Utilities Committee (IUC) at its November 14, 2017 meeting. There was no discussion by the Committee members on this item.

FISCAL IMPACT

The Florida Department of Health (FDOH) has approved a Statement of Work for the project with a funding set-aside of \$4.1 million through July 31, 2018. No County funds will be used for the Wolbachia Project.

ANALYSIS

The purpose of the item is to allow the County to enter into the Mosquito Suppression Services Agreement for the Wolbachia Project in the City of South Miami. If the project is effective, Wolbachia infected mosquitoes may be used in the future for mosquito suppression countywide.

This item was scheduled to be heard by this Board on the October 3, 2017, Commission meeting but was removed from the agenda and rescheduled to this meeting in order to add the amendments to the Agreement contained in Attachment 2 to the resolution. The amendments will:

- delete section 3.3 Cooperate with MosquitoMate in its performance of the Services and provide access to County's premises, employees, subcontractors, and equipment as required to enable MosquitoMate to provide the Services;
- delete section 3.4 Take all steps necessary, including obtaining any required Governmental Approvals or third party consents, to prevent County-caused delays in MosquitoMate's provision of the Services.
- correct a scrivener's error in section 21; and
- add a new section regarding Florida Public Records Laws in section 24.

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With the spread of the Zika virus in 2016, the Department of Solid Waste Management (DSWM), through Mosquito Control, partnered with other agencies to review new and emerging technologies to reduce the *Aedes aegypti* mosquito population. The introduction of *Wolbachia* infected males can completely eliminate the target mosquito population in a given area. The US Environmental Protection Agency (EPA) issued Experimental Use Permit No. 89668-EUP-3 to the patent holder, MosquitoMate for the release of *Wolbachia* infected mosquitoes in Miami-Dade County through December 31, 2018.

MosquitoMate, Inc., is a privately-held biotechnology company, based in Lexington, Kentucky. MosquitoMate's leadership and scientific teams are recognized worldwide for their innovation in mosquito control and for their ability to deliver biotechnology-based solutions for mosquito abatement districts, municipalities and consumers. How the technology works is that MosquitoMate rears male mosquitoes infected with the *Wolbachia* bacterium, which renders them unable to produce offspring. When released, the *Wolbachia* mosquitoes will compete with wild males for mates. Each time an infected male wins, procreation will fail. The resulting eggs do not hatch, decreasing your biting mosquito population. The technology only impacts mosquitoes and does not harm or affect other insects, including bees and butterflies. The link below relates to MosquitoMate, Inc. website:

<http://mosquitomate.com/about-us/>

The following is an excerpt from USA Today: *The key to wiping out mosquitoes might just be more mosquitoes. Lab-grown, infected mosquitoes.* November 9, 2017

The Environmental Protection Agency last week approved the use of "Zap Males," lab-grown mosquitoes infected with a natural pesticide able to reduce an area's population of *Aedes albopictus*, a mosquito that carries the Zika virus. Now golf courses, hotels and homeowners in 20 states and Washington, D.C. will be able to release the Zap Males on their property purchased from MosquitoMate, the Kentucky-based company behind them MosquitoMate's approval lets it sell its mosquitoes for five years in D.C., California, Connecticut, Delaware, Illinois, Indiana, Kentucky, Massachusetts, Maine, Maryland, Missouri, New Hampshire, New Jersey, Nevada, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, and West Virginia. The following link relates to the USA Today's Article: <https://www.usatoday.com/story/news/nation-now/2017/11/09/these-lab-grown-mosquitoes-kill-off-others-mosquitoes-and-now-theyre-legal-us/848108001/>

Is *Wolbachia* Safe ?

The National Environment Agency (NEA), a leading public organization responsible for improving and sustaining a clean and green environment in Singapore, has conducted a comprehensive risk assessment of *Wolbachia* technology and has determined it to be safe, with *no risk to human health and insignificant risk to ecology*. The conclusion is consistent with other international findings. NEA's long evaluation process involved critical reviews of existing knowledge and research, and consultations with various overseas and local experts, and stakeholders such as academic researchers, medical and healthcare professionals and non-governmental organizations (NGOs). The link below relates to NEA website: <http://www.nea.gov.sg/public-health/environmental-public-health-research/wolbachia-technology/wolbachia-issafe>

ADDITIONAL ZIKA RELATED LINKS

Gov. Scott Announces Grant Funding for Zika Virus Research and Vaccine Development:

<http://www.flgov.com/2017/02/01/gov-scott-announces-grant-funding-for-zika-virus-research-and-vaccinedevelopment/>

Governor's budget proposes more scientists, research to fight Zika virus: <http://www.miamiherald.com/news/health-care/article129810939.html>

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Research Notes

As Zika season looms, Senate panel approves \$100 million in mosquito control funding:
<http://www.miamiherald.com/news/health-care/article146891514.html>

Additional Information

On 5/2/17 the Board approved Resolution R-503-17 authorizing waiver of formal bid procedures, ratifying emergency allocation for Contract Nos. 7031-0/18, 4400001839 and 9432-4/16-4 and Pool Nos. 9743-0/23 and 9303-1/20-1 in the amount of \$29,700,000.00 for ZIKA Mitigation and Control Efforts for the Department of Solid Waste Management.