



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

Infrastructure and Capital Improvements (ICI)
Committee Meeting

October 16, 2019
2:00 P.M.
Commission Chambers

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Research Notes

Item No. 1G3
File No. 192000

Researcher: MF Reviewer: PGE

ORDINANCE EXTENDING AMNESTY PERIOD CREATED BY ORDINANCE NO. 11-64, AS SUBSEQUENTLY AMENDED, FOR AN ADDITIONAL ONE YEAR TERM FROM JULY 12, 2019; PROVIDING FOR A LIMITED EXCEPTION FROM CIVIL PERNALTIES AND LIENS FOR BUILDING CODE VIOLATIONS UPON A HOMEOWNER'S COMPLIANCE WITH THE BUILDING CODE; PROVIDING SEVERABILITY; EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should approve the extension of the amnesty period, created pursuant to Ordinance No. 11-64 to provide a limited exception from civil penalties and liens for Building Code violations upon a homeowner's compliance with the code, for an additional one year term, retroactively starting July 12, 2019 through July 12, 2020.

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Rebeca Sosa, District 6

Department/Requester: N/A

The proposed ordinance was adopted on first reading at the September 4, 2019 meeting of the Board of County Commissioners.

ANALYSIS

The purpose of this item is for the Board to approve the extension of the amnesty period created under Ord. No. 11-64 for one year, giving homeowners in violation of the Building Code a reprieve from civil penalties and liens in order to bring their structures into compliance. The first amnesty period commenced on August 2, 2011 and ended on January 2, 2012. Since then, the Board has approved extending the initial amnesty period eight times.

The last amnesty extension was approved by the Board pursuant to Ordinance No. 18-65 extending the amnesty period through July 12, 2019. This item retroactively extends the amnesty period by an additional year, from July 12, 2019 through July 12, 2020, making it the ninth extension since the 2011 amnesty ordinance was first adopted.

The total fiscal impact for the waived penalties from 2011 through 2018 is not known at this time. However, the estimated fiscal impact from waived fees for the period of August 2011 through April 2014 was estimated at \$9,675,000, depending on the number of homeowners that opted to be covered during the respective amnesty period (refer to Table 1).

OCA conducted a search pertaining to best practices regarding jurisdictions that have implemented similar amnesty programs. Below is a summary of the findings.

- City of Hialeah, Florida – Adopted the Building Relief program that offers building code amnesty for three years from February 27, 2018 – February 27, 2021.
<https://www.hialeahfl.gov/685/Amnesty-Program>
- City of Miami Beach, Florida – The City has extended its Building Permit Reprieve Program, pursuant to Ordinance No. 2019-4262, until April 30, 2020. In 2017, the City adopted Ordinance No. 2017-4088, which

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created the reprieve program for a one-year period from May 1, 2017 through April 30, 2018. Since then, the City has approved two one-year extensions to the program.

<https://www.miamibeachfl.gov/city-hall/building/>

- City of Plantation, Florida – The City has a Code Amnesty Program that expires February 1, 2020, and applies to liens received prior to December 31, 2017. The amnesty program involves a reduction in the amount of the liens owed. For example, a property owner with a lien between \$1 and \$50,000, under the amnesty program, would pay 15% of the total owed, which means a maximum of \$7,500 (\$50,000 x 15% = \$7,500).

<http://www.plantation.org/code-amnesty.html>

Table 1 displays the adopted legislation, amnesty timeframe, cases completed, and the amount for each of the amnesty periods (if available) shown cumulatively, as per information provided in previous mayoral memos. OCA will inquire to the Department of Regulatory and Economic Resources on the total number of homeowners that have capitalized on the Amnesty Program since its inception through the end of the last extension, July 12, 2019, as well as the associated fiscal ramifications. While the item's Fiscal Impact Statement indicates that the program is geared to benefit property owners, the Social Equity Statement indicates that the amnesty program also benefits purchasers.

Table 1.

Adopted Legislation	Amnesty Period	# Cases Completed	Amount Waived
Ordinance No. 18-65	June 5, 2018 – July 12, 2019	Info. not available	Info. not available
Ordinance No. 17-77	July 12, 2017 – July 12, 2018	Info. not available	Info. not available
Ordinance No. 16-133	July 12, 2016 – July 12, 2017	Info. not available	Info. not available
Ordinance No. 15-34	July 12, 2015 - July 12, 2016	Info. not available	Info. not available
Ordinance No. 14-66	Aug. 2011 – April 2014	1,149	\$9,675,000
Ordinance No. 13-61	Aug. 2011 – June 2013	586	\$4,773,000
Ordinance No. 12-59	Feb. 2012 – July 17, 2012	108	\$1,159,293
Ordinance No. 12-06	Aug. 2, 2011 – Jan. 2, 2012	15	\$134,000
Ordinance No. 11-64 (First Amnesty Adoption)	Aug. 2, 2011 – Jan. 2, 2012	--	--

As per Ordinance No. 11-64, the amnesty period extension is not applicable in cases where the County has commenced civil actions to collect on penalties or foreclosure proceedings. In order to apply for the Amnesty, the homeowner must meet the following criteria:

- ✓ Homeowner must present evidence of ownership;
- ✓ A permit issued to bring the structure into compliance with the Building Code within the Amnesty Period;
- ✓ The structure in question is brought into compliance with the Building Code within the period provided in the Building Code for completion of the work under the permit obtained within the amnesty period; and
- ✓ All direct costs of the Building Division related to prior enforcement in connection with the structure, as documented by the Division, shall be satisfied in full (these may include inspections, photographs, research, recordation and enforcement recovery cost).

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APPLICABLE LEGISLATION/POLICY

Ordinance No. 18-65, adopted June 5, 2018, extends the amnesty period created by Ordinance No. 11-64, as subsequently amended, for an additional year commencing July 12, 2018.

<http://www.miamidade.gov/govaction/matter.asp?matter=180572&file=true&fileAnalysis=true&yearFolder=Y2018>

Ordinance No. 17-77, adopted October 3, 2017, extends the amnesty period created by Ordinance No. 11-64, as subsequently amended for an additional year commencing July 12, 2017.

<http://www.miamidade.gov/govaction/matter.asp?matter=171718&file=true&fileAnalysis=false&yearFolder=Y2017>

Ordinance No. 16-133, adopted December 6, 2016, extends the amnesty period created by Ordinance No. 11-64, as subsequently amended, for an additional year commencing July 12, 2016.

<http://www.miamidade.gov/govaction/matter.asp?matter=161606&file=true&fileAnalysis=false&yearFolder=Y2016>

Ordinance No. 15-34, adopted May 5, 2015, extends the amnesty period created by Ordinance No. 11-64 for an additional one year commencing July 12, 2015.

<http://www.miamidade.gov/govaction/matter.asp?matter=150402&file=true&fileAnalysis=false&yearFolder=Y2015>

Ordinance No. 14-66, adopted July 1, 2014, extends the amnesty period created by Ordinance No. 11-64 for an additional one year period commencing July 11, 2014.

<http://www.miamidade.gov/govaction/matter.asp?matter=140761&file=true&fileAnalysis=false&yearFolder=Y2014>

Ordinance No. 13-61, adopted July 2, 2013, extends the amnesty period for an additional one year commencing July 12, 2013.

<http://www.miamidade.gov/govaction/matter.asp?matter=131224&file=true&fileAnalysis=false&yearFolder=Y2013>

Ordinance No. 12-59, adopted June 28, 2012, extends the amnesty period created by Ordinance 11-64 for an additional year commencing July 8, 2012.

<http://www.miamidade.gov/govaction/matter.asp?matter=121359&file=true&fileAnalysis=false&yearFolder=Y2012>

Ordinance No. 12-06, adopted February 7, 2012, extends the amnesty period created by Ordinance 11-64 for an additional year commencing February 17, 2012.

<http://www.miamidade.gov/govaction/matter.asp?matter=112561&file=true&fileAnalysis=false&yearFolder=Y2011>

Ordinance No. 11-64, adopted August 2, 2011, creates an amnesty period, creating a limited exception from civil penalties and liens for building code violations upon a homeowner's compliance with the building code.

<http://www.miamidade.gov/govaction/matter.asp?matter=111577&file=true&fileAnalysis=false&yearFolder=Y2011>

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**Item No. 3I
File No. 192083**

Researcher: JFP Reviewer: PGE

RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT WITH RENAISSANCE PLANNING GROUP INC. FOR A COUNTY-WIDE MULTIMODAL/MOBILITY IMPACT FEE STUDY PROJECT NO. E17-RER-02 IN AN AMOUNT NOT TO EXCEED \$1,100,000.00 FOR A TERM OF 2 YEARS; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT; AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve the Professional Services Agreement (PSA), *Contract No. E17-RER-02*, with Renaissance Planning Group, Inc. for a Countywide Multimodal/Mobility Impact Fee Study in an amount of up to \$1,100,000 for a two-year term with one, one-year option-to-renew for the Regulatory and Economic Resources Department.

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Regulatory and Economic Resources

The item was originally scheduled to be heard during the September 10, 2019 ICI committee meeting, which was cancelled due to a lack of quorum.

ANALYSIS

The purpose of this item is to approve a PSA with Renaissance Planning Group, Inc. for the development of a study assessing the feasibility and practicality of, and potentially facilitate, the conversion of the existing Roadway Impact Fee Program to a Multimodal Mobility Fee Program. The benefit of the Multimodal Mobility Fee Program is the broadened application. While the existing Roadway Impact Fee Program is centered on roadway construction, the Multimodal Mobility Fee Program would give the County flexibility to spend the revenues on broader multimodal infrastructure that includes transit, bicycle lanes, sidewalks, trails and roadways, therefore recouping costs associated with new development's impact to the entire transportation system (excluding rail, interstates, and toll facilities).

This solicited study is the result of Resolution No. R-54-16, approved on January 20, 2016, directing the Mayor to prepare a report for the Board making recommendations for amending the County's Road Impact Fee Program for the purpose of encouraging transit-oriented development in the Rapid Transit Zone, Urban Centers and other appropriate areas and for funding transit capital improvements to serve those areas. The Administration found that a number of County and municipal governments in the State and throughout the nation, including Hillsborough County, FL, Jacksonville, FL, Sarasota County, FL, Orlando, FL, Portland, OR, Seattle, WA, and Boulder, CO, have moved in the direction of establishing mobility fees, which are calculated based on person-miles of travel rather than vehicle-miles of travel.

Constructing impact fees to recognize available transit and transportation alternatives is the next significant step in encouraging the further development of the modern mixed-use form around existing urban centers. Mobility fees are being used for planning and funding multimodal transportation capital improvements. A mobility fee structure provides a better linkage between the mobility infrastructure of the County and the land use policies of the CDMP. This PSA was competitively solicited to determine whether the County should modify or replace the current Road Impact Fee Program and move towards a mobility fee program structure.

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The value of the PSA is \$1,100,000, including a base estimate of \$1,000,000 and a contingency allowance of \$100,000, to be paid by the Roadway Impact Fee Program. The PSA is for a term of two years, and authorizes one, one-year option-to-renew. The PSA includes a 6 percent SBE-A/E goal.

Renaissance Planning Group, Inc. will utilize the following subconsultants:

- CTS Engineering, Inc.
- Gannett Fleming, Inc.
- Center for Urban Transportation & Research
- Florida Conflict Resolution Consortium Consensus Center
- Mark Woerner, AICP
- MRD Consulting, Inc.
- Nabors Giblin & Nickerson, PA
- NUE Urban Concepts, LLC

The scope of tasks in completing the study include:

- Background review and data needs;
- Comparison to other large metropolitan areas;
- Multimodal mobility demand, supply, and cost analysis, including review of related planning documents, estimation of infrastructure cost to meet future demand, review of funding sources, and conversion of roadway impact fee to mobility fee;
- Evaluation of reduced mobility fees based on characteristics of special planning areas, accomplished through an evaluation of current or desired fees that meet the County's development goals for the following types of development:
 - Downtown Regional Urban Center (in the areas east of I-95, up to two miles from the center)
 - Urban Centers, characterized as compact, higher density, mixed use, energy efficient development, supported and served by high quality transit service
 - Rapid Transit and Activity Corridors connecting Urban Centers and/or workforce/affordable housing and major employment centers
 - Transportation Infrastructure Improvement Districts; and
 - Redevelopment and infill;
- Evaluation of multimodal/mobility fee benefit districts;
- Multimodal/mobility fee study documentation, including three draft status reports summarizing the results of the tasks, as well as a final technical report within 30 days after the receipt of comments from County staff; and
- Meetings and presentations, including monthly progress meetings and stakeholder/interest group meetings.

The solicitation was advertised on July 6, 2018. The Mayoral memorandum is silent as to how many proposals were received (question posed to the department on September 17, 2019). Negotiations with firms concluded on May 8, 2019.

Renaissance Planning Group, Inc. is an active Florida profit corporation, per an October 10, 2019 search on Sunbiz.org, the official State of Florida, Division of Corporations website. The firm's principal address is 121 S. Orange Ave., Suite 1200, Orlando, FL 32801, with a local address of 5757 Blue Lagoon Drive, Suite 330, Miami, FL 33126 (as

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verified with the Tax Collector's Office). Detailed below is a summary of OCA's due diligence performed on Renaissance Planning Group, Inc.

Awarded Firm	Corporate Registration	Tax Collector's Office	Florida DBPR	Westlaw
Renaissance Planning Group, Inc.	Florida Profit Corporation Active Principal Address: 121 S. Orange Ave., Suite 1200, Orlando, FL 32801 Filed: August 12, 1999	Business address: 5757 Blue Lagoon Drive, Suite 330, Miami, FL 33126 Status: Paid and Current	License type: Registry	No relevant cases

Pursuant to Resolution No. R-421-16, a performance record verification was conducted in the Capital Improvements Information System (CIIS) on October 10, 2019, finding that Renaissance Planning Group, Inc. has no evaluations. OCA requested a firm history report from the department on September 17, 2019.

DEPARTMENTAL INPUT

The following questions were posed to the Department of Regulatory and Economic Resources and the Internal Services Department on September 17, 2019 (responses in bold).

- Does RER have in-house staff (i.e., architects/engineers) capable of delivering the needed solicited services? If so, what guided the decision to outsource the work? **RER does have architects, planners, and engineers working in-house but this project requires specialized expertise involving the establishment of new or revised impact fees and how these fees can be used to mitigate impacts by providing a revenue source to fund multi-modal transportation systems.**
- The item is silent as to how many proposals were received in response to the solicitation, and whether Renaissance Planning Group, Inc. was the top-ranked firm. Please provide this information. **Pending response from ISD as of the date of publication.**
- Please provide the firm's history report showing Renaissance Planning Group, Inc.'s previous contracts with the County. **Pending response from ISD as of the date of publication.**

ADDITIONAL INFORMATION

Mobility Fee Definition

- A mobility fee is a one-time capital charge levied against new development.
- A mobility fee is designed to cover the portion of the capital costs of infrastructure capacity consumed by new development.
- The principle purpose of a mobility fee is to assist in funding the implementation of projects identified in capital improvement programs for the respective facility/service categories.
- A mobility fee replaces concurrency at site-plan review stage.

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Mobility Fee vs. Tax

- A mobility fee is generally regarded as a regulatory function established as a condition for improving property and is not established for the primary purpose of generating revenue, as taxes are.
- Mobility fee expenditures must convey a proportional benefit to the fee payer. This is accomplished through the establishment of benefit districts, where fees collected in a benefit district are spent in the same benefit district.
- A mobility fee must be tied to a proportional need for new infrastructure capacity created by new development.

<https://www.hillsboroughcounty.org/library/hillsborough/media-center/documents/public-works/mobility-fees/mobility-fee-study-final.pdf>

Report Regarding Recommendations for Road Impact Fee Amendments and Transfer of Development Rights Programs to Encourage Transit-Oriented Developments - Directive No. 152776

<http://www.miamidade.gov/mayor/library/memos-and-reports/2017/08/08.02.17-Report-Re-Recommendation-for-Road-Impact-Fee-Amendments-and-Transfer-of-Development-Rights-Program-to-Encourage-Transit-Oriented-Developments-Directive-No-152776.pdf>

APPLICABLE LEGISLATION/POLICY

Section 287.055 of the Florida Statutes sets forth the Consultants' Competitive Negotiation Act, governing the processes for the acquisition of professional architectural, engineering, landscape architectural or surveying and mapping services.

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

Chapter 33E of the County Code governs road impact fees, setting forth that road impact fees are based on the capital cost of roadway improvements required to serve any increase in transportation requirements resulting from proposed development activities together with impact fee administrative costs.

https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33EROIMFEOR

Section 2-10.4 of the County Code governs the County's 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 County's Small Business Enterprise Architecture and Engineering Program.

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

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Section 2-8.1 of the County Code requires that the award recommendation memorandum presented to the Board identify each dedicated allowance, contingency allowance and additional services allowance including the specific purpose for each and the dollar amount that shall be available for each and the corresponding percentage of each dedicated allowance, contingency allowance and additional services allowance in relation to the actual contract price.

[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 2-8.3 of the County Code (County Mayor's Recommendation) states that whenever a competitive process is utilized for selection of a contractor, vendor, consultant, tenant or concessionaire, the County Mayor shall review the responses to the solicitation and recommend to the County Commission award or other appropriate action. Such recommendation shall be in writing and shall be filed with the Clerk of the Board, with copies mailed to all participants in the competitive process, no later than 10 days prior to any Commission meeting at which such recommendation is scheduled to be presented. Such recommendation shall be accompanied by a memorandum from the County Mayor that clearly identifies any and all delegations of Board authority contained in the body of the proposed contract.

[https://library.municode.com/fl/miami -
dade county/codes/code of ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.3MARE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.3MARE)

Implementing Order No. 3-34 establishes procedures for the formation and performance of selection committees in the competitive procurement process, including competitive selection committees utilized in the acquisition of architectural and engineering professional services.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-34.pdf>

Administrative Order No. 3-39 establishes the County's policies and procedures for user departments for the construction of capital improvements, acquisition of professional services, construction contracting, change orders and reporting.

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

Resolution No. R-54-16 adopted January 20, 2016, directs the County Mayor to prepare a report to the Board making recommendations for amending the County's road impact fee program for the purpose of encouraging transit-oriented development in the County's rapid transit zone, urban centers, and other appropriate areas and of funding transit capital improvements to serve those areas, including the use of transferable development rights within those areas, and proposing further legislation to implement recommendations.

<http://intra/gia/matter.asp?matter=152776&file=true&yearFolder=Y2015>

Resolution No. R-187-12, adopted February 21, 2012, directed 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>

Resolution No. R-421-16, adopted May 17, 2016, requires (1) the County Mayor to attach to all items recommending design and/or construction contract awards of \$1,000,000 or greater a list of all County contracts awarded in the previous three years to the recommended contractor and a summary of County evaluations of the recommended contractor's work; and (2) all County departments to complete contractor evaluations before closing out a contract and making final payment to a contractor.

<http://www.miamidade.gov/govaction/matter.asp?matter=160124&file=true&fileAnalysis=false&yearFolder=Y2016>

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Ordinance No. 14-79, adopted September 3, 2014, requires that all agenda items related to planning, design and construction of County infrastructure include a statement that the impact of sea level rise has been considered.
<http://intra/gia/matter.asp?matter=141211&file=true&yearFolder=Y2014>