



**OFFICE OF THE COMMISSION AUDITOR
MIAMI-DADE BOARD OF COUNTY COMMISSIONERS**

**COMMISSION AUDITOR'S
INFORMATIONAL RESEARCH**

BOARD OF COUNTY COMMISSIONERS MEETING

July 21, 2020

9:30 A.M.

Virtual Meeting

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**Item No. 4I
File No. 201390**

Researchers: JFP & VW Reviewer: PGE

ORDINANCE RELATING TO THE INDEPENDENT REVIEW PANEL (“PANEL”); AMENDING ARTICLE IC OF CHAPTER 2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; CHANGING THE NAME OF THE PANEL; AMENDING THE COMPOSITION, AUTHORITY, POWERS, AND STAFFING OF THE PANEL; PROVIDING TERMS OF MEMBERS APPOINTED TO THE PANEL NOTWITHSTANDING OTHER PROVISIONS OF THE CODE; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO IDENTIFY A FUNDING SOURCE FOR THE OPERATION OF THE PANEL DURING THE CURRENT FISCAL YEAR AND INCLUDE SUCH FUNDING IN FUTURE ANNUAL BUDGETS; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend Chapter 2, Article IC of the County Code to change the name of the Independent Review Panel (Panel) to the Independent Civilian Panel and amend the composition, authority, powers and staffing of the Panel.

PROCEDURAL HISTORY

**Prime Sponsor: Commissioner Barbara J. Jordan, District 1
Department/Requester: None**

A similar item (File No. 201121) was adopted on first reading at the June 16, 2020 BCC meeting and waived to the July 8, 2020 BCC meeting without committee review. At the July 8, 2020 meeting, the original item was withdrawn, and a substitute item (Substitute No. 2, File No. 201451) passed as amended by a vote of 8 to 5. The substitute item’s passage was sustained after a failed motion for reconsideration. The passed ordinance, Ordinance No. 20-65, was vetoed by the Mayor on July 17, 2020. In the Mayor’s veto message, he mentions his support for Independent Review Panel legislation that provides a clear exemption for County employees or elected officials from being subpoenaed. Since Ordinance No. 20-65 was vetoed, the subject item, File No. 201390, will move forward as scheduled and be heard on first reading at the July 21, 2020 BCC meeting.

The key differences between the subject item (File No. 201390) and Ordinance No. 20-65 (File No. 201451) passed by the Board on July 8, 2020 are outlined below, with additions delineated with an underline.

File No.	201451 (Ordinance No. 20-65)	201390 (Proposed Ordinance)
Subpoena Power	<p>Sec. 2-11.45. - Authority and powers generally.</p> <p>m. Upon a majority vote, the Panel shall have the authority to request the issuance of subpoenas for witnesses, documents, and other potential evidence for all matters within its jurisdiction, except as may be prohibited by applicable law or if notified by representatives identified in subsection (l) above that the</p>	<p>Sec. 2-11.45. - Authority and powers generally.</p> <p>m. Upon a majority vote, the Panel shall have the authority to request the issuance of subpoenas for witnesses, documents, and other potential evidence for all matters within its jurisdiction, except as may be prohibited by applicable law or if notified by representatives identified in subsection (l) above that the</p>

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Panel's investigation would be interfering in an investigation. Said subpoenas shall be signed, served, and enforced pursuant to applicable law. Ten days prior to the issuance of any subpoena, the Executive Director shall notify the State Attorney, Miami-Dade County Commission on Ethics and Public Trust, Miami-Dade County Office of Inspector General, or Miami-Dade Police Department of the Panel's intention to issue the subpoena.

Panel's investigation would be interfering in an investigation. Notwithstanding the above, no such subpoena shall be issued to: (i) a County Commissioner, (ii) the County Mayor, or (iii) a County employee to appear as a witness. Said subpoenas shall be signed, served, and enforced pursuant to applicable law. Ten days prior to the issuance of any subpoena, the Executive Director shall notify the State Attorney, Miami-Dade County Commission on Ethics and Public Trust, Miami-Dade County Office of Inspector General, or Miami-Dade Police Department of the Panel's intention to issue the subpoena.

Independent Review Panel legislation was the subject of a June 15, 2020 Sunshine Meeting between Chairwoman Edmonson, Commissioner Bovo, Commissioner Sosa, and Commissioner Jordan wherein the following discussion took place.

- Commissioner Bovo asked for clarification as to who is considered a sworn officer since the legislation appears to exempt the Director of Police and the warden from subpoena and expressed his hope that that could be addressed in the legislation if this is in fact the case. Commissioner Jordan, the sponsor of the legislation, stated her preference for relying on the state definition regarding who is exempt from subpoena, hence the director and warden would not be exempt.
- The Assistant County Attorney clarified that as written the Panel may not subpoena police officers, but may subpoena records, etc. as long as there is no pending investigation. If there is a pending investigation, the Panel would have to wait until the investigation is closed until they can subpoena records, etc.
- Commissioner Bovo had a separate concern with the make-up of the Panel and who would be able to serve. He recommended a training certification so that those serving on the panel would get a better understanding of practices and protocols of MDPD being written into the legislation. Commissioner Jordan responded that a training component would be in the Implementing Order.
- Commissioner Jordan further stated that a substitute item is being presented affecting the selection of the Panel. Commissioner Edmonson expressed a concern with the nominating committee as outlined in the substitute item. Commissioner Jordan explained that in the amended process, Advocacy Boards will be the nominating council, i.e. one representative from the Community Relations Board, Commission for Women, Black Affairs Advisory Board, Asian-American Advisory Board, Hispanic Affairs Advisory Board, Military Affairs

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Advisory Board, Elderly Affairs Advisory Board, LGBTQ Advisory Board, and Interfaith Advisory Board. The nominating council will be screening the applications. Commissioner Sosa voiced her concern that people will be hesitant to serve and would not apply and expressed her preference for the Commissioners appointing the Panel members. Commissioner Jordan added that Commissioners will be making the appointments; there will simply be a further screening process facilitated by the Advisory Boards. Each district will be reviewed separately. Two names will be provided to each Commissioner for selection. If the Commissioner is not satisfied with those options, then the Commissioner is able to request two more, and so on until the position is filled. Commissioner Sosa wanted to know about the involvement of the different Boards in District 6 to see how they were qualified to select someone to represent District 6. Commissioner Edmonson voiced concern with the possibility that a certain group may be unfairly represented in the Panel as a result of the nominating process and suggested placing a backstop in the legislation if this were the case.

- Commissioner Sosa asked if County employees are under the jurisdiction of this Panel, to which Commissioner Jordan responded that the substitute item changes the jurisdiction to only review of police officers rather than the scope covering all County employees.

Independent Review Panel legislation was also the subject of a June 23, 2020 Sunshine Meeting between Commissioner Jordan, Commissioner Bovo, and Commissioner Levine Cava wherein amendments to the Miami-Dade County Home Rule Charter establishing the Independent Civilian Panel were discussed. The proposed changes to the Charter with regards to the Independent Civilian Panel discussed during the meeting were as follows:

- The executive director appointed by the Independent Civilian Panel was redefined as an *independent* executive director
- The word *adequate* was added before the word *budget*
- Additional duties of the Independent Civilian Panel were to include *reviewing County law enforcement policies, patterns, practices and closed internal investigations* as well as *issuing written fact-findings*
- The phrase *Miami-Dade County Police Department* was changed to *the County's Police Department*.

ANALYSIS

The proposed ordinance seeks to implement changes to the already existing Independent Review Panel, which was created in 1980 and last funded in FY 2008-2009. The Panel was initially created as a mechanism for community fact-finding and dispute resolution. The amendments alter the composition and jurisdiction of the Panel, as well as expand its authority to include limited subpoena power. The proposed Board-appointed, 13-member Panel, renamed the Independent Civilian Panel, will be limited in jurisdiction to review of cases related to sworn officers of the Miami-Dade Police Department or any other law enforcement agency established by the Board. The Panel's authority is expanded to include: authority to make recommendations regarding current and proposed police department policies, practices and procedures; conduct alternative dispute resolution; and, upon a majority vote by the Panel, subpoena witnesses, documents and other potential evidence for all matters within its jurisdiction, except as may be prohibited by applicable law. Applicable law includes Section 112.532, Florida Statutes, which outlines law enforcement officers' and correctional officers' rights and precludes subpoena of sworn law enforcement officers, with the exception of the chief of police. The Panel's subpoena power now also precludes subpoena of the County Mayor, County Commissioners, or County employees to appear as witnesses, distinguishing it from the ordinance regarding the Independent Review Panel passed by the Board on July 8, 2020 (Ordinance No. 20-65, File No.201451).

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The Panel has authority to investigate or review allegations of misconduct; use of force incidents resulting in death, permanent disability, permanent disfigurement, or other great bodily harm to a person; all files that have been closed by MDPD's Professional Compliance Bureau, Internal Affairs Section (or successor entity); all documents and records in any medium supporting or relating to an investigation conducted by the Professional Compliance Bureau, Internal Affairs Section (or successor entity); and other matters related to policing.

Each County Commissioner is to appoint one person to serve on the Panel. Appointees may, but are not required to be chosen from candidates recommended by the nominating committee. The nominating committee is a nine member body comprised of one member selected by each of the following advisory boards: Community Relations Board, Commissioner for Women, Black Affairs Advisory Board, Asian-American Advisory Board, Hispanic Affairs Advisory Board, Military Affairs Advisory Board, Elderly Affairs Advisory Board, LGBTQ Advisory Board, and Interfaith Advisory Board. The nominating committee is to advertise and provide applications through public notices. Once applications have been received and all applicants have been considered, the nominating committee shall provide each County Commissioner with the names of two applicants from the Commissioner's district.

The panel is to be limited to two members with the same or similar professions or backgrounds. Consideration should be given to appointing a retired law enforcement officer and retired member of the judiciary, judge, or magistrate, and retired or active individuals in the fields of human resources, faith-based, social justice, and civil rights law. Current sworn officers or applicants who are family members of sworn police officers will not be considered, as no Panel member or any Panel member's immediate family shall be a sworn law enforcement officer per the ordinance. With the exception of the initial Panel where some terms will be shortened to accommodate the staggering of terms, Panel members will serve three-year terms.

The proposed ordinance prescribes that all staff and Panel members are to receive Ethics Training from the Miami-Dade County Commission on Ethics and Public Trust and Police-Based Perception Training or other civilian police training that simulates police encounters, as well as training on police policies, procedures, and practices prior to investigating or reviewing any matter. To the extent permitted by law, County employees are to cooperate with requests from and participate in investigations conducted by the Panel. Under the proposed ordinance, the County Mayor, within 45 days of receipt of the Panel's final report with regard to a matter reviewed, shall transmit a report to the BCC and the Panel providing all actions taken in response to the Panel's final report and any recommendations made therein.

The legislation allows for flexibility in the funding source for the operation of the Panel. Section 2 of the ordinance directs that funding is to be established during the current fiscal year and included in the FY 2020-21 budget and future annual budgets. A fiscal impact analysis was completed by the Administration for File No. 201354. The ordinance was estimated as having an annual value of \$738,000, based on factoring in a one-time startup cost of \$100,000 in addition to personnel and operating expenses, and increases of 5% and 3% annually of recurring personnel expenses and other operating expenses, respectively, every year thereafter.

The Panel is in addition to the County's internal review process and established measures to address complaints of misconduct by government employees, as facilitated by the Commission on Ethics and Public Trust, the Office of the Inspector General, and the Office of Human Rights and Fair Employment Practices. More measures exist at the departmental level. For example, the Miami-Dade Police Department (MDPD) has an internal investigative entity in place to investigate police officers and address misconduct. The MDPD's Professional Compliance Bureau (PCB) reports only to the MDPD Director and has the power to investigate allegations of police misconduct via its Internal Affairs Section (IAS) and the Criminal Conspiracy Section (CCS). Specifically:

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- The Public Corruption and Criminal Conspiracy Sections (PCS) (CCS) of the Miami-Dade Police Department is responsible for investigating acts of criminal misconduct involving public officials, County employees, police officers, lobbyists, and private vendors conducting business with Miami-Dade County.
- The Digital Forensic Unit provides a variety of digital forensic laboratory and crime scene support services to the greater municipal, state, and federal law enforcement agencies of Miami-Dade County.
- The Body-Worn Camera Unit was implemented to improve police services, increase accountability for individual interactions, and enhance public safety.

Civilian oversight boards—defined as agencies staffed with civilians, not sworn officers, charged with investigating civilian complaints of misconduct by government employees, particularly police and corrections officers—exist in varying forms in more than 100 jurisdictions throughout the nation. Based on the Office of the Commission Auditor’s research findings, civilian oversight boards generally fall into two categories: they are either external or internal to a law enforcement agency. A third, hybrid model incorporates aspects of both the external and internal models. Below are a few examples of Civilian Oversight Boards created in various jurisdictions of the United States:

City of Miami

The Civilian Investigative Panel (CIP), created by City of Miami Ordinance No. 12188 in 2002, provides for independent and impartial citizens oversight of the Miami Police Department. The powers and duties of the panel are:

- To conduct investigations, inquiries and evidentiary hearings into allegations of police misconduct.
- To make factual determinations, facilitate resolutions and propose recommendations to the City Manager and Chief of Police.
- To review and make recommendations regarding the Miami Police Department’s existing policies and procedures, including training, recruitment and discipline and provide input to the Chief of Police prior to implementation of new or revised policies and procedures.
- To request issuance of subpoenas for the purpose of obtaining evidence from witnesses, production of documents etc., after consultation with the State Attorney and CIP Independent Counsel.
- To issue reports to the Mayor, City Commission, City Attorney, City Manager, Chief of Police and the public.
- The CIP conducts public meetings on every third Tuesday of each month in addition to special and emergency meetings and public hearings.

Atlanta

The Atlanta Citizen Review Board (ACRB) was established by ordinance as an independent agency in 2007 and amended to include subpoena power in May 2010. It is designed to provide citizen oversight of misconduct accusations against sworn members of the police and corrections departments in the City of Atlanta. It is also designed to help prevent future incidents of police or corrections misconduct and abuse of civil rights and to reduce the amount of money needed to satisfy judgments and settlements based on allegations of police or corrections misconduct. The ACRB promotes public confidence in law enforcement.

The 13 members of the ACRB are appointed as follows and confirmed by the City Council:

- One member is appointed by the Mayor;
- One member is appointed by the City Council;
- One member is appointed by the President of the Council with previous experience as a law enforcement professional;

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- Four members are appointed by the Neighborhood Planning Units;
- One member is appointed from the Gate City Bar Association;
- One member is appointed by the Atlanta Bar Association;
- One member is appointed by the League of Women Voters of Atlanta;
- One member is appointed by the Atlanta Business League;
- One member is appointed by the Georgia Coalition for the People's Agenda; and
- One member is appointed by the Urban League of Greater Atlanta.

Chicago

On October 5, 2016, the Chicago City Council passed an ordinance establishing the Civilian Office of Police Accountability (COPA), which replaced the Independent Police Review Authority as the civilian oversight agency of the Chicago Police Department. COPA is comprised of a diverse staff with many years of investigative and legal experience. Under the direction of the Chief Administrator, COPA has the power and authority to conduct investigations into:

- Complaints against members of the police department alleging domestic violence, excessive force, coercion, or verbal abuse;
- All incidents in which a member of the police department discharges (i) a firearm in a manner that potentially could strike another individual, (ii) a stun gun or taser in a manner that results in death or serious bodily injury, or (iii) other weapons discharges and other use of police department issued equipment as a weapon that results in death or serious bodily injury;
- Incidents where a person dies or sustains serious bodily injury while detained or in police custody;
- Incidents of an officer-involved death; and
- Complaints against members of the police department alleging improper search or seizure of either individuals or property.

New York City

The New York City Police Department established the Civilian Complaint Review Board (CCRB) in 1953 as a committee of three deputy police commissioners to investigate civilian complaints. In 1987, in accordance with legislation passed in 1986 by the City Council, the board was restructured to include private citizens in addition to police officers (the Mayor appointed six members and the Police Commissioner appointed six). In 1993, after extensive debate and public comment, Mayor David Dinkins and the New York City Council created the CCRB in its current, all-civilian form.

The CCRB was established to receive, investigate, mediate, hear, make findings, and recommend action on complaints against New York City police officers alleging the use of excessive or unnecessary force, abuse of authority, discourtesy, or the use of offensive language. The Board's investigative staff is composed entirely of civilian employees. The Board forwards its findings to the police commissioner.

The CCRB's membership consists of 13 individuals appointed by the Mayor, who are residents of New York City and reflect the diversity of the city's population. The members of the board are appointed as follows: (i) five members, one from each of the five boroughs, are designated by the City Council; (ii) three members with experience as law enforcement professionals are designated by the police commissioner; and (iii) the remaining five members are selected by the Mayor, who also selects one of the members to serve as Chair. No member of the board may have a law enforcement background, other than those designated by the police commissioner, and none may be public employees

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or serve in public office.

Detailed below is a summary of select Citizen Review Boards nationwide, by jurisdiction.

Summary Table of Citizen Review Boards in the United States

Public Entity	Board Name and Composition	Date of Creation	Subpoena Authority	Discipline Authority	Authority to Review Policies, Practices and Procedures
Atlanta	Atlanta Citizen Review Board; the 13 members of the ACRB are appointed by different entities	2007	Yes	No	Yes
Baltimore	Civilian Review Board of Baltimore City; Voting members: 9 (from each police precinct), 5 non-voting members	1999	Yes	No	No
Chicago	Civilian Office of Police Accountability; Comprised of a diverse staff	2016	Yes	Yes	Yes
Detroit	Board of Police Commissioners; Members: 11 (7 from each police district and 4 appointed by mayor).	1974	Yes	Yes	Yes
City of Miami	Civilian Investigative Panel (CIP)	2002	Yes	No	Yes
Newark	Newark Civilian Complaint Review Board; the 11 members are appointed by different entities	2016	Yes	Power to recommend discipline	Yes
New York City	Civilian Complaint Review Board; Members: 13 (5, i.e., one from each borough designated by the City Council; 3 members with law enforcement experience designated by police commissioner; the remaining 5 are selected by the Mayor, who also selects one to serve as Chair)	1953	Yes	Power to recommend discipline	No

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APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code, Chapter 2, Article IC, governs the Independent Review Panel, its creation, composition, organization and procedures, authority and powers generally, and reporting requirements.

http://miamidade.fl.elaws.us/code/coor_ptiii_ch2_artic

Resolution No. R-1075-16, adopted by the Board on November 1, 2016, created the Miami-Dade Independent Review Panel Working Group; provided its membership, organization, procedures and staffing; and set forth its purpose, functions, responsibilities and Sunset provision.

<http://intra/gia/matter.asp?matter=162943&file=false&yearFolder=Y2016>

Section 112.532, Florida Statutes outlines law enforcement officers' and correctional officers' rights.

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0112/Sections/0112.532.html

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**Item No. 8F2
File No. 201253**

Researcher: MF Reviewer: PGE

RESOLUTION APPROVING AWARD OF CONTRACT NO. RFP-01083 TO RIVER NORTH TRANSIT, LLC. FOR PURCHASE OF ON-DEMAND TRANSIT SERVICES FOR THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS WITH AN ESTIMATED FISCAL IMPACT TO THE COUNTY IN AN AMOUNT OF UP TO \$4,663,500.00 FOR THE INITIAL THREE-YEAR TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION OR EXTENSION PROVISIONS, 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 award of *Contract No. RFP-01083* to River North Transit, LLC, for the purchase of on-demand transit services with a fiscal impact of up to \$4,663,500 for the initial term of three years for the Department of Transportation and Public Works (DTPW).

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

This item was heard at the Transportation and Finance Committee meeting of July 14, 2020 and waived with a favorable recommendation to the July 21, 2020 BCC meeting.

ANALYSIS

The purpose of this item is for the County to award a new contract – the first of its kind – for the purchase of on-demand transit services. Per Florida Statutes Section 341.031(b), on-demand transit services consist of techniques that can be used to increase the efficiency of existing transportation systems by influencing demand on the systems and by reducing the number of automobile trips during peak hours. The recommended item awards *Contract No. RFP-01083* to River North Transit, LLC for the vendor to administer on-demand transit services, including the implementation of service delivery models to access premium transit services and increase travel options for commuters, for a three-year term with a fiscal impact of \$4,663,500.

Under this contract, the scope of services consists of development, deployment, marketing and customer service for on-demand, mobile app-based transit service for nearby door-to-door rides to and from Metrorail, as well as the South Dade Transitway and other Transit facilities. Using the mobile-based technology, customers can use their smartphone or mobile device app to book trips and obtain real-time transit information. Customers without a smartphone or mobile app, may access the information through a call center, which the vendor will oversee. A system integration element – a key component of the scope of services – consists of a service model that integrates real-time operations technology and the rightsizing of vehicles based on “real-time” trip demand. As such, the system will enable fully-automated scheduling, dispatching, reservation, and real-time ride matching.

Four transit areas will be served with on-demand transit services: Dadeland, Civic Center, Palmetto Bay and Cutler Bay, with locations being added or deleted at the County's discretion through the term's contract. The contract also will provide trips under three miles to and from transit facilities in order to ensure faster rider trips and shorter wait times, excepting the areas of Palmetto Bay and Cutler Bay where the trip distance may be more than three miles.

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Riders may use a credit or debit card as well as the County's EASY Card to pay for the service. The service will be provided – at a minimum – on weekdays from 6:30 a.m. to 7 p.m., with service to the Cutler Bay Municipal area to be provided on weekdays from 5:30 a.m. to 9:30 a.m. and from 4 p.m. to 8 p.m.

Per the contract, the County shall have access to the program and ultimately retain full ownership of the data associated with these services. The services under the contract's scope include the following:

- Real-time ride matching and dynamically routed service, meaning that the route to destination can change based on real-time demand, with the agreed upon detour parameters.
- Shared, on-demand, dynamically routed, virtual bus stops (VBS) (nearby pick-up/drop off location) to-and-from transit facilities for customers connecting with rail or bus within designated service zones. The specific boundaries of service zones will be defined during service planning.
- Short trips under 3 miles to-and-from transit facilities to allow for faster passenger trips and shorter wait times, except for specific areas, to be determined by the County, where the trip length to-and-from transit facilities may be over 3 miles.
- Ability for customers to request a ride in real-time via their smartphone/mobile devices, website, or phone call.
- Customers will be picked-up (rider's wait time from the time a ride is requested), on average, no more than 15 minutes, and will be dropped off at their destination, on average, no more than 15 minutes later (in vehicle time). It might be necessary to adjust wait time and in-vehicle time targets as the service grows and feedback is received. If so, the Parties will work in good faith to agree on new targets.
- Assignment of vehicles to complete one or more trips at a time, aiming to maximize vehicle occupancy, and minimize vehicle miles traveled (VMT), while maintaining the desired level of service (LOS) (wait time of no more than an average of 15 minutes and in-vehicle time of no more than an average of 15 minutes).
- Ability for service to be provided using smaller vehicles for shared rides, where the full fleet or portion of the fleet will be wheelchair accessible vehicles.
- Ability for customers to be able to request a wheelchair accessible vehicle.
- Provide customers who have indicated that they require a wheelchair accessible vehicle an equivalent service, approximating as much as possible.
- Customer service provided by the Contractor during all hours when the service is operating. Customer service hours will be defined during service planning.
- Providing all capital operations, maintenance, and marketing for this contract.
- Ongoing marketing of service will be conducted by the Contractor.
- Ability for contractor to scale service based on trip demand.
- Ability for Contractor to expand service to other transit facilities in the County with mutual written agreement and acceptance by DTPW of any additional fees.

The four transit service regional areas under this item and their respective service attributes are summarized below:

- *Dadeland Area* – Metrorail stations within the Dadeland service zone are South Miami, Dadeland North and Dadeland South. The ridership at these stations combined accounts for 24% of the total passengers boarding Metrorail. All three stations have Park-and-Ride lots with up to 98% daily occupancy. There are more than 2,000 parking passes registered within 3-miles of the Dadeland stations.

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- *Civic Center Area* – It is located in the Health District and serves major employment, healthcare and education centers in the County. The station has an average of 6,000 weekday boardings and has no parking. Four major rehabilitation and training centers for people with disabilities are located within 1-mile of the station. The Special Transportation Services (STS) transport an average of 240 paratransit riders to and from these centers every day. Additionally, approximately 533 active STS riders live within 1-mile of the Civic Center station.
- *Palmetto Bay Area* – The segment of the Transitway located in the Palmetto Bay area has 7 Transitway stations, of which 2 have Metrobus Park-and-Ride lots. The Park-and-Ride lots combined have 349 parking spaces with 100% daily occupancy. Parking is at no charge at Metrobus Park-and-Ride lots. The Transitway stations within the Palmetto Bay area have a combined average of 2,865 weekday boardings. The Village of Palmetto Bay has a population of 45,222 residents, with the majority of the population residing within a 2-mile radius from the selected Transitway segment.
- *Cutler Bay Area* – The segment of the Transitway located within the Cutler Bay area has 6 Transitway stations, with a Metrobus Municipal Park-and-Ride lot located at the SW 112 Avenue station. The Park-and-Ride lot has 450 parking spaces with up to 98% daily occupancy and parking is at no charge. The Transitway stations within the Cutler Bay area have a combined average of 4,000 weekday boardings. The Town of Cutler Bay has a population of 45,373 residents with approximately 65% of the population residing within the municipal boundaries from the selected Transitway segment.

As per the contract, other vendor responsibilities consist of the following:

- *Branding Mobile App and Vehicles* – the Contractor’s Rider App and vehicle fleet will be configured and co-branded for Miami-Dade County, including displaying the County’s logo. Additionally, pop-ups and other messaging features in the Rider App will ensure riders are informed this is a County service.
- *Marketing in Multiple Languages* – the Contractor will provide marketing and promotions in multiple languages, including Spanish and Creole. This will ensure riders of all backgrounds are aware of the service.
- *Ambassadors* – the contractor will utilize extensive use of street marketing ambassadors, who will be located in high traffic locations such as transit hubs.

The Request for Proposals (RFP) for this award was advertised on March 22, 2019, with proposals due on April 26, 2019, according to BTS. Seven bids were received, including two “No Bids.” After a technical evaluation of the remaining five proposers, two proposers remained for consideration: River North Transit, LLC and RideCo Inc. The Selection Committee then engaged in negotiations with the highest-ranked proposer, River North Transit, LLC (a wholly owned subsidiary of Via Transportation Inc.).

The fiscal impact is \$4,663,500 for a three-year term; should an option to renew (OTR) be exercised through subsequent Board approval, the contract’s approximate cumulative value would be \$9,284,250. Under this item, funding will come from two sources: the Florida Department of Transportation and federal funds.

Tables 1 and 2 depict the pricing schedule across the four transit areas and the integration details, respectively, for the initial three-year term of *Contract No. RFP-01083*, totaling \$4,663,500.

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Table 1

	Civic Center Metrorail Station Area	Dadeland South Metrorail Station Area	Palmetto Bay Area	Cutler Bay Area	Total
Total Revenue Daily Hrs. for Peak and Off- Peak Vehicles <i>(based on annual budget)</i>	124				
Hourly Cost Per Vehicle	\$49.50	\$49.50	\$49.50	\$49.50	
Total Annual Revenue Hrs. <i>(daily revenue hrs. x 250 per day)</i>	31,000				
Total Cost <i>(All Areas)</i>	\$1,534,500				
Total All Areas Initial 3 Years					\$4,603,500

Table 2

	Hourly Rate	Not to Exceed Number of Hours	Total
Integration Fee to Facilitate a deep link (ticketing and trip planning) to be inserted in the GO Miami-Dade Transit App beyond 10 hrs. of professional services	\$200	55	\$11,000
Integration Fee to Facilitate EASY Card Payment powered by Cubic	\$200	145	\$29,000
Integration Fee to Facilitate ELAVON Payment Processing	\$200	100	\$20,000
Total Integration Cost			\$60,000
Total Initial 3-Year Contract Value			\$4,663,500

OCA conducted a search for Commodity Codes 91896 (Transportation Consulting) and 96174 (Transit Management and Operation Services) on the Business Management Workforce System's Certified Vendor Directory on July 11, 2020. Listed below are the local SBEs identified.

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- Goal Associates, Inc. Miami Lakes, FL SBE-G&S
- King's College Tours, Inc. dba King Tours & Transportation Miami, FL SBE-G&S
- People's Transportation Corporation Miami, FL SBE-G&S
- St. Martin Consulting, LLC Miami, FL SBE-G&S
- Transit Safety and Security Solutions, Inc. Miami, FL SBE-G&S

Whether these vendors have the capacity to participate in any aspect of the contract's scope of services is beyond the scope of this research note. None of the vendors listed above submitted proposals for the subject RFP.

OCA performed due diligence on the awarded vendor, River North Transit, LLC and its parent company, Via Transportation Inc. on July 11, 2020; below are the findings.

Awarded Firm(s)	Corporate Registration	Tax Collector's Office	Florida DBPR	Westlaw
River North Transit, LLC	Foreign Limited Liability Company Active Principal Address: 160 Varick St. 4 th Floor New York, NY Filed: May 14, 2020	No account on file No account was found in the New York State Department of State website	No account on file	No relevant litigation found
Via Transportation Inc. (the parent company)	Not account on file	No account on file	No account on file	No relevant litigation found

ADDITIONAL INFORMATION

Internet searches of the subject company, River North Transit, LLC's website, revealed the company has no website of its own. As noted in the due diligence table, the company is new, having registered with the State of Florida in May 2020. Notwithstanding, Internet searches of its parent company, Via Transportation Inc., found the company's website as <https://ridewithvia.com/>. According to Via's website, the company has launched on-demand transit services in 90 areas worldwide such as St. Louis, MO, Germany, Spain, and the United Kingdom.

Via Transportation Inc. focuses on introducing mobility solutions for on-demand and pre-scheduled transit, powered by advanced technology. The goal, according to the website, is to increase efficiency, reduce traffic congestion and carbon emissions and improve the quality of life for their communities.

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Illustration 1 shows a map of the County's Metrorail System and its 23 stations throughout the transit network. <https://www.miamidade.gov/transportation-publicworks/metrorail-stations.asp>

Illustration 1



Source: DTPW

DEPARTMENTAL INPUT

OCA contacted ISD on July 15, 2020 and sent an inquiry pertaining to the items below; the Department responded on July 16, 2020 and the answers are shown in *Italics*.

- The item will serve the following four transit areas with on-demand transit services: Dadeland, Civic Center, Palmetto Bay and Cutler Bay. Is the Department considering adding other areas along the network? Why or why not?

*These four locations are the **initial service deployments**, the intent of the project is to expand and extend on-demand service across the County.*

- Why were these four transit areas selected?

The locations were identified through efforts with the Transportation Planning Organization (TPO). Dadeland and the Civic Center areas are the demonstration project for DTPW to introduce On-Demand Transit services to Miami-Dade County. Both represent two different use cases that were of interest to DTPW and the TPO. These are funded through the Federal Highway Administration (FHWA)'s Congestion Mitigation and Air Quality (CMAQ) funding allocated by the TPO. These are major transit-related regional areas and job centers with high ridership demand with no park-and-ride facilities or demand for parking exceeding the current park-and-ride lot capacity. The Civic Center area serves the Health District, a major employment, healthcare, rehabilitation, and education centers in the County.

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Dadeland area: *Metrorail stations within the Dadeland service zone are South Miami, Dadeland North and Dadeland South. The ridership at these stations combined accounts for 24 percent of the total Metrorail boardings. All three stations have Park-and-Ride lots with up to 98% daily occupancy. There are over 2,000 parking passes registered within 3-miles of the Dadeland stations.*

Civic Center area: *The Civic Center station, located in the Health District, serves major employment, healthcare and education centers in the County. The station has an average of 6,000 weekday boardings and has no parking. Four major rehabilitation and training centers for people with disabilities are located within 1-mile distance of the station. The Special Transportation Services (STS) transport an average of 240 paratransit riders to and from these centers every day. Additionally, approximately 533 active STS riders live within 1-mile of the Civic Center station.*

The other two locations, Cutler Bay and Village of Palmetto Bay municipality areas, are part of the TPO's SMART Plan Demonstration Program. Both municipalities applied to the SMART Plan Demonstration Program and proposed the deployment of on-demand transit services connecting to Transitway stations. Other cities opted to do their own procurement, however Cutler Bay and Palmetto Bay wanted leverage the County contract. These areas have limited transit options and park-and-ride capacity.

Cutler Bay Municipal area: *The segment of the Transitway located within the Cutler Bay area has six (6) Transitway stations and a Metrobus Municipal Park-and-Ride lot located at the SW 112 Avenue station. The Park-and-Ride lot has 450 parking spaces with up to 98% daily occupancy and parking is free. The Transitway stations within the Cutler Bay area have a combined average of 4,000 weekday boardings. The Town of Cutler Bay has a population of 45,373 residents with approximately 65% of the population residing within the municipal boundaries from the selected Transitway segment.*

Palmetto Bay area: *The segment of the Transitway located in the Palmetto Bay area has seven Transitway stations and two of the stations have Metrobus Park-and-Ride lots. The Park-and-Ride lots combined have 349 parking spaces with 100% daily occupancy. Parking is free at Metrobus Park-and-Ride lots. The Transitway stations within the Palmetto Bay area have a combined average of 2,865 weekday boardings. The Village of Palmetto Bay has a population of 45,222 residents with the majority of the population residing within a 2-mile radius from the selected Transitway segment.*

The intent of this project is to provide first-and-last mile trips connecting to prime, filling the existing first-and-last mile gap in these areas. Additionally, it will support and prioritize transit, fill promote the use of shared-use mobility services for chain-linked trips that include public transportation, alleviate traffic congestion, reduce greenhouse gas emissions (GHG), and improve transit access and customer experience. As this initial set of areas are part of a demonstration/proof of concept, the department will monitor the success of the program and look to expand as appropriate.

- **What type of fleet will be used under this contract?**
Vehicular fleet (Mercedes Metrics) with capacity to accommodate up to six passengers. The fleet will have wheelchair accessible vehicles. The wheelchair service fleet will be of sufficient size to ensure having enough wheelchair accessible vehicles available to provide the agreed level of service. The vehicles will be branded with the County logo.

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- Is this a part of the SMART Plan?
The on-demand transit services will provide trips connecting to the SMART Plan corridors. Two of the initial deployment areas are part of the TPO's SMART Plan Demonstration Program.
- Does this relate to the TPO's Connected-Autonomous Vehicle Program? Kindly explain.
No. However, this project will help to inform the development and deployment of AV services in the future.

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the Code of Miami-Dade County (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 \$250,000.00; (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 Implementing Order (I.O.) and approved by the Board.

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

Implementing Order No. 3-38 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 (ISD); 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>

Section 29-124(f)(ii) of the Miami-Dade County Code, Special fund created; uses of surtax proceeds; and role of Citizens' Independent Transportation Trust; where no surtax proceeds are used to fund a contract, no County funds may be used to pay the costs of a contract where the portion procured by or on behalf of Miami-Dade Transit or for transit-related procurements is valued at over one million dollars unless the Trust has submitted a recommendation to the County Commission regarding said contract award. Although the current item will not be utilizing surtax funds, being that it is a transit-related item valued at more than \$1 million, the Board may consider the item if the CITT has forwarded a recommendation. The County Commission, if in agreement with the Trust's recommendation, may award a contract by majority vote. The County Commission may modify or reject the recommendation of the Trust by a majority vote. If the Trust has failed to forward a recommendation to the County Commission within 45 days of the County Mayor or County Mayor's designee filing an award recommendation with the Clerk of the Board, the County Commission may take action on the contract award recommendation without any Trust recommendation. Notwithstanding any other provision to the contrary, a committee of the Commission may consider a contract award recommendation prior to receipt of a recommendation of the Trust.

[https://library.municode.com/fl/miami - dade county/codes/code of ordinances
?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-
124SPFUCRUSSUPRROCIINTRTR](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-124SPFUCRUSSUPRROCIINTRTR)

Resolution No. R-828-19, adopted on July 23, 2019, established a County policy for disclosure of past and present discrimination lawsuits in solicitation submissions; requiring the following: 1) implementing a policy of disclosure of discrimination lawsuits; 2) requiring in competitive and non-competitive solicitation documents the disclosure of

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lawsuits that include allegations of discrimination and dispositions of such lawsuits for a 10-year period through the date of the solicitation or non-competitive award recommendation; and 3) provide a report to the Board.

<http://www.miamidade.gov/govaction/matter.asp?matter=190936&file=true&fileAnalysis=false&yearFolder=Y2019>

Resolution No. R-477-18, adopted on May 1, 2018, directs the County Mayor to disclose to the Board the reasons why 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 1072-17, adopted on November 7, 2017, requires persons or entities contracting with the County to demonstrate compliance with the Equal Pay Act of 1963, Section 448.07 of the Florida Statutes, certain County ordinances, and other laws prohibiting wage rate discrimination based on sex as a condition of being awarded a County contract; and require the mayor or his designee to require potential vendors and contractors to provide an affidavit attesting to such compliance prior to contract award, revise the vendor affidavit form to include a separate section listing specified provisions, and provide a report to the Board within 60 days.

<http://intra/gia/matter.asp?matter=171926&file=true&yearFolder=Y2017>

Resolution 1011-15, adopted on November 3, 2015, directs the County Mayor or designee to require that vendors provide addresses of all local branch offices and headquarters and the number and percentage of local residents such vendors employ.

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

Resolution No. R-187-12, adopted on 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-716-12, adopted on September 4, 2012, requires identification of a firm's Small Business Enterprise (SBE) program certification in any procurement item submitted for Board approval.

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

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**Item No. 8N1
File No. 201079**

Researcher: MF Reviewer: PGE

RESOLUTION APPROVING A JOINT PARTICIPATION AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE TOWN OF CUTLER BAY TO PROVIDE THE TOWN OF CUTLER BAY WITH FUNDING IN AN AMOUNT UP TO \$8,889,159.00 FOR THE DESIGN AND CONSTRUCTION OF A ROADWAY IMPROVEMENT PROJECT ALONG FRANJO ROAD FROM OLD CUTLER ROAD TO SW 184 STREET; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE SAME AND 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 Town of Cutler Bay ("The Town") to provide for the design and construction of a roadway project along Franjo Road from Old Cutler Road to Southwest 184 Street in an amount not to exceed \$8,889,159 for the Department of Transportation and Public Works.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Transportation and Public Works (DTPW)

This item was heard at the Infrastructure and Capital Improvements Committee meeting of July 13, 2020 and waived with a favorable recommendation to the July 21, 2020 BCC meeting.

ANALYSIS

The purpose of this item is to request Board approval regarding a JPA for a roadway improvement project in the Town of Cutler Bay for a five-year term. The Town is seeking enhancements to establish major corridors with multimodal capacity improvements for the ease of community transportation. The Town has already evaluated four corridors as part of the Town's Complete Streets Corridor Study. The proposed roadway project has a fiscal impact to the County of \$8,889,159 and is inclusive of a 10% contingency allowance. Project funding will derive from District 6 Road Impact Fees. The project area is located in District 8, represented by Commissioner Daniella Levine Cava.

The Board approved a similar JPA back in October 2018, through Resolution No. R-1086-18, between the County and the Village of Palmetto Bay to provide for funding in a maximum amount of \$400,000 for a roadway construction project along Southwest 136 Street from U.S. 1 to Old Cutler Road. In that instance, the project was situated in Commission Districts 7 and 8, represented by Commissioners Xavier L. Suarez and Daniella Levine Cava, respectively.

Regarding the subject JPA under this item, OCA conducted a search of the County's Budget Analysis Tool (BAT) System on July 10, 2020. According to BAT, the JPA's project code P2000000540 is for Increase Traffic Capacity Countywide Widening Road and part of the FY 2019-20 adopted budget as a line item in the amount of \$25,187,000; the project is also listed as a multi-year Capital Plan through FY 23-24, with a projected total (spanning FY 18-19 through FY 23-24) of \$310,481,000.

The roadway segments for this JPA consist of widening Franjo Road from Old Cutler Road to Southwest 184 Street (aka Eureka Drive) from two lanes to three lanes and will provide for the following improvements: a center turn lane; curb and gutters; shared-use path; storm drainage system; pavement markings and signage; and signalization and roadway lighting. This JPA is necessary as the County will assist with the implementation phase of Franjo Road.

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According to the JPA, the County and Town are designated key responsibilities for this project. Table 1 shows a summary breakdown of each entity's duties under the JPA.

Table 1

County Responsibilities	Town Responsibilities
Provide funds up to \$8,889,159 (includes a 10% contingency) for eligible costs	Secure engineering, design and consulting services from qualified firms to develop construction plans, technical specifications, et al.
Disburse to the Town funds for the project	Make available to the County a design consultant to review drawings and perform required post-design services
Incur no liability for any costs in excess of said funding	Prior to advertising to solicit design services from qualified firms, provide the County compliance proof of SBE-A&E in adherence with County Code

Regarding change orders, the JPA requires that the Town notify the County's DTPW in writing when claims or change orders arise; the Town shall also invite the County to participate in negotiations of such claims and work orders, with the County making a determination of such.

The JPA for this item designates the County to utilize Town resources to design, contract and construct the roadway project on a reimbursable basis, with County staff charged with reviewing the submission of design invoices and overseeing construction inspection. The Town – which approved this JPA via Resolution in January 2020 – will implement a Public Improvement Plan (PIP) during the design and construction phase of the work. The PIP will serve to disseminate information to property owners, residents and stakeholders pertaining to the planned roadway improvements in the area. Construction along Franjo Road is tentatively scheduled to commence in June 2022.

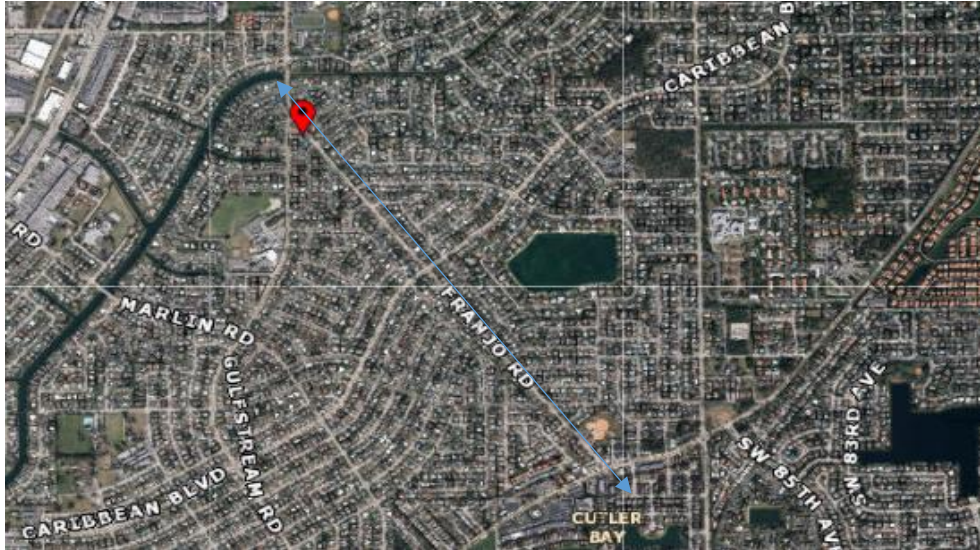
A provision of the JPA requires that whenever County funds are utilized for this project, the Town will comply with County regulations, such as the Small Business Enterprise (SBE) Goods Program, the SBE Services Program, the SBE Architecture and Engineering Program, the SBE Construction Services Program, the Community Workforce Program (CWP), the Resident First Training and Employment (RFTE) Program and the Responsible Wages and Benefits Ordinance, Sec. 2-11.16 of the County Code. For this JPA, the County's SBD Division has reviewed the work and recommends the following contract measures: 34.16% SBE-A&E, 13.11% SBE-Con., and 4% SBE-Svcs.

Illustration 1 shows the vicinity of Franjo Road from Old Cutler Road to SW 184 Street.

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Researcher: MF Reviewer: PGE

Illustration 1



Illustrations 2 and 3 show examples of the type of work intended for the respective stretch along Franjo Road.

Illustration 2 – Curb and Gutter Work



Illustration 3 – Pavement Marking



ADDITIONAL INFORMATION

The Town of Cutler Bay's Complete Streets Corridor Analysis from 2017 included four study corridors: Franjo Road, SW 87 Avenue, Marlin Road, and Gulfstream Road. The complete Analysis may be accessed here:

<http://www.miamidadetpo.org/library/studies/cutler-bay-complete-streets-corridor-analysis-exhibit-a-2017-08.pdf>

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APPLICABLE LEGISLATION/POLICY

Implementing Order 10-13 (Public Involvement Plan) establishes a policy of Miami-Dade County to implement Public Involvement Plans (PIPs) as part of major capital improvement projects that may adversely impact neighboring businesses, schools and/or residents.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO10-13.pdf>

Section 2-8.1.1.1.2 (Small Business Enterprise Goods Program) establishes provisions of the Small Business Enterprise Goods Program for the County.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1.1.1.2SMBUENGOPR

Section 2-8.1.1.1.1 (Small Business Enterprise Services Program) establishes provisions of the Small Enterprise Services Program for the County.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1.1.1.1SMBUENSEPR

Section 2-10.4.01 (Small Business Enterprise Architecture and Engineering Program) establishes provisions of the Small Business Enterprise Architecture and Engineering Program for the County.

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

Section 10-33.02 (Small Business Enterprise Construction Services Program) establishes provisions of the Small Business Enterprise Construction Services Program for the County.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH10CO_ARTIIBIPUPR_S10-33.02SMBUENCOSEPR

Section 2-1701 (Community Workforce Program) establishes the provisions of the Community Workforce Program for the County.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTCXIICOWOPR_S2-1701COWOPR

Section 2-11.17 (Residents First Training and Employment) establishes the provisions of the Residents First Training and Employment for the County.

<https://library.municode.com/search?stateId=9&clientId=11719&searchText=Resident%20First%20Training%20and%20Employment%20&contentType=CODES>

Section 2-11.16 of the Code of Miami-Dade County, (County Construction), applies (a) other elements of the term "responsible bidder" in law or in the discretion of the Board of Commissioners of Miami-Dade County, as applies to competitively bid County contracts in excess of one hundred thousand dollars (\$100,000.00) for the construction, alteration, and/or repair, including painting or decorating, of public buildings or public works, shall mean a bidder who provides documented proof in its bid that the various classes of laborers and mechanics will be paid no less than the specified overall hourly rates as set forth in the contract specifications. (b) The specifications for each competitively bid County contract in excess of one hundred thousand dollars (\$100,000.00) for the construction, alteration and/or

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repair, including painting or decorating, of public buildings or public works shall specify an initial overall per hour rate to be paid to each craft or type of employee necessary to perform the contract work as listed in local area nondiscriminatory negotiated contracts (hereinafter referred to for purposes of this subsection (b) as "negotiated contracts") between organizations which represent employees and contractors.

[https://library.municode.com/fl/miami -
dade county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-11.16COCOCO](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-11.16COCOCO)

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**Item No. 11A5
File No. 201239**

Researchers: JFP & VW Reviewer: PGE

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXAMINE THE FEASIBILITY OF CREATING AND IMPLEMENTING A COUNTYWIDE MOBILE CRISIS INTERVENTION PROGRAM THAT IS MODELED AFTER THE CRISIS ASSISTANCE HELPING OUT ON THE STREETS ("CAHOOTS") PROGRAM, OR OTHER SIMILAR PROGRAM THAT DEPLOYS BEHAVIORAL HEALTH FIRST RESPONDERS; AND PROVIDE A REPORT

ISSUE/REQUESTED ACTION

Whether the Board should direct the Mayor to conduct a feasibility study and produce a report regarding the creation and implementation of a countywide crisis intervention program modeled after the Crisis Assistance Helping Out on the Streets (CAHOOTS) program, which dispatches a civilian response team, including a certified medic and trained behavioral health crisis worker, to address certain emergency and non-emergency calls.

PROCEDURAL HISTORY

**Prime Sponsor: Commissioner Barbara J. Jordan, District 1
Department/Requester: None**

This item was forwarded to the BCC with a favorable recommendation by the Chairwoman's Policy Council at its July 13, 2020 meeting. Prior to passage, the Operation Coordinator for the Crisis Assistance Helping Out on the Streets (CAHOOTS) program, Timothy Black, provided a presentation of this program which operates in the cities of Eugene, Oregon and Springfield, Oregon. After the presentation, Commissioner Jordan shared that calls regarding domestic violence and mental health—categories which might fall under the purview of a Miami-Dade County civilian response team—comprise about 4.5% of the total 911 calls made in Miami-Dade County,

Chairwoman Edmonson and Commissioners Bovo, Martinez, Moss and Sosa expressed concern that such a program might result in defunding of the police department. Mr. Black of the CAHOOTS program added that funding for the program in Oregon is supplemental in nature as funding was added to, not taken from, the police department's budget to support the program.

Commissioner Martinez questioned whether the civilians responding to crisis calls in place of police officers would have the authority to issue Baker Acts and requested that this be addressed in the study. Commissioners Bovo and Martinez were concerned that civilian response to certain 911 calls could potentially result in dangerous situations which cannot be contained. Commissioner Sosa added that, and confirmed with the Assistant County Attorney, that the County may be liable in certain tort cases that may result from civilian response to emergency situations.

Commissioner Sosa asked the department if police officers are already trained on behavioral matters and trained to de-escalate situations, to which the MDPD responded that all Miami-Dade police officers receive Crisis Intervention Team (CIT) training and are CIT-certified. The training is through the Miami-Dade Public Safety Training Institute in coordination with the Eleventh Judicial Circuit Criminal Mental Health Project.

ANALYSIS

The purpose of this item is to direct that a study be conducted exploring the feasibility of implementing a County program similar to Eugene, Oregon's CAHOOTS program, wherein a crisis intervention team comprised of trained medical staff (nurse or EMT) and experienced behavioral crisis workers is dispatched in place of police to address certain non-criminal, mental health and social services-related 911 matters. The National Alliance on Mental Illness states that the lack of mental health crisis services across the U.S. has resulted in law enforcement officers serving as first responders to most crises. According to Bureau of Justice Statistics

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(BJS) 2015 data published in a July 2019 BJS Technical Report, law enforcement agencies reported the decedent having exhibited mental-health problems in 18% of all arrest-related deaths in the United States.

In Florida, law enforcement's predominant role in handling mental health matters is prescribed in statute. Florida's Mental Health Act, more commonly known as the Baker Act, allows, under certain circumstances, involuntary detainment of individuals with mental illness, or those suspected to suffer from mental illness, in a mental health treatment facility for up to 72 hours for examination. The Act can be instilled by law enforcement, a physician, clinical psychologist, psychiatric nurse, mental health counselor, marriage and family therapist, or clinical social worker. If initiated by anyone other than law enforcement, a law enforcement officer is to transport the individual to a mental health treatment facility if other less restrictive means, such as voluntary appearance for outpatient evaluation, are not available.

The CAHOOTS program provides an alternative: a civilian program where unarmed first responders collaborate with the local police and fire rescue to provide immediate stabilization in case of urgent medical need or psychological crisis, assessment, information, referral, advocacy, and in some cases, transportation to the next step in treatment. CAHOOTS responds, primarily independently, to about 17% of the calls coming from the public through Eugene's public safety communications center. Of the approximately 24,000 calls for CAHOOTS service, 150 calls required police intervention. According to CAHOOTS' Operations Coordinator, the program costs \$2.1 million annually and is saving the community approximately \$20 million annually in diversions from jails, hospitals, and police contact. The model for this program serving for the Eugene-Springfield metropolitan area (population 382,067) has been adopted by Denver, Colorado (population 727,211) in the form of a six-month pilot program established in June 2020. St. Petersburg, Florida (population 265,351) will implement a similar program beginning October 2020. Miami-Dade County, with a population of 2,716,940 where roughly 9% of the population suffers from severe mental illness, would be the largest jurisdiction in the nation to employ a CAHOOTS model program.

Below is a list of exclusively civilian run crisis intervention units that respond to specific non-criminal 911 calls on issues such as substance abuse and mental health crises.

Crisis Assistance Helping Out on The Streets (CAHOOTS)	
Jurisdiction	Eugene, Oregon
Date Established	1989
Services Provided	<ul style="list-style-type: none"> • Crisis Counseling • Suicide Prevention, Assessment, and Intervention • Conflict Resolution and Mediation • Grief and loss response • Substance Abuse intervention • Housing crisis response • First Aid and Non-Emergency Medical Care • Resource Connection and Referrals • Transportation to Services
Method of Operation	911 dispatchers filter calls they receive. If they are violent or criminal, they are directed to police. If they are within CAHOOTS' purview, the van-bound staff will address the call. CAHOOTS is dispatched through the Eugene police-fire-ambulance communications center. Each team consists of a medic (either a nurse or an EMT) & a crisis worker (who must have several years of experience in the mental health field).

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Researchers: JFP & VW Reviewer: PGE

Fiscal Impact	Program cost is approximately \$2.1 million annually. The City appropriates additional funds to the Eugene Police Department for the purpose of contracting with the White Bird Clinic for implementation of the CAHOOTS program.
Community Assistance Liaison (CAL)	
Jurisdiction	St. Petersburg, Florida
Date Established	Proposed effective date: October 2020
Services Provided	Responses to: <ul style="list-style-type: none"> • Disorderly intoxication • Drug overdose treatment • Intoxicated person • Mental health crisis • Suicide crisis • Mental health transport • Disorderly juvenile/ truancy • Disorderly juvenile at elementary schools • Panhandling • Homeless complaints • Neighborhood disputes
Method of Operation	CAL will handle calls related to the non-criminal issues outlined above.
Fiscal Impact	The police department will divert \$3,125,000 in federal grant funding and redirect \$3,800,000 from the city to the new CAL unit.
Crisis Response Unit (CRU)	
Jurisdiction	Olympia, Washington
Date Established	April 2019
Services Provided	<ul style="list-style-type: none"> • Crisis counseling • Conflict resolution and mediation • Grief and loss • Substance abuse intervention • Housing crisis response • Harm reduction • First aid and non-emergency medical care/connections • Resource connections and referrals • Transportation to services
Method of Operation	The Crisis Response Unit is a partnership between Olympia Police Department and Recovery Innovations International to provide free, confidential, voluntary crisis response assistance. Calls may be initiated by CRU members, referred by police or fire crews, or come directly from emergency dispatchers.
Fiscal Impact	Olympia contracted with Recovery Innovations International to staff CRU at an annual cost of \$497,000 plus \$110,100 in startup costs
Support Team Assisted Response (STAR)	
Jurisdiction	Denver, Colorado

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Date Established	Six-month pilot program implemented in June 2020
Services Provided	<ul style="list-style-type: none"> • Mental health crisis intervention and management • Substance abuse crisis intervention • Transportation to substance abuse or mental health treatment center with STAR van • First aid and non-emergency medical care/connections
Method of Operation	If a 911 operator receives a call about a non-criminal situation, STAR sends a paramedic and clinician to handle the situation appropriately.
Fiscal Impact	\$208,141 from Caring4Denver Foundation grant. Caring4Denver is a voter-approved, taxpayer-funded organization whose mission is to address Denver's mental health and substance misuse needs.
PAM (Psykiatrisk akut mobilitet, i.e., Psychiatric Emergency Response Team)	
Jurisdiction	Stockholm, Sweden
Date Established	2015
Services Provided	<ul style="list-style-type: none"> • Mental health crisis intervention and management • Suicide prevention and intervention • Substance abuse intervention
Method of Operation	A PAM response is initialized by a call from the public to the Emergency Call Center (ECC) in Stockholm County. An emergency call operator receives the call and identifies a mental health related crisis suitable for PAM. Priority 1 means immediate action, and emergency vehicle lights are turned on during turn out. Suicide threats or attempts are typically assigned highest priority level. Cases with low priority (level 3) are usually pure transportation cases. The response team includes mental health nurses and paramedics. PAM responds to 130 calls per month on average.
Fiscal Impact	Unavailable

Other Civilian Response Team Models

Crisis Intervention Team Model

In addition to exclusively civilian run crisis response units, other models also exist to aid police response to non-criminal related issues, such as substance abuse and mental health crises. One such model is increased mental health crisis management training for police officers, such as the Crisis Intervention Team (CIT) program developed in Memphis in 1988. The CIT program provides crisis intervention training with the goal of promoting both officer safety and the safety of the individual in crisis, as well as diverting individuals with mental illness and/or addictions from the criminal justice system due to illness-related behaviors, and instead facilitating their access to medical treatment. CIT programs exist in over 2,700 communities nationwide. In Miami-Dade County, the Eleventh Judicial Circuit Criminal Mental Health Project (CMHP) was established in 2000 with a 40-hour Crisis Intervention Team (CIT) training component for law enforcement officers aimed at reducing the nearly 11,000 jail bookings per year that involve individuals with serious mental illnesses. In 2016, the CMHP reported that, as a result of local diversion programs, the average daily census in the County jail system dropped from 7,200 to less than 4,000 inmates. The current in facilities inmate population is 3,229 (as of July 16, 2020).

Co-Response Model

Alternatively, the co-response model, wherein law enforcement and behavioral health specialists are paired to respond to behavioral health related matters, is the predominant model of police-based mental health crisis response in Canada and the United Kingdom with prevalence in the United States and Australia. The law enforcement/behavioral health teams utilize the combined

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expertise of the officer and the behavioral health specialist to de-escalate situations and assist individuals with behavioral health issues in finding the proper services. In New York City, the Department of Health and Mental Hygiene and the New York City Police Department collaborate for pre- and post-crisis intervention. Each team includes two police officers and one behavioral health professional. The teams offer short-term engagement to facilitate connections to care and linkages to support services and targets individuals with mental health or substance use challenges who are at an elevated risk of harm to themselves or others.

The Los Angeles Police Department partners with the Los Angeles County Department of Mental Health for its Systemwide Mental Assessment Response Team (SMART) program, helping police officers effectively respond to and link people in crisis to appropriate mental health services. A Triage Desk fields calls from patrol officers seeking guidance for managing situations involving people who appear to have mental illnesses. The triage officer consults its database to learn if the person in question has a history of police contacts. A triage mental health nurse sits alongside the officer and checks databases to identify the individual's case manager, psychiatrist, or appropriate treatment centers. The triage staff determines whether to dispatch a SMART team or have the patrol officer take the person directly to a mental health facility.

In Colorado, there are two approaches to the co-response model depending on the locality. The officer and behavioral health specialist either ride together in the same vehicle for an entire shift, or the behavioral health specialist is called to the scene, and the call is handled together. On scene, the team works to de-escalate the situation, and provides behavioral health screening and assessment, call disposition planning and referral or linkage to needed services.

A 2000 study examining the mobile crisis team program in DeKalb County, Georgia, that paired police officers with psychiatric nurses to respond to 911 calls identified as psychiatric emergencies, compared calls the mobile crisis teams handled with those handled by police alone over a three-month period. The study found no significant difference in arrest rates. However, calls the mobile crisis teams handled were significantly more likely to be resolved without psychiatric hospitalization of the subject (55 percent vs. 28 percent) and costs were 23 percent lower than for calls handled by police alone.

The Boston Police Department's co-responder program involves clinicians riding with police officers to provide on-scene de-escalation, crisis intervention, assessment, referrals, and linkage to care. Some perspectives from officers involved in the program are that having a clinician in the police car allowed for rapid response to people in crisis and that the clinicians helped de-escalate people and put them at ease, but the clinician was also an additional person they had to protect.

Miami-Dade County Approach

In addition to the Crisis Intervention Team training mandated for Miami-Dade police officers, the Miami-Dade Police Department launched a Threat Management Section in June 2018 tasked with preventing people with serious mental illnesses from reaching a crisis point or potentially shooting others with firearms by establishing relationships with these individuals who come in frequent contact with MDPD. Among the missions of the Threat Management Section is to connect these high service utilizers with community services and treatment. MDPD works with Banyan Health, which operates a mobile crisis team that travels to an individual's home for treatment as well as with South Florida Behavioral Health Networks, the entity that manages state behavioral health funds for uninsured individuals in Miami-Dade and Monroe Counties, to aid individuals through the treatment process.

ADDITIONAL INFORMATION

Crisis Response Services for People with Mental Illnesses or Intellectual and Developmental Disabilities: A Review of the Literature on Police-based and Other First Response Models (October 2019)

<https://www.vera.org/downloads/publications/crisis-response-services-for-people-with-mental-illnesses-or-intellectual-and-developmental-disabilities.pdf>

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APPLICABLE LEGISLATION/POLICY

Chapter 394, Part I, Florida Statutes, outlines the Florida Mental Health Act.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0300-0399/0394/0394PARTIContentsIndex.html

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**Item No. 14B2
File No. 201445**

Researcher: JVJ Reviewer: PGE

MIAMI-DADE FIRE RESCUE RESPONSE K-9 FOUNDATION, INC. BOARD OF DIRECTORS NOMINEES

ISSUE/REQUESTED ACTION

N/A

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: County Mayor

ANALYSIS

OCA completed the required background research for the nominees to the Miami-Dade Fire Rescue Response K-9 Foundation, Inc. Board of Directors. The nominees are: Chaplain Mario Gonzalez, Jackie Munilla, Pamela Perry, Esq., Alan Potamkin, and Stan Saffan. OCA also completed background research for the County Mayor's two appointees to the Foundation's Board of Directors – Commissioner Sally A. Heyman and Lorna Mejia Lopez. There are no adverse findings for the nominees and appointees.

APPLICABLE LEGISLATION

Resolution No. R-636-14, adopted on July 1, 2014, requires OCA to complete background research on applicants being considered to serve on County Boards and Trusts that require nominations and/or appointments by the BCC.

<http://intra/gia/matter.asp?matter=141238&file=true&yearFolder=Y2014>

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

The Office of the Commission Auditor (OCA) was established in September 2002 by Ordinance 03-2 to provide support and professional analysis of the policy, service, budgetary and operational issues before the Miami-Dade Board of County Commissioners. The Commission Auditor's duties include reporting to the Board of County Commissioners on the fiscal operations of County departments, as well as whether the fiscal and legislative policy directions of the Commission are being efficiently and effectively implemented

These research notes, prepared in collaboration with the Miami Dade County departments as subject matter experts, is substantially less detailed in scope than an audit in accordance with the Generally Accepted Auditing Standards (GAAS). The OCA plans and performs the review to obtain sufficient, appropriate evidence to provide a reasonable basis for its findings and conclusions based on its objectives; accordingly, the OCA does not express an opinion on the data gathered by the subject matter expert(s).