



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

Public Safety and Rehabilitation (PSR)
Committee Meeting

November 13, 2019
9:30 A.M.
Commission Chambers

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**PSR Committee Meeting:
November 13, 2019
Research Notes**

**Item No. 3A
File No. 192599**

Researcher: JFP Reviewer: PGE

RESOLUTION APPROVING THE TERMS OF AND AUTHORIZING EXECUTION BY THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE, OF A LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND PSBP INDUSTRIAL, LLC FOR THE PREMISES LOCATED AT 7831 NW 15 STREET, SUITE 14, DORAL, FLORIDA TO BE UTILIZED BY THE MIAMI-DADE COUNTY POLICE DEPARTMENT WITH A TOTAL FISCAL IMPACT TO THE COUNTY ESTIMATED TO BE \$1,112,299.15 FOR A FIVE-YEAR TERM AND ONE, FIVE-YEAR OPTION TO RENEW; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve the execution of the Lease Agreement between the County (Tenant) and PSBP Industrial, LLC (Landlord) for the Miami-Dade County Police Department's continued utilization of property located at 7831 NW 15 Street, Suite 14, Doral, FL at a total cost to the County of \$1,112,299 for a lease term of five years and one, five-year option to renew.

PROCEDURAL HISTORY

**Prime Sponsor: Commissioner Jose "Pepe" Diaz, District 12
Department/Requester: Internal Services Department (ISD)**

This item has no procedural history.

ANALYSIS

The purpose of this item is to authorize the Mayor's execution of a Lease Agreement for a 5,555 square foot property, located in District 12, utilized by the Special Patrol Bureau of the Miami-Dade Police Department (MDPD) since 2007 for storage of police equipment. The Landlord, PSBP Industrial, LLC, is a Delaware limited liability company affiliated with PS Business Parks, L.P. The space is in the same building as the Special Patrol Bureau office and is used for storage of equipment critical to operations, such as a command post bus, air tanks, and robotic equipment. The proposed replacement lease is for a term of five years plus one, five-year option to renew.

The original lease, initiated in April 2007 for five years with one five-year renewal period, expired on March 31, 2017. The County has since remained the tenant through the initial lease's holdover provision. Under the prior lease, the County paid the Landlord a rental cost of \$13.26 per square foot, inclusive of electricity, with the Landlord responsible for all other operating expenses. Since April 1, 2017, the rental rate to the County while under the original lease's holdover provision has been \$16.74 per square foot, not including operating expenses. Under this Lease Agreement, the base rent cost to the County for the initial year of the lease is \$12.98 per square foot, and totals \$16.20 per square foot when including all operating expenses. Comparable property in the area has a current rental rate of \$12.50 to \$13.50 per square foot on an annual basis, not including operating expenses.

The new Lease Agreement presents a total fiscal impact to the County of \$1,112,299.15 for the five-year lease term and the five-year option to renew. This total includes all operating expenses and ISD's lease management fee, which are not included in the base rent. The itemized cost of solely the annual base rent is detailed below, reflecting an annual three percent increase from the previous year's base rent.

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Lease Expenditure	Annual Base Rent	Cost per Square Foot
Year 1	\$72,103.93	\$12.98
Year 2	\$74,267.05	\$13.36
Year 3	\$76,495.06	\$13.77
Year 4	\$78,789.91	\$14.18
Year 5	\$81,153.61	\$14.61
Year 1 of Option Term	\$83,707.68	\$15.07
Year 2 of Option Term	\$86,218.92	\$15.52
Year 3 of Option Term	\$88,805.52	\$15.97
Year 4 of Option Term	\$91,469.64	\$16.47
Year 5 of Option Term	\$94,213.68	\$16.96

The original 2007 lease was full service, with the Landlord rather than the County being responsible for all operating expenses, except for electricity. Under the new Lease Agreement, the County is responsible for water, waste disposal services, trash disposal, janitorial, electricity and telephone services while the Landlord is responsible for all structural repairs of the building. The County negotiated with the Landlord to have certain repairs made during the holdover period, which the Landlord completed. The following is a description of improvements performed by the Landlord:

- Installation of a keypad access point on the exterior of the roll-up bay door in order to open and close the roll-up door from the outside;
- Installation of a 20 foot door hood cover in the warehouse roll-up door;
- Removal of existing sink in the rear of the warehouse and capping of all sewer drains to prevent sewer gases from backing up into the warehouse/office space; and
- Repair of all roof leaks, and replacement of all stained and damaged ceiling tiles in the office space.

The lease will commence on the first day of the next month following 10 days after the date of the Board's adoption of the Lease Agreement, and can be terminated by the County at any time by providing 90 days' advanced written notice to the Landlord.

A summary of OCA's due diligence of the Landlord, PSBP Industrial, LLC, is detailed below.

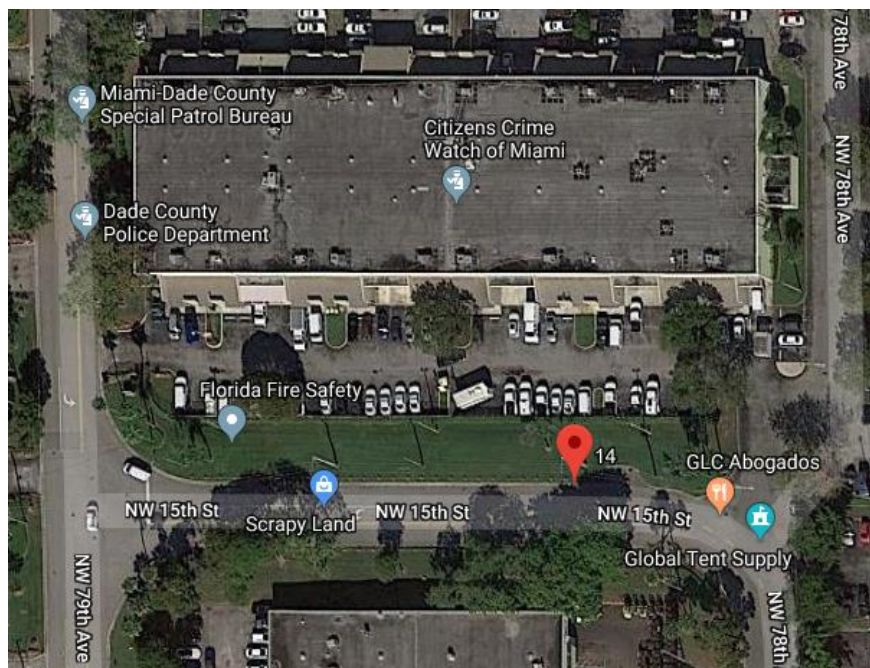
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Landlord	Corporate Registration	Tax Collector's Office	Florida DBPR	Litigation (Westlaw)
PSBP Industrial, LLC	Foreign Limited Liability Company Active Principal Address: 701 Western Avenue, Glendale, CA 91201 Filed: December 5, 2003	No business account on file.	N/A	No relevant cases.

The location of the subject property, 7831 NW 15 Street, Suite 14, Doral, FL, is illustrated below.



APPLICABLE LEGISLATION/POLICY

Resolution No. R-204-07, adopted February 20, 2007, approved the County's lease with landlord, PSBP Industrial, LLC, for a term of five years, with one, five-year option to renew term.

<http://www.miamidade.gov/govaction/matter.asp?matter=070459&file=true&fileAnalysis=false&yearFolder=Y2007>

**PSR Committee Meeting:
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Research Notes**

**Item No. 3D
File No. 192569**

Researcher: MF Reviewer: PGE

RESOLUTION APPROVING THE MUTUAL AID AGREEMENT BETWEEN MIAMI-DADE COUNTY, BY AND THROUGH THE MIAMI-DADE POLICE DEPARTMENT, AND PARTICIPATING LAW ENFORCEMENT AGENCIES FROM MONROE TO PALM BEACH COUNTIES, FOR THE MULTI-AGENCY MARINE THEFT TASK FORCE; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE TERMINATION AND OTHER PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve a Mutual Aid Agreement among the County and participating law enforcement agencies from Monroe to Palm Beach Counties for the Marine Theft Task Force for a term of five years with an option to renew for an additional five-year term.

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Joe A. Martinez, District 11

Department/Requester: Miami-Dade Police Department (MDPD)

There is no procedural history for this item currently.

ANALYSIS

The purpose of this item is to request the Board's approval of a Multi-Agency Marine Theft Task Force Mutual Aid Agreement via the MDPD and participating law enforcement agencies for a period of five years, expiring on November 30, 2024. There is an option to extend the agreement by five years. The specific participating agencies are: Palm Beach, Broward, and Monroe Counties and those municipalities in which a participating agency has jurisdiction. The agreement will facilitate a multi-jurisdictional partnership to combat watercraft and related equipment thefts.

The intent of this mutual aid agreement is for MDPD to partner with the aforementioned South Florida law enforcement agencies and receive assistance with manpower and tracking devices necessary in order to successfully apprehend and prosecute individuals involved in watercraft theft activity within the participating counties and municipalities. Under the agreement, watercraft theft activity includes, but is not limited to, the following:

- Each agency will provide necessary personnel equipment, resources and facilities and render services to each other party to the agreement;
- A participating agency that provides equipment must bear the cost of loss or damage to that equipment and pay any expense incurred in the operation and maintenance of that equipment;
- The participating agency will pay the salary, benefits and overtime and other compensation to its officers assigned to the Task Force, including any amounts as a result of personal injury or death; and
- The same privileges and immunities from liability, exemption from laws, ordinances and rules, and all pension, insurance, relief, disability, worker's compensation, salary, death and other benefits that apply to the activity of an employee of an agency serving on the Task Force apply to the same degree and extend while engaged in this agreement.

In rendering law enforcement assistance, the participating agencies will assign law enforcement officers as needed to the task force in a joint effort to address such criminal activity. MDPD's Kendall District will monitor compliance with this Mutual Aid Agreement.

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The mayor's memo states that there is no fiscal impact to the County with this item. The memo does not indicate how many officers will be assigned to the Task Force and the associated costs for each agency. The item is silent on how many MDPD officers will be assigned to the Task Force and the associated costs. The Agreement has a liability provision that states each party agrees to assume responsibility for the acts, omissions, or conduct of such party's own employees while participating, subject to the provisions of Section 768.28 of the Florida Statutes.

Pursuant to Florida Statute Chapter 23 (Section 23.12), the Florida Mutual Aid Act allows for mutual aid among law enforcement across jurisdictions to create joint operations and combat watercraft thefts in the region. Through the agreement, the participating agencies are authorized to investigate, apprehend, and arrest individuals involved in the task force operations.

ADDITIONAL INFORMATION

According to a Miami Herald article from August 20, 2019, the Miami-Dade State Attorney's Office in conjunction with MDPD disbanded a boat theft ring with the assistance of a Task Force comprised of law enforcement officers from Broward, Monroe and Palm Beach Counties. Two suspects were arrested on several charges in "Operation Knot Yours." The charges included: racketeering, grand theft, and burglary. Authorities believe the father and son duo (William Baez-Cartalla, 48, and William Baez-Valdes, 22) led a criminal organization that stole more than \$1,000,000 in boats and equipment. According to the report, the suspects would steal pickup trucks and use those to steal boats. Five other suspects were arrested for their role in allegedly transporting the stolen boats, while the father and son followed in separate vehicles.

<https://www.miamiherald.com/news/local/crime/article234175477.html>

Miami-Dade County, under Chapter 23 of the Florida Statutes, has entered into numerous Mutual Aid Agreements since 1996. Several are listed below:

Resolution No. R-259-19 adopted February 5, 2019 establishes a Mutual Aid Agreement between Palm Beach County and MDPD to combat auto theft.

<http://www.miamidade.gov/govaction/legistarfiles/MinMatters/Y2019/190151min.pdf>

Resolution No. R-129-19 adopted February 5, 2019 establishes a Mutual Aid Agreement with Monroe County for the rehabilitation of aviation facilities following an emergency.

<http://www.miamidade.gov/govaction/matter.asp?matter=182721&file=true&fileAnalysis=false&yearFolder=Y2018>

Resolution No. R-444-18 adopted May 1, 2018 establishing a Money Laundering Task Force between Miami-Dade County and Broward County.

<http://www.miamidade.gov/govaction/matter.asp?matter=180828&file=true&fileAnalysis=true&yearFolder=Y2018>

Resolution No. R-984-17 adopted November 7, 2017 establishes a Mutual Aid Agreement with Key Largo for emergency medical support during catastrophic event.

<http://www.miamidade.gov/govaction/matter.asp?matter=172028&file=true&fileAnalysis=false&yearFolder=Y2017>

APPLICABLE LEGISLATION/POLICY

Florida Statutes Chapter 23, "Florida Mutual Aid Act," allows the creation of state law enforcement mutual aid plans providing for the command and coordination of law enforcement planning, operations, and mutual aid to provide for a system for receipt and dissemination of information, data, and directives pertaining to activities among law enforcement agencies and to preplan distribution and allocation of state resources in support of the overall law enforcement mission.

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http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0000-0099/0023/0023.html

Florida Statutes Chapter 768.28, Waiver of sovereign immunity in tort actions, recovery limits; limitation on attorney fees; statute of limitations, exclusions; indemnification; risk management programs.

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0700-0799/0768/Sections/0768.28.html