



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

Infrastructure and Capital Improvements
Committee (ICI) Meeting

May 14, 2019
2:00 P.M.
Commission Chambers

Yinka Majekodunmi, CPA
Commission Auditor
Office of the Commission Auditor (OCA)
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Miami, FL 33128
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**ICI Meeting: May 14, 2019
Research Notes**

Item No. 1G1

File No. 190632/190985

Researcher: LE Reviewer: TD

ORDINANCE RELATING TO THE COUNTY'S SUSTAINABLE BUILDINGS PROGRAM; AMENDING SECTIONS 9-72, 9-75, AND 2-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REQUIRING GREEN BUILDING PRACTICES FOR INFRASTRUCTURE PROJECTS THAT ARE OWNED, BUILT OR FINANCED BY THE COUNTY; ADDING REFERENCES TO THE ENVISION RATING SYSTEM; PROVIDING FOR CERTAIN MINIMUM STANDARDS WHERE THE LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN RATING SYSTEM (LEED) OR THE ENVISION RATING SYSTEM ARE USED; PROVIDING FOR APPLICABILITY TO BUILDINGS THAT ARE OWNED, FINANCED, LEASED, OR OPERATED BY THE COUNTY, INCLUDING PUBLIC PRIVATE PARTNERSHIP PROJECTS; PROVIDING FOR SUBSTITUTION OF STANDARDS; AMENDING RULES OF PROCEDURE FOR THE COUNTY COMMISSION; REQUIRING STATEMENT BY THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE IN CERTAIN AGENDA ITEMS RELATED TO COMPLIANCE WITH THE SUSTAINABLE BUILDINGS CODE PROVISIONS AND ASSOCIATED IMPLEMENTING ORDER; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend Sections 9-72, 9-75, and 2-1 of the Miami-Dade County Code pertaining to the County's sustainable buildings program.

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Daniella Levine Cava, District 8

Department/Requester: None

This item was adopted on first reading during the March 19, 2019 BCC and was deferred during the ICI meeting on April 15, 2019.

ANALYSIS

The purpose of this item is to request Board authorization to amend Sections 9-72, 9-75, and 2-1 of the Miami-Dade County Code to require green building practices for infrastructure projects that are owned, built or financed by the County; add references to the Envision Rating System; provide standards where the Leadership in Energy and Environmental Design Rating System (LEED) or the Envision Rating System are used; amend rules of procedure for the Commission; and require a statement by the County Mayor in certain agenda items related to compliance with the sustainable buildings code provisions and associated Implementing Order.

The cost for implementing green building standards is difficult to determine as it varies with each project, nonetheless there is an anticipated monetary savings over the building life or infrastructure project. The costs for infrastructure and building projects will continue to be funded through departmental capital and operating budgets.

The LEED program is the most widely used green building rating systems in the world, creating efficient and cost-saving green buildings while reaching stated sustainability efforts. There are four rating levels: Certified, Silver, Gold, or Platinum. Currently, the County requires County buildings to comply with certain green building requirements. The proposed ordinance amends sections of the Code to include infrastructure projects that are built or financed by the County, add references to the Envision Rating System, and provide that the minimum standard for LEED should be LEED Silver. The Envision Rating System is complementary to the LEED program.

The table below shows the original Section 9-72 of the Code of Miami-Dade County and the proposed changes. Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed.

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Section 9-72 of the County Code	Proposed changes to Section 9-72 of the County Code
<p>Sec. 9-72. – Policy.</p> <p>It shall be the policy of Miami-Dade County to incorporate, wherever practical, green building practices into the planning, design, construction, management, renovation, maintenance and decommissioning of buildings owned, financed, and/or operated by the County.</p>	<p>Sec. 9-72. – Policy.</p> <p>It shall be the policy of Miami-Dade County to incorporate, wherever practical, green building practices into the planning, design, construction, management, renovation, maintenance and decommissioning of >><u>infrastructure projects</u> and<< buildings >><u>where such infrastructure projects or buildings are</u><< owned, financed, [[and/or]] >><u>or</u><< operated by the County.</p>

The table below shows the original Section 9-75 of the Code of Miami-Dade County and the proposed changes. Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed.

Section 9-75 of the County Code	Proposed changes to Section 9-75 of the County Code
<p>Sec. 9-75. – Measurement Standards and Compliance</p> <p>(a) <i>Rating System.</i> The Sustainability Manager shall select a nationally-recognized rating system that sets standards for implementing green building practices in design and construction, which may include, but not be limited to, the Leadership in Energy and Environmental Design Rating System administered by the U.S. Green Building Counsel. This rating system will be used to measure compliance with the terms of this Article. The rating system selected for each category of construction by the Sustainability Manager shall be set forth in an Implementing Regulation to be approved by the Board of County Commissioners.</p> <p>(b) <i>Standard for County-owned buildings.</i> All new construction, major renovations/remodels, and non-major renovations/remodels of County-owned buildings shall adhere to the nationally-recognized rating system standards designated by the Sustainability Manager for that particular category</p>	<p>Sec. 9-75. – Measurement Standards and Compliance</p> <p>(a) <i>Rating System.</i> The Sustainability Manager shall select a nationally-recognized rating system >><u>or systems</u><< that sets standards for implementing green building practices in design and construction, which may include, but not be limited to, the Leadership in Energy and Environmental Design Rating System administered by the U.S. Green Building Counsel >><u>and the Envision Rating System administered by the Institute for Sustainable Infrastructure</u><<. This rating system >><u>or systems</u><< will be used to measure compliance with the terms of this Article. The rating system >><u>and standard</u><< selected for each category of construction by the Sustainability Manager shall be set forth in an Implementing >><u>Order</u><< [[Regulation]] to be approved by the Board of County Commissioners. >><u>For the Leadership in Energy and Environmental Design (LEED) Rating System, the minimum rating system standard for all categories of construction covered by this article shall be LEED Silver in the version most recently adopted by the U.S. Green Building Council, as may</u></p>

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of construction, as described in subsection (a) above.

(c) *Standard for County-financed, County-leased, and County-operated buildings.* The Sustainability Manager shall evaluate and propose criteria for the use of green building practices in connection with County-financed, County-leased, and County-operated buildings. The criteria shall be set forth in an Implementing Regulation to be approved by the Board of County Commissioners.

(d) *Interpretations, exemptions and waivers.* The Sustainability Manager shall establish such processes, policies, and procedures as may be necessary to guide the consideration of requests for interpretations of this Article, or for exemption or waiver from the requirements of this Article.

be amended from time to time, and the Implementing Order approved by the Board of County Commissioners may set higher standards for each category of construction. For the Envision Rating System, the minimum rating system standard for all categories of construction covered by this Article shall be Silver under Envision Rating System in the version most recently adopted by the Institute for Sustainable Infrastructure, as may be amended from time to time.<<

(b) *Standard for County-owned buildings.* All new construction, major renovations/remodels, ~~[[and]]~~ non-major renovations/remodels ~~>>and~~ maintenance<< of County-owned buildings shall adhere to the nationally-recognized rating system standards designated by the Sustainability Manager for that particular category of construction, ~~>>and~~ set forth in an Implementing Order to be approved by the Board of County Commissioners<< as described in subsection (a) above ~~>>~~, unless specifically exempted in the Implementing Order<<.

(c) *Standard for County-financed, County-leased, and County-operated buildings.* The Sustainability Manager shall evaluate and propose criteria for the use of green building practices in connection with ~~[[County financed, County leased, and County operated]]~~ buildings ~~>>~~that are financed, leased, or operated by the County, including, but not limited to, public private partnership projects<<. The criteria shall be set forth in an Implementing ~~>>~~Order<< ~~[[Regulation]]~~ to be approved by the Board of County Commissioners.

(d) ~~>>~~Standard for infrastructure projects. To the extent not already covered by the provisions of this article, all infrastructure projects that are built or financed by the County shall adhere to the nationally recognized rating system standards designated by the Sustainability Manager for that particular category of construction, and set forth in an Implementing Order to be approved by the Board of County Commissioners as described in subsection (a) above.

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(e)<< *Interpretations*, >>substitution of standards, and<< *exemptions* [~~and~~~~waivers~~]]. The Sustainability Manager shall establish such processes, policies, and procedures as may be necessary to guide the consideration of requests for interpretations of this Article, >>substitution of standards,<< or for exemption [~~or waiver~~] from the requirements of this Article.

The table below shows the original Section 2-1 of the Code of Miami-Dade County and the proposed changes. Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed.

Section 2-1 of the County Code	Proposed changes to Section 2-1 of the County Code
<p>Sec. 2-1. Rules of Procedure of County Commission</p> <p style="text-align: center;">* * *</p> <p>Rule 5.09. STATEMENT OF CONSIDERATION OF IMPACT OF SEA LEVEL RISE</p> <p>For all agenda items brought to the Board that relate to the planning, design and/or construction of County infrastructure projects, including but not limited to, County building elevation projects, County installation of mechanical and electrical systems, County infrastructure modifications and County infrastructure renovations, the Mayor or Mayor's designee shall include a statement in the item that the impact of sea level rise has been considered in the project.</p> <p style="text-align: center;">* * *</p>	<p>Sec. 2-1. Rules of Procedure of County Commission</p> <p style="text-align: center;">* * *</p> <p>Rule 5.09. STATEMENT OF CONSIDERATION OF IMPACT OF SEA LEVEL RISE</p> <p>For all agenda items brought to the Board that relate to the planning, design and/or construction of County infrastructure projects, including but not limited to, County building elevation projects, County installation of mechanical and electrical systems, County infrastructure modifications and County infrastructure renovations, the Mayor or Mayor's designee shall include a statement in the item that the impact of sea level rise has been considered in the project.</p> <p style="text-align: center;">* * *</p> <p>>><u>Rule 5.10 STATEMENT OF COMPLIANCE WITH SUSTAINABLE BUILDINGS REQUIREMENTS</u></p> <p><u>For all agenda items brought to the Board recommending the approval of advertisements, competitive solicitations, or contract awards that relate to the planning, design, construction, management, renovation, maintenance or</u></p>

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decommissioning of infrastructure projects and buildings, where said infrastructure project(s) or building(s) are owned, financed or operated by the County, the Mayor or Mayor's designee shall include a statement in the item indicating (a) whether the project or contract adheres to the standards and criteria set forth in Chapter 9, Article III of the Code, entitled "Sustainable Buildings Program," and in the associated Implementing Order, and (b) whether a substitution of standards or exemption from any of the standards and criteria referenced in subsection (a) above has been obtained or will be sought.<<

* * *

ADDITIONAL INFORMATION

The LEED program is the most widely used green building rating systems in the world, creating efficient and cost-saving green buildings while reaching sustainability efforts.

<https://new.usgbc.org/leed>

APPLICABLE LEGISLATION/POLICY

Section 9-72 of the County Code stating that the policy of Miami-Dade County is to incorporate, wherever practical, green building practices into the planning, design, construction, management, renovation, maintenance and decommissioning of buildings owned, financed, and/or operated by the County.

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Section 9-75 of the County Code All new construction, major renovations/remodels, and non-major renovations/remodels of County-owned buildings shall adhere to the nationally-recognized rating system standards designated by the Sustainability Manager for that particular category of construction.

[https://library.municode.com/fl/miami_-](https://library.municode.com/fl/miami_-dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH9STCOCOBURCA_ARTIIISUBUPR_S9-75MESTCO)

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Section 2-1 of the County Code provides rules of procedure for the Board County Commission.

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Research Notes**

**Item No. 1G2
File No. 190899**

Researcher: LE Reviewer: TD

ORDINANCE RELATING TO ZONING; AMENDING SECTION 33-284.84.1 OF THE CODE OF MIAMI-DADE COUNTY; REVISING THE DENSITY AND HEIGHT STANDARDS FOR THE NORTH CENTRAL URBAN AREA ZONING DISTRICT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board amend Section 33-284.84.1 of the Miami-Dade County Code pertaining to the density and height standards for the North Central Urban Area Zoning District.

PROCEDURAL HISTORY

**Prime Sponsor: Commissioner Jean Monestime, District 2
Department/Requester: None**

This item was adopted on first reading during the April 9, 2019 BCC and is set for public hearing during the ICI meeting on May 14, 2019.

ANALYSIS

The purpose of this item is to request Board authorization to amend Section 33-284.84.1 of the Miami-Dade County Code for to revise the density and height standards for the North Central Urban Area Zoning District.

This item has no fiscal impact.

The proposed ordinance allows the County's policy to enable more density and mix of uses within the CDMP designated urban center and urban area districts, and the SMART Corridor. The expanded density and intensity will create more resources and infrastructure such as housing and transportation support.

The table below shows the original Section 33-284.84.1 of the Code of Miami-Dade County and the proposed changes. Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed.

Section 33-284.84.1 of the County Code		Proposed changes to Section 33-284.84.1 of the County Code			
Sec. 33-284.84.1. – Density, Building Height, and Intensity.		Sec. 33-284.84.1. – Density, Building Height, and Intensity.			
Maximum Density and Building Height Ranges for Land Use Categories RM, RML, MO, MC, MM, MCS, MCI, SD (Marketplace), SD (Storeporch), AD, MD (Market), ID, and I		Maximum Density and Building Height Ranges for Land Use Categories RM, RML, MO, MC, MM, MCS, MCI, SD (Marketplace), SD (Storeporch), AD, MD (Market), ID, and I			
Urban Center or Urban Area District	SUB-DISTRICT	Urban Center or Urban Area District	SUB-DISTRICT		
			CORE	CENTER	EDGE

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				* * *			
	CORE	CENTER	EDGE				
* * *							
North Central Urban Area District (See Note 1)	125 units per acre/ 3-15 stories	Within ½ mile of the SMART Corridor, 90 units per acre/ 2-12 stories; otherwise 36 units per acre/ 2—6 stories	36 units per acre/ No minimum height but must meet the minimum floor-area ratio in subsection (B)(2) Maximum Height: 6 stories; except, for certain segments along NW 7th Avenue, 60 units per acre/ No minimum height but must meet the minimum floor-area ratio in subsection (B)(2) Maximum Height: 12 stories (See Note 2)	North Central Urban Area District (See Note 1)	125 units per acre/ 3-15 stories	Within ½ mile of the SMART Corridor, 90 units per acre/ 2-12 stories; otherwise [[36]] >>60<< units per acre/ 2— [[6]] >>8<< stories	[[36]] >>60<< units per acre/ No minimum height but must meet the minimum floor-area ratio in subsection (B)(2) Maximum Height: [[6]] >>8<< stories[[; except, for certain segments along NW 7th Avenue, 60—units per acre/ No minimum height but must meet the minimum floor-area ratio—in subsection (B)(2) Maximum Height: 12 stories (See Note 2)]]
* * *							

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Note 1: For properties comprising a rapid transit station, maximum density and building height shall be in accordance with the Core Sub-District.

Note 2: 60 units per acre/12 stories applies to all properties along NW 7th Avenue between NW 79th and NW 81st Streets and to properties on the east side of NW 7th Avenue between NW 81st and NW 95th Streets.

2. For Land Use Category R.

Maximum Density and Building Height Ranges for Land Use Category R			
Urban Center or Urban Area District	SUB-DISTRICT		
	CORE	CENTER	EDGE
* * *			
North Central Urban Area District	N/A	36 units per acre/2—4 stories	18 units per acre/No minimum height but must meet the minimum floor-area ratio in subsection (B)(2) Maximum Height: 2 stories
* * *			

* * *

Note 1: For properties comprising a rapid transit station, maximum density and building height shall be in accordance with the Core Sub-District.

~~[[Note 2: 60 units per acre/12 stories applies to all properties along NW 7th Avenue between NW 79th and NW 81st Streets and to properties on the east side of NW 7th Avenue between NW 81st and NW 95th Streets.]]~~

2. For Land Use Category R.

Maximum Density and Building Height Ranges for Land Use Category R			
Urban Center or Urban Area District	SUB-DISTRICT		
	CORE	CENTER	EDGE
* * *			
North Central Urban Area District	N/A	[[36]] >>60<< units per acre/2— [[4]] >>8<< stories	18 units per acre/No minimum height but must meet the minimum floor-area ratio in subsection (B)(2) Maximum Height: 2 stories [[;]]
* * *			

APPLICABLE LEGISLATION/POLICY

Section 33-284.84 of the County Code specifies the regulating plans for adopted Urban Center or Urban Area District.

https://library.municode.com/fl/miami_-

[dade_county/codes/code_of_ordinances?nodeId=PTIIICOOOR_CH33ZO_ARTXXXIII_K_STURCEDIRE_S33-284.84REPL](https://library.municode.com/fl/miami_-dade_county/codes/code_of_ordinances?nodeId=PTIIICOOOR_CH33ZO_ARTXXXIII_K_STURCEDIRE_S33-284.84REPL)

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Ordinance 18-124, adopted October 2, 2018, provides a comprehensive revision of the maximum densities and heights allowed within the County's urban center and urban area districts.

<http://intra/gia/matter.asp?matter=182959&file=false&yearFolder=Y2018>

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Research Notes**

**Item No. 1G3
File No. 190686**

Researcher: JFP Reviewer: TD

ORDINANCE RELATING TO ZONING; AMENDING SECTIONS 33-311 AND 33-314 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING JURISDICTION FOR THE BOARD OF COUNTY COMMISSIONERS TO DIRECTLY HEAR APPLICATIONS FOR DAY CARE OR DAY NURSERY FACILITIES; EXPANDING JURISDICTION FOR THE BOARD OF COUNTY COMMISSIONERS TO DIRECTLY HEAR ALL APPLICATIONS FOR PRIVATE SCHOOLS, AS OPPOSED TO ONLY APPLICATIONS FOR PRIVATE SCHOOLS OF A CERTAIN SIZE; MAKING CONFORMING CHANGES TO CROSS-REFERENCES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend Sections 33-311 and 33-314 of the County Code to provide jurisdiction for the Board to directly hear applications for day care or day nursery facilities, and expand jurisdiction for the Board to directly hear all applications for private schools, as opposed to only applications for private schools of a certain size.

PROCEDURAL HISTORY

Prime Sponsor: Vice Chairwoman Rebeca Sosa, District 6

Department/Requester: None

The proposed ordinance was adopted on first reading at the April 9, 2019 BCC meeting and set for public hearing before the Infrastructure and Capital Improvements Committee meeting on May 14, 2019.

ANALYSIS

The purpose of this item is to amend the County Code (Sections 33-311 and 33-314) to allow the Board, rather than the Community Zoning Appeals Board, to hear all zoning applications for day care or day nursery facilities as well as all zoning applications for private schools. As it relates to private schools, the Code as it currently reads grants authority for the Board to hear applications only for private elementary, middle, and/or senior high schools (grades K to 12) where the proposed school will serve 500 or more students and have more than 100,000 square feet of building facilities, with the Community Zoning Appeals Board hearing all other zoning applications for private schools. The proposed amendments will expand the Board's jurisdiction to hear all applications for private schools.

These changes in the Board's jurisdiction as it pertains to hearing zoning applications for day care or day nursery facilities and private schools addresses the impact such uses may have in single-family zoning districts, as their effects are oftentimes felt beyond the immediate neighborhood in the form of increased traffic and other similar byproducts. Given that these zoning uses affect a much larger area than the one over which the pertinent Community Zoning Appeals Board has jurisdiction, the Board is seeking a broadening of its powers to hear all of these types of zoning applications.

Although the proposed changes may result in an increase of zoning applications seeking review, these applications will be absorbed by the Department of Regulatory and Economic Resources and will not result in additional staffing needs or future operational costs. Thus, the implementation of the proposed ordinance will not result in a fiscal impact to the County.

The below table depicts Section 33-311 of the County Code as it currently reads and contrasts it with the proposed changes, with underlined words denoting the amendment proposed and words stricken through specifying deletions.

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Section 33-311 of the County Code	Proposed Amendments to Section 33-311 of the County Code
<p>Sec. 33-311. - Community Zoning Appeals Board— Authority and duties.</p> <p>(A) Except as otherwise provided by this chapter, the Community Zoning Appeals Boards and Board of County Commissioners shall have the authority and duty to consider and act upon applications, as hereinafter set forth, after first considering the written recommendations thereon of the Director or Developmental Impact Committee. Provided, however, no such action shall be taken until notice of time and place of the hearing at which the Community Zoning Appeals Boards will consider the application has been first published as provided in Section 33-310.2. The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County. The Community Zoning Appeals Board and Board of County Commissioners or any of their members may inspect the premises and area under consideration. The Community Zoning Appeals Boards shall have authority over the following zoning applications except where the Board of County Commissioners has direct jurisdiction.</p> <p style="text-align: center;">* * *</p> <p>(3) <i>Special exceptions (for all applications other than public charter schools), unusual and new uses. Hear application for and</i></p>	<p>Sec. 33-311. - Community Zoning Appeals Board— Authority and duties.</p> <p>(A) Except as otherwise provided by this chapter, the Community Zoning Appeals Boards and Board of County Commissioners shall have the authority and duty to consider and act upon applications, as hereinafter set forth, after first considering the written recommendations thereon of the Director or Developmental Impact Committee. Provided, however, no such action shall be taken until notice of time and place of the hearing at which the Community Zoning Appeals Boards will consider the application has been first published as provided in Section 33-310.2. The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County. The Community Zoning Appeals Board and Board of County Commissioners or any of their members may inspect the premises and area under consideration. The Community Zoning Appeals Boards shall have authority over the following zoning applications except where the Board of County Commissioners has direct jurisdiction.</p> <p style="text-align: center;">* * *</p> <p>(3) <i>Special exceptions (for all applications other than public charter schools) <u>and as</u></i></p>

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grant or deny special exceptions, except applications for (i) public charter schools and (ii) approval of self-service mini-warehouse storage facilities as provided in Section 33-314; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and unusual uses which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.

* * *

provided in section 33-314, unusual and new uses. Hear application for and grant or deny special exceptions, except ~~applications~~ for (i) public charter schools ~~and~~ (ii) approval of self-service mini-warehouse storage facilities, and (iii) as otherwise provided in Section 33-314; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses, and unusual uses which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.

* * *

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The below table depicts Section 33-314 of the County Code as it currently reads and contrasts it with the proposed changes, with underlined words denoting the amendment proposed and words stricken through specifying deletions.

Section 33-314 of the County Code	Proposed Amendments to Section 33-314 of the County Code
<p>Sec. 33-314. - Direct applications and appeals to the County Commission.</p> <p style="text-align: center;">* * *</p> <p>(C) The County Commission shall have jurisdiction to directly hear other applications as follows:</p> <p style="text-align: center;">* * *</p> <p>(13) Applications to approve, expand, or modify:</p> <p style="padding-left: 40px;">(a) Public charter school facilities; or</p> <p style="padding-left: 40px;">(b) Notwithstanding any provision of this Code to the contrary, private elementary, middle, and/or senior high schools (grades K to 12) where the proposed school will serve 500 or more students and have more than 100,000 square feet of building facilities.</p>	<p>Sec. 33-314. - Direct applications and appeals to the County Commission.</p> <p style="text-align: center;">* * *</p> <p>(D) The County Commission shall have jurisdiction to directly hear other applications as follows:</p> <p style="text-align: center;">* * *</p> <p>(13) Applications to approve, expand, or modify:</p> <p style="padding-left: 40px;">(a) Public charter school facilities; or</p> <p style="padding-left: 40px;">(b) Notwithstanding any provision of this Code to the contrary, <u>day care facilities or day nursery facilities and</u> private elementary, middle, and/or senior high schools (grades K to 12) where the proposed school will serve 500 or more students and have more than 100,000 square feet of building facilities.</p>

APPLICABLE LEGISLATION/POLICY

Section 33-311 of the Code of Miami-Dade County specifies authority and duties of the Community Zoning Appeals Board.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH33ZO_ARTXXXVIZOPR_S33-311COZOAPBOUTDU

Section 33-314 of the Code of Miami-Dade County governs direct applications and appeals to the County Commission, specifying the County Commission's jurisdiction in hearing zoning applications.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH33ZO_ARTXXXVIZOPR_S33-314DIAPAPCOCO

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**Item No. 1G4
File No. 190743**

Researcher: JFP Reviewer: TD

ORDINANCE RELATING TO REGULATION OF LONG TERM RESIDENTIAL RENTAL PROPERTIES; CREATING SECTION 33-29 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REQUIRING A CERTIFICATE OF USE AND ESTABLISHING ZONING REGULATIONS FOR LONG TERM RESIDENTIAL RENTALS IN THE UNINCORPORATED AREA; PROVIDING REQUIREMENTS FOR ISSUANCE AND RENEWAL OF CERTIFICATE OF USE; PROVIDING DUTIES OF PROPERTY OWNERS AND RESPONSIBLE PARTIES; REQUIRING LONG TERM RESIDENTIAL RENTALS TO COMPLY WITH CERTAIN EXISTING CODE PROVISIONS AND IMPOSING CERTAIN ADDITIONAL CODE REQUIREMENTS, INCLUDING SOLID WASTE AND PARKING REQUIREMENTS; AMENDING SECTIONS 8CC AND 33-8 OF THE CODE; PROVIDING FOR ENFORCEMENT BY CIVIL PENALTIES; PROVIDING FOR REVOCATION OF CERTIFICATE OF USE WHERE THERE ARE CERTAIN UNPAID PENALTIES, COSTS, OR LIENS; MAKING TECHNICAL REVISIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend the County Code to require a Certificate of Use and establish zoning regulations for long term residential rentals in the unincorporated area of Miami-Dade County.

PROCEDURAL HISTORY

Co-Prime Sponsors: Commissioners Javier D. Souto, District 10, and Sally Heyman, District 4

Department/Requester: None

The proposed ordinance was adopted on first reading at the April 9, 2019 BCC meeting and set for public hearing before the Infrastructure and Capital Improvements Committee on May 14, 2019.

ANALYSIS

The purpose of this item is to allow the County to impose a Certificate of Use (CU) requirement for long term residential rentals, in a manner similar to that which has already been established for short term vacation rentals, providing the County with the ability to ameliorate potential disruptive and incompatible uses of these rental properties. The proposed ordinance provides for the following:

- defines long term residential rental as any dwelling unit that is rented in whole or in part for a period of 30 days or more;
- establishes requirements for issuance and renewal of CU;
- specifies duties of property owners and responsible parties;
- requires compliance with certain existing code provisions and imposes certain additional code requirements, including solid waste and parking requirements;
- enforcement by civil penalties; and
- revocation of CU where there certain unpaid penalties, costs or liens.

The proposed Code changes provides the County with the ability to contact landlords to facilitate timely notification of health and safety violations, minimum housing code complaints, or emergency situations, with the intent of promoting further compliance with proper home maintenance and community standards. Through standards addressing parking and solid waste handling and containment, it attempts to mitigate the effect these long-term residential rentals have on residential neighborhoods.

An online CU registration system has been established, and a \$36.70 registration fee similar to the one established for short-term vacation rental registrations will be imposed. It is anticipated that this fee will be sufficient to cover the Department's application

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and renewal expenses as enforcement costs. As part of the CU application process, owners will be required to disclose the names of each lessee.

Below is the proposed language for the creation of Section 33-29 of the County Code.

Sec. 33-29. Long Term Residential Rentals.

- (A) *Applicability and Purpose.* This section shall apply in the unincorporated areas of the County. The purpose of this section is to protect the health, safety, and welfare of the community by requiring a certificate of use for long term residential rentals and creating certain additional requirements governing their use. Such requirements are intended to facilitate further compliance with proper home maintenance and community standards that address not only life, health, and safety issues, but also the negative consequences of deferred or inadequate maintenance, illegal construction, and neighborhood blight and nuisance.
- (B) *Definitions.* For purposes of this section, the following definitions shall apply:
- (1) *Long term residential rental* shall mean any dwelling unit or residence, including, but not limited to, unit or group of units in a condominium, cooperative, or apartment building, or portion thereof, that is rented in whole or in part for a period of 30 days or more, or which is advertised or held out to the public as a place that may be rented for such periods of time.
 - (2) *Property owner* shall mean the person who, or entity that, owns the property being used or occupied as a long term residential rental.
 - (3) *Responsible party* shall mean the property owner, or the person or entity authorized by the property owner to obtain a certificate of use for a long term residential rental, who will be:
 - (a) Responsible for ensuring compliance with all regulations related to long term residential rentals; and
 - (b) Available to respond 24 hours per day, 7 days per week to any issue that arises relating to the long term residential rental.
- (C) *Certificate of Use Required.* No person shall offer as a long term residential rental, or allow anyone to rent or occupy as a long term residential rental, any property in whole or in part within the unincorporated area of the County, unless a certificate of use has first been obtained.
- (1) *Application.* A complete certificate of use application shall be submitted to the Department in a form approved by the Director. The application shall be signed by the responsible party, and shall include the following information and attestations:
 - (a) The address and folio number of the long term rental property;
 - (b) Name, address, and phone number of the property owner and responsible party;
 - (c) An acknowledgment that the property owner and responsible party have received information explaining that using the property as a long term residential rental could result in the loss of a homestead exemption;
 - (d) The number of days in which the property was used as a long term residential rental within the previous calendar year; and
 - (e) An acknowledgement that the property is, and will be at all times during which it is used as a long term residential rental, maintained in compliance with all requirements of this section.
 - (2) *Annual renewal.* The certificate of use shall be renewed annually. If, at any time, the property owner notifies the Department that the property will no longer be offered or used as a long term residential rental, then the certificate of use shall be cancelled and shall not be subject to renewal. A certificate of use may not be renewed if there are any outstanding fines or liens for violations of this code.
 - (3) *Providing false information.* Providing false or misleading information in an application for a certificate of use is grounds to deny or revoke the certificate of use. A determination that false or misleading information was provided in an application is appealable to a hearing examiner in accordance with the procedures set forth in chapter 8CC or section 1-5, or both.
- (D) *Duties of Responsible Party.* For each long term residential rental, the responsible party shall:

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- (1) Annually provide the Department with the names of all persons authorized by lease or other agreement to reside at the long term residential property;
- (2) Upon request, provide proof that all persons residing at the long term residential property jointly occupy the premises pursuant to a single lease.
- (3) Provide written notice to persons residing at the long term residential property of the requirements of this section prior to occupancy;
- (4) Ensure compliance with all provisions of this section and promptly address and report any violations of this section, or of such other law or regulation of which the responsible party knows or should know, to the Department or law enforcement, as appropriate; and
- (5) Ensure that any violations pertaining to the long term residential property are able to be promptly addressed and resolved 24 hours a day/7 days per week.

(E) *Long Term Residential Property Requirements.* The following requirements shall apply to long term residential rentals:

- (1) *Parking and vehicles.* All parking must comply with article VII of this chapter, and all other applicable sections of this code. In addition, all vehicles associated with the long term residential rental shall only be parked within a driveway or in a designated parking area on the subject property; or, where there is no such driveway or designated parking area, vehicles shall only be parked on the street or swale directly in front of the subject property. Vehicles shall not be parked on grassy areas or sidewalks.
- (2) *Solid waste handling and containment.* Solid waste containers sufficient to handle the maximum occupancy permitted shall be maintained in accordance with chapter 15. All regulations regarding screening and storage of solid waste containers shall apply to long term residential rentals. For purposes of this section, and as required in section 15-5, all solid waste containers shall be placed at curbside or other designated collection area only on scheduled collection days, no later than 7:00 a.m., and shall be removed therefrom that same day once collection has occurred.

(F) *Enforcement; Penalties.* Any person or entity operating a long term residential rental without a valid certificate of use or in violation of any other requirement of this section shall be subject to the penalties set forth in section 8CC-10 and section 1-5, or both, and to all other enforcement measures authorized in this code or by other applicable law. It is provided, however, that for a first-time violation of failure to obtain a certificate of use, the Department shall issue a warning notice to the responsible party and shall wait at least seven days before taking any further enforcement action against the responsible party.

(G) *Joint and several liability.* The property owner shall be jointly and severally liable for any violations of this section, any rule or regulation promulgated under this section, or any order of the Director issued pursuant to this section. In addition, whenever two or more persons commit such a violation, each violator shall be jointly and severally liable for any fines or other damages assessed.

The below table depicts Section 8CC-10 of the County Code as it currently reads and contrasts it with the proposed changes, with underlined words denoting the amendment proposed and words stricken through specifying deletions.

Section 8CC-10 of the County Code	Proposed Amendments to Section 8CC-10 of the County Code
<p>Sec. 8CC-10. - Schedule of civil penalties.</p> <p>The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.</p>	<p>Sec. 8CC-10. - Schedule of civil penalties.</p> <p>The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.</p>

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* * *			* * *		
Code Section	Description of Violation	Civil Penalty	Code Section	Description of Violation	Civil Penalty
* * *			* * *		
33-29	Illegally maintaining or storing construction materials or equipment without active building permit	200.00	33-29	<u>Failure to obtain certificate of use or violation of any requirement pertaining to long term residential rentals</u>	500.00
* * *			* * *		
				Illegally maintaining or storing construction materials or equipment without active building permit	200.00
* * *			* * *		

The below table depicts Section 8CC-7 of the County Code as it currently reads and contrasts it with the proposed changes, with underlined words denoting the amendment proposed and words stricken through specifying deletions.

Section 8CC-7 of the County Code	Proposed Amendments to Section 8CC-7 of the County Code
<p>Sec. 8CC-7. - Recovery of unpaid civil penalties; unpaid penalty to constitute a lien; interest to be paid on liens; foreclosure; prohibition of the issuance of permits, licenses, certificates of use and occupancy, or zoning approvals to violators with unpaid civil penalties or liens.</p> <p style="text-align: center;">* * *</p> <p>(d) Notwithstanding any provision of this Code, no County or municipal officer, agent, employee or Board shall approve, grant or issue any operating permit, license, building permit, certificate of use and occupancy, municipal occupational licenses, platting action, or zoning action to any named violator with (i) unpaid civil penalties; (ii) unpaid administrative costs of hearing; (iii) unpaid County investigative, enforcement, testing, or monitoring costs; or (iv) unpaid liens, any or all of which are owed to Miami-Dade County pursuant to the</p>	<p>Sec. 8CC-7. - Recovery of unpaid civil penalties; unpaid penalty to constitute a lien; interest to be paid on liens; foreclosure; prohibition of the issuance of permits, licenses, certificates of use and occupancy, or zoning approvals to violators with unpaid civil penalties or liens.</p> <p style="text-align: center;">* * *</p> <p>(d) Notwithstanding any provision of this Code, no County or municipal officer, agent, employee or Board shall approve, grant or issue any operating permit, license, building permit, certificate of use and occupancy, municipal occupational licenses, platting action, or zoning action to any named violator with (i) unpaid civil penalties; (ii) unpaid administrative costs of hearing; (iii) unpaid County investigative, enforcement, testing, or monitoring costs; or (iv) unpaid liens, any or all of which are owed to Miami-Dade County pursuant to the</p>

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provisions of the Code of Miami-Dade County, Florida.

provisions of the Code of Miami-Dade County, Florida. In addition, where a named violator has any of the aforementioned unpaid penalties, costs, or liens owed to the County, the named violator's certificate of use shall be subject to revocation.

The below table depicts Section 33-8 of the County Code as it currently reads and contrasts it with the proposed changes, with underlined words denoting the amendment proposed and words stricken through specifying deletions.

Section 33-8 of the County Code	Proposed Amendments to Section 33-8 of the County Code
<p>Sec. 33-8. - Certificate of use.</p> <p style="text-align: center;">* * *</p> <p>(a) No structure, other than a single-family residence or duplex, shall be used or any existing use enlarged, or any new use made of any land, body of water, or structure, without first obtaining a certificate of use (C.U.) therefor from the Department. Said certificate of use shall be required for each individual business and each multi-family building located within unincorporated Miami-Dade County.</p>	<p>Sec. 33-8. - Certificate of use.</p> <p style="text-align: center;">* * *</p> <p>(a) No structure, other than a single-family residence or duplex <u>except as otherwise provided in this chapter</u>, shall be used or any existing use enlarged, or any new use made of any land, body of water, or structure, without first obtaining a certificate of use (C.U.) therefor from the Department. Said certificate of use shall be required for each individual business and each multi-family building located within unincorporated Miami-Dade County.</p> <p style="text-align: center;">* * *</p> <p><u>(d)</u> Except for C.U.s required by code or zoning resolution to be renewed annually, and except for C.U.s issued on a temporary basis, certificates of use shall remain valid for an unlimited time unless revoked for cause. The C.U. is only valid for the specific address, business name, corporate name and type of business for which it was issued. A new C.U. shall be required for any changes in; use, name, ownership, expansion of square footage occupied, the inclusion of additional uses, or when changes to the structure have been approved by final building inspection.</p> <p><u>(e)</u> No certificate of use shall be utilized in a manner contrary to the regulations contained in this chapter.</p>

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Section 8CC of the County Code provides for Code enforcement, including a schedule of civil penalties.

[https://library.municode.com/fl/miami - dade county/codes/code of ordinances?nodeId=PTIICOOR_CH8CCCOEN](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH8CCCOEN)

Section 33-8 of the Country Code governs Certificate of Use.

[https://library.municode.com/fl/miami -](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33ZO_ARTIINGE_S33-8CEUS)

[_dade county/codes/code of ordinances?nodeId=PTIICOOR_CH33ZO_ARTIINGE_S33-8CEUS](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33ZO_ARTIINGE_S33-8CEUS)

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Research Notes**

**Item No. 3A
File No. 191049**

Researcher: IL Reviewer: TD

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-01159 FOR PURCHASE OF LIQUID CHLORINE FOR THE MIAMI-DADE WATER AND SEWER DEPARTMENT FOR A FIVE-YEAR TERM IN AN AMOUNT NOT TO EXCEED \$7,397,400.00; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF THIS AWARD, ISSUE THE APPROPRIATE PURCHASE ORDERS TO GIVE EFFECT TO SAME AND EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should approve a contract award to Allied Universal Corp, for *Contract No. FB-01159 for purchase of liquid chlorine*, for a five-year term for an amount of up to \$7,397,400 for multiple County departments.

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Internal Services

ANALYSIS

This item proposes that the Board approve a contract award for the purchase of liquid chlorine for the Miami-Dade Water and Sewer Department (WASD).

Liquid chlorine is the primary chemical used for disinfection at the County's water treatment plants. The chlorine destroys disease causing pathogenic organisms and provides a disinfection residual in the treater water distribution system.

The chlorine must conform to all industry standards and be free of iron. The purchase will be for liquid chlorine in 90 ton rail cars as well as purchase and delivery of liquid chlorine in 1 ton and 150 pound cylinders directly from the re-packager's plant.

Market research conducted by the Administration concludes that "there is an active and competitive market that would respond to a solicitation." Accordingly, the solicitation was advertised on February 21, 2019, and three vendors responded.

The current contract (0398-0/19) is valued at \$14,291,000.00 for a five-year and three month term, expiring on August 31, 2019. The replacement contract is valued at \$7,397,400 for five years; a decrease of \$6,893,600. This decrease is attributable to lower estimated quantities due to WASD's position that it no longer is using same quantities of liquid chlorine services. Note that the recommended awardee, Allied Universal Corp., is an incumbent.

The commodity codes for this procurement are 18036 (Chlorine Carriers, Inorganic and Organic), 50525 (Chlorine Bleaches, Etc.), 885 (Water and Sewer Treating Chemicals), 88538 (Chlorine, Liquified for water Treatment) and 88540 (Chlorinating and oxidizing agents: Bromohydan). A search for local certified small business firms under those codes yielded five result:

ALLIED PAPER CO	Miami, FL	SBE-G&S
LUMI MAINTENACE SUPPLY INC.	Miami, FL	SBE-G&S
PANCAR INDUSTRIAL SUPPLY CORPORATION	Miami, FL	SBE-G&S
PRO-GROUNDS PRODUCTS, INC.	Miami, FL	SBE-G&S
THE TOOLS MAN, INC., DBA THE TOOLS MAN INDUSTRY SUPPLY	Miami, FL	SBE-G&S

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APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the County Code (Contracts and Purchases Generally) applies to all contracts for public improvements and purchases of all supplies, materials and services other than professional services and (1) requires formal sealed bids for purchases over \$250,000; (2) describes the circumstances under which non-competitive purchases may be approved; (3) establishes requirements for legacy purchases, designated purchases, and single vehicle leases; and (4) 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](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

Resolution No. R-716-12, adopted September 4, 2012, requires identification of a firm's small business enterprise program certification in any procurement item submitted for Board approval.

<http://intra/gia/matter.asp?matter=121265&file=true&yearFolder=Y2012>

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

<http://intra/gia/legistarfiles/MinMatters/Y2012/120287min.pdf>

Resolution No. R-1011-15, adopted November 3, 2015, directs the County Mayor to require that vendors provide addresses of all local branch offices and headquarters and the number and percentage of local residents such vendors employ in memoranda to the Board pertaining to vendors being recommended for contract award.

<http://intra/gia/matter.asp?matter=152271&file=true&yearFolder=Y2015>

Resolution No. R-477-18, adopted May 1, 2018, directs the County Mayor to disclose to the Board the reasons goods and services are not being procured through local businesses when the recommendation is to award a contract to a non-local vendor or to establish a prequalification pool where less than 75 percent of the pool members are local businesses.

<http://intra/gia/matter.asp?matter=180822&file=true&yearFolder=Y2018>

Resolution No. R-140-15, adopted February 3, 2015, directs the County Mayor to conduct a full review, prior to the re-procurement of replacement contracts for goods or services of the scopes of services or goods requested to ensure such contracts reflect the current needs of the County and to include such information in recommendations to the Board.

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

Resolution No. R-412-14, adopted May 6, 2014, authorized a contract award for the purchase of liquid chlorine in the total amount of \$14,291,000.00 for WASD.

<http://www.miamidade.gov/govaction/matter.asp?matter=140739&file=true&fileAnalysis=false&yearFolder=Y2014>

Implementing Order No. 3-38 sets forth the County's processes and procedures for the purchase of goods and services. The I.O. outlines: the roles and responsibilities of the Internal Services Department; the methods of purchasing goods and services; the authority to award and modify contracts; and the requirements for access contracts, emergency purchases, bid waivers, confirmation purchases and sole sources.

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

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**Item No. 3E
File No. 190909**

Researcher: IL Reviewer: TD

RESOLUTION APPROVING A MAINTENANCE MAP FOR A PORTION OF SW 228 STREET BETWEEN 237.26 FEET EAST OF SW 118 AVENUE TO SW 117 AVENUE, IN SECTION 13, TOWNSHIP 56 SOUTH, RANGE 39 EAST, AUTHORIZING THE CHAIRPERSON AND THE CLERK OF THE BOARD TO CERTIFY THE MAINTENANCE MAP, AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME AND AUTHORIZING THE RECORDING THEREOF AMONG THE PUBLIC RECORDS OF MIAMI-DADE COUNTY FLORIDA

ISSUE/REQUESTED ACTION

Whether the Board should approve a maintenance map for a portion of S.W. 228 Street between S.W. 118 to S.W. 117 Avenue.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Transportation and Public Works (DTPW)

This item has no procedural history.

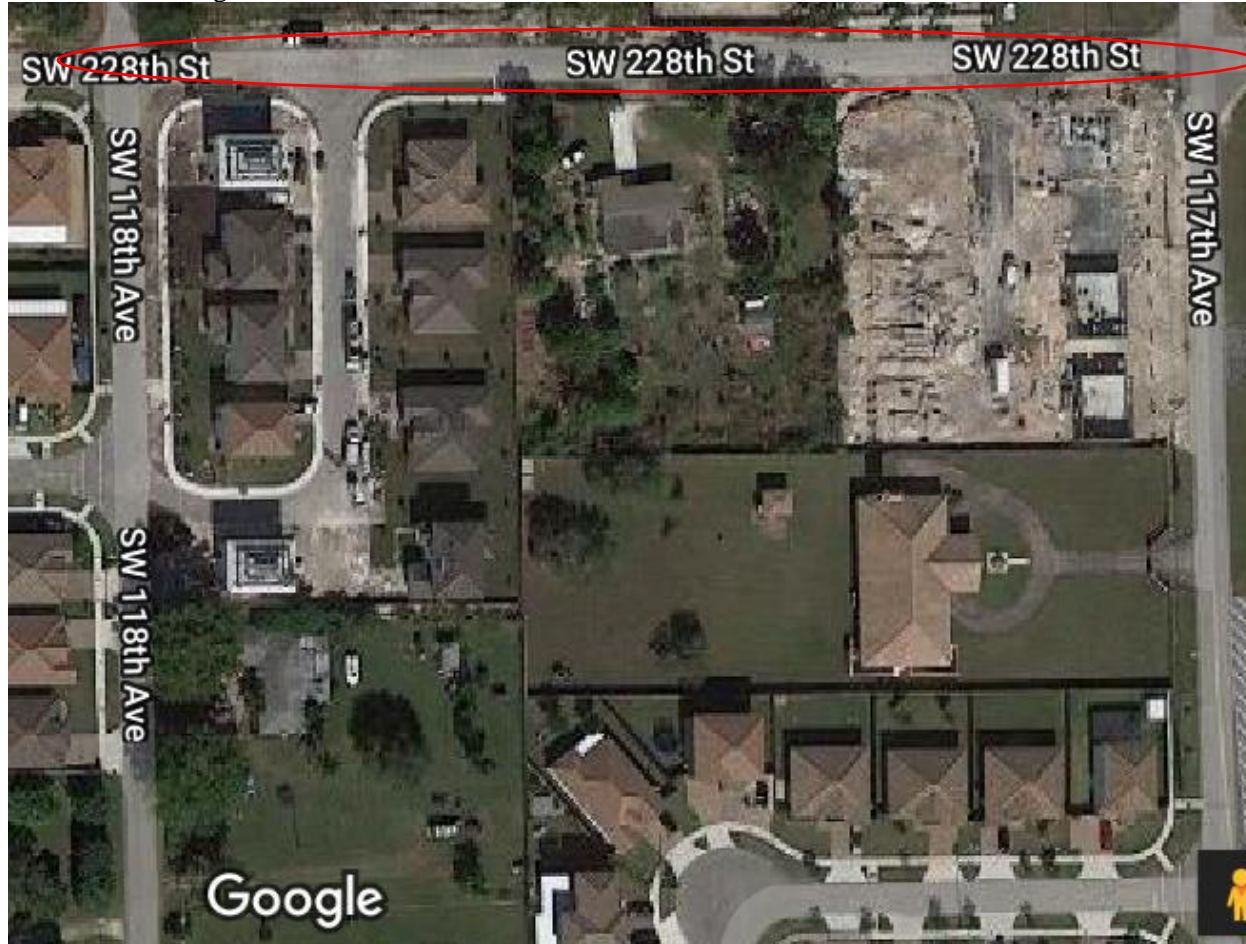
ANALYSIS

The purpose of this item is to have the Board approve a maintenance map for a portion of S.W. 228 Street between S.W. 118 Avenue to S.W. 117 Avenue. The maintenance map is coming for approval at this time, however, the road has been maintained by DTPW for the preceding 4 years. Pursuant to Florida Statute 95.361 a road maintained or repaired continuously and uninterrupted for 4 years by the county, that road is deemed dedicated to the public to the extent in which it has been maintained for the 4 year period. This is whether or not the road has been formally established as a public highway. Moreover, filing a map in the clerk of the circuit court of the county where the road is located will show the land and reciting on it that the road has vested in the county.

Fiscal impact of this action has resulted in no increase. The targeted road that this maintenance map will cover is located in Commission District 9, represented by Commissioner Dennis C. Moss.

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Picture Illustrating 228 Street between 237.26 feet of S.W. 118 Avenue and 117 Avenue .



APPLICABLE LEGISLATION/POLICY

Chapter 95.361 of the Florida Statutes states when a road, constructed by a county, a municipality, or the Department of Transportation has been maintained or repaired continuously and uninterruptedly for 4 years by the county, municipality, or the Department of Transportation, jointly or severally, the road shall be deemed to be dedicated to the public to the extent in width that has been actually maintained for the prescribed period, whether or not the road has been formally established as a public highway. The dedication shall vest all right, title, easement, and appurtenances in and to the road in: (2) The filing of a map in the office of the clerk of the circuit court of the county where the road is located showing the lands and reciting on it that the road has vested in the state, a county, or a municipality

[http://www.leg.state.fl.us/statutes/index.cfm?App_Mode=Display_Statute&Search_String=&URL=Ch0095/Sec361.htm
&StatuteYear=2001](http://www.leg.state.fl.us/statutes/index.cfm?App_Mode=Display_Statute&Search_String=&URL=Ch0095/Sec361.htm&StatuteYear=2001)

Resolution No. R-974-09, adopted July 21, 2009, directs the administration to execute instruments creating a County interest in real property to be recorded in the public records of Miami-Dade County with the Clerk of the Board.

<http://intra/gia/matter.asp?matter=091900&file=true&yearFolder=Y2009>

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**Item No. 3I
File No. 191051**

Researcher: IL Reviewer: TD

RESOLUTION APPROVING EXECUTION OF A JOINT PARTICIPATION AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR A JOINT UTILITY AND ROADWAY IMPROVEMENT PROJECT IN WHICH THE FLORIDA DEPARTMENT OF TRANSPORTATION WILL REIMBURSE MIAMI-DADE COUNTY THE COST OF THE ROADWAY IMPROVEMENT PROJECT ALONG STATE ROAD 916/N.W.-N.E. 135 STREET IN AN AMOUNT NOT TO EXCEED \$4,651,568.19; AND AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXECUTE SAME AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve a Joint Participation Agreement (JPA) between Miami-Dade County ("The County") and the Florida Department of Transportation (FDOT) to provide for a joint utility and roadway improvement project in which FDOT will reimburse the Count for the roadway improvement project along State Road 916/N.W. – N.E. 135 Street in an amount not to exceed \$4,651,568.19 for the Miami-Dade Water and Sewer Department (WASD).

PROCEDURAL HISTORY

Prime Sponsor: None

This item has no procedural history.

ANALYSIS

The purpose of this item is to establish a JPA between the County and FDOT to minimize disruption to residents and maximize cost efficiencies in capital improvement project execution. The County and FDOT have scheduled capital improvement projects in the along S.R. 916. Conducting and coordinating the construction of the utility and roadway improvement project at the same time would be in the best interest of the public. The County, through WASD, will perform the joint utility and roadway improvement work and FDOT would be 100% responsible for funding and reimbursing the County.

The Fiscal impact for the roadway improvement is estimated at \$4,651,568.19 and for the utility improvements is estimated at \$7,877,697.19. The total cost of the entire project is \$12,529,529.38.

Illustration S.R. 916 East of I-95



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Illustration of S.R. 916 West of I-95



APPLICABLE LEGISLATION/POLICY

None