

MEMORANDUM

Agenda Item No. 8(N)(1)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: November 7, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution approving second amendment to the Joint Participation Agreement between Miami-Dade County and the City of Florida City to provide the City of Florida City with additional funding in an amount up to \$1,136,303.00 in Road Impact Fee District 6 funds for the construction of roadway improvements along SW 344 Street from US-1 to SW 172 Avenue; and authorizing the County Mayor to execute the same and exercise the provisions contained therein

The accompanying resolution was prepared by the Transportation and Public Works Department and placed on the agenda at the request of Prime Sponsor Commissioner Kionne L. McGhee.


Geri Bonzon-Keenan
County Attorney

GBK/uw


MDC001

Memorandum



Date: November 7, 2023

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor 

Subject: Second Amendment to the Joint Participation Agreement between Miami-Dade County and the City of Florida City to Provide the City with Additional Funding in an Amount up to \$1,136,303 for the Construction of Roadway Improvements along SW 344 Street from US-1 to SW 172 Avenue

Executive Summary

The purpose of this item is for the Board of County Commissioners (Board) to approve a Second Amendment (Amendment) to the Joint Participation Agreement (JPA) with the City of Florida City (City) for Miami-Dade County (County) to provide the City up to an additional \$1,136,303 in Road Impact Fees (RIF) funds for the already-completed construction of roadway improvements along SW 344 Street from US-1 to SW 172 Avenue.

On November 16, 2021, the Board approved Resolution No. R-1111-21 directing the County Mayor or County Mayor's designee to negotiate a second amendment to the JPA and identify legally available funds from within the County Mayor's Fiscal Year 2021-2022 County Budget to fund additional Project construction costs in an amount not to exceed \$1,136,303. The City Commission approved this Second Amendment on February 28, 2023. The construction of the Project is complete.

The need for capacity was a result of increased use and development and was the driver for the project, consistent with RIF requirements. The improvements consisted of the construction of a culvert to the existing canal to add additional traffic lanes and provide better access to the area.

Recommendation

It is recommended that the Board approve the attached resolution authorizing the execution of the Amendment to the JPA with the County and the City to reimburse the City up to an additional \$1,136,303 for the completed construction of a roadway improvement project along SW 344 Street from US-1 to SW 172 Avenue (Project).

Scope

The Project is in District 9, which is represented by Commissioner Kionne L. McGhee.

Delegated Authority

The authority of the County Mayor or County Mayor's designee to execute and implement this Amendment is consistent with those authorities granted under the Code of Miami-Dade

County. No additional delegation of authority is being requested within the body of this Amendment.

Fiscal Impact/Funding Source

Under the original JPA, the County was obligated to fund \$3,100,000 of the original Project cost, which was estimated at \$5,073,744.26. Pursuant to the First Amendment to the JPA, the County's funding obligation increased by \$279,823 to a total of \$3,379,823. Pursuant to this Second Amendment to the JPA, the County will increase its funding by an amount not to exceed \$1,136,303, which will raise the County's total funding obligation to \$4,516,126 of the final Project cost, which was \$6,759,646. Road Impact Fee District 6 funds will be utilized for the County's funding for the Project. The Capital Program Number is 2000000538 (Project 3000744). The balance of the Project's construction costs was provided by the City.

Track Record/Monitor

The County utilized the resources of the City to contract and construct the Project on a reimbursable basis. Quarterly disbursement of County funds to the City has been based upon City submissions with certified copies of paid contractor invoices.

The Project was assigned to Rene Idarraga, P.E., Chief, Construction Division, Department of Transportation and Public Works (DTPW), who has overseen construction inspections conducted by DTPW staff before the release of construction funds. The work covered under this Amendment has been reviewed by the County's Internal Services Department, Small Business Development Division. The Project had a race neutral aspirational 23.90% SBE-Construction goal.

Background

On September 7, 2016, the Board approved Resolution No. R-795-16, authorizing the subject JPA, pursuant to which the County was to provide up to \$3,100,000 for the construction of a roadway improvement along SW 344 Street from US-1 to SW 172 Avenue. The original construction cost for the Project was \$5,073,744.26.

On November 2, 2021, the Board approved Resolution No. R-1044-21 authorizing the First Amendment to the JPA, which increased the County's contribution by \$279,823. The increase in cost to the County was for costs incurred by the City for the lighting post spread footers and aeration system. As a result of further necessary changes to the Project, actual construction costs were \$6,759,646 at the end of the Project.

On November 16, 2021, the Board approved Resolution No. R-1111-21 directing the County Mayor or County Mayor's designee to negotiate a second amendment to the JPA and identify legally available funds from within the County Mayor's Fiscal Year 2021-2022 County Budget to fund additional Project construction costs in an amount not to exceed \$1,136,303.

Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners
Page No. 3

The City Commission approved this Second Amendment on February 28, 2023. The construction of the Project is complete.



Jimmy Morales
Chief Operations Officer



MEMORANDUM
(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: November 7, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(N)(1)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(N)(1)
11-7-23

RESOLUTION NO. _____

RESOLUTION APPROVING SECOND AMENDMENT TO THE JOINT PARTICIPATION AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF FLORIDA CITY TO PROVIDE THE CITY OF FLORIDA CITY WITH ADDITIONAL FUNDING IN AN AMOUNT UP TO \$1,136,303.00 IN ROAD IMPACT FEE DISTRICT 6 FUNDS FOR THE CONSTRUCTION OF ROADWAY IMPROVEMENTS ALONG SW 344 STREET FROM US-1 TO SW 172 AVENUE; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE SAME AND EXERCISE THE PROVISIONS CONTAINED THEREIN

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. This Board approves the Second Amendment to the Joint Participation Agreement between Miami-Dade County and the City of Florida City to provide the City of Florida City with additional funding in an amount up to \$1,136,303.00 in Road Impact Fee District 6 funds for eligible expenses incurred in the construction of these improvements, in substantially the form attached hereto and made a part hereof.

Section 2. This Board authorizes the County Mayor's or County Mayor's designee to execute the Second Amendment to the Joint Participation Agreement between Miami-Dade County and the City of Florida for and on behalf of Miami-Dade County and to exercise the provisions contained therein.

The foregoing resolution was offered by Commissioner _____,
who moved its adoption. The motion was seconded by Commissioner _____
and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman	
Anthony Rodríguez, Vice Chairman	
Marleine Bastien	Juan Carlos Bermudez
Kevin Marino Cabrera	Sen. René García
Roberto J. Gonzalez	Keon Hardemon
Danielle Cohen Higgins	Eileen Higgins
Kionne L. McGhee	Raquel A. Regalado
Micky Steinberg	

The Chairperson thereupon declared this resolution duly passed and adopted this 7th day of November, 2023. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

JUAN FERNANDEZ-BARQUIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

D.P.C

Dale P. Clarke

**SECOND AMENDMENT TO JOINT PARTICIPATION AGREEMENT
FOR SW 344 STREET FROM US-1 TO SW 172 AVENUE
BETWEEN MIAMI-DADE COUNTY AND THE CITY OF FLORIDA CITY**

This Second Amendment to the Joint Participation Agreement is made and entered into this _____ day of _____, 2023, by and between the CITY OF FLORIDA CITY, FLORIDA, a municipal corporation of the STATE OF FLORIDA, hereinafter referred to as the "City", and MIAMI-DADE COUNTY, a political subdivision of the STATE OF FLORIDA, hereinafter referred to as the "County".

WITNESSETH

WHEREAS, pursuant to Resolution No. R-795-16, approved by the Board of County Commissioners of Miami-Dade County, Florida, on September 7, 2016, the parties hereto entered into a Joint Participation Agreement to facilitate the construction of a road improvement project in Miami-Dade County, (the "Agreement) along SW 344 Street, from US-1 to SW 172 Avenue in Florida City, Miami-Dade County, as more particularly described in the Agreement (the "Project"); and

WHEREAS, due to changes in the Project scope, an additional \$279,823.00 was added pursuant to Resolution R-1044-21, approved by the Board of County Commissioners of Miami-Dade County, Florida on November 2, 2021, to adjust the amount provided under the Joint Participation Agreement from \$3,100,000.00 to \$3,379,823.00; and

WHEREAS, pursuant to Resolution No. R-1111-21, approved by the Board of County Commissioners of Miami-Dade County, Florida, on November 16, 2021, the

County Mayor or County Mayor's designee was directed to identify legally available funds from the Road Impact Fees District 6 Fund, or to the extent available, from within the County Mayor's Fiscal Year 2021-22 County Budget to fund additional project construction costs identified in an amount not to exceed \$1,136,303.00 and to negotiate another amendment to the Joint Participation Agreement, and present the amendment to the Joint Participation Agreement to the Board for approval;

WHEREAS, the Agreement allows for the amendment of the County funds available for the Project subject to the approvals of the parties' respective governing boards,

NOW, THEREFORE, in consideration of the mutual desires of the parties hereto, the following modifications are made to the aforementioned Agreement:

- 2.1. Funding Amount, Reimbursement of Project Costs:** The construction cost estimate for the Project is ~~\$5,073,744.26~~ \$6,759,646.00 (this amount includes ten percent (10%) contingency). The County agrees to provide funds up to ~~\$3,400,000.00~~ \$3,379,823.00 \$4,516,126.00 for eligible costs, as defined herein, incurred by the City for the construction of the Project. The County shall disburse to the City funds for the Project in the manner set forth in Section 4. The County shall incur no liability for any costs in excess of said funding amount unless there has been a duly authorized increase approved by the Board of County Commissioners. The City shall not be obligated to commence work should the bid amount exceed the funding provided by the County. If the bid amount exceeds the funding amount, the City reserves its rights to reject all bids and re-bid the Project.

2.2 County Payments of Project Costs: The County funds provided for eligible costs as defined herein, incurred for the construction of the Project are specified below:

<u>Funding Amount</u>	<u>Funding Source</u>	<u>County Fiscal Year of Commitment</u>
\$3,100,000.00	Road Impact Fee District 6	2016-2017
\$279,823.00	Road Impact Fee District 6	2020-2021
<u>\$1,136,303.00</u>	<u>Road Impact Fee District 6</u>	<u>2021-2122</u>

In all other respects, except as herein amended, the original Agreement shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties hereto set their hands and official seals the day and year first above written,

ATTEST:
HARVEY RUVIN
CLERK OF THE BOARD

MIAMI-DADE COUNTY, FLORIDA,
BY ITS BOARD OF
COUNTY COMMISSIONERS

BY: _____
Deputy Clerk

BY: _____
County Mayor or County Mayor's Designee

Approved by County Attorney
as to form and legal sufficiency _____
County Attorney

ATTEST:

CITY OF FLORIDA CITY, a municipal
corporation of the State of Florida

BY:



Jennifer A. Evelyn
City Clerk

BY:


Otis T. Wallace
Mayor

(Affix City Seal)

Approved by City Attorney
as to form and legal sufficiency



City Attorney